



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 21 March 2024

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

Georgie Crozier

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, Gaëlle	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	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
Heath, Renee	Eastern Victoria	Lib	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tierney, Gayle	Western Victoria	ALP
Limbrick, David ³	South-Eastern Metropolitan	LP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Lovell, Wendy	Northern Victoria	Lib	Watt, Sheena	Northern Metropolitan	ALP
			Welch, Richard ⁴	North-Eastern Metropolitan	Lib

¹ Resigned 7 December 2023

² Lib until 27 March 2023

³ LDP until 26 July 2023

⁴ 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

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Thursday 21 March 2024

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

*Papers***Department of Education**

5-Year Legislative Review of the Child Information Sharing Scheme: Government Response to Review Recommendations

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (09:35): I move, by leave:

That the government response to the *5-Year Legislative Review of the Child Information Sharing Scheme* be tabled.

Motion agreed to.

*Papers***Tabled by Clerk:**

Child Wellbeing and Safety Act 2005 – 5-Year Legislative Review of the Child Information Sharing Scheme, Final Report, under section 41ZO of the Act.

Safe Drinking Water Act 2003 – Drinking water quality in Victoria – Report, 2022–23.

Victorian Electoral Commission – Report to Parliament on the 2023 Warrandyte District by-election, March 2024.

Victorian Inspectorate – Special Report: A compliance case study on the use and oversight of coercive powers, March 2024 (*Ordered to be published*).

*Committees***Economy and Infrastructure Committee**

Inquiry into Land Transfer Duty Fees

The Clerk: I have received the following paper for presentation to the house pursuant to standing orders: government response to the Economy and Infrastructure Committee's inquiry into land transfer duty fees.

*Business of the house***Notices**

Notices of motion given.

Adjournment

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (09:43): I move:

That the Council, at its rising, adjourn until Thursday 18 April 2024.

Motion agreed to.

Regional sitting

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (09:43): I move, by leave:

That so much of the standing and sessional orders be suspended to the extent necessary to enable the sitting of the Council on Thursday 18 April 2024 to commence at 9:30 am at the Echuca library, Echuca, and that the order of business on that day will be:

- (1) Lord's prayer and acknowledgement of country;
- (2) the proclamation to be read by the Clerk;
- (3) two community members, authorised by the President, to attend on the floor of the house to address the Council;
- (4) messages;
- (5) formal business;
- (6) members statements (up to 15 members);
- (7) government business;
- (8) at 11:30 am, questions;
- (9) lunch break (90 minutes);
- (10) government business (continues); and
- (11) at 5 pm, adjournment (up to 20 members).

Motion agreed to.

Motions**Middle East conflict**

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:45): I move, by leave:

That this house:

- (1) notes that the state of Israel is being prosecuted in the International Court of Justice (ICJ) for its potential genocide of the Palestinian people and its occupation of Palestinian territories;
- (2) recognises that the ICJ has ordered Israel to take measures to prevent genocide of the Palestinian people and allow the delivery of humanitarian aid to Palestinians;
- (3) supports these rulings made by the ICJ; and
- (4) notes that despite these rulings, Israel has continued to block aid and indiscriminately bomb the people of Gaza, and in doing so the state of Israel is blatantly disregarding the ICJ's orders and international law.

Leave refused.

Members statements**Linda White**

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (09:46): I rise to pay tribute to my friend the late Senator Linda White. I worked with Linda for over 20 years at the Australian Services Union. Linda was one of the hardest working people I have ever met. Principled, tough and uncompromising in her approach, Linda would always hold everyone in the room to account in the fiercest way possible and then half an hour later have everyone in fits of laughter. That was Linda. For her entire working life Linda devoted herself to improving the lives of working people, from her time as a union delegate, a lawyer, a union official and ultimately a senator for Victoria. She was singularly focused on righting wrongs. All change comes from a collective effort, and Linda would be the first to acknowledge that, but it is fair to say that some of the groundbreaking industrial reforms of our era have Linda's fingerprints all over them – equal pay for workers in the community sector, addressing the superannuation pay gap, family violence leave and fighting for entitlements in the aftermath of the collapse of Ansett, just to name a

few. As a senator for Victoria Linda made her mark early, but she had so much more to give. It was a privilege to join hundreds of mourners at ACMI last week to celebrate her life. My thoughts are with her brother Michael and all of those who loved her. She will be deeply, deeply missed.

Government integrity

Georgie CROZIER (Southern Metropolitan) (09:47): Government has enormous privilege when making decisions on every Victorian's behalf. Some of those decisions will not always be the right ones, especially when they impact every single Victorian. Yesterday's Victorian Auditor-General's Office report highlighted the appalling reality of what we all knew – that in the cancelling of the Commonwealth Games, the Auditor-General said, the cost was overstated. In effect the government lied, and today we hear that our gas supplies will run out faster than forecast, with extreme risks of outages. How does that give confidence to any business wanting to set up business or to continue to invest in Victoria – let alone the impacts to Victorian households as they watch their electricity bills skyrocket. Again today we hear more stories of corruption, dodgy deals and the standover tactics done on the government's Big Build. Not only is the extent of corruption morally wrong, it is sending the state broke. Crime statistics are out today. Aggravated burglaries are at record highs. I know that; I am a victim of one of those, so I am in the latest stats. Quite simply our personal and financial security are at risk, and yet this government turns a blind eye to all that is wrong.

We are paying \$15 million a day in interest alone. Think about that. That is \$105 million a week or \$420 million per month. That is nearly half a billion dollars in interest alone that we are paying each month, and that is going to rise in two years time to climb to \$24.1 million a day. That is staggering and it is reckless. That can pay for a lot that is needed, yet it will not. Instead, services are being cut, jobs are being lost, businesses are closing and confidence is being zapped. Labor said they could do it all; they cannot. The Premier and her government have conned Victorians again. Taxing our way out of this mess is not the answer. Tim Pallas needs to rule out raising any more new taxes in the upcoming budget.

Medicinal cannabis

Rachel PAYNE (South-Eastern Metropolitan) (09:49): As it is Endometriosis Awareness Month, I would like to highlight some of the incredible work being done in the research space, both locally and abroad, on cannabis as a treatment for endometriosis. As Dr Genester Wilson-King points out, endometriosis significantly affects patients' physiological, mental and psychological health and patients' social and economic participation. We have only really just begun to discover the scope of this disease.

I mentioned earlier this week a study that Deakin University is conducting on the effectiveness of cannabis for treating endometriosis symptoms, and the preliminary findings are promising. I also spoke to Professor Mike Armour this week, who reported:

In addition to pain, those with endometriosis commonly report using cannabis for sleep, mental health (anxiety and depression), as well as gastrointestinal issues. Cannabis consumption for endometriosis-related symptoms has been self-reported as having the most effectiveness on improving sleep ...

I will conclude by reflecting on the comments of endometriosis researcher Dr Deborah Malka, who was quoted by Dr Wilson-King as saying:

The capacity of cannabis to act as an anti-inflammatory agent, a pain reliever, a muscle relaxant, a mood enhancer, a sleep remedy all at the same time makes it potentially ideal for those facing these particular conditions.

Cultural Diversity Week

Lee TARLAMIS (South-Eastern Metropolitan) (09:50): Our greatest strength is our diversity. That is a statement that we hear a lot, but in Victoria I am proud that we back it up by sharing and celebrating the many vibrant and diverse communities that make up our wonderful state, particularly

in the south-east. A week does not pass without an opportunity to attend a celebration or event or participate in a learning experience that teaches us more about the wonderful cultures, traditions, languages and faiths that are a feature of our society. This is Cultural Diversity Week, another of these opportunities where we share stories, celebrate together, foster mutual respect and immerse ourselves in activities that deepen our understanding of the many cultures which enrich the fabric of our state.

Victoria stands out as a shining example of our nation's multiculturalism, in a country where nearly half of our population either were born overseas or have immigrant parents. But amidst our celebrations let us not forget the importance of acknowledging and addressing the inequalities faced by Aboriginal and Torres Strait Islander communities. There is still much work to be done to ensure their social and economic equality, and it is imperative that we continue to listen and respond to their needs.

International Day for the Elimination of Racial Discrimination

Lee TARLAMIS (South-Eastern Metropolitan) (09:51): Today also marks the United Nations International Day for the Elimination of Racial Discrimination. Although it has been 76 years since the United Nations Universal Declaration of Human Rights was adopted, enshrining rights and freedoms for all without exception, Victorians still fall victim to racism. That is why we must continue to proactively prevent and address racism in our state at every opportunity, because everyone's rights matter and equality is not negotiable. As we mark these occasions we reflect upon the fundamental values of tolerance and respect that bind our multicultural, multifaith and wider communities. We must all continue to do our part to create an inclusive, harmonious and equal society where everyone has the opportunity to reach their full potential.

Chooks at the Rooke

Bev McARTHUR (Western Victoria) (09:52): My members statement today is an opportunity to congratulate Chooks at the Rooke, a fabulous free-range, pastured egg enterprise at Cororooke in south-west Victoria. Since 2017 Xavier Prime and Kimberley Burridge have built a business producing the highest quality product with the highest care and welfare for their animals. Their eggs are used by some of the best chefs in Victoria. No opportunity is overlooked. The chooks follow their Angus cattle, which graze the grass first and leave manure. They can forage and scratch, and the process fertilises the land capturing carbon, improving soil health and building organic soil matter. Enterprises like this, and especially their cockerel business, have seen Xavier crowned Good Food Guide 2024 Innovator of the Year. While day-old male chicks are normally of no use to the egg industry, Xavier and Kimberley raise them on pasture for six months and have established a new market for their quality meat. They have won the *Delicious* Harvey Norman Produce Award trophy for Australia's best paddock produce. Xav and Kim are an excellent example of how a successful farming business can be built by hard work, enterprise and respect and care for the animals raised. I congratulate them on their efforts and their well-deserved recognition and wish them every success in the future.

LGBTIQA+ health care

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:53): The trans and gender-diverse community continue to face attacks daily, including attacks on their essential gender-affirming care. These attacks have severe impacts on trans and gender-diverse people's wellbeing, and we need to do better. The Royal Children's Hospital here in Melbourne is a world leader in gender-affirming care. Their gender service aims to improve the physical and mental health outcomes of children and adolescents who are trans or who are gender diverse. This crucial service and gender-affirming care in general are proven to be life-saving measures, and I am proud to support them as a member of this Parliament and as a proud queer man. In light of continued attacks on the essential health care that trans and gender-diverse people rely on, I urge the Labor government to make further investment into removing barriers that impact trans and gender-diverse people's ability to access this care and to expand anti-vilification laws to protect trans and gender-diverse people, something the community has been waiting for for years now.

Nepalese cricket teams

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (09:54): It was wonderful to join the president of the Cricket Association of Nepal Mr Chatur Chand and the president of the Nepalese Association of Victoria Mr Prem Raj Upreti for a tour of the MCG last week. Mr Chand was visiting Melbourne with two world record holders from the Nepalese cricket team. Despite facing numerous challenges, Nepalese cricket has emerged as a formidable force on the international stage. The Nepalese cricket team will be playing at the upcoming ICC T20 World Cup in June this year in the United States and the West Indies. I want to wish them the best of luck at the tournament. Cricket is an exceedingly popular sport with the Nepalese community here in Victoria and in my electorate. The Nepalese Association of Victoria hosted their annual cricket tournament from January to March this year. Eighteen teams from across Victoria participated in the tournament. After three months of intense competition, Tricon Cricket Club lifted the tournament cup. I want to congratulate Tricon for their victory, and I thank the Nepalese Association of Victoria for the important work they do in promoting community sport in Victoria.

Holi Festival of Colours

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (09:55): On another matter, over the coming weekend community groups across the state will be hosting Holi events, a vibrant festival of joy and unity. Holi is a celebration of the beginning of new life, love and the triumph of good over evil. The message of renewal through the victory of good over evil is a timely reminder for all of us. It is one of the most important festivals for our Indian diaspora. I am so proud to see our community come together to celebrate Holi in all its glory. It is a testament to the multicultural fabric of our state, where diversity is not just tolerated but celebrated. I wish an incredibly happy Holi filled with love, laughter and prosperity to my fellow Victorians.

Bendigo Theatre Company

Gaelle BROAD (Northern Victoria) (09:56): I would like to thank the Bendigo Theatre Company for their invitation to attend the official naming of the Patricia Lyon Black Box Theatre. It was a very special night that recognised the contribution of a very special lady. Patricia Lyon gave so much over many years to the company, and it was wonderful to see her family there to officially unveil the plaque. Honour boards were also unveiled to celebrate the contribution of life members and past alumni who have made a career in the industry, and I would like to extend my congratulations to them all. The Bendigo Theatre Company brings people of all ages and different talents together, performing over 200 productions in the last 70 years and entertaining thousands of people every year.

Many years ago I was involved in community theatre, and I absolutely loved it – the scripts, costumes, lighting and sets, acting, choreography and so much more. Community theatre provides a space for people to use and develop their skills to captivate an audience. For the audience it provides an opportunity to escape the everyday and see life from a different perspective. I want to acknowledge president Vern Wall, the committee and members of the Bendigo Theatre Company, both past and present, for their vibrant contribution to the arts scene in Bendigo and on the world stage.

Commercial passenger vehicle industry

Jeff BOURMAN (Eastern Victoria) (09:57): Today I want to talk about taxis, and in fact I want to talk about Uber. Uber has just agreed to pay \$271 million to 8000 or so taxidriverers that were negatively impacted by Ubers entering into the market back in the 58th Parliament – I cannot remember exactly when. That was the fifth-largest settlement of a class action of its kind in Australia. Nearly all of these taxidriverers lost some income. Some of them lost their homes, some of them lost their superannuation, and quite sadly, some of them lost their lives. On the courtroom steps, after all these years of refusing to do the right things, Uber blinked – and rather than take it to trial, they decided to settle. Our very own former MP, the Transport Matters Party's Rod Barton, who himself drove cabs – his dad drove

cabs; his uncle was a London cabbie, as he used to always tell us – helped bring the case to the lawyers. He told me it was a significant win. I was here when the whole industry went down. I do not think it was handled particularly well, but it was handled. I think the government at one stage did give some compensation. I think there is still a long way to go. I just want to point out that Mr Barton and his people and Maurice Blackburn never gave up and took it as far as they needed to. I think the win is to be commended.

Men's sheds

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (09:59): I rise today to congratulate and recognise the incredible contribution, the often life-saving contribution, made by our men's sheds around the state. Men's sheds are at the heart of so many communities, and it is always wonderful to talk with and to hear from members of men's sheds – not just men, by the way – who make a significant contribution and who continue to connect people with community through a range of skills and training opportunities, through opportunities to connect over a cuppa or to get out and about and provide a range of community supports and connections, whether it is street furniture or getting out and about to teach people the joys of everything from woodworking through to skills that will help people to run a business. Being able to fund around 28 men's sheds through the latest round of funding has continued to make a difference to the way in which these extraordinary organisations go about their business. I do want to congratulate the Morwell Men's Shed on the grant of \$77,589 towards new premises as well as the Newborough Men's Shed, which is receiving \$6700, and the Bunyip and District Men's Shed, receiving \$7600. This is important in continuing to support our men's sheds now and into the future.

Religious holidays

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (10:00): I want to wish everyone a happy, holy, Mubarak Ramadan, and also as Pesach comes upon us, we know that that, along with Easter, really does highlight the wonderful multicultural character of the state.

VicForests

Melina BATH (Eastern Victoria) (10:01): On International Day of Forests I thank VicForests, the state-owned organisation established 20 years ago to manage the native timber industry. It has been my pleasure over my tenure here to meet many VicForests staff and note their passion for the environment and for the coexistence of a sustainable timber industry. They are professional. They have expertise in surveying and planning for the forests. What really distresses me and them so greatly is that this government has set the demise of the timber industry. It has shut down VicForests and therefore will send them to the unemployment line if they cannot get into the Department of Energy, Environment and Climate Action as a sidestep.

It also frustrates them and me that this government has been silent on the closing of the loopholes in the native timber code of practice, it has enabled litigation by wilderness organisations and it has then gagged VicForests from speaking out in its defence. It is not defending the fact that VicForests has had to spend taxpayer funds in order to defend this litigation. It has ringbarked the native timber industry. It has increased our risk to bushfires. There will not be the track maintenance; there will not be the heavy industries. The Nationals continue to support all of our scientists and our people that work in the forests, and we will continue to support the active management of the environment.

Alma Park

John BERGER (Southern Metropolitan) (10:02): I recently had the opportunity to represent the Minister for Outdoor Recreation in the other place, Minister Dimopoulos, at the reopening of Alma Park. There we officially launched the completed revitalisation upgrades in the heart of my community of St Kilda. Every Victorian deserves access to quality open space, particularly in the inner suburbs of Melbourne where space is vital and less common. That is why the Allan Labor government is

committed to ensuring we maximise every spare space we have. Thanks to our \$315 million suburban parks program we have done just that, funding 29 new pocket parks and 14 new dog parks as well as new tracks and trails. I am pleased to let the chamber know that we have delivered on our investment of \$10 million to revitalise 41 local parks across metropolitan Melbourne, many of which are in Southern Metro, and the 39th is the great park at Alma. Thank you to the member for Albert Park in the other place, Nina Taylor, for joining me on this great day. Now future generations of families will be able to enjoy upgraded furniture, landscaping and nature play elements and, importantly, a renovated barbecue. I am sure my colleagues who represent Southern Metro will join me today in celebrating its opening.

Ringwood East train station

Nick McGOWAN (North-Eastern Metropolitan) (10:03): I do not wish to alarm anyone here, but I have a wee problem. In fact the people of my electorate in Ringwood and I have a wee problem.

Bev McArthur: Can you rephrase that?

Nick McGOWAN: No, that is quite accurate, because unfortunately we learned recently, and it has got some media attention today, that a new train station in my electorate in Ringwood, the one at Ringwood East in particular, will have no toilets. You can spend some \$700 million, and admittedly that includes some level crossing removals, which I welcome, both on Dublin Road and on Bedford Road, but how can you then not provide a single toilet? You have got form on this in the electorate of Ringwood, at Heathmont station in 2022.

Bev McArthur interjected.

Nick McGOWAN: They do not like lavatories. Two million dollars they spent. They gave us some canopies – not the type you eat; that is another spelling. They gave us some benches and some parking spots, but again no toilets. What do we do for the local mums? What do we do for the kids as they are going to school? What do we do for the parents? What do we do for the pensioners? What do we do for the young people? The advice from this government is that they should hold on or go to the nearby shopping precinct. It is quite a trip from Ringwood into the city, as most people would appreciate, and I for one would like to see some toilets at the Ringwood East train station. I do not think that is too much to ask when you are spending \$700 million.

Storm preparedness

Michael GALEA (South-Eastern Metropolitan) (10:05): It has been five weeks now since devastating storms swept through Victoria, including in my region of the south-east. I would again like to acknowledge the amazing work of our emergency services workers and volunteers, as well as the line workers who worked tirelessly to get us all reconnected as quickly as they could. Many pockets of my region were affected with power outages for several days, including Knoxfield and Upper Beaconsfield. Whilst I acknowledge the work, I am still very disappointed by the critical failures of AusNet's outage tracker website, which absolutely needs to be addressed well in advance of and in preparation for any future major weather events. It was not the first time those websites had collapsed during a major event. It is also very disappointing to not see any progress so far from the telco companies on providing batteries or generator support to their towers that is sufficient. The systems that are in place were clearly insufficient, and many in my region were without mobile service for too long a period as well. My colleague in the other place Daniela De Martino, the member for Monbulk, is running a campaign to tell the telcos to power the towers, and I strongly encourage all here to support that campaign and to sign her petition as well.

Nowruz

Michael GALEA (South-Eastern Metropolitan) (10:06): On another matter, I would also like to wish all who celebrate in my region and in the state of Victoria a very happy Nowruz.

Azerbaijani Cultural Association of Victoria

Trung LUU (Western Metropolitan) (10:06): On the weekend I had the opportunity to join the Azerbaijani Cultural Association of Victoria to celebrate the Novruz Bayram festival. The Novruz Bayram festival celebrates the coming of the Persian New Year, a joyful multiple-day celebration of Azerbaijani culture. It focuses on gathering families, traditional dance, sport and folk music. I would like to thank the Azerbaijani Cultural Association of Victoria, especially Nira Elgart and Tania Zemlinsky and the executive team, for the invitations. I would also like to congratulate them for running the association for eight years now, promoting and celebrating their culture. I look forward in coming years to working with the ACAV group, promoting their identity and showcasing their wonderful culture in the Victorian community.

Business of the house**Notices of motion**

Lee TARLAMIS (South-Eastern Metropolitan) (10:08): I move:

That the consideration of notices of motion, government business, 230 to 325, be postponed until later this day.

Motion agreed to.

Bills**Firearms and Control of Weapons (Machetes) Amendment Bill 2024*****Second reading*****Debate resumed on motion of Ingrid Stitt:**

That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (10:08): I rise to speak on the Firearms and Control of Weapons (Machetes) Amendment Bill 2024. We know that this government is very good at putting politics ahead of community safety. The bill that the government is presenting, which they are calling the ‘machetes bill’, is 35 pages long but only has one line on machetes. While Labor has been napping when it comes to community safety, we have been making constructive proposals. In fact we are doing a lot more than making proposals; we introduced a bill to ban machetes in Victoria, but Labor did oppose that bill last year because they are not serious about community safety. The government is late to act, and we have been putting constructive proposals out there. We are not only warning and urging the government to do something, we actually did something ourselves – which the government opposed. Now they are scrambling back because they have suddenly realised, as is evidenced through the crime stats released today, that this is an issue with the community. They have maybe finally sat down with the Police Association Victoria and Victoria Police and actually realised that this is an issue.

When we did that last year we were mocked for doing that. For advocating the concerns of our community in the other place we were mocked by members of this government, who are very unserious about community safety. I actually did – and I make a habit of it – check *Hansard* to see what some of these members said about our concerns. The member for South Barwon said:

... what we see constantly, time after time, every single week, are juvenile political stunts from those on the other side. At every opportunity they seek to frustrate the government on the agenda that we took to the Victorian people and that was endorsed by the Victorian people.

Who knows what Labor think the people endorsed at the last election? I am going to go out on a limb and suggest that they did not endorse flagrant knife crime.

The member for Laverton in the other place said:

... to bring before this house a proposed bill at the, I dare say, eleventh hour, in the last sitting week for this year. It cannot be seen as anything else than a political stunt ...

...

What I find so outrageous is that it is a bill ... being proposed and debated as part of a procedural debate ... It is an absolute disgrace to stand here and not have what I consider a really serious debate and conversation about these things. People have been seriously injured.

...

This is nothing other than a political stunt by those opposite.

The member for Laverton acknowledged that people are being seriously injured but at that time opposed measures to deal with that. They did nothing. They did absolutely nothing. Now they have their own bill to at least look like they are trying to address the very same serious issue. They called our bill a stunt, but their own bill does nothing, which I will come to soon.

The member for Greenvale in the other place had this to say:

I rise to oppose the member for Berwick's motion not because the issues that the motion addresses are insignificant or unserious but because the motion itself is fundamentally unserious and another stunt, as the member for Laverton said. The reason I oppose the motion is because the issues warrant more consideration than just a slanging match and gratuitous interjections ...

from those opposite, because:

... the issues really matter ...

The issues do really matter. As we were calling for action for several months prior to introducing that bill, the government could have considered that. The government could have taken up our suggestions rather than just this rank, amateur, immature sledging of what we tried to do, which is evidenced by the member for Greenvale's contribution calling us unserious for taking proactive measures to address this issue.

Every single resident deserves to feel safe in their home. I want to talk about one particular issue in the northern suburbs, in mine and the minister's electorate. Last month Gurinder Singh, who lives in Kalkallo, just off Donnybrook Road, was subjected to a machete attack. He was slashed multiple times. His elderly mother was injured and traumatised. It traumatised his teenage son, who is going through VCE and having trouble sleeping. He said to me that there is a lack of police cars in the area and only one unit, and the closest police station is Kalkallo. Neighbouring Donnybrook and Mickleham, accommodating tens of thousands of new households, are set to grow rapidly, with no plans for a police station in the immediate future, something I will be continuing to advocate for on behalf of the people of Kalkallo, Donnybrook and Mickleham. But as always with this government, it is short-changing growth areas. It is taking all the stamp duty money from tens of thousands of new homes but not investing it in the places it is collected from, like on a new police station that is desperately needed in a place like Kalkallo, Donnybrook and Mickleham.

Gurinder told me he was shocked that machetes were not already banned as weapons and wanted to put more pressure on the government to do something. I alerted him to the fact that we did attempt to introduce a bill last year, which was opposed by those opposite. He told me that he called the member for Kalkallo's office, who said there was nothing that they could do. He generally said that her office was quite unhelpful as he was trying to speak to the member directly. As is the case with most of my constituents, it was very easy for him to contact me, and I had several discussions with him. I am currently assisting Gurinder through the victims-of-crime process to see whether he can receive any compensation for things like roller shutters and a change of locks.

He is not the only person who has alerted me to the issues with crime in our growth areas, particularly in the Kalkallo Cloverton estate in the northern suburbs. The government needs to keep on top of this, particularly given there is no active police station in the area. The closest is between Craigieburn and

another in Wallan. With tens of thousands of homes going into these rapidly growing areas, you would think it would warrant a dedicated police station for these communities.

I want to talk briefly, because I think it underlines quite a lot of points that I want to make and is relevant to this discussion, about the crime stats that just came out today. We see that Labor's continuing under-resourcing of Victoria Police has seen aggravated burglaries rise to record levels and, alarmingly, leaves most of them unsolved. The Crime Statistics Agency data for the year ending 31 December 2023 has revealed a 29 per cent increase in residential aggravated burglaries over the last 12 months, with a total of 5887 incidents, a record for the last calendar year. Other alarming results include thefts from retail stores, up by 39 per cent; aggravated robbery, up 28 per cent; and theft from motor vehicles, up 19 per cent. These are the serious consequences of Labor's failure to keep its promises over police numbers.

There is an alarming rise in crime remaining unsolved. I believe about 64 per cent of residential aggravated burglaries remained unsolved during the reporting period, up 16 per cent from 2022 and almost 33 per cent higher than when Labor was elected in 2014. Other crimes with a significant proportion unsolved include residential non-aggravated burglaries – a staggering 82 per cent remain unsolved; stealing from a motor vehicle, 88 per cent remain unsolved; motor vehicle theft, 57 per cent unsolved; and criminal damage, 47 per cent unsolved. The overall rate of offences across Victoria increased by 5.6 per cent, while criminal incidents increased by 10.6 per cent.

Victims of crime, indeed all Victorians, have again been badly let down by this Allan Labor government. Police numbers are going backwards, and that is an objective fact. I think my colleague Mr Luu would agree, as a former police officer. Police are doing the best they can, and we support them in what they do. They are just not being given the tools that they need to do their job. This leaves too many crimes occurring, too many crimes going unsolved and indeed too many victims like Gurinder in my electorate. It is just not good enough. Unless Labor stops the smoke and mirrors, like this bill, and increases the number of police above current levels, it will keep happening.

I believe only this side of the house has the desire to properly resource Victoria Police and do something about the crime epidemic, and that is exactly what we have been and are working towards at this time. We introduced, ourselves, a bill that would have dealt with a lot of these issues, and we have consistently flagged machete crime with the government. We are not the only ones doing it; there are several other respected individuals and organisations out there flagging the same issues with the government.

I am not sure what they have said today, but usually on the crime stats the government says, 'Well, we are returning to pre-COVID levels. Nothing to see here; we are just returning to pre-COVID levels.' The previous stats were actually double the pre-COVID levels when it comes to assaults and aggravated burglaries in our state, so I wonder if the government will keep to the same excuses.

On the bill, I would like to thank my friend and colleague Brad Battin, the shadow minister, for the work that he has done. The government wants accolades because they claim to be banning machetes, but there is no impact of that in this bill. We have sought the definition of what a machete is in Victoria. A machete – this is important – being a blade-edged weapon, is by its very definition a knife, and a knife with a blade that long would be a controlled weapon. If it is a controlled weapon, it cannot be sold to anyone under 18 years old. You must have a reason to have it, and there are conditions around having such a weapon. The government is now moving to make the machete a controlled weapon, so we know that this bill means nothing. The minister even said so in their maiden speech. Machetes are knives and therefore are controlled weapons, so a knife that could not be sold to someone under 18 last year cannot be sold to someone under 18 next year. A machete in the same circumstances which could not be sold to someone under 18 last year cannot be sold to them next year.

The reasoning the government gave for putting the machete into the Control of Weapons Act 1990 and making it a controlled weapon is some people may not understand that the machete is a weapon.

I mean, seriously. This bill is a media release. This bill is not anything serious. This bill is a media release to give the illusion that the government is doing something when it is not actually doing anything serious. It is not. This bill is a media release, because they know that crime is a systemic issue, and it is not just in the south-eastern part of town in wealthier areas. I know that from my own electorate. Machete crime is a massive issue, it is out of control, and it has happened under this government's watch. This government just sat there, did nothing and rejected our suggestions. It needed something to get this issue off the agenda, so it introduced a press release as a bill. That is what it did. This bill does nothing. Anyone can go into a store and still buy one. If the government thinks stallholders at markets do not understand the law, why isn't enforcement increased? I wonder why. Why don't they make machetes a prohibited weapon, which would prevent bulk importation? Good question. This bill is not going to do anything to improve community safety.

Why has this debate come about? We can go back to 23 June 2022. A young man was reportedly stabbed in a savage machete attack by hooded thugs in Springvale, Melbourne. The 23-year-old was out with friends in Melbourne's south-east when he was attacked by thugs who were carrying machetes. They were carrying, by definition, a controlled weapon. If it had been a prohibited weapon, it would not have been able to be sold in most locations in our state and would have been very difficult to get in metropolitan areas at the time. That is a fact. The young man was stabbed and stomped on in this vicious machete attack in the south-east, and Victoria Police went hunting for those that did it. You see people in their homes being viciously attacked. You see people on trams as machete-wielding thugs storm them. They do it even when CCTV is installed and the home owner is home.

It is not just us advocating for machetes to be made a prohibited weapon. It is not just the Police Association Victoria. We all know Les Twentyman. He has done a lot of work around knife crime. He supports a ban. He has said that they are deeply terrifying edged weapons and has slammed the state government as 'gutless' for not taking a harder line on machetes. From the *Herald Sun*:

"No one should be able to do that, no matter the age," Mr Twentyman said.

"Machetes should only be available to buy for their intended purpose, cutting cane in Queensland."

Why is the government not listening to someone like Les Twentyman? It is not just Les either; it is many others. Chief Commissioner of Victoria Police Shane Patton told an inquiry he was speaking at that Victoria Police had been monitoring 600 members of 40 youth gangs and that cops had already apprehended a lot of people under the Control of Weapons Act. The chief commissioner said what we say – no person should be carrying around a machete in public because there is no reason for it. I do not believe young offenders are going around chopping sugar cane in my electorate in Kalkallo. There is no reason to have a machete and to go around at night with a machete – none. We need to make sure Victoria Police have the powers they need to take these machetes off the street.

We do not oppose this bill but will instead be moving an amendment to make machetes a prohibited weapon. I ask that the amendments in my name be now circulated.

Amendments circulated pursuant to standing orders.

Evan MULHOLLAND: We need real change like what we proposed in our private members bill. The changes would mean that machetes cannot be sold without evidence, approval or exemption. Places like markets and offbeat sellers will be under no illusions: it is banned. It cannot be purchased illegitimately. It cannot be imported from overseas, interstate or from places like the dark web. They will get stopped at the border, and people will be prosecuted, with substantial and unequivocal penalties for those that transgress. The flow of machetes onto our streets would be slowed greatly. Labor needs to stand up for Victorians. Labor needs to clean our streets so people can sleep easily at night without fear of machete-wielding thugs invading their homes, which is what happened to Gurinder Singh in my electorate.

The conversations with him were frightening. He was quivering about what happened to him because all of his doors were locked, his elderly mother was home and his kids were home, and they just

smashed through the window. They came in with machetes and slashed him, slashed his elderly mother and took everything that they could find. It was a deeply traumatic event, but events like this are happening to too many people in our state. Too many people have had incidents of machete crime. It is out of control, and it is not going to change until we do something serious about it. I say Labor does need to listen to people like Gurinder, and Labor does need to listen to people like Les Twentyman.

Michael GALEA (South-Eastern Metropolitan) (10:31): I rise today to speak on the Firearms and Control of Weapons (Machetes) Amendment Bill 2024. The safety of all Victorians is at the forefront of what this bill seeks to do, which is to deliver reforms to ensure that Victoria Police have what they need to keep our communities safe. It will amend the Firearms Act 1996 to further provide for the service of firearm prohibition orders and related minor matters. This will enable additional powers for Victoria Police to serve an FPO on an individual who is avoiding service, including powers to detain and direct an individual to serve an FPO and to apply to a magistrate for a warrant to search premises for an individual in order to serve an FPO. It also amends the Control of Weapons Act 1990 to clarify that a machete is a knife and therefore a controlled weapon, and I will have some comments on that and specifically around Mr Mulholland's amendments a little later.

This is a government that is proud to work genuinely and honestly with Victoria Police and police command to ensure that VicPol has the tools and the resources that they need to keep Victorians safe. Since coming into government we have invested more than \$4.5 billion in Victoria Police to deliver Victorians the modern, world-class policing service that they deserve. This includes additional police, new and upgraded stations right across the state and investment in new technologies to ensure that VicPol continues to be a modern, fit-for-purpose organisation well into the future.

On that point and speaking, as Mr Mulholland was, about the outer suburbs, I am particularly pleased to see progress with the new Clyde North police station, with designs and a time line now released. I am very much looking forward to seeing that particular station open in the next few years, which is going to deliver one extra really important asset for the south-east. This is a government that is investing across the state but particularly in the outer suburbs. In my region of South-Eastern Metropolitan we have already seen three new primary schools open just in Clyde North, with a further two under construction. We have seen a high school as well, countless road upgrades, bus improvements, improvements to Casey Hospital and the delivery of new services in the health space with the new Cranbourne community hospital, which will be opening shortly. The Clyde North police station is going to be another big part of that – a part of the service delivery that we are providing to my growing community of the south-east, one of many across the state. It is a really exciting time to see a new police station right there in Clyde North. Also, there are upgrades coming to the Narre Warren police station with a rebuild there, which is going to be really exciting for that particular centre, with a growing area across the City of Casey and across south-east Melbourne. Both of these investments – a new station at Clyde North and an upgraded station at Narre Warren – are really timely, and it is great to see them coming along and progressing well.

As part of the 2022–23 budget we also invested \$342 million to deliver 502 additional police officers and 50 additional PSOs, building on the more than 3100 additional police already on our streets. That is more than 3600 additional police funded by our government since 2014, and this includes 48 specialist youth officers who work across our local communities. This is a record. We have also invested in new equipment for our police, including the \$214 million taser rollout, which I note the minister has spoken about, to all frontline police officers and PSOs to ensure that they have another nonlethal tool to respond to potentially violent offenders.

We have also invested more than \$1 billion to deliver those new police stations across our state, and we will continue to do so. Significantly, this government has also invested in early intervention programs, including \$12.4 million in the most recent budget to continue and expand the important work of the Aboriginal youth cautioning and embedded youth outreach programs. Through our crime prevention programs we have invested more than \$40 million to prevent youth offending through the

youth crime prevention program and more than \$100 million in over 948 different initiatives since forming government, because this government understands that the best way to keep people out of the criminal justice system is to prevent them coming into contact with it in the first place, as much as we can. Additionally, the 2023–24 budget committed almost \$54 million to support young people in the community and in custody to help improve life outcomes and steer them away from criminal activity, with a strong focus on early intervention and diversion measures.

Victoria is very proud of having some of the most robust and stringent firearm controls in the world, and our approach is underpinned by the National Firearms Agreement, which establishes national minimum standards for regulating firearms. The Allan Labor government is firmly committed to strong firearms regulations continuing. In 2018 we introduced the firearm prohibition order scheme, which the Chief Commissioner of Police has called a game changer in Victoria Police's continued efforts to disrupt organised crime. Breaching an FPO carries a maximum sentence of 10 years. Since that time police have issued over 2200 FPOs to violent offenders, serious youth offenders, outlaw motorcycle gangs, other crime groups and counterterrorism persons of interest. Almost 1000 breaches have been recorded by police under specific FPO powers, and there have been 1000 occasions where police have been able to use this tool to disrupt and prevent serious firearms-related crime.

The amendments in this bill will make it easier for police to serve an FPO on a person. Under the current laws the FPO must be served directly in person, which can be difficult for police when an individual is actively evading service. Of course in the parliamentary precinct we saw one particular individual running away from people quite a lot this week too, but that is a subject for another debate, surely. In terms of the FPOs, this could be situations where the subject of the FPO refuses to answer the door, moves residence frequently or has other people lie regarding their whereabouts. This bill will enable police to stop a person in a public place and direct that they remain there or accompany them to a police station or other safe place for up to 2 hours in order to facilitate the serving of an FPO. Police will also be able to apply to a magistrate for a warrant to enter a premises to search for a person and to serve a person with an FPO. Where an individual in detention has declined a visit by a police officer, police will also be able to serve an FPO on that person by registered post.

During the government's extensive consultation with key stakeholders, Victoria Police made it clear that these reforms are necessary to ensure that the police have the power to keep our community safe. As I referred to earlier, this bill will also amend the Control of Weapons Act to ensure that there is no doubt that a machete is regarded as a controlled weapon. By clarifying the definition of a controlled weapon, the legal status of machetes will be abundantly clear. They cannot be possessed, carried or used without a lawful excuse or sold to anyone under the age of 18.

Clearly machetes do have various legitimate and innocent uses, including in agricultural and other gardening settings. In drafting this bill the government has been clear that our intent on this side of the chamber is not to make farmers' lives any harder by forcing them to apply for permits to continue this legitimate use. These reforms clarify to traders that machetes are controlled weapons and that proof of age must be checked before sale to ensure that machetes do not end up in the hands of young people. The penalty for carrying a controlled weapon without a lawful excuse is a fine of more than \$23,000 or a jail term of up to one year. It is also an offence for a person to sell a controlled weapon to any person that they know to be a child under the age of 18, with a fine of up to \$3846. Further, it is an offence for a child to purchase a controlled weapon, with a fine of up to \$2308.

We have an amendment before us from the Liberal Party which rather than making machetes a controlled weapon would make them a prohibited weapon. What this would do is – the amendment makes it quite clear; it literally put it after the word 'firearm' – put a machete into the same category as a firearm, with all the tight restrictions and regulations around that. Police have made it clear that they do not support making machetes prohibited weapons. A prohibited weapon, like a gun, for example, or other objects such as a butterfly knife or knuckle dusters, requires a whole other level of regulation, as it rightly should. What this would do is effectively criminalise a raft of people who currently use machetes for legitimate purposes, including, and chief amongst them, farmers. I am not

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

Despite what those on the other side have suggested, it would not serve the community well and indeed it would not serve the police well to go down such a path where we give our police and our departments the laborious task of making sure that everyone has to apply to own a machete, get a licence and do a safety course. I certainly do not think it is reasonable for us to be putting that sort of added pressure onto the licensing and regulation division of Victoria Police. This is not common sense, nor is it what any of the key stakeholders, including the police, have requested us to do. This Liberal amendment is, for those reasons, not going to be supported by the government, and it should not be supported by the chamber as a whole for those reasons, because on this side of the house we do not support criminalising Victoria's primary producers.

The amendments in the bill today are just one of the steps that Victoria Police is taking to disrupt and deter youth crime, with a range of programs and youth crime specialists working in communities. It is essential to recognise that only a very small minority of young people are involved in serious and violent crime. It is neither accurate nor helpful to suggest that a sizable cohort of young people are engaging in criminal activity as if the local community has to fear young Victorians as a whole. This government continues to back early investment and support for those people who are involved, though, to keep them away from crime. On this side of the chamber we know that the factors that lead to youth offending are complex. We do not use youth crime as a chance to grandstand and scare the community to elicit support, something that the Liberals do every chance they get. Victoria Police have various operations and programs to address and tackle youth crime, including Operation Alliance, which is an embedded long-term strategy to designed to detect, disrupt and dismantle youth gangs before they can cause significant harm to the community. This includes enforcement activities such as community patrols, search warrants and bail compliance checks. They also have established an embedded youth outreach program which aims to reduce investment in criminal justice by engaging with a young person and their family, assessing their needs and referring them to youth-specific supports.

In summary, the Firearms and Control of Weapons (Machetes) Amendment Bill 2024 delivers critical reforms to improve community safety and tackle youth crime and addresses key stakeholder needs as well as the recommendations of experts and law enforcement. This is what it looks like when a government focuses on delivering considered and targeted reforms to address issues and improve legislation. I know this may shock and surprise members on the other side, but serious issues like this should be addressed with hard work, such as what this government has put into this bill. Violent crime is not just a chance for those opposite to play politics. They are complicated issues which require thorough, diligent, coordinated responses in consultation with major key stakeholders such as Victoria Police, which is exactly what this government has done in drafting these bills. We know that whilst others will continue to play politics, this is a government that is getting on with delivering and doing everything it can to support our communities where they are affected by crime.

I am really pleased to see the investments, as I discussed earlier, such as into the Clyde North police station, which is going to be a big benefit to my community, and I am very much looking forward to seeing that particular station open as I am of course the upgrade to the Narre Warren police station as well. It is all part of the broader investment we are making into policing, the criminal justice system and support for victims in this state as we continue to do our utmost to ensure that crime levels are kept as low as they possibly can be. I commend the bill to the house.

Katherine COPSEY (Southern Metropolitan) (10:47): I will take some time this morning to speak to a number of amendments that the Greens are putting forward on this bill. I have prepared those amendments in my name, and I ask that those be circulated now.

Amendments circulated pursuant to standing orders.

Katherine COPSEY: To give some context to the contribution today, as has been canvassed in other contributions, this bill is amending legislation that was introduced in 2017 when firearm prohibition orders were introduced in Victoria. Under the current situation, firearm prohibition orders can be made, to quote from the substantive legislation:

... even though the individual to whom the order applies or is to apply has never acquired, possessed, carried or used a firearm or a firearm related item.

Given this is a scheme that grants extensive and unchecked powers to Victoria Police and can be applied to people who have literally never touched a firearm, the Greens believe that all efforts should be made with the operation of this legislation to at minimum keep children out of the legislation in order to avoid that early contact with the criminal justice system and the criminalisation that we know that that can lead to.

We do note that there are additional protections for children under the bill. We do not believe these protections go far enough. Children should not be subject to search warrant, arrest and detention powers for the purpose of serving a firearm prohibition order, and our amendments could correct these omissions in the government's bill. It is unnecessary and could result in criminalisation of a young person, which we know has lifelong consequences. There are instances where a young person who has never owned, seen or touched a firearm or weapon might not have had much interaction with the system, so the contact under those circumstances could be one of the earliest experiences of criminalisation that that young person experiences, and that could be easily prevented.

We also think that this bill should be consistent with the existing requirements in corresponding legislation regarding service of search warrants, and we do not really understand why this bill is an outlier. In the provision of search warrants under similar legislation, like the Crimes Act 1958, the Chief Commissioner of Police is required to apply to the court for the granting of a search warrant, and we believe that the same requirement should apply to firearm orders. Importantly, it would provide some external oversight of the power's use. Further, a similar 28 days of expiration for that warrant should apply.

The protection provisions in this bill do not but they should at a minimum be amended to match section 456AA of the Crimes Act – that is, police officers when exercising these powers should provide the person who is the recipient of the order with the grounds for the belief that the person is the person who is the subject of the firearm order, and the officer must provide their name, rank and place of duty. We agree with stakeholders who have communicated with us strongly that this provision should be provided automatically without the person being stopped needing to know that they have a right to request that information or putting the onus on the person to request it. We also believe that every person stopped should be given a written receipt of this information by the officer at the time of service. As we saw with policing through the pandemic, there is substantiated evidence that systematic racial profiling has occurred with some stop, search and service powers. Information of ethnic background and appearance is collected by police, sometimes through their systems, and one of our amendments would go to seeing that information included in public annual reporting so that we can monitor and assess whether systemic profiling is occurring and be alive to that if it occurs as a result of the enactment of these laws.

Lastly, we believe that powers to transport and detain are unnecessary, and they are not justified for service of a civil order. For example, this bill gives the power to police to detain a person if they fail to provide a name and address, section 112ZB, and to leave the order on the ground having explained it to the person, section 112I(2). There is absolutely no need for the additional transport and detention powers under section 112ZC and section 112ZB. This is an example of unnecessary overreach of police powers, and it absolutely creates unnecessary infringement on one of the human rights that we hold and protect in Victoria, the right to freedom from arbitrary detention. If serving a firearms order is the goal, police will already have the powers that they need. There is no reason that a firearms

prohibition order could not be served on the spot. It is absolutely possible with technology, including through body-worn cameras and iPad.

We know that prolonged contact with police is distressing, particularly for First Nations people, racialised communities and people experiencing poor mental health. So we do have concern, and there is well-documented evidence on the impact that transportation has on racialised and overpoliced communities, and this provision particularly regarding transport and detention powers goes against action to reduce First Nations deaths in custody if it is extended in an unwarranted circumstance.

From their introduction, firearms prohibition orders have been based on police requests for greater powers, and this bill unfortunately is another in a long line of incremental increases in police powers. We have suggested these amendments today as we believe they go some way to improving the bill. We hope that they will receive favourable consideration from the house, but what we do see again underlined with the government's presentation of this bill is the clear need for an independent police ombudsman in Victoria to provide transparency about the use of powers such as these in governance and oversight. That is the conclusion of my comments today on the bill.

Richard WELCH (North-Eastern Metropolitan) (10:54): I rise to speak on the Firearms and Control of Weapons (Machetes) Amendment Bill 2024. Obviously it is a bill in two parts, where we are talking about the ability to serve and detain, and while we have no real genuine objection to the first half of the bill, around section 112 et cetera I think it should be on record that there needs to be a caution that at any time we are addressing due process or arbitrary detention we need to tread very, very cautiously. I do not have any concern with the intent here, but it will be the practice that will be of most concern.

Of far more interest today is of course the machete side of the bill, and I personally cannot think of anything more terrifying than to be accosted by someone brandishing a machete. The very concept of someone invading your home where you may have children in the house and someone is wielding a machete towards your children or your family is an incomprehensible horror to me. What really sticks out to me is that in most other respects in society we tend to err, rightly, on the side of caution when it comes to safety. Particularly we think about how we do not let people use their phone while they are driving, we restrict cigarettes and we do not allow paintball guns in Victoria. But if you look at the list of other prohibited weapons on the police website – this is easily accessible on the licensing and regulation division section of the police website – we have prohibited, amongst other things, batons. Batons are prohibited weapons. Flick-knives are prohibited weapons. Butterfly knives are prohibited weapons. Tonfa batons are prohibited weapons. Ceramic knives are prohibited weapons. If we think of something that relates to personal safety, pepper spray is a prohibited weapon. Tasers are prohibited weapons. It is quite enormous that the machete is not in this class.

The bill is not a solution. It is not even, as my colleague Mr Mulholland said, a stunt. I think it is less than a stunt; it is the government's version of a shrug. It is the government saying 'Whatever.' If this came before me as a document I would say, 'It's very good draft, but go back and address the obvious shortcomings.' I do not know which is worse: pretending a problem does not exist, which the government did in the first place, or acknowledging a problem exists but not caring enough about it to address it properly. I think as the body responsible it is probably the latter – knowing it is a problem but not being willing to address it properly. To put some substance to that, what the bill will not do is put machetes in the same category as all those other weapons, prohibiting them, but it will not stop the bulk import. I will tell you what: Australia needs a lot of things, but it does not need more machetes right now. It will not stop the sale of machetes and therefore the proliferation into the community. It will not make a crime of possession, like for a gun or any of these other weapons. It is a talking point. It is not a solution, it is a talking point, and this government is extremely good – it is adept – at putting out press releases and then not actually following through to deliver what it says. That is true of its housing targets, it is true of pulling down commission housing before they have got any new housing planned or built and it is true of saying we are going to do a regional Commonwealth Games and then choosing not to do it. It is not a solution.

The key argument that this is going to criminalise farmers is sort of laughable. I do not know what the image of farms or outer suburbs is – that it is some sort of jungle where people have to use a machete to get to school. Maybe they do, Mr Mulholland, in Airport West, because we know how long it takes to get anywhere in the north. Maybe they think that. Maybe in the inner city they think, ‘We must allow the peasants their machetes, otherwise how will they cut our coffee beans for our cafe lattes?’ Crime is a really serious thing and I should not jest about it, but the fact is machetes are not a commonly used tool. Farmers do not use machetes; they have electric tools these days. We all have electric tools. I do not prune my garden with a machete; I do not know anyone who does. It is troglodyte, frankly. Maybe in socialist hellholes they still use machetes to do basic agricultural work, but not in a modern agricultural society – and I hope my colleagues from the Nationals back me up on that point going forward.

Ultimately then, this is really a missed opportunity. It is talking points. We want to keep the community safe. We want our police to be able to do their job. My colleague across the way Mr Galea said the police do not want this. I demur; I think if you asked any policeman on the beat, he or she would absolutely want some prohibition on these, and the crime statistics suggest that as well. I think that the biggest obstacle to police being able to manage a law like this is probably that they are not resourced properly to do so. If we had more people out on the street, we probably would be able to police this quite adequately, as we police these other weapons: ceramic knives, batons – batons are prohibited weapons. Paintball guns are prohibited weapons. Tasers and pepper spray are prohibited weapons. Again, I suggest people refer themselves to the licensing and regulation section of the police website and avail themselves of the incredible list of things that are prohibited, that are managed in law, and stop the proliferation of things that reduce public safety.

Ultimately every future victim – and we know there will be more victims; we know there will be because the crime stats are going up – will look back at this bill’s missed opportunity. This bill or some form of this bill will have to come back through this Parliament. It will have to, because this bill does not solve the problem. It is a legislative shrug: ‘Let’s park it. We can put out the press release – parked. We’re being strong on crime, sort of, but we’re not.’ Intellectually it is lazy. I do not know why you would not do it, why you would not just say, ‘Okay, actually you’ve got a point. The house of review has come up with a good point. Let’s review it and put it in.’ Why wouldn’t you do it? I do not understand why, because it is in the interests of Victorians. It is in the interests of families.

The next family that has a machete waved in their faces will be looking at this law and the missed opportunity of this law. Next time I read it in the paper, next time you read it in the paper, that is what is going to happen, and in six months from now or a year from now when this law would have had time to take effect, that accountability will grow on you. Watch and wait, because you had an opportunity to do it right and you did not do it right. With that, I will conclude my contribution.

John BERGER (Southern Metropolitan) (11:02): I rise today to speak on the Firearms and Control of Weapons (Machetes) Amendment Bill 2024, a reasonable and effective bill which leaves me in no doubt that our community will be left a lot safer as a result. I would first like to thank the Minister for Police and Minister for Crime Prevention in the other place, Mr Carbines, who has done some fantastic work in this field. I applaud him for putting together this important piece of legislation, which will help crack down on crime across Victoria and strengthen the power of Victoria Police to keep the community safe.

Every Victorian has the right to feel safe in their own home, workplace and school and in their community. Everyone deserves to feel secure in Victoria, and that means it is our responsibility to ensure that we are doing whatever we can to keep criminals off the streets and prevent crime before it happens, if possible. The work Victoria Police does every day is vital to upholding those principles. Police officers risk their lives every day out on the front lines making sure the rest of us are safe. I would therefore like to thank Victoria Police and their many hardworking police officers and staff who work day in, day out for all of us.

We are a government that is serious about crime prevention and keeping our community safe. Since 2014 we have invested \$4 billion into Victoria Police, with over \$200 million devoted to rolling out tasers for frontline officers, a boost of 3600 new officers in the past 10 years and a billion dollars towards upgrading police stations, all to ensure that they have the best equipment, training and capabilities to protect our community, because Victorians deserve to be safe and they deserve the very best. But we can do more, and that is what we are doing with this legislation. Before us is a bill which will further empower Victoria Police to enforce the service of firearm prohibition orders against individuals and expand their ability to search and uphold those laws. It also clarifies other matters which ought to help address the problem of youth crime relating to the use of machetes and knives. This bill is going to help us protect the community from dangerous individuals by making it easier for Victoria Police to enforce our firearms laws and restrictions, as well as clarifying our other restrictions on weapons such as knives to tackle the issue of machetes in the community.

First and foremost we must acknowledge the IBAC report tabled last year on the matter. These reports are important, as they ensure a level of oversight on these matters and allow us to make corrections where shortcomings arise. The report rightly highlights the importance of the firearm prohibition orders, or FPOs, in tackling violent criminals and organised crime in this state. They were introduced in 2018 and have since led to the issuing of over 2200 FPOs to members of organised crime gangs, youth offenders and persons of interest to counterterrorism. These FPOs are orders that can be issued against individuals where the Chief Commissioner of Police becomes convinced that it is contrary to the public interest for the individual to have such weapons, and the orders act to protect the community from these individuals obtaining or handling their weapons.

A key benefit of these FPOs is that they allow Victoria Police to quickly and effectively disrupt criminal activity, specifically when it involves the use of these controlled or prohibited firearms or weapons. The initiation of such an order against someone leads to the imposition of certain restrictions on individuals, ranging from surrendering firearms to the police to restrictions on entering certain premises. By being able to halt the purchasing or handling of these firearms by these individuals, the police can avert potential future attacks effectively. In summary, this can act as an extraordinary prevention measure by imposing restrictions on certain individuals where it is deemed they are a potential threat. This has been incredibly useful to disrupt and tackle criminal activities involving firearms in this state, as the IBAC report notes clearly. However, the report also notes that there have been certain challenges in serving these prohibition orders against certain individuals and suggested overcoming these hurdles through legislation.

Most notably, the report identifies three different classes of individuals to whom it has become difficult to serve firearm protection orders, and it recommends changes to meet these challenges. Something important to note is that under the law these prohibition orders must be served to the impacted individual in person, which raises some challenges when considering certain types of people. The rationale behind this is simple: for the order to be effective the individual must be alerted that it is in place, hence the need to serve the order in person. The three classes posing challenges include individuals who are actively avoiding being served an FPO, individuals whose whereabouts are currently unknown, and prisoners who simply refuse a visit from a police officer and as a result avoid being served an FPO in person as required by law for it to become effective.

This legislation will, in response, strengthen the power of Victoria Police to enforce and serve their firearm prohibition orders to tackle these hindrances. It allows Victoria Police, for example, to enter an individual's premises and search the impacted individual and accompanying persons for the purposes of serving this prohibition order. The police will also be empowered to stop an individual for up to 2 hours in order to serve an individual with their prohibition order. This way it not only makes it easier for the police to enforce and serve the FPOs but also means individuals who might be trying to hide from or avoid the police to the best of their ability can be stopped and served their FPO to keep the community safe. It means Victoria Police are more easily and effectively able to enforce these restrictions on these individuals by searching their premises, but it also means, crucially, that the FPOs

can be brought into effect more hastily. If the police have a reason to believe you are inside your home or inside your vehicle, which they have stopped, they can ensure that you are served with your prohibition order, and that is unavoidable. That swift action against these individuals means our community is safer as a result; the police are empowered to effectively enforce our laws and serve these prohibition orders against dangerous individuals.

Australia already has some of the strictest gun control laws in the world, a fact I am quite proud of, but atop that legacy we are always working towards making this country safer whenever we can. Last year national cabinet came together to agree to a firearms register to keep the community safe, showing this government's commitment to listening to our police advice on security. Improving the prohibition order program will act in the same spirit, ensuring that those who ought not to have firearms for the protection of the community do not get access to them or, should they be in possession of one, that they have it appropriately managed by police.

I also want to take a minute to talk about machetes and about what is actually going to happen to them as a result of this legislation. Something that should not be controversial to say is that machetes are in fact weapons. Over the past year we have seen crimes committed whereby a knife or a long blade such as a machete has been employed. This is unacceptable. To echo Victoria Police's Chief Commissioner of Police, there is no reason for a young person to be carrying around a machete in public. This legislation will prohibit Victorians under the age of 18 from purchasing a machete through the clarification of its legal status. There is a misconception out there in the community that machetes are not in fact weapons but tools and that it is somehow perfectly acceptable for teenagers to have such a tool. I strongly disagree. The machete is not a tool, it is a weapon and a dangerous one at that. I firmly believe that there is no need for a young person to own, let alone carry, a machete. That is why I am happy to say that one of the key elements of this legislation is that it clarifies and enshrines into law the status of machetes.

Under the Control of Weapons Act 1990 there are classifications of what constitutes a controlled weapon, an ever more strict prohibited weapons category. I will not bore the chamber with the fine print, but the important thing to note is that this segment of the legislation defines various types of knives as controlled weapons due to their criminal or harmful use. The status of machetes is clarified in this bill, making it clear that machetes are knives, and under that they are a controlled weapon. With this I hope we dispel the strange misconception among some circles that machetes are in fact not a controlled weapon but a tool for other purported uses. This clarity ought to spell it out for those who say otherwise: machetes are not some common tool with a general use but a controlled weapon, the carrying of which without a lawful excuse is illegal. The penalties for breaching the law are also strong and just, in my view. This also means that selling a machete requires the seller to seek an ID when someone comes to purchase a machete, because it ought to be clear who you are actually selling it to and why. This also, as a result, means that the sale of machetes in Victoria to those under the age of 18 is prohibited. Failure to comply, leading to the sale to a minor, carries a hefty fine, not just a penalty.

In summary, machetes are being clarified to be a controlled weapon akin to knives and will be treated as such, with heavy restrictions on ownership and use as well as restrictions on minors owning or attempting to purchase them. These are commonsense adjustments to the existing arrangements, clarifying laws where needed and strengthening restrictions where necessary. These changes and their clarification in law were of course done through consultation and cooperation and with recommendations from Victoria Police and various other bodies with whom we sought consultation on the matter. We listened, and now we are acting to ensure Victoria Police has what it needs to keep our community safe and to uphold the law to the best of its ability.

This legislation also ensures that the interests and concerns of accountability and oversight are meaningfully addressed. There is a large accountability structure in place for IBAC to ensure the proper administration and execution of the firearm prohibition order scheme. There sits a three-layered oversight system which includes a requirement for biennial reports, requirements to complete case reviews and the standing power for IBAC to monitor and report on the scheme. There are also

safeguards embedded to require strict record keeping to make sure any service direction by the police is done properly and justly. Individuals placed under these directions are also able to access the records containing their particular circumstances for transparency. Integrity, oversight and accountability are important when dealing with circumstances such as restricting certain Victorians' ability to go where they might otherwise desire to buy a firearm or something of the like. These checks and balances are strong and effective and ensure proper procedure and action is followed in these matters.

When all of these measures are coupled together, we can better our ability to fight crime and keep our streets safe. With one hand we are taking machetes out of the hands of criminals and young people, and with the other we will be able to more effectively deliver our firearm prohibition orders against dangerous individuals. That joint effort is what is at the heart of this bill, and it is indisputably going to lead to a safer Victoria for all of us. This legislation, which has a strong oversight structure in place for this expansion of police powers and enforcement capabilities, ought not to be controversial. It makes it easier to serve an FPO to a dangerous individual, it empowers the police to further disrupt organised crime efforts and violent individuals and it helps take machetes off the streets and restrict them. All the while, we maintain clear and efficient oversight and regulation of the process.

There are of course other protections in place for minors, such as a requirement to separately report on any order or action taken against someone under the age of 18 in this respect. This should be an open-and-shut debate. We know what we need to do to make a highly successful prohibition order program more effective in this state, and this legislation will do that by making it easier for Victoria Police to serve these orders to members of the community who need to be placed under these restrictions but who are difficult to get a hold of. It also clarifies the classification of machetes as knives and, as a result, as heavily regulated weapons that should not be in the hands of young people at all.

This piece of legislation was crafted through consultation and outreach to the relevant bodies that are well placed to speak on these matters, such as Victoria Police. With the rigid accountability structure in place and these effective measures embedded in this legislation, I am confident that with this bill we will see our streets safer as more criminals who are currently dodging or avoiding FPPs are issued with them and we will see less machetes out there on the street as we prohibit children from purchasing or obtaining these deadly weapons.

The Allan Labor government will always stand up for the security and safety of ordinary Victorians, and we will always listen out for new ways that we might improve or better our security apparatus in this state, such as these measures which build on an amazing program for protecting Victorians from firearms. For these reasons I commend the bill to the chamber.

Jeff BOURMAN (Eastern Victoria) (11:16): I am here to make a contribution to the Firearms and Control of Weapons (Machetes) Amendment Bill 2024. To a large degree I predict this bill is going to do nothing except for the firearm prohibition orders; I will get to that in a minute. I predict that changing machetes from one classification to another will achieve effectively nothing – a bit of paper, a bit of type here and there – because there are other problems. One, kids or anyone should not be carrying machetes as weapons. They are a gardening tool for those who wish to go gardening and have a particularly overgrown garden. They are for a whole lot of other things. You can use them when you are camping to chop down smallish bits of wood when you do not really want to get out anything bigger. But the police already have all sorts of powers for the control of these sorts of weapons. What they do not have is enough police. What they have is about 900 vacancies. What they have is about 900 people away on sick leave for various reasons. As least half of the problem, as I see it, is no matter what we do in here they do not have enough people to do this properly. It is not a reflection on the police, they have got a job to do, but when you have only got so many, there is only so much you can do.

I am going to digress a short way into what is going on in my own neighbourhood to do with crime. I live in Melbourne; I do not hide that. I live in what was a reasonable suburb, and I have lived there for 17 years now – since long before I came here, before anyone says anything. It has had its fair share

of scallywags, but of late there have been problems. I am not the only one who has noticed it; all my neighbours have. They obviously know what I do for a job, and they talk to me. We are starting to get from petty crime from scallywags to serious crimes – armed robberies, stabbings and two murders in one week probably 500 metres from where I live and another stabbing about 500 metres from that. Recently – and when I say ‘recently’, I mean in the last couple of days – I have seen the police presence pick up a little bit. Again, it is no fault of the police, they cannot be everywhere all the time, but there is a wider crime problem that is not being addressed. It gets me to my main beef.

Catch them as you will – do what you like. Catch them in the act – do what you like. If they are under 18, it is almost a waste of time putting them before the courts. The problem we have is a judiciary that is out of touch. The problem we have is someone saying ‘Oh, he’s under 18; he’s a child’ when they have just robbed someone with a weapon, which is armed robbery. A child they may be legally, but they are doing serious crimes. They are killing people. They are holding people up. They are stealing cars. We had a pursuit around our suburb. The police helicopter was keeping me awake the other night whilst they were chasing around, I believe it was, a 13-year-old in a stolen car. The problem is they catch them and get them off the streets but even if they remand them overnight, when they put them before the court they are out. This is just an ongoing cycle.

I am not a ‘lock ’em up and leave them’ kind of person. I do believe in rehabilitation, but there is the bail situation and the inability of the justice system – sorry, the legal system – to understand that they are not there to be social justice warriors, they are not there to look after the criminal, they are there to look after society. I am not going to bore everyone with what I used to do for a job. I have seen the other end to this; I have seen what the victims go through. Sometimes the victim is their own family. It is brutal.

No-one seems to give – I was going to say a naughty word then. No-one seems to care about the victims. No-one seems to really care that much about what happens to them. I hear all sorts of hot air being expelled in this place about children needing to be kept out of the justice system and yadda, yadda, yadda. Fair enough. If it is a young scallywag and maybe a shop theft or they have done a couple of minor things, we certainly do not want them going to prison. But when we are starting to talk about children running down the street murdering other children with machetes or knives or whatever it might be, we are in a completely different scenario. We are not talking about children, we are talking about criminals. Maybe they can be rehabilitated, maybe not, but the system, in my view, should not be about rehabilitation solely – it should be about the protection of society.

As I said, I live in what was a nice suburb. I have gone back to my old ways. I have become hypervigilant. When I am putting stuff in my car now I look around to make sure that I am alone, and that is no way to live. I knew that, obviously, before I moved there, but now my neighbours – good solid middle-class people – have the same problem. One of my neighbours wanted to move because of what is going on. The problem is you move and you get the same problem.

The judiciary need reform, not necessarily ‘reams of paperwork’ reform, but I think they need to sit down, indulge in a bit of navel-gazing and have a think about what they are actually doing there. They are there to enforce laws; they are there to enforce society’s will. The will of society percolates through here from time to time, but what we do in here does not always, in my view, represent what is going on out there. What do they call it in America – ‘Beltway issues’ and things like that. We have a bubble here, and sometimes we get so caught up in what is going on in here we forget about the silent majority, the people who want to go about their business, the people who want to live their lives and watch their children go to school – do all that – and not have to worry about aggravated burglaries, not have to worry about getting up one morning and finding their car is gone and has been thrashed around and put into a pole by some criminal. These are the people we should be thinking of.

And fair enough, as I said, you do not get these young people and put them on the trash heap or garbage heap or whatever you want to call it, but until the judiciary really start to get off this social justice

warrior stuff and start getting down to doing their job we are never going to fix it. The amendment the Libs have put in – that is not going to fix it. Until the pointy end of this is dealt with, we will never fix it. As I said, I am not for the scrap heap – we need rehabilitation. Anyone that wants a way out of this needs to be given help.

We will get to the bail laws. Honestly, I do not know why we have bail laws. It is almost like a ticket. Just keep on giving them tickets – they come in, they come out. I was talking to a copper the other day who shall obviously remain nameless. They were in court for one week every day with the same youth offender – serious offences – around and around and around and around and around. Every day there was at least one victim of that person; every day he got out to do it again. At some point in time we have got to say ‘Enough.’

Of course we will hear about the separation of powers. In this state – and in this country, to be honest – there is no separation of powers. The state – the government of the day – appoints the magistrates. The state – the parliament of the day – does the legislation. Until we can actually separate the judiciary from the parliament or the parliament from the judiciary – however you want to put it – there will never be a separation. Notwithstanding sub judice and all those sorts of things, for people to say ‘We can’t interfere’ – we already do. And until a wider review of this whole thing is done we will be here from time to time changing the Control of Weapons Act 1990 about prohibited weapons – firearms are not prohibited weapons, just for the record; they have got their own legislation – and there will be victims. There are victims commissioners and this and that, but that is for a tiny amount of victims. What about the people that do not come forward? What about the people that do not feel safe in their house? What about the women who will not walk down the streets at night because they are worried? I have got to be honest – I can look after myself. I have had training. I am not a small person. I do not like walking down the streets at night around my neighbourhood anymore. It is just the way it has turned. If I can avoid it, I will. That is not the Melbourne I came to in the 1980s. We had our problems in the 80s, without a doubt, but you could walk down the street, generally.

Anyway, that is enough of me going on about that. I will say a thing about police numbers. Police numbers are going to be a problem until the government deals with the stress and the burnout and the PTSD and deals with it properly – not using worthless third-party insurers, but actually embracing it and taking it on board and starting to deal with it early. The amount of people I see and the aggravation they get trying to get help for their PTSD is just astounding. I would not want to be a copper now. Honestly, I would not want to be.

Also, support of command – to be frank, the lack of support of command was why I belted out 24 years ago now. I am not going to go into the details, but I started later than most people, so I was a little bit wiser and I saw what went on. Nothing has changed. That copper that got charged and taken to court over his driving in going to a code 9 – which is urgent, police in trouble, completely within the law – got chucked out straightaway. What message does that send? That sends a message that police command will throw you under the bus, even if nothing went wrong, just to please somebody. I do not know who it is. I do not know why. Have a review about urgent driving and all that if you want, more training if you want, but I listened to it, I understood it. That police officer went fast. He was in a car designed for it. He was trained for it. He was on the Hume, if I remember correctly, so it was not exactly like he was belting along a single-lane dirt road doing 200-and-whatever. Why did he go to court? What message does that send? Honestly, I would not be a copper for a million bucks – well, maybe a million bucks a year. But I would not be a copper again under the current situation. Nothing has changed. If anything, it has gotten worse.

Firearm prohibition orders – this has always given me a bit of heartburn, this issue, because of being a firearms owner and an ex-copper. I see the uses of them, and I also do not like them. Mr Limbrick and I have discussions about them from time to time. He has got a somewhat different view to me, but at a lot of points our views intersect. I am not really opposed to what is going on today with the FPOs. I mean, the ship has already sailed; we have already got them. This is probably what should have been done back then. They should have figured out that people were going to try and dodge them. Although

it is kind of amusing that you need to get a warrant to enter a place to serve an FPO, and the moment the firearm prohibition order is served, you do not need a warrant. It is a little bit of a non sequitur in its own way.

I want to talk about how they have been in my view misused in a couple of instances. I will not use a name, but there was a firearms dealer who mailed some handguns to someone, which did not arrive. It has been to court, it has been settled – I can say this – but we all know that things get lost in the mail. I am not going to pass judgement on what happened. He was charged. He was arrested, charged, chucked in the back of the divvy van, taken to the station and interviewed. All the firearms in his possession obviously, personal and business, were taken. He was found guilty, and then they hit him with an FPO, a firearm prohibition order.

I know this guy – not well, but I know him – and he ain't no outlaw motorcycle gang member. He is not a member of the Calabrian mafia or anything like that. Actually at that stage I went hands off. I am being very careful about this. He appealed, and I do believe the appeal did not last long. The conviction was overturned, and then obviously the firearm prohibition order shortly thereafter had to go. My problem is that he got one in the beginning. Happy days with the conviction – whether the appeal was upheld or not – but that shows that I think they are being a little happy with how they are used. If that person was an ongoing problem, he never would have had a dealers licence. They could have just taken that off him – bang, like that – and then they could have dealt with that. So that is my concern with the FPOs. It is not the only one I have heard. I have heard of at least one being overturned in VCAT. That guy apparently was a bit of a scallywag, but he was not what the FPOs were designed for.

I think as a Parliament the oversight we need is – well, the government has hooks into the police via the justice department and this and that police minister. My view is: let us use these properly. We are having problems with organised crime again. I might swing back around to the Firearms Act 1996 and some of the stuff we have had to put up with with the FPOs. It went quiet when the FPOs first came in. We were all celebrating 2500 in the first month or whatever it was, and then we thought, 'They've done the job,' and I thought, 'Oh, cool.' Well, obviously they have not, because the crooks are back at it. They are starting to shoot at each other, they are starting to burn stuff down. I do not have an answer for that, I have got to be honest, but the firearm prohibition orders are there for a reason. If we keep them there for that reason – for the people they were supposed to be for in the second-reading speech and during the committee stage – it would work okay. As I said, it gives me heartburn. I kind of like it one way and I kind of do not like it another way. I think in some ways it is a wild abuse of human rights, but if you are an organised crime figure it is a lifestyle that you chose.

On that note, I will not be supporting the Greens' stuff – no surprise there. I am still thinking about the Libs' stuff. I do not think it will make any more difference than the original part of the bill.

David LIMBRICK (South-Eastern Metropolitan) (11:32): I would also like to speak on this bill, which amends two acts, the Firearms Act 1996 and the Control of Weapons Act 1990. I will deal with these two things separately. Firstly, I will deal with the machete part, which amends the Control of Weapons Act 1990. Literally this bill just adds in a sentence that says:

“Example

A machete is a type of knife.”.

Well, thank you, government, for letting us know that. So yes, a machete is a type of knife and should be classified, so it would be sort of silly to oppose this. But I do not think that will actually achieve anything. This is another example of government wanting to do something to appear like they are doing something.

I listened to the Liberal Party's contribution in this debate saying, 'Oh, the government should go further. They should classify machetes as a prohibited weapon,' like knuckledusters and like butterfly knives and these sorts of things. I mean, this is frankly a ridiculous suggestion in my view. A machete

is clearly a tool. Some people use it as a weapon, but many, many things can be used as weapons, including kitchen knives of course. A machete will be sort of the same classification as a kitchen knife. It cannot be purchased by someone that is a child, and you cannot carry it around without some good reason to do it. I have got something that maybe the Liberal Party want to register as well; I have got a Leatherman that I use sometimes, a very useful tool. It has got three knives on it in fact – it has got a serrated blade, a straight blade and a saw – so maybe it is three times as dangerous; I am not sure. You can take my Leatherman from my cold, dead hands.

I would like to talk about some of the things that are problems here, and on crime, which we are talking about here, I do agree that we have a big crime problem in Melbourne. I would like to talk about some potential solutions, some actual solutions, that might solve some of this crime. As I have brought up a number of times in this Parliament, it has been reported in the newspapers a few times now that young people, teenagers, are being recruited by organised crime to steal cars that are then used to commit other crimes, such as arson. We have spoken about arson a few times in this state. What happens is they want to commit a crime, and they need a car that they can then just torch and get rid of and cannot trace. These days cars are somewhat more difficult to steal than in the olden days when you could break into a car, break the lock and hotwire it or whatever. You cannot do that with modern cars – you need the keys. To get the keys they need to get into someone's house. That is why we have these home invasions to steal cars.

One of the root causes of these arson attacks and therefore the associated theft of motor vehicles to commit those arson attacks is the current regulations. Again I do not blame the state government for this, but they could be shouting louder about it. The federal government's tobacco excise tax and vaping regulations have caused an explosion in organised crime in this state, and subsequently all sorts of crimes have been committed, including motor vehicle theft, arson and murder. Something needs to be done about this. The root cause is government policy itself, and we can make a big dent in it by changing the laws on these things. Similarly, we could do a lot with our drug laws. There are many other things that are the root causes of many of these crimes that we could get rid of in the first place and stop the incentives for the crime existing.

Secondly, we are talking about prohibited weapons. There are some things that I think should not be a prohibited weapon, and one of those is pepper spray. I would like criminals that attempt to enter someone's house to think twice because they might get a spray in the face from someone who has pepper spray in their house. I would like Victorians to be able to fight back if they choose to do so, and I think it is outrageous that our government just expects everyone in this state to be totally helpless at the hands of these violent criminals who invade people's houses and hurt them on the street. People need some way to be able to defend themselves. I think that pepper spray should be legalised like it is in many countries in the world, and I think that people should have a means to defend themselves if they are not trained.

I know Mr Bourman said he is a big guy and he is able to look after himself, but many people are not. I know many women that, as Mr Bourman referred to, are scared to walk the streets at night. I think many of them might feel a little bit safer if they had something to protect themselves. I know many women have said that if pepper spray was available, they would absolutely purchase it and carry it on their person as a means to defend themselves. I would like to see pepper spray legalised in this state. Some of the things that are prohibited weapons are just ridiculous, like gel blasters, which are just toys. Anyway, I will not go there.

But the other part of this bill is firearm prohibition orders. What this bill is effectively doing is making it easier to serve firearm prohibition orders. I agree with Mr Bourman: they probably should have foreseen when they came up with the idea in the first place that people were going to try and dodge being served with these orders. My problem with this is not necessarily with making it easier to serve them. My problem is with the firearm prohibition orders themselves, as has been mentioned by others. I will refer to a great article on Robinson Gill Lawyers website on this exact topic. Firearm prohibition

orders do not necessarily have anything to do with firearms, because an order can be made, the act says:

... even though the individual to whom the order applies or is to apply has never acquired, possessed, carried or used a firearm or a firearm related item.

That seems a bit odd, doesn't it? It is not really about firearms necessarily. You can serve an order to someone whom you cannot get a warrant for or where you cannot get evidence of a crime, so you serve them with this firearm prohibition order. What happens when you get served with a firearm prohibition order is the police are able to search your property at any time without a warrant. More importantly, they are allowed to search the person and property of people that you happen to be with, which is an outrageous infringement on human rights. Firstly, how are you meant to know who has a firearm prohibition order on them? If you come into contact with them, you can be searched by the police without a warrant, without any sort of justification, simply because this person that you are standing next to happens to have a firearm prohibition order on them.

I know that they are meant to be used for bad people, these bad organised criminals that we give all sorts of incentives to to run their businesses through our crazy laws, but as Mr Bourman pointed out, there have been cases where these orders have not been used appropriately. I am not convinced that the oversights are sufficient to manage this system. I think that the potential breaches of human rights for people served these orders without appropriate evidence and being searched without a warrant are very, very problematic. Even when the system was introduced the incompatibility with the charter of human rights was acknowledged. It limits the rights of freedom of association and freedom of movement, the right to a fair hearing, the right to privacy, the right to protection of children, the right to property and the right to protection against self-incrimination, and the government feels that that is justified. I do not. I am going to oppose the bill.

Trung LUU (Western Metropolitan) (11:41): I rise today to speak on the Firearms and Control of Weapons (Machetes) Amendment Bill 2024 because this is a very important piece of legislation. It is about community safety. It is about providing the equipment, the tools and the powers for law enforcement agencies to protect us and our community.

Before I go to the bill, while sitting in this chamber I have heard a few amendments raised by both parties and the crossbench. I will touch on those amendments, but as Mr Bourman said, this bill will not address the crime rate. It will not address the crime rate, but it is a step in the right direction. I say to Mr Limbrick in relation to wishing a certain weapon not be prohibited – I will touch on that – I daresay that is a thing you certainly do not wish to happen to you.

Credit where it is due, I do acknowledge the government's bill is heading in the right direction, but it does not fully address what is needed. A similar bill was introduced by my colleague in the other house the member for Berwick last year, outlining this great concern about tools and implements being used as weapons. The legislation at the time did not properly address or regulate such tools – that is, the machete – as has been spoken about so much in this chamber. The bill at that time clearly had the scope and was designed to prevent the sale of machetes, and the use of them by young offenders, to keep the community safe. The government at the time said it was not necessary as an amendment and rejected it. I recommend those in the house understand the consequences, understand the result, understand controlled weapons and understand weapons before they mention what a bill does and how you execute it and how law enforcement can go about their job of implementing that law. I would also touch on section 456AA of the Crimes Act 1958 to understand what it does and what it enables police officers to do when you are trying to take it away or inserting a certain part in the bill.

In relation to this bill, it has two parts: the Firearms Act 1996 and the Control of Weapons Act 1990. The Firearms Act, which I will mention briefly before I go to the actual weapons, does play an important role in providing police with a broad power to serve a firearm prohibition order, but as has been mentioned, an order is not in place until it is served. If we are going to prevent the police from serving orders by putting restrictions and barriers on them, how can we expect the legislation to be

enforced? Section 456AA basically at the moment enables the police to demand a name and address if they suspect an offender has committed an offence. If you do not provide a name and address and details, the police cannot know who you are. That is why you are required to accompany the police officer back to the station, so they can make further inquiries in relation to who you are. That is what section 456AA is all about. In relation to demanding a police officer's name and address when he is serving an order, that comes without any question. When you demand a police officer's name and address, under current police legislation and under current guidelines they are to provide their name and address. I do not know why there are the amendments in relation to that to have a requirement for a name and address on demand. I have not had time to read all 60 different amendments to the bill that the Greens have put forward, but I have had a quick glance and all it is is basically more obstruction, more restrictions and barriers in relation to those who are executing the laws and are carrying out the legislation.

Some in this chamber mentioned the machete as not being a weapon and that it should not be a prohibited weapon. I want to outline some instances of what is happening at the moment. At the moment in the state there is an increase in crime, an increase in youth offenders and an increase in edged-weapon incidents – machetes are one of them. This bill does not solve everything, but it is a step in the right direction for law enforcement and those assisting them to mitigate those instances. I will give some examples of what I mean when I say there is an increase in crime as a result of those using machetes or edged weapons in our community. In my local area in Western Metro crime rates are getting much higher every day compared to the rest of the state, for various reasons. The lack of resources and infrastructure and the lack of police have been mentioned in this chamber, and under this government they are at a record low. The example I want to link to is back in November last year a teenager was chased down the street in this local area, and the offender was waving a machete. This is a local issue, and it is a great concern for many people. The thing is, kids as young as 14 are getting recruited by gangs, and their weapon of choice is a machete.

Why we need to prohibit the weapons – I will go into that. At the moment machetes are easy to access and easy to purchase by anyone. In headline after headline we see gangs breaking into houses, as Mr Limbrick mentioned, stealing cars, attacking people. We see it regularly on the news in relation to aggravated burglaries. And what are the weapons of choice? Besides edged weapons, machetes always seem to be in the picture frame. Kids as young as 11 are being caught carrying machetes on the street. Accessibility, again, is a big, big factor for minor offenders. People are not feeling safe in their homes anymore and they are taking extraordinary measures in relation to security – alarms, locks. They even purchase CCTV cameras just to feel safe for the family. The fact is crime is increasing, and machetes are the weapon of choice.

To those who say it is just a knife, I just want you to picture a knife with a blade. Picture a tennis racquet: that is like what a machete is, that is what the blade is. If it swings at you, it not only slashes you but can chop bones. Do not think a machete is not dangerous – just imagine. It does not matter how much weight is behind the swing carrying the machete – a kid could do this. Just imagine that it goes across your face or goes across your body – that not only will slash the flesh but will cut through the bone. That is the difference between a knife and a machete. Be very careful when you say that it is just an implement, a garden tool. Yes, it has been used in the past in relation to sugarcane farming – I understand that – but what we are now asking is that we change the implement to be a prohibited weapon. It is not banning it completely, taking it off and saying you are not going to carry it. It is putting it in the category the same as other weapons that are on the list – that is, extended batons and butterfly knives. And when you want to purchase those weapons, you need some sort of explanation and register for why you are purchasing those weapons. That is what we are asking to be done. It is not taking it off completely in Victoria and not having it anymore. You can still use it like other implements and tools, but you need a certain reason why you are carrying it.

People say, 'Oh, it's under controlled weapons. It's all right. It's covered.' Well, understand that when a police officer is going about his job and interacts with an offender or a person carrying a weapon,

under the controls of the act, if you give a reasonable excuse there is no offence – a reasonable excuse, a lawful excuse for carrying that weapon under the Control of Weapons Act 1990 if that weapon is under controlled weapons. If it is under prohibited weapons, you must justify it, not just give a reasonable excuse. If I was just working on a farm last year or last month, I can carry a weapon. That is a reasonable excuse. I could say, ‘I’m going back to the farm next week.’ That is a reasonable excuse. So how are police going to execute that law under that parameter? Understand what you are trying to put in a certain category.

With the amendment my colleague Evan Mulholland put forward, understand what it is trying to do. We understand the bill is heading in the right direction. It is trying to reduce crime. We are saying it has not fully covered what it is trying to do. Do not just vote against it – understand what we are trying to do here. We are trying to assist the justice system, assist the police, to reduce crime and give them powers to do so. So do not just stand up and say no without actually understanding the consequences and the impact of what you are doing. It is easy for us to put on a piece of paper a little paragraph, a little phrase here, and yet we do not understand the consequences of our actions in this chamber afterward. How are the police and how are lawmen going to carry out their duty if you do not give them the tools? If I sent a soldier over a trench – ‘Here’s a weapon. Here’s a gun. Go. I’ll give you the bullet when you come back.’ Please do understand the amendment. Do not put in various restrictions. Enable them to do their job.

I understand Mr Limbrick mentioned that he wished certain things were taken off the prohibited list. He mentioned pepper spray – fine, we have pepper spray, but imagine an offender coming in with those weapons. What then? If you really want to assist those at home with break-ins, change the legislation with lawful defence. Protect your own home, protect your own house. Do not enable other people to carry it to break into your home as well. Think on the other side as well – do not just think about what you can do, think of what the other person can actually do as well. When you say you wish certain things were off the prohibited list, think about it. All we ask is that the control of weapons amendment included in the bill enables people to do their job. I do acknowledge the bill is heading in the right direction, but what this side of the chamber is saying is: hear the community, hear what is going on with the crimes and enable law enforcement to do their job. That is why this amendment in relation to machetes has been raised on this side of the chamber.

Machetes are not everyday tools you carry around in Yarra or at Werribee beach. You cannot just have it in the back of your car. Think about it. Mr Limbrick compared a Leatherman tool to a machete – really? When the chamber is making legislation, let us not compare that sort of thing. Just think about when you mention those sorts of comments. I understand the government mentioned that the definition of a knife is broad. Yes, I understand that. A dictionary definition of a knife is ‘an instrument composed of a blade fixed into a handle, used for cutting’. That is what the definition of a knife is. But a machete is not a knife.

I have got another minute to go, and there is a lot of stuff I wanted to go through, but I just want this chamber to consider the bill. It is heading in the right direction. A lot of improvement is needed to it. It will not solve our crime rate. It will not solve all the crime in Victoria, but it will enable law enforcement to carry out that legislation – that is, the FPO, the firearm prohibition order. It also enables police to get those weapons that will cause serious harm to our community off the street. In closing, consider the amendment of ‘machete’ included in this bill and keep Victorians safe from various harmful and dangerous weapons. I do hope my colleagues in this chamber support this amendment that Mr Mulholland has raised, and I end my contribution there.

Jacinta ERMACORA (Western Victoria) (11:56): I speak today on the Firearms and Control of Weapons (Machetes) Amendment Bill 2024, and I assume that I will be interrupted at one point. This bill does several things. Firstly, it amends the Firearms Act 1996 to add new powers to the service of firearm prohibition orders, as has already been raised in this chamber, where a person refuses to accept the order or is in detention or immigration detention. I want to take this opportunity to thank all of the police for the work that they do in Victoria. Our police men and women have put their hands up to

help keep us safer by upholding the law. On our behalf they deal with some of the most complex, unpleasant and dangerous situations in our society. I thank every Victorian police member for their calmness and respect and for the confidence we have in them to keep us safe.

This bill provides police with additional tools and powers to do just that, specifically in relation to firearms and machetes. The bill also provides for a new section setting out new powers for police officers where there have been problems in serving a firearm prohibition order. Some individuals know they are about to be served with a firearm prohibition order and take evasive action to ensure that that does not happen. The bill provides for a new tool called a service direction determination, which can be used to ensure that a much-needed firearm prohibition order is served in a timely manner. It allows police officers to stop in a public place a person that they reasonably believe is subject to a service direction determination. The officer may ask for the individual's name and address. Upon confirmation that the individual is subject to the determination, the police officer may give them a direction to stay or to go to a police station or another safe place to allow for serving of a firearm prohibition order. It also sets out new conditions for search warrants relating to individuals who are subject to firearm prohibition orders. This bill also amends the Control of Weapons Act 1990 to clarify that a machete is a type of knife and fits within the definition of 'controlled weapon'.

Firearm prohibition orders allow for tighter constraints on offenders in accessing and utilising firearms in their offending. Ensuring firearm prohibition orders are served in a timely manner will reduce the risk of an individual obtaining a firearm or using one they already have to commit a crime. The firearm prohibition orders have wideranging uses, from the family violence space through to organised crime. They mean we can ensure a safer environment for women living in family violence situations and for Victorians as a whole. In the family violence setting there are processes under the intervention order pathway that prevent a user from having access to or purchasing firearms.

Business interrupted pursuant to standing orders.

Announcements

Parliamentary officer

The PRESIDENT (12:00): I want to acknowledge in the gallery Robbie De Graaf, one of the in-house sparkies, who has been on our books for 13 years but has worked here for 30 years. He is one of the guys that have kept the lights on and the bells going. Yes, he is one of the guys to blame for the bells. Mr McIntosh and I give you the secret electrician salute, but on behalf of everyone in this chamber we want to thank you for all your great work.

Members

Minister for Skills and TAFE

Absence

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:01): I am just advising the house that Minister Tierney is on leave today, so I will take questions for her portfolios and any of her representative portfolios for ministers in the other place.

Questions without notice and ministers statements

Youth justice system

Georgie CROZIER (Southern Metropolitan) (12:01): (477) My question is to the Minister for Children. Minister, the latest crime data shows that the biggest increase was in crimes committed by teenagers between the ages of 14 and 17, which have jumped by almost 30 per cent in 2023, marking the most serious offending since 2009. There were 18,729 separate incidents in 2023, and the figures show they are moving into more violent crimes. Many of these teenagers are in residential care, which is supposed to provide a safe and supportive environment.

Last September the commissioner for children and young people Liana Buchanan, commenting on figures from Victoria Legal Aid, said:

... the figures show residential care acting, too often, as a pipeline into the criminal justice system for the state's most marginalised children ...

Minister, why have you failed these children?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:02): I am again very disappointed to be approaching one of these types of questions with this type of angle, which is the assumption that children in residential care are somehow inherently bad or are going to do inherently bad things. Let me assure the house that by the very nature of ending up in residential care these children and young people are some of the most marginalised, some of the most disadvantaged and certainly some of those who have experienced the most traumatic experiences, which have led them to residential care. They are in fact themselves in many instances victims, so this characterisation of children in residential care as criminals is outright offensive and elitist. The children who are in residential care are in absolute need of the greatest support and the greatest level of services.

It is why we are absolutely committed to therapeutic models of care for these children. It is why in the last budget we allocated more than half a billion dollars to ensure that those children in residential care get therapeutic supports wrapped around them in each and every place in residential care. That is the biggest investment that has ever been put into residential care in the system. Contrast that to when those opposite were in government and what was found about the way in which those opposite were running the child protection system. What this government is doing is standing up for children, the most marginalised children, children and young people who are in and of themselves victims, to ensure that they get the therapeutic supports and the services that they need to be able to live happy, fulfilling and productive lives, rather than characterising them as criminals. I reject the basis of the question.

Georgie CROZIER (Southern Metropolitan) (12:03): I will say it again. Last September the commissioner for children and young people Liana Buchanan, commenting on figures from Victoria Legal Aid, said:

... the figures show residential care acting, too often, as a pipeline into the criminal justice system for the state's most marginalised children ...

That is who said it – your own commissioner, not me – so stop debating the issue. This is an important issue. I ask: what is your plan to prevent these vulnerable children under your watch from being further entrenched in the criminal justice system?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:04): I am not sure that it was a supplementary question, rather than simply a repeat of the initial question, so I will go back to –

Georgie Crozier: On a point of order, President, this is not an opportunity for the minister to debate. This is a simple question about her plan –

Members interjecting.

The PRESIDENT: Order! The minister is 8 seconds into her 1 minute.

Georgie Crozier: I hope she answers the question.

Lizzie BLANDTHORN: The shadow minister did open her remarks with 'I will say it again' – to pick up on the interjection – but I will say it again as well. Under those opposite, the Auditor-General reported that they had the residential care system operating over capacity –

Georgie Crozier: On a point of order, President, I am not talking about the history of what has gone on here. The stats are very clear. What is your plan? I would ask you to bring the minister back to answering the question.

The PRESIDENT: Order! The minister to continue.

Lizzie BLANDTHORN: When those opposite were in government the Auditor-General said that the system was operating over capacity, unable to –

David Davis: On a point of order, President, it is time during question time to answer questions, not to attack the opposition. Please just answer the question, and do not go back in time in some strange attack on the opposition.

The PRESIDENT: I will bring the minister back to the question. The issue, when there is a supplementary question, is that it is very hard when the minister rejects the premise of the substantive question. I will bring the minister back to the question.

Lizzie BLANDTHORN: They quoted the commissioner for children and young people; I am quoting the Auditor-General, who said under those opposite the system was operating over capacity and unable to respond effectively to the level of demand and the increasing complexity of children.

David Davis: On a point of order, President, it is quite clear that question time is not an opportunity to attack the opposition; it is an opportunity to answer the question that is provided.

The PRESIDENT: I uphold that point of order. I reacquainted myself with President Smith's ruling, which I could not completely remember. The one I like is where he said, 'It's not up to the minister to hop into the opposition.' So I would ask the minister to not hop into the opposition. I will let her answer as she sees fit if it is within her administration.

Lizzie BLANDTHORN: I would be very pleased to. As I said, our government is doing the work to ensure that children in residential care are not criminalised but, more importantly, that they are not characterised as criminals by those opposite. The children and young people in residential care, by the very nature of the fact that they are in residential care, have suffered some of the most traumatic experiences that any of us could imagine might happen to a child or a young person. The residential care system – *(Time expired)*

Drug Courts

David ETTERS Hank (Western Metropolitan) (12:08): (478) My question is to the Attorney-General. It has long been established that therapeutic courts such as Drug Courts provide better outcomes for vulnerable and disadvantaged people. As the name suggests, these courts utilise therapeutic programs that seek to address the underlying causes of crime and patterns of reoffending, which have been effective in reducing recidivism. Independent evaluation has also shown them to be cost effective, particularly compared to the cost of incarceration. The Wyndham law courts in my region are due to open next year. The government committed in the 2021 budget to a range of therapeutic and specialist courts to service the outer Western Metro Region. Can the Attorney-General confirm that all of the planned therapeutic lists, including the Drug Court and the family drug treatment court, will be available when the Wyndham courts open?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:09): Thank you, Mr Ettershank, for your question. I concur: Drug Courts are an amazing asset for the Victorian community in relation to dealing with underlying causes of crime. I was fortunate to be involved in the development of them originally, having travelled to the US to see the system over there and bring it back with the then Attorney-General in relation to implementation here. I love visiting Drug Courts; everyone that works in them is very passionate about ensuring that they are helping the people that are accessing or are part of the program. I have certainly met with offenders who have graduated from these programs. If I had infinite resources, I would put them all around the state, because they have fantastic outcomes, and you have indicated an evaluation that demonstrates the value of them. I am not in a position to give firm commitments around exactly the timing in relation to Wyndham and the provision of services, but it is definitely designed to accommodate a range of therapeutic programs in that court.

David ETTERSHANK (Western Metropolitan) (12:10): I thank the Attorney-General for her response. I guess I am going to prod the hypothetical a little, if I may. The new Wyndham court precinct will serve as a catchment of up to 800,000 people, making it the second-biggest court complex in the state. There is a particular need for Drug Courts at Wyndham, as most of the suburbs within the catchment area do not fall within the postcodes of the other Drug Courts, and that is clearly how it is demarcated. If the government is unwilling or unsure as to whether or not it will fund these courts, how does the government intend to meet its commitment to crime prevention and community safety through therapeutic approaches that target drug-related offending?

The PRESIDENT: You did prod the hypothetical, but I think the minister is prepared to answer.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:11): Yes, I am. You are in effect trying to make a presumption, which I have not confirmed in any way, shape or form. Because I have not been able to do the opposite, that does not mean that it makes it true of what you have been saying.

When it comes to courts, there is a big role for CSV in relation to infrastructure programs and what goes into courts. I meet with the Chief Magistrate regularly – the Magistrates’ Court will be the predominant landlord, effectively – and what we are really keen to have are not just therapeutic courts but also services. VLA have got a provision. I can give you a bit of an outline of all of the services that we are trying to fit into Wyndham. You should not have to go there just because you have got a court matter; we want a range of services that respond to the community needs. If you have seen the size of it, we have got a fair bit of room to fit a lot of people in and provide a really good service responding directly to the needs of the western suburbs.

Ministers statements: corrections system

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:12): I rise as Minister for Corrections to update the house about the progress of reforms underway in response to the cultural review of the adult custodial corrections system as we near the one-year anniversary of its release. Our government is committed to a safer, more modern corrections system. Corrections Victoria staff work hard every day to maintain and improve our correctional facilities and make all Victorians safer. We are committed to ensuring that our staff have the skills and tools they need to keep the system safe and provide the opportunity for people to get their lives back on track. Breaking the cycle of reoffending is the key to improving community safety. From the outset I was clear that delivering lasting system-wide cultural change would take a sustained commitment over many years.

In the last 12 months we have made good progress. We have initiated or completed a number of key reforms already. Let me just highlight a few of these reforms. We have new primary health care providers operating at all public prisons, including new public health providers in our women’s system. We are recruiting more Aboriginal wellbeing officers to better support Aboriginal people in custody, and we opened our new Aboriginal healing unit at the Dame Phyllis Frost Centre in September last year. A new complaints-handling process is being developed to better support our staff. And there is more to come: a key focus for this year is developing a new workforce strategy in consultation with corrections staff that will guide improvements to recruitment, training and retention for many years to come. We are committed to working with corrections staff and key stakeholders to drive lasting improvements. I want to say thank you to key stakeholders for their role to date in informing and planning the implementation of these reforms and for our shared commitment to transforming our corrections system for the better.

Housing

Evan MULHOLLAND (Northern Metropolitan) (12:14): (479) My question is to the Minister for Housing. Yesterday the Ombudsman handed down a follow-up report on social housing complaint handling. The Ombudsman said that letters to a succession of responsible ministers went unanswered

until a draft of yesterday's report elicited the response that recommendations to government were under active consideration. The Ombudsman progress report says they are not started. Minister, we are in the middle of a housing crisis. Why are you ignoring the specific recommendations aimed at the government?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:15): Thank you very much for that question, Mr Mulholland. Yesterday's report by the Victorian Ombudsman contains a number of examples of experiences of renters that are absolutely appalling. Be under no doubt that I do not accept that renters who call for help and do not get it are in fact the product of a system that is doing what it needs to do. I have been very, very clear in my expectation that complaints-handling processes need to improve and indeed that a level of responsiveness needs to be built into the system to in fact deliver the level of responsiveness, care and cultural engagement in a way that makes and keeps people safe and dignified throughout the course of that engagement. Whether it is with contractors or whether it is with housing officers, that is consistent across the board.

In noting the Ombudsman's interest in social housing and in this report, you are correct in identifying a letter of response which is appended to the Victorian Ombudsman's report, a response which I had detailed and sent to the Ombudsman a number of months ago. I am committed to making sure that we have better outcomes, that we have positive outcomes and that we have consistent outcomes for renters across the social housing system. We have seen a 22 per cent decrease in housing-related inquiries from the Victorian Ombudsman in the July to December 2023 period compared to the same time from 2022. There was also a 25 per cent reduction in housing maintenance inquiries and 4 per cent fewer neighbourhood dispute inquiries were received from the Victorian Ombudsman during this period.

I am also determined to make sure that in delivering on local maintenance pilot projects – which are delivered through hundreds of people across the system, including people who call social housing home – there is engagement and a response that accords with the urgency and the priorities of issues as they are raised by residents. I also want to make sure that we are considering the recommendations made by the Ombudsman and are in a position, given that they cross a number of different portfolios, including as they relate to the charter of human rights and to freedom-of-information law, for the government to respond to and address those questions and recommendations. But I also note that the content of the same report refers to significant progress being made by the department.

It is my expectation, as I said at the outset, that those improvements will continue. We do see a significant reduction in the number of general maintenance inquiries raised by residents and tenants, and we do see that the work goes on to improve a system which, as I said at the outset, should never have included the sorts of examples set out in that report. Indeed the work goes on. I am committed to being part of it.

Evan MULHOLLAND (Northern Metropolitan) (12:18): The Ombudsman's report did highlight an 83 per cent increase in complaints about public housing, including tenants waiting 18 months for basic maintenance – all this despite the Big Housing Build. The government has announced today a new taskforce to crack down on dodgy rentals. Minister, as the state's largest landlord, will the government be subject to this new taskforce?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:18): Thanks, Mr Mulholland. There are a couple of different elements to your question, the first being maintenance and the second being rental reforms and the \$4 million taskforce that has been established. In relation to the matters being overseen by the Minister for Consumer Affairs, there is a question that is appropriate to be directed to her in the way in which that occurs. What I am happy to confirm to you, Mr Mulholland, is that Homes Vic provides maintenance to around 64,000 dwellings at a cost of around \$281 million – over the period, for example, 2021–22 – and undertakes 350,000 maintenance activities every year. They include requests from renters and essential safety checks as required by the Residential Tenancies Act 1997. That is – *(Time expired)*

Recreational fishing

Jeff BOURMAN (Eastern Victoria) (12:19): (480) My question is for the minister representing the minister representing the Minister for Outdoor Recreation. Minister, 28 days ago, after learning with horror that the kids outside the goats cheese curtain were getting outside and catching their own food, the Greens leader launched an amnesty for fishing rods. Can the minister advise, just to the nearest hundred, or maybe the nearest one, how many fishing rods have been handed back under this stunt – I mean scheme?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:20): Thank you, Mr Bourman, from the Shooters, Fishers and Farmers Party. I think that the Minister for Outdoor Recreation will be delighted to provide you with an answer and give you a good run-down of the positive benefits of the free fishing rod program for children. It was grade 5 – my son got one. My son got a fishing rod and has made use of it. I have got a couple of fish in my dam, and he has been out there catching them. He throws them back, but he is having a great time with his fishing rod, and I hope that many, many young people around Victoria are doing the same. But I will leave it to the minister to provide you with a comprehensive response and furnish you with a figure.

Members interjecting.

Jeff Bourman: On a point of order, President, it was hard to hear the interruptions for what the minister was saying.

The PRESIDENT: I call the house to order. I uphold the point of order. It is funny, because while I was saying ‘I uphold the point of order’ the exact point of order Mr Bourman made everyone was breaking.

Jeff BOURMAN (Eastern Victoria) (12:21): Thank you, everyone. Thank you, Minister. At the risk of saying something nice about the government, which makes me a little uneasy, the government’s little anglers program puts essential equipment in the hands of grade 5 kids. It opens a world to kids of all circumstances and backgrounds to join an activity that builds resilience and initiative as well as having clear physical and mental health benefits, for all you inner-suburban people. I believe the little anglers program is a great program and that fishing is awesome. Will the government continue to fund this, making sure that regional kids get their fair go and that it keeps annoying the Greens and the AJP?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:22): I will pass Mr Bourman’s supplementary question on to Minister Dimopoulos.

Ministers statements: World Down Syndrome Day

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:22): I rise to advise the house that today is World Down Syndrome Day. It is a time to focus our attention towards combating stereotypes and misconceptions about Down syndrome. It happens in March each year, the third month on the calendar, to signify the triplication of the 21st chromosome, the cause of the condition. It is also a day when supporters wear odd socks as part of the Lots of Socks campaign to grab people’s attention and start the conversation. This year’s World Down Syndrome Day theme is ‘End the stereotypes’, focusing on the rights of those living with Down syndrome to live without judgement and the right of people with Down syndrome to live happy, healthy and fulfilling lives with their family and friends. We are all equal, and we all want the same things.

I was very pleased to share morning tea this morning with Down Syndrome Victoria, a great organisation that advocates for people with Down syndrome and their families and celebrates the value of every life. I would like to acknowledge Brendan Edwards, board president of DSV; Daniel Payne, CEO of Down Syndrome Victoria; Matthew O’Neil and Emily from the Down Syndrome Advisory Network; and all of those who attended, including the shadow minister for his bipartisan support. Down Syndrome Victoria brought us together this morning with family, friends and supporters of Victorians with Down syndrome to celebrate and encourage us to end the stereotypes. I was

particularly touched, and I thank those families who shared their reflections, hopes and dreams for themselves and their loved ones. It was a fantastic celebration to mark this important day in the calendar.

As a government we recognise that ending the stereotypes also means giving voice to people with disability. It means moving past harmful, outdated ideas that in the past have led to governments making policy for people with disability instead of making it with them. It is unfair, and it simply does not work. It is vital that we bring a ‘nothing about us without us’ approach to policymaking, that we give voice to the lived experience of people with disability and that in doing so we create a better, more effective and targeted system of policies and programs. Here in Victoria we are very pleased and proud to say that our state disability plan, *Inclusive Victoria*, has been co-designed by Victorians with disability, their families and carers and the service sector more broadly.

Housing

Evan MULHOLLAND (Northern Metropolitan) (12:24): (481) My question is to the Minister for Housing. The Ombudsman’s report into social housing complaints identified community concern around your lack of planning for the demolition of 44 public housing towers. With only 1322 extra social homes in Victoria after six years and \$4 billion, the Ombudsman cannot see where the tenants evicted from the towers will go. Minister, where will you decant thousands of your tenants?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:25): Thank you very much, Mr Mulholland. Again referring back to the Ombudsman’s report yesterday, there was considerable analysis of the impact of the Big Housing Build on the way in which renters’ environments can be improved. To go back to a number of references that I have made in this place and indeed other contexts publicly and in many discussions with communities, there is a need that is only becoming more pressing to make sure that people who currently call the towers home have places to live that are secure, that are accessible, that are modern, that are energy efficient, that comply with temporary standards –

Nick McGowan: On a point of order, President, the standing orders require that the minister be direct. The question was a simple one about where the residents will go, not about the need or anything other.

The PRESIDENT: I think the minister was being relevant to the question, but I will call her back to it.

Harriet SHING: Thank you, Mr Mulholland. In delivering the development of the towers as part of a multidecade investment, we can ensure that the 10,000 people, around 6800 households, who call the towers home have somewhere to live that complies with design standards on fire, flood and seismic risk. This is also about making sure that when and as we bring new housing on line we continue to discuss what it is that renters want around where they want to relocate. This is about a process of engagement. There has been a dedicated relocations team that has been working assiduously with renters to ask them where they want to go, to have them identify priority areas. As at 7 March, Mr Mulholland, Homes Victoria had had individual meetings with 98 per cent of all households in Flemington and North Melbourne. Ninety-two per cent of all households in those areas have submitted an application to outline the type and location of housing that they would like to move to, and 70 per cent of those people have a preference to remain within their community and the immediate area. Mr Mulholland, in identifying a number of areas which people might wish to move to, those locations will change. If people welcome a new baby, if their family size changes, if people’s cultural communities are located and relocated in other parts of the city, that will influence the way in which people exercise that right. But of course a right of return is an inherent part of that process, and it will continue to be.

Evan MULHOLLAND (Northern Metropolitan) (12:28): With rising maintenance complaints, the Ombudsman tells us that you have put no plans in place to manage complaints. Will you be

allocating funds in this year's budget to manage the maintenance and complaints of the remaining families who will be in public housing towers until 2050?

The PRESIDENT: I do not think it does relate to the substantive, but I am happy to ask the minister to answer the question as she sees fit.

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:29): Thank you very much, President, for the opportunity to address not just the challenge but the investment going into maintenance in the public housing towers. We know that this ageing stock built between the 1950s and the 1970s was the subject of a parliamentary inquiry report. It has been abundantly clear that the ageing nature of this stock requires ongoing maintenance, and that is where it forms a significant part of the services provided to more than 64,00 dwellings. That is then about making sure that we can address a range of maintenance requests, translating to about 93,300 jobs, as the remaining jobs were duplicates or no longer required within the total volume of 184,000 complaints. We have had around a 75 per cent reduction in maintenance requests over the last year. Over half of those are with contractors for delivery, but again, that local maintenance component, including people who live in and work around those estates, is part of what we are doing to deliver those improvements.

Bail reform

Katherine COPSEY (Southern Metropolitan) (12:30): (482) My question is for the Attorney-General. Attorney, yesterday you announced a backdown on youth justice reform, reversing your commitment on bail reforms for children, and instead announced a trial of ankle bracelet monitoring for children. These changes were part of the larger reform package including raising the age of criminal responsibility to 12. The Victorian Aboriginal Legal Services has called this:

... a betrayal of all children and young people whose experience of abuse and trauma has had undeniable consequences for their emotional development and affected their ability to respond appropriately, rendering them more likely to offend.

You are also ignoring the Yoorrook Justice Commission's report on justice. And I note your own evidence to the Yoorrook Justice Commission was that you believe that the bail reforms for children were 'a significant step in the right direction'. Attorney, were you wrong then or are you wrong now?

The PRESIDENT: You are asking for an opinion. I am happy if you want to rephrase.

Katherine COPSEY: Attorney, can you explain the difference between your stance taken at the Yoorrook Justice Commission and the stance you took yesterday?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:32): I thank Ms Copsey for her question. Again, similarly to Mr Ettershank's question yesterday, the characterisation in your question of replacing policies and things being instead of other things is just not a true reflection of policy development and a response to youth crime in this state. In relation to bail, the bail reforms that passed the Parliament around about six months ago come into effect next week. You will remember you were in the chamber when we had a significant conversation about provisions for consideration of circumstances related particularly to the Aboriginal community. I was very, very proud of those reforms, and that is a direct response to advocacy from the Aboriginal Justice Caucus and stakeholders. I very much value their opinions.

In relation to your concerns in relation to the settings for child bail and the announcement yesterday that we are not proposing to change those at this time, my position when we discussed this six months ago is the same now. With vulnerable children, which is nearly every child that comes into contact with the justice system – very similar to Minister Blandthorn's experience of child protection and that correlation, not causation, which some would create a narrative about – the system very much recognises that very nearly all children that come into the justice system are meeting the compelling reasons and exceptional circumstances tests each and every day. Magistrates are considering that it is

an extreme measure to put young people in remand or in a custodial setting, and therefore the discussion that magistrates and lawyers are having is about the unacceptable risk to the community. That is the appropriate consideration, in my view, and that is what is happening in practice. In relation to the changes that we made to bail six months ago, it was very much because there was an evidence base that it was causing harm to vulnerable cohorts. That is not the case in relation to the child bail settings.

Katherine COPSEY (Southern Metropolitan) (12:34): I thank the Attorney for her answer. Attorney, your government has also given a commitment as part of these youth justice reforms to raise the age of criminal responsibility to 12 and then to 14 in 2027, which you have advised this house of on a number of occasions. Attorney, given the ease with which your government has reversed your commitment to First Nations people on bail reform for children, will you confirm that the government will not betray First Nations people again by walking back your commitment to raising the age of criminal responsibility to 14?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:35): Ms Copsy, everyone keeps asking me about raising the age to 14. The announcement that we made last year was very clear: we are starting with 12, and that legislation will be this year. Can we get that done? Can we focus on that? What we should be spending our attention on is the alternative services model, which is going to address the concerns that we have in relation to how you then raise the age to 14, because we recognise that that is a more complex cohort. Let us focus on delivering the policy. There is no change in government position. Can we get through in a stepped-out way what we are trying to do – and that is to focus on the youth justice bill, which the minister has spent a lot of time on. It is going to come to the Parliament soon. It will contain raising the age to 12. The commitment in relation to the work on the next step – that is the next step. We are going to do the work after we do the first step. The first step is – *(Time expired)*

Ministers statements: water policy

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:36): It may come as somewhat of a starting point for a lot of excitement that I rise today to talk about water and the innovative work on the ground that South East Water is doing to support sustainable water management and indeed bring down customer bills, a question which I know Mr Davis is keenly attuned to, given that Melbourne continues to have the lowest water bills in the country. Last week I joined Liam at his home in Cranbourne to watch a live installation of his new digital water meter. Liam was around the 100,000th customer to receive a digital water meter, and we do know that South East Water is doing a power of work to make sure that we will see around a million digital water meters installed across its catchment by about 2029–30. We have already seen early leak detection save around 1.25 billion litres of water. That is the equivalent of the annual household usage of about 8000 typical homes. We are rolling out these digital meters for the electorates of Mr Groth, Mr Battin and Mr Rowswell. They will not quite make it to the electorate of Hawthorn, held by the current Leader of the Opposition. But thank you to Liam for inviting me along to see his really significant occasion of the installation of that meter. He was linked up immediately to electronic notifications around the operation of that meter.

I also joined South East Water at the Aquarevo house. This is in Lyndhurst, and it is a really wonderful example of how we are delivering some of the most water-savvy homes in Victoria. There are 467 homes in this estate. They use around 40 to 60 per cent less potable water than a typical household. They are fitted with a range of different mechanisms to make sure that there are technologies, including weather forecasts, to enable release and retention of water. This is making – *(Time expired)*

Renewable energy infrastructure

Melina BATH (Eastern Victoria) (12:38): (483) My question is to the Attorney. Minister, why has your government removed the rights of primary producers to challenge energy projects on their land in VCAT and forced them to now go to the Supreme Court?

Jaclyn Symes: Ms Bath, you might want to direct that to the Minister for Agriculture. It is a common misconception that all laws and all legal matters are a matter for the Attorney-General, but in this instance that is not my view of the question that you have asked.

Melina BATH: On a point of order, President, the minister is the chief lawmaker. It is her job to protect people's rights. The action that your government is doing is eroding their rights. I call you to actually answer this question.

The PRESIDENT: The minister has said under the executive orders this particular issue does not fall under her administration, and I believe she has offered, because she is representing the minister who represents the Minister for Agriculture, for someone who represents the minister to pass it on to that minister to get an answer.

Melina BATH: I am happy to rephrase that. Minister, what are you doing to ensure that sufficient resources will be in place to cope with the increasing demand of Supreme Court cases as farmers and primary producers now take their objections to the Supreme Court as you have removed their rights through VCAT?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:40): I regularly consult with the courts in relation to their requests for resources. In relation to the budget, they are independent and make their own advances to Treasury, and CSV are responsible for that, not me.

Melina BATH (Eastern Victoria) (12:40): Noting that, was the government's idea in relation to this removal of rights simply to clear the backlog of cases in VCAT?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:41): What I might remark on, Ms Bath, is not so much the way that you have characterised your question, but in relation to the jurisdiction of VCAT, any changes to VCAT's jurisdiction most recently have been the result of Commonwealth decisions in relation to the jurisdictional limitations of VCAT. I would like as many matters to be dealt with at VCAT as possible – because it is low cost, it is accessible et cetera – and we are looking at potential High Court action in relation to some of those matters. How that interacts with your question I am a little unclear. I will have a look at it because it is a matter that I am looking at more broadly in a policy sense, but not specifically motivated by the specifics of your question.

Cherry Creek Youth Justice Centre

Katherine COPSEY (Southern Metropolitan) (12:42): (484) My question is to the Minister for Youth Justice. Minister, on 26 January this year at the Cherry Creek Youth Justice Centre there was a decision made to lock children in isolation in their cells for the entire day, apart from 30 minutes. This constitutes solitary confinement of children, which is prohibited under international law. As you said in this place on 30 August last year:

... the Cherry Creek model is a different model; it is about giving young people the best chance to turn their lives around.

Stakeholders have repeatedly raised concerns about routine overuse of isolation on children in Victorian prisons, and this seems to be still routinely used at Cherry Creek. Minister, when were you first made aware that Cherry Creek would be in lockdown on 26 January?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:42): I thank Ms Copsey for that question and for her interest in our youth justice system in particular. Let me be very clear, the legislation expressly prohibits isolating a person as a form of punishment. But it is needed, and there are set guidelines and legislation on the use of isolation. The reasons could be behavioural or they could be for the security of the premises. It would be quite seriously considered before being implemented. I know the dedicated staff that work in the field really do care about the welfare of the young people that are in their custody and dynamic

risks are assessed in making these decisions. The question you are asking is really about an operational matter. It is a matter that actually came up at the most recent Aboriginal Justice Forum, which I attended with the Attorney-General, raised by the Victorian Aboriginal Legal Service. Our commissioner there explained that isolation was used at Cherry Creek in that instance to arrest concerning behaviour – so for security reasons. In my normal practice I get regular briefings on these matters. In relation to that matter, I was briefed about it last week.

Katherine COPSEY (Southern Metropolitan) (12:44): Thank you, Minister. In November I asked your office a number of questions on notice about children and young people in custody. I asked how many hours on average are spent on education activities when children are not locked up and how many hours every day on average children and young people actually spend locked up in their rooms. I asked for that information to be disaggregated in the standard fashion by facility, gender, age and whether those children were Aboriginal or Torres Strait Islander. The answer to all my questions on notice was that this data is not available. Given the government has refused to raise the age of criminal responsibility to 14 this term and you are still locking children up, why can't you provide this straightforward information in writing about the welfare of the children who are, as a result, imprisoned in our prison system?

The PRESIDENT: I am struggling to see how that is supplementary to the substantive question you asked.

Katherine COPSEY: It is about isolation in our youth justice facilities, including Cherry Creek, which was the matter of the substantive.

The PRESIDENT: The substantive question was 'When were you made aware of a certain incident?' The minister answered that. You can draw a supplementary from your substantive question or the minister's answer. I am struggling to see how that supplementary question can pertain to the substantive question and the minister's answer, but I am happy to hear a point of order if you disagree.

Katherine COPSEY: Thank you. The point of order would be that the supplementary is related to the substantive. I asked about the conditions in which children were kept in isolation in a youth justice facility and the minister's awareness of that. I am also asking for information regarding his office's understanding of what is occurring to children when they are in isolation.

The PRESIDENT: The issue I have is that the supplementary is much broader than the substantive, given the minister has 1 minute to answer a supplementary. I am happy if you want to try and rephrase for a supplementary that pertains to the original substantive question you asked or the minister's answer, if you would like to have a crack at that.

Katherine COPSEY: Thank you. I will simply ask for that information. Minister, does your office have that information in relation to the disaggregated data on the children that were subjected to lockdown on 26 January at Cherry Creek?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:47): I thank Ms Copsey for her supplementary question and her interest in our youth justice system. As Minister for Youth Justice I have regular briefings with the department. They cover a range of information. Most of it is regularly published online, if you wish to see.

In relation to the use of isolation, I have been very clear that all people are observed and supported throughout that time and have an ability to get fresh air as needed. I have been very clear in my expectations that I want to see a reduction in isolation. I was pleased that the youth justice commissioner most recently updated at the Aboriginal Justice Forum that there is a downward trend in the use of isolation across our two facilities. Of course there is more to be done, but there are dynamic risks that our staff deal with, and at times there will be a need to use isolation when there are behavioural issues

that threaten safety or the security of the facility. Our staff do an extraordinary job, and they do not make these decisions easily. I want to say thank you to all the staff in our youth justice system.

Ministers statements: social cohesion

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:48): Today is the United Nations International Day for the Elimination of Racial Discrimination, which acknowledges the need for collective efforts to address and prevent racism, discrimination and vilification in all forms. This is also Cultural Diversity Week, a time to celebrate our diverse multicultural and multifaith communities in Victoria. These two ideas are not incompatible. Victorians come from more than 200 countries, speak 290 different languages and follow 135 different faiths. There is much to celebrate about the success of our multiculturalism. While Cultural Diversity Week focuses on those with a migrant, refugee or asylum seeker background, it is also an important time to acknowledge the important role of First Nations people in Victoria.

I know that many of the government members are fierce champions for their many diverse communities, and our social cohesion is very precious. It is important that we all do what we can to not seek to further divide Victorians. It is in this context that it is more important than ever to oppose racism and discrimination, to continue to break down cross-cultural barriers and to reconnect through shared understanding, compassion and unity. It is why we established the Anti-Racism Taskforce, it is why the Attorney-General is leading really important work to strengthen our anti-vilification laws and it is why we must all continue to work to ensure that everyone feels safe and secure and that Victoria remains a place where everyone feels accepted and respected.

Written responses

The PRESIDENT (12:50): I think that finishes questions and ministers statements. Minister Symes will get Mr Bourman both substantive and supplementary answers from the Minister for Outdoor Recreation. The supplementary answer from Minister Erdogan to Ms Copsey in the last question I am going to review. I am not too sure where I should go with that one, so I will get back to the house after lunch on that.

Constituency questions

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:50): (773) My question is for the Minister for Community Sport in the other place. Footy season is officially on, and I cannot wait to watch the mighty Pies go back to back. It is not just the AFL that is back, though; local footy and netball clubs across our sports-mad state are starting their seasons too. Getting people involved in sport has great benefits for physical and mental health, which is why this government is backing in local clubs to give them the facilities they need. We have invested millions in upgrades in new clubrooms, change rooms, groundworks and lighting facilities, and in recent months I have visited Mornington, Rosebud, Korumburra, Sale, Lindenow, South Foster and Paynesville, just to name a few. These investments are making it easier for Victorians to get involved in footy and netball, leading to happier and healthier communities. Minister, what is the government doing to ensure that people in Eastern Victoria have access to the best footy and netball facilities possible?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:52): (774) My constituency question is for the Attorney-General and concerns the recent toppling of the Queen Victoria statue in Geelong. Minister, on multiple occasions now we have seen monuments and statues of historical importance attacked, defaced and toppled by extremist fringe groups. These groups spread hate, damage public property and often lack the willingness to enter into a respectful debate with those who hold an opposing view. The current arrangements are clearly failing, and perpetrators have no respect for the law. Residents in Geelong are sick of immature, disrespectful, selfish protesters. As Attorney-General are you

satisfied that existing legislation and penalties are sufficient deterrents, and if not, what action will you take to strengthen the justice system to ensure that those who commit these crimes are held to account?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:52): (775) My constituency question is for the Minister for Environment. Northern Victorians regularly contact me with their outrage over the kangaroo harvest management plan. Shootings occur near houses, bodies are left behind and people are fearing for their safety following an expansion into public lands, kangaroos' last remaining haven. Unpaid local wildlife rescuers are being called out to injured kangaroos who are victims of this senseless government-sanctioned killing. The government undertook public consultation for the 2024–28 kangaroo harvest management plan, and finally last week Victorians received the summary report. Unsurprisingly, it tells us that the community had overwhelming concerns with every single aspect of this barbaric slaughter, but not a single thing was actioned in the final report. Northern Victoria has one of the largest shooting quotas, and Mount Alexander shire and Macedon Ranges shire have consistently appealed for exclusion zoning. My constituents want to know what it will take for this government to listen to their concerns.

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:53): (776) My question is to the Minister for Energy and Resources. How is the Allan Labor government making energy more sustainable and affordable for residents of southern metropolitan Melbourne? Southern metropolitan Melbourne is home to a lot of apartments, particularly older-style, smaller apartment blocks, which is why it is such great news that the Victorian government has recently announced the Solar for Apartments program, which will provide successful applicants with rebates of up to \$2800 per apartment to install solar panels. Eligibility for this will be for blocks of apartments of no more than eight storeys and fewer than 50 apartments. This is a great opportunity to expand access to solar panels and the benefits they bring, both the environmental benefits and the affordability benefits, for people living in apartments. Eligible residents should check out the program and make sure they apply.

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:54): (777) Heavy vehicles along Lang Lang's narrow streets have concerned locals for years. 350 trucks using local roads, nearly half the traffic on council-owned McDonalds Track, are heavy vehicles. The streets were never designed for this type or this amount of traffic, and it is getting worse. Lang Lang District Business & Community Group president Peter Smith has been advocating for a truck bypass for years to divert the heavy traffic away from the centre of the town, schools and pedestrians. It is about safety and accessibility. During the 2022 election campaign the coalition committed \$1 million to complete the initial planning. Unfortunately it was unmatched by Labor. Will the Minister for Roads and Road Safety provide the much-needed funding for the much-needed bypass?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:55): (778) My question is to the Minister for Local Government. The Geelong Regional Library Corporation runs one central library, 18 community libraries and three mobile libraries for the G21 region. Last year services were threatened, including with potential closures and reduced hours due to reductions in council funding. This led to huge community campaigning, including heavy criticism of councils from government MPs. Yet this year in the state budget library funding will be gutted. This is on a backdrop of steadily eroding funding from the state. The state used to split funding with councils 50–50, but state contributions have dwindled to 20 per cent and now possibly lower. My constituents will be devastated if services are once again under threat as a result of state funding cuts. Minister, will you commit to ensuring that Geelong Regional Library Corporation receives the state funding it requires?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:56): (779) My question is to the Treasurer. The Mickleham Road project in my electorate is a crucial infrastructure project, and I am pleased that the former federal coalition government got the ball rolling on this, contributing 50 per cent to this important project. However, locals have raised with me that the 1.6 kilometres from Somerton Road to Dellamore Boulevard is not enough to meet the growing demands of this growing population, especially since this Labor government pushed through the Craigieburn West precinct structure plan against the wishes of the local council. Council and residents warn that if tens of thousands of people move into a single lane, Mickleham Road will end up like another Kalkallo, full of traffic chaos in the north. So I ask the Treasurer: will he commit to the duplication of Mickleham Road from Dellamore Boulevard to Craigieburn Road in the upcoming state budget?

Northern Metropolitan Region

Samantha RATNAM (Northern Metropolitan) (12:57): (780) My constituency question is for the Minister for Roads and Road Safety. Last week councillors in the City of Yarra voted to explore increased parking fees for large American-style oversized vehicles, commonly known as truckzillas, following in the footsteps of cities like Paris. These councillors are concerned about the safety of streets in their neighbourhoods, as our roads were simply not designed to accommodate these truck-like cars.

It is an undeniable fact that super-sized vehicles are dangerous. They have blind spots of up to 4 metres in front of the vehicles, and it is no coincidence that a child is eight times more likely to die being hit by a larger utility vehicle as compared to a lighter car, not to mention the astonishing amount of pollution caused by these beasts. Yarra councillors are calling for the government to address this issue and improve the safety of our streets. Minister, will you respond to these growing issues in my electorate and council calls from my electorate to increase registration fees for American-style monster trucks to deter people from purchasing these big vehicles?

Western Victoria Region

Joe McCRACKEN (Western Victoria) (12:58): (781) My constituency matter is for the attention of the Minister for Skills and TAFE. A constituent raised a matter about TAFE course fees when a young person or an apprentice is completing a sponsored course paid for by the employer. The onus currently rests with the student of the course to pay the course fees. In most circumstances the sponsor, which is usually an employer, pays the course fees, but that does not always happen. My question to the minister is this: is the minister reviewing these arrangements or having discussions with their federal counterparts and funding partners to ensure that apprentices are protected when employers or sponsors do not pay those fees?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:59): (782) My question is to the Minister for Tourism, Sport and Major Events, the Honourable Steve Dimopoulos. Preparing specifically for the Commonwealth Games, and at the request of the Victorian government, the Morwell Gun Club had to find an additional \$35,000 for works in terms of a new layout and access roads. Speaking at a public hearing, the secretary of the club said that this work was unbudgeted by the club and members had to dip into their own pockets to fund that \$35,000. Some weeks after the cancellation, the Minister for Commonwealth Games Legacy at the time, before the portfolio was embarrassingly removed, Minister Shing, said to the club – and she had organised the meeting – ‘We will look after you.’ That is what I recall from our meeting and our hearing the other day. I even recall Mr Galea also weighed into the discussion on this. But eight months on, they are still waiting for their reimbursement. Minister, will you meet the commitment of Ms Shing and refund that \$35,000 back to the club?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (13:00): (783) Minister, the Housing Establishment Fund exists to assist eligible clients to access overnight accommodation or private rental accommodation. With this in mind, can the minister provide what amount of money is being spent where and commit to transparent and sufficient funds in the next budget so that we can adequately meet the requirements of homelessness, particularly in the Frankston area? Data from the Frankston Zero project tells us that while 155 people have been added to the list of those sleeping rough since July 2021, the current projections indicate that over 400 people are probably homeless in that area of Frankston at any one time. The census data shows a 64 per cent increase in homelessness in the Frankston area alone in the five years from 2016 to 2021. With people sleeping on benches, at shopfronts, in tents, on people's couches and in cars, this is simply not good enough in the Frankston area. We are not a Third World country.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (13:01): (784) My question is for the Minister for Emergency Services. Minister, CFA fire brigades are experiencing widespread serious maintenance issues with their primary fire and rescue vehicles that are not being repaired. Volunteers at a brigade near Kyneton are made to use a 26-year-old pumper that has dangerous issues with its air brakes. Last week the brake issue resulted in delayed turnouts to trapped persons in road rescues. The air issue also means that the fire truck may not be able to start its pump at a fire. CFA head office says the problem is unlikely to be fixed for some time and that there are no replacement pumpers available. Regional Victorian communities pay their fire service levy, yet they still have to fundraise for essential equipment, including vehicles. Minister, as you know, these issues have been brought to your attention on many occasions. Have you requested a full audit of maintenance issues within the CFA fleet, and if so, will you release it to the public?

Questions on notice

Answers

The PRESIDENT (13:02): I received a written request from Ms Crozier seeking reinstatement of questions on notice 1290 and 1291 directed to the Minister for Health. Having reviewed the responses, I am of the view that the minister has been responsive to the questions and in her responses has provided reasons why the extract breakdown and the data sought could not be provided. Therefore I am not ordering the reinstatement of these questions.

Sitting suspended 1:03 pm until 2:07 pm.

Bills

Firearms and Control of Weapons (Machetes) Amendment Bill 2024

Second reading

Debate resumed.

Jacinta ERMACORA (Western Victoria) (14:07): In the family violence setting there are processes under the intervention order pathway that prevent an abuser from having access to or purchasing firearms. However, under this argument they can seek to have their access to weapons returned to them. A firearm prohibition order will prevent that once and for all.

Several studies from the US have identified the link between the prevention of violence and timely statutory interventions. One in particular – and I do apologise for the title of the organisation, which is an American organisation; it would not be acceptable here – was by an organisation known as the Battered Women's Justice Project, based in Saint Paul in Minnesota. They did a study called 'Domestic violence and firearms: research on statutory interventions', and it was published in November 2018. This study showed that extra interventions such as prohibition-type orders reduced intimate partner

homicides by 9 per cent and showed a reduction of 12 per cent in female intimate partner homicides committed with firearms. We know that the US is different to Australia when it comes to rates of firearm or gun ownership, but this data I think is still instructive in this context in Victoria. The study shows the risk relationship between family violence and possession of weapons, and as I am sure you can imagine, in some active family violence scenarios timely intervention can be the difference between a woman or child being injured or sometimes the difference between life and death.

In terms of the service direction determination, this is definitely a useful tool that will allow police to respond effectively in active situations or ongoing situations, and you can imagine – I will not go into any further detail – that in an organised crime environment, where the circumstances are changing on a regular basis, a similar scenario to the one I just described around family violence could also occur. So this service direction determination scenario is definitely a very good idea.

The last issue I want to raise is the relationship to do with knives – the definition of a machete as a knife. This is the other specific change that is occurring as a result of this legislation. As I stated earlier, there are some lawful excuses to have a machete but there are also perhaps unlawful, as defined, reasons to possess a machete. I think it is a very good thing that we are now going to regulate and define a machete as a knife and therefore it will become a controlled weapon. We will then know who owns a machete and what they will be using that machete for. Again, that will provide clarity and get rid of the ambiguity around regulation of the possession of machetes, the sale of machetes and the ability to purchase a machete, and certainly it will prevent children from purchasing a machete. Just in my own community, machete-like guns can certainly be used in meat processing and have some relevancy in an agricultural context, although machinery is more commonly used these days.

This is a really important piece of legislation that goes to the heart of the safety of Victorians. It supports Victoria Police to ensure the safety of the Victorian community, in particular communities that are vulnerable, like women facing family violence situations. I express my support and commend the legislation.

Gaëlle BROAD (Northern Victoria) (14:12): I am pleased to speak about the Firearms and Control of Weapons (Machetes) Amendment Bill 2024. This bill does not go far enough. I know that on our side we did put forward a private members bill last November, and I want to thank Brad Battin for his work on that. At the time the government described that bill as a joke, and now they are trying in part to fix it, but it certainly does not go far enough. We need to ensure that we ban machetes on streets and we remove them from sale, because we need to get them out of the hands of people that are trying to harm others. We need to make them a prohibited weapon to increase the controls. I was speaking with a constituent recently who said they feel as though the government has lost control of the state when they look at the increased crime in the area and right across Victoria. The government claims that machetes should continue to be classified as controlled weapons because according to the minister:

... machetes are used as tools for various legitimate purposes, including horticultural, agricultural, and general-purpose activities such as clearing brush and cutting and maintaining trails.

I want to thank Brad Battin for his work on this in liaising with stakeholders, because we have found that machetes are no longer used in most horticultural and agricultural settings, as technology and machinery has rendered them obsolete.

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

We have seen this government weaken in a number of areas. We have had this with the weakening of the bail laws. Section 30B makes it an offence for a person to commit an indictable offence whilst on bail. However, Labor's laws, which were passed, will abolish this provision. This offence makes it

harder for a person who is on bail to get bail again if they commit a further serious offence. It does this by raising the legal test that an applicant for bail needs to satisfy. The Liberals and Nationals proposed a bill to preserve section 30B; however, Labor and the Greens voted it down in our chamber. With the abolition of section 30B now certain to take effect very soon, Victoria's bail laws will be weakened and repeat serious offenders will find it easier to keep getting bail. Police admit that repeat serious offenders are one of the biggest threats to community safety. The current law reflects a simple principle: if you abuse the privilege of bail by committing further offences, you should face a tougher test to get bail again. By weakening the bail laws the Labor government are putting the interests of repeat serious offenders ahead of the safety of Victorians.

We have seen in a number of areas that the government are not taking enough action. We certainly know that with the tobacco laws. We have had over 40 incidents of fires at tobacco stores, yet there is still no legislation to require a licence to operate these stores. It is very different to liquor stores that do require that, and we have called for action in that space. I know in Bendigo we did have a fire at a tobacco store, and there was a lot of concern among locals that what we have seen in Melbourne is spreading to regional areas. With the public drunkenness laws what we have seen is the government introduce changes but not do their homework. It is important when you introduce things to think about the consequences and those next steps, but what we saw with that legislation when it came through was sobering-up centres only based in Melbourne and nothing available in regional Victoria.

The latest crime statistics are very concerning. When we look at the highest criminal incident rates in local government areas in the year to 31 December last year, we see Mildura is amongst the highest, with over 10,500 incidents per 100,000 estimated resident population – that is up over 15 per cent. When we look at the statistics for the highest recorded offence rates, again in local government areas, Mildura is near the top there with 14,000 offences per 100,000 – that is up 9 per cent.

In Bendigo we saw last year crime rates up 10 per cent. Looking at the latest data today, it is 6.9 per cent – up again. That is over 8000 total criminal incidents that happened in 2023. We have seen that children committing crimes in Bendigo has skyrocketed in the past 12 months, and we have seen that through the data that has come through from the Crime Statistics Agency, with a huge jump in the number of young offenders arrested. It was on the front page of the *Bendigo Advertiser* last month. We saw 646 cases of children, in 2023, aged 10 to 17 – that is 174 more than 2022.

Stolen cars are often used in other crimes, and the rate of dangerous driving has also been rising. Stealing from a vehicle was the second most common crime in the Greater Bendigo area, spiking to 1160 incidents last year, and thefts of motor vehicles rose by exactly 100 incidents in 2023. I was very concerned to speak with a resident recently whose father had only just come home from hospital. He was just home from hospital for one day, and he had five thugs enter his home. They stole three cars from the property. Cars may be found, but they are damaged, often excessively, to the point that they are written off. There could be smoke damage, a whole lot of damage to the vehicle or they can lose their books. It can cause incredible frustration to people even if a car is found.

In February Strathfieldsaye residents held a community meeting because they were very concerned about the rising crime in our region. It is very concerning that, when you look at the numbers, we have over 800 vacancies at the moment in our police force. We are seeing the numbers going backwards – declining – for our police, and we have had 43 stations reduce their hours. Again, this government does seem to be very soft on crime. When I read the *Age* recently it reported on the use of suppression orders in Victoria compared to other states, and it reported that we have a habit in this state of trying to hide the identities of people convicted of crime. To quote from an article published on 8 March by the *Age*, there were 521 suppression orders made in Victoria last year compared to just 133 in New South Wales. So there were almost as many publication bans issued in Victoria as there were in all the other states combined. Now, that is very concerning. At the end of the day, we know that people in Victoria are feeling unsafe. I get that feeling when I go to the Bendigo mall. I have had people raise concerns about not feeling very safe in the local community, which is very concerning. Police are

warning people to lock their doors and lock their cars, and yes, we can do that, but the government also needs to take action because what we see in this bill is simply not enough.

It is concerning that our crime data released today shows aggravated burglaries are up 29 per cent and in Victoria 64 per cent of crimes are remaining unsolved. These figures just keep going up. They rise every quarter, as this government is taking police off the streets and they are putting them behind computers to do a whole lot more paperwork. It is very concerning when we look at what this government is doing because we are seeing the weakening of bail laws, the identities of criminals protected and police stations closing their doors. What we are seeing is a government pouring millions and millions – \$15 million every single day we are paying in Victoria at the moment – just in interest on our state debt. That is not actually going to supporting police or adding to resources, it is just servicing the massive state debt that this government has run up.

I was very concerned to read a report in the *Herald Sun* last month about a teenager who went before the courts for an alleged home invasion in Bendigo with a machete. They were also accused of speeding at 137 kilometres an hour in a 50 zone. The police allege that he chased down a man and assaulted him. The fact that we have people invading people's homes with machetes is very concerning. This is not just a problem in Melbourne, this is an incident that happened in Bendigo. It is spreading across the state. I ask the chamber to support the amendments to ensure that machetes are a prohibited weapon, because it is clear that this bill does not go far enough.

Renee HEATH (Eastern Victoria) (14:23): I am delighted to also rise and speak on the Firearms and Control of Weapons (Machetes) Amendment Bill 2024. This morning the latest Victorian crime stats were released, and there are no two ways about it: crime is on the rise in the state of Victoria. Machetes should be a prohibited weapon and not a controlled weapon. I heard my colleague Mr Galea say before that this amendment would basically criminalise farmers who use machetes for their work and gardeners who use machetes for their work. This is simply just not the case. That is not the intent of the amendment. Mr Battin in the other house has spoken about it. What this is is a community safety amendment. What it would criminalise, however, is being in possession of a machete, carrying a machete or even going to the market and buying a machete – like, by the way, you can right now. So this is a simple community safety measure. We are not playing politics; this is in response to a need in the community. Aggravated burglaries are up, they are on the rise, and 64 per cent of residential burglaries are currently unsolved according to the statistics that were released this morning. So something does have to be done. It seems odd to me that a weapon that could be used to kill somebody is not a prohibited weapon, yet pepper spray, which could be used to protect somebody, is a prohibited weapon. This just seems the wrong way around.

Many people in this place have heard me speak about the case of Celeste Manno. Many have read about it in the papers. She was a beautiful young woman who was stabbed to death in 2020. She was stabbed to death by a guy who had stalked her and became completely obsessed with her. Her family have suffered a lot of torment, unfathomable loss, and the murderer was sentenced to only 30 years non-parole for stalking and murdering her. It highlighted the tragedy and the injustice that occurs when we are soft on crime, and offenders are often given more mercy despite the atrocities they commit. I do not understand why we are not being tougher on this when we have the chance.

I want to talk about stabbing because we are talking about machetes in this bill. She was relentlessly contacted by this former co-worker. The first time her mum reported it. They were told to basically go home and get off Instagram if she did not like the attention. The second time the police were fantastic, and they got an intervention order. It worked for a little while until he breached that and then was arrested. The next day he went and bought a knife that three months later he would use to murder her. He broke into her house, and he stabbed her 23 times. 'Her death was caused by a single stab to the heart' is what the coroner says. I sat in that courtroom surrounded by her family and friends and listened to him defend each of those stab wounds. He made excuses, and it makes you both sick and puzzled. Why I am bringing this up is you cannot prohibit knives. You just cannot do it. But you can

prohibit machetes, which are a weapon that at the moment you can buy very easily. I believe with this bill the government could easily reduce the access that we have to machetes yet are choosing not to.

We need to get serious about crime because when we are tough on crime, every single person in the community benefits. There has been an overall increase in crime in the state of Victoria. In fact in the last year it has risen by 5.6 per cent. Criminal incidents have increased by 10.6 per cent, and 64 per cent of aggravated burglaries are currently unsolved. Forty-three per cent of crimes in Victoria are currently unsolved. To put that into some sort of perspective or comparison, I heard this morning that in Japan only 1.1 per cent of crimes are unsolved, so we have got a long way to go to catch up.

More locally to me, in the Bass Coast and in Wellington shire, crime rose in the last year by 4.5 per cent; in the Mornington Peninsula shire, 6.8 per cent; in East Gippsland, 8.2 per cent; and it just gets bigger and bigger. In Baw Baw it rose by 8.6 per cent, in Casey it was 11.9 per cent and in Cardinia, which is one of the fastest growing areas in our state, it grew by a staggering 15.4 per cent. Meanwhile the government's response to what is actually happening in the community has not been sufficient. In fact 43 one-man police stations have been shut down. Many more have had their hours reduced, and there are fewer police now than there were this time one year ago. The police in the field are doing an amazing job. Often they are burned out and overworked, and I believe that in this place we need to be doing things that make their work a lot easier. We need to be increasing police presence, not decreasing it, and we cannot be making it easier for criminals to purchase weapons. I will leave it there. Thank you for allowing me to speak on the bill.

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (14:30): Since the discussion has kind of diverged a little bit away from the bill, I will remind people that this bill is just another demonstration of our government's commitment to keeping the community safe and continually making improvements across the criminal justice system. I know the Attorney-General has made a number of reforms, and the police minister brought this bill to the other place and to this chamber today. As one of the justice ministers, I am so pleased to be supporting this bill before the house, because it is part of a suite of reforms that we have introduced to improve community safety in Victoria.

I wish to thank members in both chambers for the relatively respectful debate. For all of you that have engaged, I know the minister's office has appreciated all the different feedback from all angles in this chamber. I also want to thank the stakeholders more broadly that have engaged in the development of this bill: Victoria Police, the Police Association Victoria, IBAC, Victoria Legal Aid, the Commission for Children and Young People, the Victorian Firearms Consultative Committee, the Aboriginal Justice Caucus, the Magistrates' Court and the Children's Court. I personally also wish to thank the minister and the minister's office. They have done an amazing job. I know any law reform task is difficult, obviously balancing the interests of different stakeholders, but I think it has landed in a really good spot. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (14:36)

Evan MULHOLLAND: Minister, what impact will this bill have on importing a machete?

Enver ERDOGAN: My understanding, Mr Mulholland, is that this focuses on or clarifies that it is a type of knife and supplies clarification so that it can be clearer for the community but also for law enforcement. It does not necessarily relate to the importation of these kinds of tools. That is the responsibility of the Commonwealth, as is customs.

Evan MULHOLLAND: Minister, under these changes can they still be sold to anyone above 18?

Enver ERDOGAN: Yes, they can be sold to people over the age of 18, especially if they have a proper purpose for their use.

Evan MULHOLLAND: Minister, what is the actual change with the definition compared to the way it is currently defined as a knife?

Enver ERDOGAN: I think the purpose of the bill is very clear. This is clarifying that it is a knife, because for many members of the public we have seen that they can view it as a tool, in the way it is being sold in markets. It is an emerging problem, as we know if we are looking at the types of crimes being committed. I think this is about clarification. It is a knife, but it is also a tool used in regional Victoria and across our state by people. I think this is more about clarifying that it is a knife and that it can be as such in the framework.

Evan MULHOLLAND: As the law currently stands, is a machete defined as a weapon?

Enver ERDOGAN: Yes.

Trung LUU: What is the impact on police powers, and will this change?

Enver ERDOGAN: I think this will provide greater clarity for the community, but also it will assist Victoria Police in applying the existing laws around the way controlled weapons are used so that it removes any, I guess, ambiguity around this issue with members of the public. It will empower police to be able to enforce the laws around knives as they are. I think it is important to state that under the current framework having it in this way gives police that flexibility. If there was a wish or demand from police to prohibit these weapons, then that could be done via regulations.

Trung LUU: Just in relation to purchasing of these articles by those over 18, do you have to produce any types of documents, and are they recorded?

Enver ERDOGAN: No. It is not recorded. The onus would be obviously on the supplier. Whoever is selling the product would have the onus to state that they have verified the person that they have sold it to.

Katherine COPSEY: If it is all right, I have six questions I will ask on clause 1. Minister, when police are seeking a search warrant – a regular search warrant as compared to a warrant for service – the Chief Commissioner of Police is required to apply to a court for that search warrant. Why is this not required for the service of firearm prohibition orders?

Enver ERDOGAN: I might just seek some advice on that.

I understand that that is the way it was implemented at its inception in 2018, and it is consistent with firearm prohibition orders (FPO) in other jurisdictions such as South Australia. I think there is a risk that this would be an additional burden on the commissioner and Victoria Police.

Katherine COPSEY: In relation to monitoring stop powers, the bill adds a new ground for police to request a person's name and address. Why don't the protection provisions in relation to this match section 456AA of the Crimes Act 1958 – that is, in those circumstances the police officer is required to provide the person with grounds for belief that the person is the person who is the subject of the stop power. Why is it not similarly the case that police would have to provide the person who is the subject of the firearm order with their grounds for belief that the person is in fact the person to whom the order applies?

Enver ERDOGAN: I understand that this is more about the question of – is it in relation to receiving by Victoria Police?

Katherine COPSEY: I will clarify, because I did not express myself clearly; I apologise, Minister. The bill provides a ground for police to request a person's name and address. In relation to existing

provisions in section 456AA of the Crimes Act, when a police officer is exercising that type of power they are required to provide the person with grounds for their belief that the person who they have stopped is the subject of the order that they are seeking. Why is a similar protection not available for people who are subject to a firearm prohibition order in this bill?

Enver ERDOGAN: The power in section 456AA of the Crimes Act arises only if the police officer has reasonable grounds to believe that the person has committed or is about to commit an offence or may be able to assist in the investigation of an indictable offence. That section of the act turns on an individual's conduct or suspected conduct or that the individual witnessed the commission of an indictable offence, so it is reasonable to require the police officer to generally describe the basis for that reasonable belief. I think it is reasonable for the police to describe the basis of their reasonable belief. The process should allow for the opportunity for the individual to challenge the basis of the police's reasonable belief at the earliest possible stage and for the police officer to respond accordingly.

Katherine COPSEY: In relation to the same section, why not require that a police officer must provide their name and address, rank and place of duty automatically by a receipt when they stop someone for this service, without the person being stopped needing to know that they have a right to request this information? Why not require the police to just provide that automatically?

Enver ERDOGAN: We are not aware of any statutory precedent for stop receipting in Victoria, and we do not believe it is appropriate to incorporate it into this bill, understanding that the bill does include quite extensive monitoring, oversight and reporting requirements that will reveal any misapplication or misuse of the power to direct an individual to give their name. The annual report will have some of that information, and there are oversight mechanisms for the use of this policing tool.

Katherine COPSEY: In relation to monitoring the use of these powers by police, there have been some concerns raised – and we have seen it in relation to other powers by police – that there can be patterns of racial discrimination revealed. Information of ethnic background and appearance is often collected by police through their systems. Why would we not include in the provisions of this bill a requirement to make that information included in the public annual reporting on use of these powers, please?

Enver ERDOGAN: I think this is the issue of the disproportionate impact. Stopping a person in public is an issue that does come up from a number of stakeholders and across a number of portfolios, and in my engagement, especially with a lot of the First Nations stakeholders, they do raise this as a concern. It is not in place, and the reason for that is we believe in the nature of this bill in particular that the oversight and reporting requirements will stop the misapplication of this power. I can understand there may be a different concern with general policing, but these are very specific powers. Their use is primarily targeted more towards organised crime and people that are known to law enforcement. I think the angle that Ms Copsey is coming from is very understandable. I do not think this order would be that sort that could be misused, and if it were, the oversight mechanisms and reporting would be able to capture that.

Katherine COPSEY: My next question relates to the impact that this bill and the powers granted may have on children. While we note the additional protections for children under this bill, legal and First Nations stakeholders have been very clear with us that the bill should not apply to children. Children should not be subject to search warrant, arrest and detention powers for the purpose of serving firearm prohibition orders. Noting that these orders can be given even if a child has not ever had, touched or owned a firearm, and given all of the evidence that we have heard through Yoorrook and its other processes around the impacts that early contact with the criminal justice system can have on children, are children subject to extended police powers under this bill?

Enver ERDOGAN: I think that is a very good question. I think it is important to understand that there are safeguards in place with the use of the firearm prohibition order, and a service direction determination of a service search warrant may only be issued in relation to an individual under the age

of 18 in an exceptional circumstance. I think an exceptional circumstance is a new requirement, and it provides compatibility with the Charter of Human Rights and Responsibilities. As noted, a range of strict safeguards are introduced to protect children, including mandatory reporting by the Chief Commissioner of Police every time any power or duty exercised is against an individual under the age of 18. So I believe this additional reporting obligation will ensure the government maintains appropriate proportionate visibility over these powers and the safeguards are working as intended.

Katherine COPSEY: My last question is: given the amendments give the police the power to detain if a person fails to provide their name and address and to leave an order on the ground, having explained it to the person, we see no reason why there is a need for the additional transport and detention powers provided by this bill. Can you please provide a rationale, Minister, for why those transport and detention powers have been included when we see them as unnecessary?

Enver ERDOGAN: The powers arising under a service direction determination are to be exercised in the context of an unplanned police interaction. In that context a police officer does not have the means to serve an FPO on the individual on the spot but will need to have another police officer produce a copy and deliver it to the place or to revert to the nearest police station to produce and service that document. The electronic transactions act provides for electronic service only with the consent of the individual. There is no reason to presume that an individual who is avoiding service or who cannot be found will consent to this service or receive an FPO by electronic means in this circumstance. The transport and detention powers have conferred a complete set of powers to effect service on a person who is avoiding service or who cannot be found. The transport powers are required for safety. It may not be safe to detain a person at the place at which they have been stopped to be served the FPO. In many instances that could be on a road or on a freeway. It could be in a public space where it is not safe, so they may need to transport them to the nearest police station to do so.

David LIMBRICK: I have one question related to Ms Copsey's line of questioning. How many children have been served with firearm prohibition orders?

Enver ERDOGAN: I will just seek some advice on that.

Thirty-nine times since the inception.

Evan MULHOLLAND: I move:

1. Clause 1, line 10, omit "to clarify that a machete is a type of knife" and insert "in relation to the classification of machetes".

David LIMBRICK: My question is to the minister on this amendment. It is my reading of the bill, and maybe you could get clarification for me, that if this amendment is successful, it would become enacted upon royal assent. Is that correct?

Enver ERDOGAN: Yes, Mr Limbrick.

David LIMBRICK: I thank the minister for his answer. Whenever that happens – in a few weeks, I guess, that would be – does that mean at that point in time every machete owner in the state would effectively be a criminal under this new act?

Enver ERDOGAN: Mr Limbrick, could you just repeat that question?

David LIMBRICK: If the amendment succeeded and the bill obtained royal assent, let us assume in a few weeks time, does that mean that every owner of a machete in the state of Victoria would effectively be criminalised?

Enver ERDOGAN: If the amendment is approved, yes, that is a possibility.

David LIMBRICK: I suppose my next question goes to Mr Mulholland: how do we actually deal with this? If it was to be successful, let us say royal assent happened next week, what do we do about this? Do we go around and arrest everyone who owns a machete? How is this going to be handled?

Evan MULHOLLAND: I know we might have different views on this, but it would be very similar to the gun amnesty under the Howard government, I would suspect. Where it can be shown to be for legitimate purposes, that is no different to current prohibited weapons like guns. If someone can prove a need for them, then they obviously can use them.

David LIMBRICK: I do not actually accept that explanation from Mr Mulholland. It is my understanding that if I have another thing that is a prohibited weapon, like pepper spray, which as I said should not be a prohibited weapon, I can be arrested instantly. There is no amnesty on that, and there are no facilities in the amendment or the bill for amnesty for people. My assumption is that as soon as royal assent happens police could instantly arrest anyone who owns a machete. In fact it would be their job to arrest them.

Evan MULHOLLAND: Mr Limbrick, my advice is that the chief commissioner can use regulations to make exemptions if this is passed.

Council divided on amendment:

Ayes (15): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Joe McCracken, Nick McGowan, Evan Mulholland, Adem Somyurek, Richard Welch

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

Amendment negatived.

Clause agreed to; clauses 2 to 13 agreed to.

Clause 14 (15:05)

The DEPUTY PRESIDENT: Ms Copsey, I invite you to move your amendments 1 to 3, which are a test for your amendments 5, 6, 9, 11, 13, 14, 15, 47, 48, 57 and 59 through to 63.

Katherine COPSEY: I move:

1. Clause 14, line 11, omit “**Power of Chief Commissioner to**” and insert “**Magistrate may**”.
2. Clause 14, line 13, omit “a police officer” and insert “the Chief Commissioner”.
3. Clause 14, line 14, omit “the Chief Commissioner” and insert “a magistrate”.

For the benefit of the house, the principle tested by this amendment is that the magistrate may make service determinations, and this amendment seeks to achieve oversight by the court so that the chief commissioner can apply to a court, to be consistent with the provisions for service of the search warrants and to provide external oversight of the power’s use.

Enver ERDOGAN: I just want to thank Ms Copsey. I understand the intent in moving these amendments, and I thank her for her engagement and advocacy on this issue, but I think what is clear in the bill and through some of our other reforms is that our government is committed to police accountability. Reforms passed recently in this chamber in relation to the police and other matters bill are one example of our government delivering on that commitment. A detailed consultation was undertaken with all stakeholders in the drafting of this bill, and I believe there are robust integrity measures and accountability measures already in the bill.

Evan MULHOLLAND: I thank Ms Copsey for putting it forward, but we will not be supporting it.

David LIMBRICK: The Libertarian Party will be supporting this amendment. I believe this is an improvement in oversight mechanisms for the operation of firearm prohibition orders.

The DEPUTY PRESIDENT: The question is that Ms Copsey's amendments 1 to 3, which test a range of other amendments, be agreed to.

Council divided on amendments:

Ayes (8): Katherine Copsey, David Ettershank, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Noes (29): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Adem Somyurek, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt, Richard Welch

Amendments negated.

The DEPUTY PRESIDENT: Ms Copsey, if you could move your amendment 4, which tests amendments 7, 8, 10, 19, 28 to 35, 50, 51 and 55.

Katherine COPSEY: I move:

4. Clause 14, line 18, after "individual" insert "who is of or over the age of 18 years and".

The principle tested by this amendment is that service determinations are not to apply to children. As I have stated in my comments so far, we are seeking to put this amendment to address stakeholder concerns that whilst there are additional protections for children in this bill, children should not be subjected to early contact with the criminal justice system and the criminalisation that goes along with that and should not be subject to search warrant or arrest and detention powers for the purpose of serving firearm prohibition orders.

Enver ERDOGAN: Again, I thank Ms Copsey for her amendment. The government will not be supporting this amendment. As a broad principle I agree that we should be avoiding young people having contact with the criminal justice system, and that is why taking and balancing those competing interests of the justice system was considered in the drafting of this legislation with the introduction of safeguards in the form of exceptional circumstances that are required where this is applied to someone under the age of 18. These are compatible with the Charter of Human and Responsibilities Act 2006 and have been included in the drafting of this legislation. There are additional reporting obligations also that will ensure that government maintains appropriate and proportionate visibility over these powers and that the safeguards are working as intended. On that basis, we will be opposing this amendment.

The DEPUTY PRESIDENT: The question is that Ms Copsey's amendment 4, which tests a range of amendments, be agreed to.

Council divided on amendment:

Ayes (8): Katherine Copsey, David Ettershank, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Noes (29): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Adem Somyurek, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt, Richard Welch

Amendment negated.

Katherine COPSEY: I move:

12. Clause 14, page 10, line 11, omit "90 days" and insert "28 days".

The principle tested by this amendment is around the expiry of service determinations. This is similarly an oversight mechanism. The bill provides, I believe, for a 90-day expiry of service determinations, and this would bring the expiration to 28 days, in line with similar legislation.

David LIMBRICK: The Libertarian Party will also be supporting this amendment.

Council divided on amendment:

Ayes (8): Katherine Copsey, David Ettershank, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Noes (29): 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, Wendy Lovell, Trung Luu, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Adem Somyurek, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt, Richard Welch

Amendment negatived.

Katherine COPSEY: I move:

16. Clause 14, page 10, lines 28 to 29, omit “is reasonably satisfied” and insert “believes on reasonable grounds”.

The purpose of this amendment is to replace the phrase ‘is reasonably satisfied’ with ‘believes on reasonable grounds’. This is similarly an attempt to bring the powers granted to police under this bill in line with existing powers and other legislation.

Council divided on amendment:

Ayes (8): Katherine Copsey, David Ettershank, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Noes (29): 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, Wendy Lovell, Trung Luu, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Adem Somyurek, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt, Richard Welch

Amendment negatived.

The DEPUTY PRESIDENT: Ms Copsey, I invite you to move your amendment 17, which tests your amendment 20.

Katherine COPSEY: I move:

17. Clause 14, page 11, after line 20 insert:
 - “(aa) must inform the individual of the grounds on which the police officer has formed the belief required under section 112ZA(1)(a) in sufficient detail to allow the individual to understand the reason why the police officer has stopped and directed the individual; and
 - (ab) must state orally the officer’s name, rank and place of duty; and
 - (ac) must give to the individual a written document that sets out:
 - (i) the fact that the police officer has stopped and directed the individual under section 112ZA(1); and
 - (ii) the detail of the grounds for the police officer’s belief and the reason why the police officer stopped the individual; and
 - (iii) the officer’s name, rank, place of duty and operational type; and”.

The purpose of this amendment is to require police officers that are using the stop powers provided under this bill to provide information and receipting to individuals who are the subject of those stop

powers. The information that is required is for the police officer to inform the person of the grounds for their reasonable belief, to allow the individual to understand the reason why the police officer has stopped and directed them, to orally state their name, rank and place of duty and to provide a receipt to the person who is the target of the stop order.

Enver ERDOGAN: The government will be opposing this amendment.

Council divided on amendment:

Ayes (7): Katherine Copsey, David Ettershank, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Noes (30): 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, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Adem Somyurek, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt, Richard Welch

Amendment negatived.

The DEPUTY PRESIDENT: Ms Copsey, I invite you to move your amendment 18, which tests your amendments 25 to 27, 36 to 40, 42 to 46, 49, 52, 54, 56 and 58.

Katherine COPSEY: I move:

18. Clause 14, page 11, lines 25 to 33, omit all words and expressions on those lines and insert:

“(b) must warn the individual of the effect of section 112ZA(2), if the individual refuses or fails to comply with a direction under section 112ZA.”.

This amendment relates to the principle of powers of detention. Given the principal bill provides police with the ability to undertake service through leaving the order on the ground, there is no need for additional transport and detention powers under this bill. This amendment would remove that ability.

Enver ERDOGAN: The government will be opposing this amendment.

David LIMBRICK: Could I ask the minister: what is the government’s rationale for opposing this amendment? I would be interested to know.

Enver ERDOGAN: As we debated during the committee stage a bit earlier, these powers are designed to give police discretion to determine the situation where there is an unplanned interaction. It may not necessarily be safe for the police to serve these orders in those circumstances. They might not have a copy of the orders with them, so they will need to transport them to a safe place where they can actually serve the orders or wait for a colleague to get them. In the absence of these powers, they would need to detain a person. It may be in a public place or on the side of a road. It is not a safe environment, so these powers are needed to transport the suspects in this case.

Council divided on amendment:

Ayes (8): Katherine Copsey, David Ettershank, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Noes (29): 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, Wendy Lovell, Trung Luu, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Adem Somyurek, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt, Richard Welch

Amendment negatived.

The DEPUTY PRESIDENT: I invite Ms Copsey to move her amendments 21 to 24, which test her amendment 41.

Katherine COPSEY: I move:

21. Clause 14, page 12, lines 5 to 6, omit “**or go to police station or other safe place**”.
22. Clause 14, page 12, lines 7 to 21, omit all words and expressions on those lines and insert:

“(1) If the police officer is reasonably satisfied that a service direction determination applies to the individual on the basis of the information given under section 112ZA(1)(b), for the purpose of serving the firearm prohibition order, the police officer may direct the individual to remain at the place where the individual has been stopped.”.
23. Clause 14, page 12, line 23, omit “subsection (1)(a) or (b)” and insert “subsection (1)”.
24. Clause 14, page 12, lines 25 to 26, omit “or to which the individual has gone (as the case requires)”.

This amendment is similar in nature to the previous one we tested. It omits the ability for police to direct a person to attend a police station or other safe place and instead provides a power for the police to direct an individual to remain at the place where they have been stopped.

Enver ERDOGAN: Similar to the previous amendment, the government will oppose this.

Council divided on amendments:

Ayes (8): Katherine Copsey, David Ettershank, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Noes (29): 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, Wendy Lovell, Trung Luu, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Adem Somyurek, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt, Richard Welch

Amendments negatived.

Clause agreed to.

Clause 15 (15:36)

The DEPUTY PRESIDENT: Ms Copsey, I invite you to move your amendment 53, which is a standalone one.

Katherine COPSEY: This is the final principle amendment that I will be testing on this bill. I move:

53. Clause 15, line 20, after “112ZA(1)” insert “and the ethnic appearance of each individual to whom such a direction was given”.

The purpose of this amendment is that in circumstances where police are recording ethnic appearance or background as part of the powers exercised under this bill, that information be included in the annual reporting that is proposed in the bill so that any issues regarding racial profiling could be identified and dealt with.

David LIMBRICK: My question is for the minister on this particular one. Would ethnic appearance normally be collected as part of this process, and therefore would it be able to be reported as would be suggested by this amendment?

Enver ERDOGAN: Thank you, Mr Limbrick, for a very good question. I am not aware of any statutory precedent for stop receipting in Victoria in terms of that data – ethnicity – but what I will say is that with firearm prohibition orders, the group of people they usually apply to are well known to law enforcement. No, we would not necessarily get that data, but they usually do know the people who they are serving or their ethnicity, because they are usually people that are well known to law enforcement.

I am sympathetic to Ms Copsey's amendment – I will say that. In the broad law enforcement space it is an issue that does come up with stakeholders, but I do not believe it is appropriate in this bill.

David LIMBRICK: For these 39 children, for example, who were served FPOs, do we know their ethnic appearance? Was that recorded for them?

Enver ERDOGAN: No, we do not keep a record of their ethnic appearance – for those 39 children.

David LIMBRICK: I appreciate the intent of Ms Copsey's amendment here. However, I feel like there are potential unintended consequences with this sort of thing, and I also question the ability to determine someone's ethnic appearance – in fact I am not sure I can determine the ethnic appearance of everyone in this chamber – therefore I will be opposing this.

Council divided on amendment:

Ayes (7): Katherine Copsey, David Ettershank, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

Noes (30): 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, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Adem Somyurek, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt, Richard Welch

Amendment negatived.

Clause agreed to; clauses 16 to 25 agreed to.

Reported to house without amendment.

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (15:43): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (15:43): I move:

That the bill be now read a third time.

The PRESIDENT: The question is:

That the bill be now read a third time and do pass.

Council divided on question:

Ayes (36): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaele Broad, Katherine Copsey, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Adem Somyurek, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt, Richard Welch

Noes (1): David Limbrick

Question agreed to.

Read third time.

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

Private Security and County Court Amendment Bill 2024

Second reading

Debate resumed on motion of Ingrid Stitt:

That the bill be now read a second time.

David DAVIS (Southern Metropolitan) (15:48): I am pleased to rise and make a contribution to the Private Security and County Court Amendment Bill 2024. I indicate at the start that the opposition will not oppose this bill, but we will seek to move an amendment. I will come to the details of that later. It is a bill that does a number of things. It amends the Private Security Act 2004 to provide a new licensing system for the private security industry in relation to the application for and renewal of a private security licence and in relation to complaints about the conduct of a holder of a private security licence, it provides for offences in relation to subcontracting and a code of conduct for holders of private security licences and requires a risk management plan to be prepared before security activity is carried on, it clarifies provisions in relation to the appointment of special counsel in licence suspension hearings at VCAT where protected information requires management and it amends the County Court Act 1958 and the Sentencing Act 1991 to extend the operation of the Drug Court division of the County Court.

There are a number of points here, and I am going to step through this. In a sense there are two distinct parts to this bill, one dealing with private security and the other dealing with the court. I want to just step through the background to this. The Private Security Bill was introduced to Parliament by Andre Haermeyer as far back as 2004. It replaced the Private Agents Act 1966 and was the first formal recognition in this jurisdiction of the importance of a strongly, clearly regulated private security industry. There was an election commitment of the government to undertake a review of the industry. The review was managed by the Department of Justice and Community Safety and Industrial Relations Victoria over 2020–2021. There was a discussion paper, I am informed, written in consultation with stakeholders, which was subject to public consultation. The final report of the review was published with the government's endorsement in 2021, and there were 21, I think, recommendations. Only 11 of those are addressed in this particular legislation. The purpose, though, is to amend the Private Security Act to provide for a new licensing system and to extend the operations of the Drug Court division of the County Court.

Private security is an important part of our security system in Victoria. It is important that it is regulated properly and closely. It is the case increasingly that police have struggled to keep up with what is there in our state. I know in my own electorate there have been police stations that have been stripped of all their members and closed – quite a number of them. I could go through the list. Places like Burwood and Ashburton have been all but closed. I could go on, but it is sufficient to say that I think there is a real issue now about the commitment to local policing. I think the state government has lost the plot on a lot of this. Frankly, I think high command in the police service is independent nominally but perhaps rather closer to the government than it ought to be and, in my view, not sufficiently robust in terms of protecting the engagement and the local policing that we should actually see.

We have got more and more of these high-level taskforces, more and more police sitting in large complexes on St Kilda Road or at the other end of the city or in big regional centres and fewer and fewer police in a position where they are engaged locally, where they actually know the local people, the local shopkeepers and the local, dare I say, offenders – because there is often a subclass of offenders who may be recidivists. Local policing often deals with those quite effectively because it has a fair sense of who is likely to be involved in a particular issue and who is not.

That is not what we are seeing now. We are seeing a pullback from local policing, and we are also seeing a shortage of local police around events and a shortage of police around often key times when

something is occurring at a community level, and more and more there is a requirement for private security. More and more in apartment complexes there is private security, more and more in shopping centres there is private security, and more and more around events and building security more generally there is private security. By and large they do a very good job. I think that the regulation of them is important, and there are perfectly legitimate points to be made about this particular bill.

We saw perhaps the failure of private security when we look at something like the hotel quarantine scenario in the midst of COVID. The Premier and his individual office staff, including his chief of staff, seem to themselves have personally rounded up the details of how they were going to do hotel quarantine and rounded up the arrangements with the hotels but also the private security groups. It turned out it was the bizarre oversight of some of this that was lacking, and it turned out that the private security groups were a big part of spreading the second wave of COVID in this state. The lack of discipline, the lack of structure and the lack of proper control and proper oversight was a big part of the escape of that virus from hotel quarantine. Through the public health orders, we put people coming into the state and so forth into this hotel quarantine scenario personally devised by the then Premier Daniel Andrews and his chief of staff Lissie Ratcliff, so it was the personal decision of them.

It is very interesting to look at the Coate report and the bizarre time cycles, and I should make the point to this chamber now that we are still engaged in FOIs around that time and the details of that time. We are still seeking the texts and the Slack messages of the then chief of staff to Premier Daniel Andrews and those in his office who were intimately involved in these decisions, who have never been held to account for their policy decisions and ultimately the death and extreme sickness of so many Victorians because they put in place a system of hotel quarantine that was poorly designed. They took this on; they did this.

Frankly, as I read through the details of this and some of the FOIs that I do have about this time and the Coate report, it has a feel of outright corruption. It has the feel that people were getting ticks and crosses depending on who they were and that people were being dragged in to assist with this and collect on the bonanza that was occurring in payments. Some people through hotel quarantine and through some of the matters around the whole COVID period became very wealthy – rich pigs who grew fat on the public purse and the decisions of Daniel Andrews, the corrupt decisions of his office and the corrupt arrangements that were put in place secretly and that still to this day have not been run to ground.

It was extraordinary to watch the Coate inquiry and see that collective outbreak of amnesia – nobody could remember. It is like when something bad has happened at home – a piece of glass has been broken or something – and you ask the kids what has gone on and Mr Nobody is responsible, Mr Nobody has done at all. That is the point here.

Jaelyn Symes: On a point of order, Acting President, I have got no idea how he has connected this to the bill, and even as lead speaker this is very much – first of all, he is being quite unparliamentary, but now he is just being irrelevant.

David Davis: On the point of order, Acting President, I understand the sensitivity of the government to these matters, but this bill is about private security, and one of the most recent examples where private security came to the fore is in hotel quarantine. That is what I am talking about. I am referring to the management of hotel quarantine by private security.

The ACTING PRESIDENT (Jeff Bourman): Thank you, Mr Davis. That is an extremely long bow to draw. Can you just come back to the bill, please.

David DAVIS: Acting President, I will take your guidance of course, but I do make the point that this is a –

The ACTING PRESIDENT (Jeff Bourman): Mr Davis, I have made my ruling. Can we just move on from here, please.

David DAVIS: I am just taking your guidance, Acting President, kindly. But if I can continue to make a point about private security, private security has got to be accountable, it has got to be very clearly oversighted. It has, I think, a very important part to play in our community much more broadly.

This bill, I hope, sets up a satisfactory licensing arrangement here to put in place a system to provide for new licensing in relation to applications for and the renewal of a private security licence and in relation to complaints about the conduct of a holder of a private security licence, to provide for offences in relation to subcontracting, to provide for a code of conduct for the holders and to require risk management plans to be prepared before a security activity is carried on and in relation to the appointment of special counsel under part 7 of the principal act.

I also make the point about one of the interesting things that will occur here. In 2004, with the original act, there were a series of section 85 statements which removed rights under the Constitution Act 1975 with the jurisdiction of the Supreme Court. Of course section 85 statements are important to note, but this bill seems to restore that basic right to go to the Supreme Court and to follow through with the standard rights to question in the Supreme Court and to enforce the rights by people in the Supreme Court. So I see that as a useful step – an unwinding of perhaps an overzealous protection that was put in through a section 85 statement, making it more difficult for private security groups to collect the fees that were owed to them.

I also think it is important to note in this bill that the steps going forward with the courts are broadly supported here. In relation to the County Court Act 1958 and other acts the bill extends by two years the current three-year trial in operation of the Drug and Alcohol Treatment Court in the County Court, making it a five-year pilot. It is a sentencing option for people with various dependencies who have committed associated criminal offences. There are a number of eligibility criteria: they must be able to demonstrate dependency, they must be able to demonstrate a connection between the dependency and the index of offending, they must plead guilty, they must be facing an immediate term of imprisonment not exceeding four years at the time of referral, they must have a usual place of residence that is within the gazetted postcode area and they must consent to the order. There are a number of disqualifying criteria as well, but this, as I say, extends the trial for an additional period. The second-reading speech refers to the extension of the trial, ensuring that the lessons learned in the recent evaluation can be implemented to enhance the operation of the Drug Court. I am not sure, Attorney – have these evaluations been made public?

Jaclyn Symes interjected.

David DAVIS: They have, have they? Yes. At the time when this went through the lower house I think they may not have. The Police Association Victoria has been consulted on this and has said the changes are uncontroversial from their point of view. I pay tribute to the work done by Brad Battin, our shadow in the lower house, and also Michael O'Brien – the court aspects are his responsibility. The two of them have worked very hard on this.

I am told that the changes could be some time away, and the Attorney may take on notice the question of when these changes will actually be implemented if the legislation is passed. Is there a time line on that? Victoria Police and the regulator for private security as well as controlled weapons are working –

Jaclyn Symes: After the regs are made.

David DAVIS: Yes. Is it as far away as 2029? When is this going to happen? I think it would be good to have that on the record.

Jaclyn Symes: 2025.

David DAVIS: 2025. I thank the minister for that, and I am happy to put that on the parliamentary record, thereby saving a question in committee.

During the briefing the department stated that Victoria Police had not yet determined the full scope and cost requirement to make the database fit for purpose – and I am quoting from a briefing that I was not at, so I am quoting it second-hand – yet it is as confident as it can be that it will be achieved by the stated deadline of, as the minister has just said, 2025. She may want to reflect on the likelihood of achieving that. VicPol of course has a mixed record when it comes to dealing with IT and databases and getting them in on time and on budget, and there is something to be said on that.

There is a new fee structure for companies and individuals that is still not known, and one of the questions that might be asked is: will there be an increase in these registration requirements? In line with this government's approach to taxes on all of these areas, there are usually increased charges. That is what we have seen – 53 new and increased taxes and charges across the period of the government, taking in billions and billions of dollars. Some of them are small changes that scoop in only modest amounts, but this is a classic one where I would be nervous that the charges will be increased. They will say it is all cost recovery, but actually you build a new superstructure, the costs are more and you clobber the industry. These are the costs of regulation, and I pay tribute to the work that VCCI has done on this recently.

The new fee structure for companies and individuals is still not known, and the note I have here is that the fee structure for licences is set out in detail in the Private Security Regulations 2018. The regulations will not need, I am told, to be substantially redrafted or remade, and the minister may want to reiterate that. The task will be complicated because each staff member in the registry deals with not only private security matters but firearm matters, controlled weapons et cetera. It will take time to adequately assess the proportion of their time on average. The cost recovery model, just again, makes me nervous because I know where this Treasurer heads with these – he scoops in more and more, and it is ultimately passed through to the community. The financial implications are unclear in that sense. I understand that cost recovery is not designed to generate a profit, but it may be that practically the costs are greater than they are at the moment and there is another hit in terms of charges and costs.

Now to the regulations: the opposition's view – and I might add my personal view very strongly – is we would prefer to see more of the detail of decisions in a bill and not in regulations. Increasingly I see the government moving to a model where they set up a head of power and then regulations sit below that, but at the time when things pass through the Parliament, we do not have the regulations or the draft regulations in front of us. Some say this is a more modern approach; frankly, I think this is a more secretive approach. I think it is an approach that leaves less ability for the Parliament and thereby the community to actually have its say and leaves more capacity for things to be done through regulation quietly, secretly around the corner. I declare that I sit on the Scrutiny of Acts and Regulations Committee. I see it over there as well at the Scrutiny of Acts and Regulations Committee, and I get increasingly nervous that more and more is done through these regulations, which do not have the public exposure and visibility. And even where there is a regulation impact statement required, you know, it is still often done as a very narrow, what I would call 'in-house', RIS, where there are a few key stakeholders consulted but the broad community and those who are ultimately impacted are not fully shaken through that process.

We do have an amendment here to deal with the issue of disallowance, and it might be worthwhile circulating that if that is possible.

Amendment circulated pursuant to standing orders.

David DAVIS: I am just going to read it if it comes over. I had better read the actual thing rather than the iterative versions. This is an amendment to be proposed in committee:

1. Clause 53, page 29, after line 20 insert:

‘(7) After section 180(3) of the Principal Act insert:

“(4) Regulations made under this section may be disallowed in whole or in part by either House of the Parliament.”’.

To explain to people here the sort of strangeness of disallowance and so forth, essentially the Parliament once upon a time legislated in huge detail. Powers are given over through legislation to ministers, and others sometimes, to make decisions and to implement detailed steps under those heads of power. The disallowance provisions, particularly the subordinate legislation approach, would see that each chamber still retains the right to disallow a regulation that is made under those heads of power. That is an important check. It is an important balance. It is a part of keeping governments and bureaucrats honest, as it were – keeping the bastards honest, in the old phrase; I am using a colloquial phrase here. I think that this is an important check and an important balance on these points. This would ensure that there is proper oversight and disallowance is possible, and I would urge people to support that. I think it is legitimate. The opposition would of course have moved this in the lower house, but there is no mechanism to do so in the lower house. The chamber almost never –

Jaelyn Symes interjected.

David DAVIS: It could come out of Michael O'Brien, it could come out of Brad Battin or it could come out of the collective brains trust. So there you are. We all work on these things and it is all good. I think disallowance in this circumstance is important and I think it does improve the legislation, so we will move that. But as I have said on the essence of the bill, we are not seeking to oppose it.

Katherine COPSEY (Southern Metropolitan) (16:12): I rise to make a contribution on the Private Security and County Court Amendment Bill 2024. I will make a brief contribution today. The Greens will be supporting this bill. I just want to speak particularly in regard to the provisions of the bill dealing with the County Court. The bill addresses the trial of the County Court Drug and Alcohol Treatment Court. The Greens have long advocated for therapeutic and health-lead approaches to dealing with the many issues that arise and are often seen in our justice system. In fact the operation of specialist drug courts is nothing new in Victoria. Victoria's first Drug Court opened in Dandenong in 2002 before establishing at Melbourne Magistrates' Court in 2017, and then it was extended to Shepparton and Ballarat.

According to key stakeholders, such as Victoria Legal Aid, the trial of the dedicated drug courts has demonstrated progress that was previously seen in both the Melbourne and the Dandenong experience. They said:

The impacts are clear – therapeutic responses are changing people's lives.

Rather than cycling people into and out of prison, where the person does not get the treatment they need and offending rates do not change, the court is able to provide a drug and alcohol treatment order, which is an intensive but proven program and an alternative sentencing model that works with clients to encourage behaviour change and address underlying issues that may be contributing to offending. The overall benefits of this sort of process for all of us include reduced reoffending rates, reduced substance use and less costs from keeping people in prison. It is by no means, though, an easy option. The mandatory criteria for a drug and alcohol treatment order include (1) a guilty plea to all charges, (2) a link to drug or alcohol dependence, (3) that the possible prison sentence is not greater than two years and (4) that the person consents to such an order. It can include frequent drug testing, weekly court appearances and mandatory counselling.

The reason that this bill extends the trial for two years is that the evaluation, as we understand it, is not yet complete. We look forward to reading that report. If the results are similar to those in other courts, the Greens will look forward to supporting a bill that makes the Drug and Alcohol Treatment Court at the County Court permanent.

I am speaking briefly today. In conclusion, with regard to the private security provisions of the bill, I do note the comprehensive review of the private security industry that the department completed in 2021, including a public consultation through the Engage Victoria website. As I said in my opening remarks, the Greens will be supporting this bill. That concludes my contribution today.

Jacinta ERMACORA (Western Victoria) (16:15): I speak this afternoon on the Private Security and County Court Amendment Bill 2024. This bill has come about following an extensive review of the private security industry in Victoria. The amendments in this bill come from recommendations of that review.

With this bill, the amendments will do several things. Firstly, the bill simplifies the licensing system so that essentially only a licence is required. Private security workers and businesses will no longer have to concern themselves with whether they need registration or a licence. The bill simplifies the application process. It adds a requirement, though, for all private security workers to complete refresher training. We do definitely want all of our security workers to be up to date with all of the latest best practice principles and also how to respond to emerging security issues.

The bill makes several important additions relating to Victoria Police. It allows for any person with concerns about a private security licence holder to make a complaint to Victoria Police. The bill also addresses what is known as sham contracting. This is an act where a prospective employee is pushed into obtaining an ABN by a private security entity. The employee that was pushed into obtaining an ABN is then faced with an employer who no longer has an obligation to pay award wages, take out WorkCover insurance or provide leave or superannuation. This form of sham contracting leaves an employee in a vulnerable position, including in insecure work and often lacking all of the legitimate conditions other employees enjoy. The amendment makes it very difficult for employers to engage in this form of contracting. As part of the new requirement, security employers will be required to obtain consent and provide written notice in relation to subcontracting. A risk management plan will need to be prepared by an individual or business prior to private security workers commencing work.

This bill also provides for the creation of a code of conduct for private security workers. If you think about the lack of a risk management plan and the sham contracting scenario, you can end up with someone with very little training who is not aware of the circumstance they are entering into and perhaps does not even know the key risks for the particular job at hand. This certainly has led to a number of unfortunate events.

The bill makes consequential amendments to the Australian Consumer Law and Fair Trading Act 2012 and the Long Service Benefits Portability Act 2018 to repeal or delete references to private security registrations. As well as the important amendments I have previously mentioned, the bill also seeks to amend the County Court Act 1958. These amendments relate to the Drug Court division. The amendments will allow the County Court to adjourn a proceeding to the Drug Court division at any time before 26 April 2026. It amends the Sentencing Act 1991 to enable Magistrates' Courts to transfer criminal proceedings for offenders who are subject to drug and alcohol treatment orders made by the Drug Court division of the County Court back to the Drug Court division. There are also some technical amendments related to sequencing of sections to ensure that they are chronological.

As you can no doubt tell, this bill makes significant changes for our private security industry. This is of extreme importance. We must acknowledge that private security workers operate in a high-risk environment. They can be faced with significant risk. This means that we must ensure that our private security workers are properly trained and appropriately vetted so that they can meet these challenges. That is why the refresher training is required.

One of the scenarios that I wish to talk about here that backs up the amendments in this bill is that private security workers make a positive experience when entering and exiting a venue, for example. It is extremely important that the community can trust and respect our private security workers, and this goes for women particularly. I remember years ago when I was younger and going out and socialising just how vulnerable I felt when security guards nearby would leer at women. It really did not instil confidence in women or any understanding –

Jaclyn Symes interjected.

Jacinta ERMACORA: It was creepy – exactly. I must say now, today, things have already changed quite a lot. You often get a warm greeting as you enter a supermarket or a department store from a security officer. I really want to express my appreciation for the 99 per cent of security officers who do an absolutely lovely job and make everybody feel welcome and confident by acknowledging them as they arrive.

For far too long the act of sham contracting has gone on within the security sector, and this has left private security workers vulnerable and left some employers unaccountable for the things that have been happening, and so for this reason I really want to endorse this bill. I want to support the changes. It increases the accountability level of security workers, it increases the support provided to security workers by virtue of their annual refreshers, and I think in that regard it will increase the confidence that the community has in the security industry. I commend the bill.

Adem SOMYUREK (Northern Metropolitan) (16:22): I rise to make a brief contribution on the bill before us today, which is the Private Security and County Court Amendment Bill 2024. This bill has been a long time coming. The then Premier in 2018, the erstwhile Premier Mr Daniel Andrews, made a commitment at the 2018 election campaign – I recall it vividly; I do not think he said to fix it – I think his words were ‘to do a comprehensive review of the private security guard industry’. The reason he did that was because the rapidly expanding private security guard sector had become a real mess by that point. It had a notorious reputation for being bad, and that is why the Premier made that commitment. As the minister referred to in his second-reading speech, the worst of the security guard sector was on full display during COVID. COVID was sort of a microcosm of how bad the private security sector was. I do welcome this bill. I think it has been a long time coming, but it is a bill that urgently needs to pass this house and be implemented by the sector.

The trigger for the Private Security Act 2004 in the first place was the unfortunate death of cricketing icon David Hookes. I think it was in 2004 when he was coward punched by a private security guard outside a pub. It could have been in South Melbourne or St Kilda – I cannot remember the details. There was community outrage. In particular there was outrage from people of my vintage, who grew up watching David Hookes play cricket. He was a very entertaining cricketer, an aggressive left-handed batsman. He scored five boundaries in one over off Tony Greig, as I recall, in the 1970s. He would set the MCG alight or whichever venue he played in, with 80,000 people shouting out, ‘Hookesy! Hookesy!’ He was a great cricketer. So it was particularly sad for people like me that watched David Hookes play cricket when we were growing up. The 2004 act, triggered by the unfortunate death of David Hookes, initially introduced the professionalisation of the private security guard industry and ensured proper training and vetting of security workers. It did not attempt to stop – because it would be very difficult to stop – but it attempted to reduce the criminal infiltration that it had become clear the industry was being beset by at that particular point in time.

The new bill before us goes further, and it should, because as I said the sector has grown and so too has the poor performance of the sector. The bill aims to address issues that have arisen over the past two decades, such as the exploitation of workers, the need for continuous professional development and the regulation of subcontracting practices. Speakers before me have spoken about sham subcontracting. Subcontracting is a really big issue in this industry, but this industry is not unique. Sham subcontracting transcends many industries in the economy. You have companies that, in order to avoid being detected doing nefarious practices, subcontract out and then claim they are not responsible. In particular governments who are purchasing goods and services need to be aware of this, and they need to take steps to ensure that there is transparency in the supply chain and that companies are held to account for their supply chain. That is what this bill does. I do support the bill, and I will be supporting the bill.

In terms of the amendment put forward by the Liberal Party, I am not sure that the government does not intend to do this anyway. It is about a disallowance motion that is pretty regulation, and I think what they are proposing pretty much makes it crystal clear. Because of that I will support the opposition’s amendment.

Trung LUU (Western Metropolitan) (16:27): I rise today to speak on the Private Security and County Court Amendment Bill 2024. As mentioned in the chamber today, the Private Security Bill as first introduced in this place was designed to replace the Private Agents Act 1966 and formally recognise the need for a strongly regulated security industry.

The Private Security Bill was introduced, as mentioned earlier by Mr Somyurek, to this Parliament by the then Minister for Police subsequent to the passing of David Hookes, the test cricketer, in 2004 following a dispute outside a hotel. I think most people here know what occurred: he was struck on the head and passed away. However, a lot has changed since the death of David Hookes, a much-loved cricketer, a batsman during my time I should say. Now we need to address some of the lingering issues with the legislation which has been in effect for the last 20 years, especially with the new technologies among us. We need to update the legislation to make sure it remains current and effective.

I want to bring us back to the COVID-19 lockdowns in recent years, when those who unfortunately had to be in Melbourne experienced confinement in hotel quarantine and the issues we had then with the hiring of security guards, contractors and the like through apps without any regulations or conditions for how persons should act in the role of security guard. This bill will address that subcontracting practice, which some might say contributed to the 800 lives that were lost during the quarantine period. Actions like those need to cease immediately, and this new bill definitely eliminates those issues. From now on, if this bill passes, there will be a requirement for written consent in relation to a subcontracting agreement, and there will be an offence relating to it as well.

Furthermore, this bill will provide for some positive changes to the Private Security Act 2004 by providing a single licensing system for all private security workers and businesses. It is changing some requirements. It will not require registration; all activities will now require a licence under this bill. This is a very good and positive change, providing a consistent approach. It will also give some confidence to our community. The licence will have a time period – it will expire in three years. At that stage the applicant would need to apply for renewal of their licence. It will keep their qualifications constant and up to date. This consistent approach, it was found, would abolish the need for registrations. More than that, it will also allow any person with concerns about a holder of a private licence to make a complaint to Victoria Police. They can ring the police to have their licensing units look after this sort of thing – less of the complaints with this. With the registrations of licences, the police can then follow up in relation to any complaint about a security guard acting inappropriately or any issues down the track.

This also enables the industry to produce a new code of conduct, which will be developed in due course, enforcing disciplinary action in relation to ensuring that the private security industry is governed and has good oversight. Security guards subject to high risks, such as bodyguards and crowd control – we know the difference between those at shopping centres and those who provide private security. They require different skills, and different training is required for those roles. This bill will enable them to do refresher courses to ensure that a high standard is maintained in the industry.

The Victorian private security industry faces a significant challenge. It needs a comprehensive overhaul to safeguard the public and improve conditions. The bill also addresses the pay issues and underpaid workers in the security industry, and those who are inadequately trained will have the opportunity to do various courses to upskill themselves. However, we cannot expect private security to do all the police work. The only way to keep the community safe – as we have spoken so much about today in this chamber regarding community safety – is police numbers. Police still do their duties. The police duties are still as important as ever, and the number of police required to do the policing role in this state needs to improve for them to still continue to do what they need to do.

Business and communities are now scrambling to hire security guards to do various duties in relation to crime, especially out in my region. There are estates where residents now hire private security to do normal patrol beats around their estates. That should not really happen in our community these days. Unfortunately, they are the facts at the moment. We need to encourage the government in many ways

to boost the number of police doing their duty to ensure the community is safe. In those areas where people feel so unsafe that they have had to hire private security to patrol around their estates – that really should not happen in Victoria.

I mentioned that to give you an example of an estate, Jubilee estate in Wyndham Vale. It is 11 kilometres away from the nearest police station. The residents have come and spoken to me about this. They have employed private security to keep them safe. That sort of thing should not happen. Eleven kilometres from a police station – really? Do we need private security guards to monitor around this estate? But it is the appearance. When people feel unsafe, that is the action they have to seek. If the appearance is that they feel unsafe, that is the duty of the police force to ensure people do feel safe. To do that we need to equip them with the sufficient resources, equip them with sufficient manpower, to do their job. Unfortunately with this current government the number is at our lowest point, so I hope that will change. In the meantime we should not have a two-tier system where one group of Victorians feel inadequate compared to the other side of town regarding the service of emergency services.

Moving forward in relation to this bill, I know my colleague Mr Davis will move the amendment in relation to clause 53 to insert after section 180(3) of the principal act:

Regulations made under this section may be disallowed in whole or in part by either House of the Parliament.

I am sure this bill eventually will address that, but this will ensure that it will be addressed.

In addition, the bill includes amendments to the County Court Act 1958 and the Sentencing Act 1991 extending by two years the operation in the Drug Court division of the County Court of the current three-year trial that applies to the Drug and Alcohol Treatment Court. In a short period of time it is quite an extensive program. I will not have enough time to speak on it, but I would like to speak in relation to the important role that drug diversion has. Drug and alcohol treatment orders are the way to go if you want people not to reoffend. We have got to assist them in as many ways as possible, and this will stop offenders reoffending. It is too late to encourage them not to use drugs at the start, but if they fall into that trap we have got to find every way possible to assist them when they are in need to stop going back down that track. It is a very vital section of the bill to reduce the risk of future violent drug-related offences and associated addiction. This comes at a time when Victoria has been dubbed the national heroin capital in recent times. I know it is said that New South Wales is I believe the cocaine capital, and we, Melbourne, have been dubbed the national heroin capital. So programs like the drug and alcohol treatment order are essential to assist those who fall in that trap and to hopefully get rid of this title we have been given as the national heroin capital.

In conclusion, I would just like to say that I will be supporting this bill, and I hope those who are in this chamber do support the amendment raised by Mr Davis in relation to ensuring everything is being addressed and covered in relation to disallowance of those regulations in whole or in part.

Michael GALEA (South-Eastern Metropolitan) (16:39): I rise to share a few words on the Private Security and County Court Amendment Bill 2024, which I rise in support of today. This is an important, progressive bill that will make two significant improvements. Firstly, in the aspect of private security this is a bill that fundamentally will tidy up a number of regulations and the framework in which our private security system operates in this state by making it more stringent and more robust in particular on the companies that provide these services and the training that is required to be associated with it and on the individuals themselves who work in this space. I note that it comes as amendments to the Private Security Act 2004, which was introduced by then Minister for Police and Emergency Services in the Bracks government Andre Haermeyer, and it was quite a progressive, important reform at the time. That reform improved much in the industry, but much has changed in the further 20 years that we have had since. The industry has grown and diversified, and the social and technological developments that have occurred do require increasingly complex skill sets amongst those who work in the industry.

This bill is in large part aimed at those employers who do not pay fair wages and do not afford their workers genuine flexibility and access to their legal entitlements such as superannuation, leave and insurance, and it is targeted also to address that, again, relative minority of training organisations that do not deliver the required training and who sign off on untrained and wholly unprepared workers. This is going to benefit the industry because by bringing in more robust regulations in this space we are actually removing the ability of some of those providers to undercut the genuine providers who are doing things properly, so this is very important for that reason alone. It also comes on the back of the recommendations of the government's review of the private security industry, which was conducted by the Department of Justice and Community Safety and released in December of 2021.

Another aspect of this bill is the extension of the pilot of the Drug Court as part of the County Court. On the Drug Courts we actually had some discussion already in this chamber earlier today in question time, and I note the Attorney's passion for this subject. Certainly the results of the scheme speak for themselves, with a recent KPMG report into the Melbourne Magistrates' Court showing 31 per cent of those that went through it were less likely to reoffend within 12 months of completing their Drug Court order compared to those who went through the regular system. They were also 34 per cent less likely to reoffend within two years. Frankly that is a remarkable result and absolutely makes the case for this very reasonable extension of the County Court trial.

The County Court is one of our strong legal institutions in this state and a very progressive court indeed, especially with initiatives such as the Drug Court as well as other therapeutic options. It is a progressive court with a historic name in fact. We are the only jurisdiction in Australia I believe to have a court named the County Court. Other places refer to them I believe as district courts, and it harks back to the county system of Victoria, which though largely now defunct still does technically exist, fundamentally through the name of this court and also through land titles. We are here in the Parliament today in the county of Bourke, as it was then and as it still technically is. But today the County Court serves all of Victoria, and this Drug Court as part of it has been also very similarly successful to the trial in the Magistrates' Court Drug Court in Melbourne. To see this extended is going to be of great benefit, and I am looking forward to seeing more positive results flow through that.

I do also want to make a few brief comments about the amendment which has been put forward today by those across the chamber. I do confess, whilst I do not have a problem with the intent of it, I do note that it does strike to be a little bit of overreach. We already have quite sufficient processes in place for dealing with the sort of stuff that this amendment is seeking by seeking to have any of the regulations disallowed by a vote of the Parliament by either house. That is actually already something that applies to regulations. They are perhaps confusing the regulations in this with administrative orders, which ordinarily a clause like this would apply to. When you have a regulation that is well within the purview of either house, either or both houses can currently discuss, debate and override any regulations, as in fact can the Scrutiny of Acts and Regulations Committee. SARC actually has a responsibility amongst its many responsibilities to review regulations as they come through and make precisely those recommendations based on that. So for those reasons I will not be supporting today's amendment, but I do commend this bill to the house.

Maybe this is just the Liberal Party seeking to throw something in to keep our Thursday afternoon spicy. Who knows, maybe there are even some meetings they might be trying to avoid this afternoon. Goodness knows if they can find their dear glorious leader – perhaps he has run away again from more people in a lift. I am not sure of his movements. I know we spoke about a motion yesterday that apparently was not run past him when it was put through. Either way, at least they have kept themselves busy with this. They are perhaps, for once, not even running the numbers like they normally do tend to. Certainly you would not get the sense that they are running the numbers effectively, at least from reading the amendments that they have put into this place today and with this particular amendment that they have proposed.

I think it is worth reiterating that what this bill will do is actually introduce a very sensible, very straightforward, very pragmatic set of changes. It should not be a controversial thing; it should be

supported by those across the house. In talking about the Scrutiny of Acts and Regulations Committee of the Parliament – and I know my colleague Ms Terpstra, you are on that committee as well and I look forward to your contribution on this – my understanding is that there is a process which is currently already set out in part 5 of the Subordinate Legislation Act 1994, better known as the SLA, which was introduced in 2010 at the same time as the requirement for regulatory impact statements. The purpose was to allow for greater scrutiny of all the legislative instruments, such as the regulations which the coalition today have come in saying we need greater scrutiny of, in complete ignorance of the fact that these provisions are already in place as part of that SLA. So the process requires all new regulations to be laid before each house of Parliament and to be considered by SARC, which as members I am sure will know, is a joint committee which enjoys strong representation from across the Parliament.

SARC, as part of its role, must assess the suitability of the regulations and report that back to Parliament. Certainly it does seem to be an interesting process. If there is a specific concern about these regulations that is raised by SARC, they can indeed recommend that some or all of the regulations be disallowed or amended, and this recommendation indeed has to be laid bare before Parliament, during which time the regulations in fact are suspended. So further, if SARC is of the opinion that in the interests of justice and fairness the regulations should be suspended in whole or in part pending the consideration of the Parliament, it may in fact even propose that the regulations be suspended outright altogether. Both or one house of the Parliament may disallow the regulations in whole or in part.

The things that this amendment is seeking to achieve are actually perfectly covered by those processes. I believe Mr Davis himself is also a member of SARC, so I would expect him to know that. Well, it is actually him putting the amendment forward, so perhaps he does not. Perhaps they are spending more time dealing with working out who the 10 people are that actually still supposedly support John Pesutto's leadership. Some might look over them one day and say, 'I can't believe it's even 10.' But that is what we are told according to the papers, and for now, at least for the time being, I understand he does remain the Leader of the Opposition. If he will stop running away from people throughout the precinct, I am sure we will get to a point where he might even be able to put forward a vision for this state – but we are still of course yet to see that, and I suspect we will be for some time to come. We know that they cannot do their costings right either, as we saw from last time, and of course from our friend Mr Davis. We will see if they have any more contributions to make, which hopefully will be of greater value to this place. I will not be supporting the amendments today, but as I say, for the reasons I outlined, this is a good, progressive bill that should be supported. I commend it to the house.

Ryan BATCHELOR (Southern Metropolitan) (16:50): I am very pleased to rise to speak on the Private Security and County Court Amendment Bill 2024, which makes a range of really important changes, particularly to private security arrangements in Victoria. It is a workforce which does provide an important function, keeping many elements of the operation and administration of buildings and gatherings and the like done in a professional manner. It is an industry that by its very nature does have to try and keep some sort of order over occasional unruly members of the public, and therefore in doing so it is one that should be properly regulated. When even minor public order functions are being performed in the state by members of the private sector, it is important that they be done by people with adequate and proper training, because keeping the community safe is something that is obviously very important.

We have a licensing scheme for the private security industry here in Victoria, but one of the important things that this legislation seeks to do is to try and prevent some of the more problematic workplace-related practices that have become in some parts of the industry all too prevalent. One of the key and I think most important features of the bill seeks to introduce additional safeguards against sham and dodgy subcontracting of these industries. We know that there are and have been instances, particularly through the work that the United Workers Union has done over many years to uncover problematic practices in the industry, where contractors and subcontractors in the private security industry have

engaged in processes that have led to worker exploitation, that have led to wage theft and that have led to the sorts of exploitative workplace practices that we do not think should exist and certainly the law thinks should not exist. Particularly in relation to things like wage theft, this Labor government was a leader in the country in criminalising it in recent years. But what we have seen, unfortunately, is that in sections of the private security industry there have been a range of sham subcontracting and dodgy workplace practices put into place. That came to light, as I said, through the efforts of the United Workers Union in drawing public attention to some of the practices of the industry.

It was an issue that this Labor government took seriously. Prior to the 2018 election the Labor government committed to doing a review of the private security industry, which after we were re-elected in 2018, like all of our commitments, we delivered on. That review was undertaken in the years following the 2018 election. It was released at the end of 2021. It is yet a further example of the diligent and systematic approach that the Labor government has taken to responding to instances where bad workplace practices, whether they be through direct employment or through sub and sham contracting arrangements, have led to the exploitation of workers in Victoria. The approach that this Labor government has taken is to try and stamp out these exploitative practices where we see them and to put in place laws and regulatory regimes to make sure they do not happen again. Victoria is not a state where this Labor government wants to see workers being exploited, particularly in industries like security where because of the nature of the industry we see that workers have been particularly vulnerable to exploitative workplace practices.

Through a range of steps that the government has taken over many years we have sought to strengthen the protections for people in the industry. What this legislation before us today will do – by ensuring that subcontracting arrangements cannot be used as a way of getting around regulations with respect to private security contracting – is strengthen those regulations. We have seen it, for example, in the way that the government introduced its portable long service leave arrangements that cover the security industry, an industry where people move between contractors at a range of places and often did not get access to things like long service leave in the way that those with more stable employment relationships did. We put in place measures to protect them, and this is another example of where the Labor government is putting measures in place to ensure that workers who are vulnerable to exploitation in a range of employment and contracting settings are not in fact exploited. We are doing what we can as a government to ensure that those workers are not exploited and not at risk. To me that is what is at the heart of the significant benefits that this legislation will bring, particularly to working people here in this state.

The bill requires that any person who is listed by a security contractor as an independent contractor must also hold a private security business licence, which will bring them within the purview of that regulatory regime. It will create an important barrier to employers forcing those employees – or workers, I should say – to engage in unfair arrangements. We believe, based on the work that was done by that independent review, this will protect the workers, increase transparency and ensure that providers and contractors are held accountable for their actions.

The legislation will also introduce a new code of conduct, which will be enforceable by disciplinary action. This will benefit the community but also those who work in the industry by providing clear and consistent professional standards and, we hope, improving public perceptions of those who work in the security industry. The code will be developed by the Chief Commissioner of Police in consultation with industry stakeholders. It will ensure that workers in the industry are treated with respect and dignity, that diversity is respected and that there is a commitment to the appropriate use of escalation techniques during interventions, which we know do occur. That is why security officers, private security contractors, are used, because we know there are a range of settings where that kind of support for events and facilities is required, and ensuring the appropriate use of escalation in those interventions will be at the core of this new code of conduct.

Another important element of improving practices in the private security industry that this bill will implement is a requirement for frontline workers to take refresher training prior to licence renewal.

Every three years licence renewal is required for those operating business security licences, and this will require skills to be refreshed. Things like first aid, safe physical restraint practices and verbal de-escalation tactics are critical for those working in higher risk roles such as crowd control and static guarding. This recommendation – to require refresher training – was a recommendation from a coroner in 2022 following an unfortunate case where physical restraint of a patron led to their death. We need to make sure that individuals who find themselves in an encounter with private security can expect that those private security officers have appropriate training and that that training is appropriately refreshed. I think these reforms are going to provide a better skilled and more professional security workforce. They are going to give the workers in that industry, importantly, access to continuing education and the ability, by the skills refresher, to make sure that their skills are up to date. It is not just a case of train once and forget, it is an approach in the industry where they will be able to get more and refreshed skills.

There are a range of other amendments in this legislation. It will extend the pilot of the County Court Drug Court. Previous speakers in the course of this debate have talked at length about the important work that this has done. The bill amends the County Court Act 1958 and the Sentencing Act 1991 to extend the operation of the Drug Court division within the County Court of Victoria for a further two years. The Drug Court model seeks to address the underlying causes of offending by providing intensive drug treatment services to offenders. It is an acknowledgement that the best way to reduce reoffending, particularly in these circumstances, is through health-directed, health-oriented approaches. The evaluation evidence demonstrates quite clearly that these approaches work. It is important to keep doing things that work well. That is what this bill seeks to do.

The legislation before us today is making some critical and important changes to extend the operation of the Drug Courts, and as I have said in the majority of my speech, to improve the private security industry in this state – important reforms that have been championed by the work done by members of the union movement. I commend the bill to the house.

Sonja TERPSTRA (North-Eastern Metropolitan) (17:02): I also rise to make a contribution on the Private Security and County Court Amendment Bill 2024. It is important to note that this bill is a product of the 2018 pre-election commitment to review and overhaul the private security industry. The bill will implement a number of key recommendations of the report and address issues that have been plaguing the security industry for years. The bill also amends the County Court Act 1958 and the Sentencing Act 1991. The purpose of these amendments is to extend the existing County Court Drug Court trial for two years to allow a full evaluation of the trial.

I will start my contribution on the security industry. Again I will reflect on my many years as a trade union official. One of the things that I was very involved in and interested in was looking at subcontracting arrangements and sham contracting arrangements. Unfortunately some of the industries that those practices are rife in are the security industry and also the cleaning industry. Going back a number of years there was a range of quite large high-profile employers who were I guess singled out or called out and investigated in fact by the Fair Work Ombudsman for a range of practices that included employing people on what would typically be known as sham contracting arrangements when really these people should have been direct employees – things like forcing someone who should have been directly employed to have an ABN, which meant they were basically working for themselves. What that in effect also meant was that the employer used those arrangements to avoid their award obligations – things like not paying them the minimum award rate, not paying superannuation and avoiding other obligations.

There were a range of test cases. I think one, most notably, was through the High Court. I think it was *Hollis v. Vabu*. That High Court case looked at: what is a subcontractor? This was a case in regard to bicycle couriers, if my memory serves me correctly. That is because bicycle couriers were engaged as independent contractors when in fact they should not have been. They should have been looked at as employees. There was a range of tests that the court came up with to determine what is an employee and what is not.

Getting back to the security industry, what we know about the security industry is that people who work in the security industry actually perform a critically important function for all of us. There are a range of events and circumstances in which we need security to be available. Some of those things are rock concerts and festivals and the like. Security might sometimes be involved just to check bags at festivals or whatever. There are some larger companies that offer these services, and they can be involved in patrolling at night, whether it is building sites or buildings in the CBD and the like or other places where we need people to patrol to ensure that buildings and suchlike are not broken into. They do perform an important function, but we also note that there was a range of other concerning practices that evolved.

I note that the United Workers Union is the union that has members in this area, and this is something that they have advocated long and tirelessly for. It is a credit to their advocacy that we now see these reforms coming before the Parliament to be implemented and made law. One of the things that will assist workers who are employed as security guards or employed in the security industry is that they will now also be provided with a fact sheet that will include a list of organisations that can help workers ensure that they are being paid fairly. They need to understand what their rights are. It will also include information about who their relevant union is, which is the United Workers Union, and about the Labour Hire Authority and the workplace ombudsman. The Labour Hire Authority is, again, another critically important entity that was stood up by this government to make sure that in the labour hire sector – and, again, often you will find labour hire agencies that will stand up and employ people on a labour hire basis – a labour hire entity has to be licensed, and the Labour Hire Authority is the responsible authority for providing licences.

Importantly, security workers will also need to ensure that any person who is listed as an independent contractor, for example, must hold a private security business licence. That is important to ensure that these people are licensed and there is a degree of rigour around that as well. Not just anyone can be a security person. They have got to have licences. They have to have undertaken appropriate training and the like. These reforms are aimed at cracking down on some of the largest issues that are impacting the industry – things like unclear and unauthorised subcontracting and the illegal exploitation of workers through sham contracting. Again, it is great to see these reforms come through and be before the Parliament.

I am going to quickly shift to talk about the reforms to the County Court Act, which are about the Drug Court. It is really pleasing to see the trial being extended. It is a really critical function that the Drug Court has, looking at how we can assist people who come before the court, because as we know, for people who might be struggling with a drug dependency issue, sometimes putting them in jail is not the answer but helping them to understand and perhaps participate in diversionary processes and practices can be, and this is something that the Drug Court has a pivotal role in. Effectively addressing the underlying causes of someone's addiction is akin to a therapeutic approach. It enhances the wellbeing and community connectedness of participants and improves their relationships, housing stability and life skills, reducing reoffending. These amendments will help to preserve the benefits that have been derived from the Drug Court's operation for as many eligible people as possible. The 2014 evaluation of the Drug Court is available on the Magistrates' Court website, but of course these amendments will help and in effect extend the trial so we can look at further data that comes out of that trial.

I might leave my contribution there. I did see that there was an amendment proposed for one of the acts, but I note that government will not be supporting that amendment. I commend this bill to the house unamended.

David LIMBRICK (South-Eastern Metropolitan) (17:09): I also rise to speak on the Private Security and County Court Amendment Bill 2024. This is one of those annoying bills that does something that I really do not like and something that I really do like.

A member: Annoying?

David LIMBRICK: Yes, so I have to sort of find a balance. I will say from the outset I am not opposing this bill, but let us start with the bad news – the things that I do not like. I do not believe that these extra regulations for what the government calls ‘sham subcontracting’ and these sorts of things are going to actually improve anything. The government presents this ‘sham contracting’ as if the alternative was someone being employed by a company and getting better conditions and that sort of thing when the reality of the alternative in many of these cases is unemployment. I think that this will raise costs. I think that it will send many business models to be uneconomic and will result in job losses, so I do not like that. But what I do like is the extension of the Drug Court as part of the County Court. I think that what the Drug Court is doing is wonderful work. Diverting people with problems with drugs away from the criminal justice system and into other things that may be more productive and more useful than going to prison is a very good thing.

I am forced to make a decision on this bill. On balance I will not oppose it, and I hope that the Drug Court becomes a permanent fixture and not just a trial.

Georgie CROZIER (Southern Metropolitan) (17:10): I also rise to speak to the Private Security and County Court Amendment Bill 2024, and in doing so I acknowledge the contribution by my colleague Mr Davis on this. As has been stated, this bill is to provide for a new licensing system for the private security industry and to amend the County Court Act 1958 and the Sentencing Act 1991 to extend the operation of the Drug Court division of the County Court and for other purposes.

As has been said, the Private Security Act 2004 has been looked at, and it needs to be overhauled. This bill will provide a new licensing system for the private security industry and do a range of other things, but also – as Mr Limbrick has just spoken about – in relation to extending the operation of the Drug Court division in the County Court, it will provide for that as well. In that regard the current three-year trial will be extended for the operation of the Drug and Alcohol Treatment Court of the County Court, making it a five-year pilot.

I just want to go to the point very quickly. Obviously private security undertake a very important role in the safety of the community, and we know that. They are often seen undertaking a range of roles around ensuring that the public is safe, particularly around crowded places, sporting events, music festivals, music events – all of those sorts of things – but they also provide security for critical infrastructure and they are often in our hospitals, for instance, providing support to the staff in hospitals to ensure their safe running and the safety of not only patients but also, importantly, staff. They also are seen around shopping centres and around the courts and various other things. They provide a whole range of services.

But the one thing I want to mention, as it cannot go without mentioning, is the role they played during COVID with hotel quarantine. As we know, that was a complete and utter debacle, and it led to some significant issues in this state where our state was locked down for the longest of anywhere in the world. Certainly we had the harshest of restrictions and the worst outcomes in relation to that.

The Coate inquiry looked at this very issue – admittedly it was all a bit of a farce, the Coate inquiry – of the procurement and role of private security, and it did talk about the failings in the procurement process. Obviously there was a real problem with the role of the security guards in what they were trying to undertake, and there were systemic governmental failings that led to these problems, as the Coate inquiry found. It says in the report that:

The process by which the security guards were selected was not appropriate or sufficiently rigorous. It was made in haste and without any risk assessment, led by staff that did not have the requisite experience and knowledge ... and without any public health oversight or input.

It concluded that:

... there were failures of proper procurement practice on the part of DJPR.

That was a bit of a cop-out, because there were decisions made by the government at the time, and they got away with their decision-making process and of course the impacts on the rest of the Victorian community. The legacy of that period is a very dark one, and I think that hotel quarantine was instrumental in leading to so many issues here in Victoria. But anyway, getting back to this bill, I just needed to make that point because of the importance of what is required when you are dealing with security firms, private security, licensing arrangements and the fit and proper person test – all those issues that need to be undertaken to ensure that the licensing arrangements are properly adhered to and that we do have legislation or regulation around an ability for these operations to conduct what they need to do properly.

As I have said, Mr Davis has outlined the vast majority of the opposition's issues in relation to this bill. I think there is some concern around the delay in these changes, which could be up to two years away. There will be new fee structures for companies and individuals, and that is still not known. Obviously we will tease that out in the committee stage, and those arguments have been prosecuted throughout the debate. I will leave my contribution there.

Moira DEEMING (Western Metropolitan) (17:16): I would like to rise to speak in favour of the Private Security and County Court Amendment Bill 2024. I rise to speak in favour of this bill for a variety of reasons, many of which have already been gone over. I will not be going over ground that has already been trod, but I would just like to agree with many of the things my colleague Mr Limbrick has said.

It is important to have a great system for licensing and regulation when it comes to security providers, because obviously we have had some spectacular stuff-ups in this state, hotel quarantine being the most obvious. But there are so many more examples and so many more reasons why private security is so important in Victoria. For example, here in Victoria we know that women cannot assemble peacefully on the steps of Parliament to speak about women's rights and child safeguarding. They are going to need to hire far more than two security guards to do that, because as we all learned about a year ago, and I am sure we are going to see again tomorrow, they will need to supplement a gravely outnumbered police force – a police force totally disempowered by the Labor government's decision to abolish the move-on laws that would have allowed the police to charge, detain or move on all the very badly behaved men, those counter-protesters, that day. Instead, on 18 March last year all police could do was watch as trans rights activists in masks, National Socialists in masks and National Socialist Nazis in masks intimidated those women with threats of rape and murder and with Nazi salutes. But I digress.

There are so many other reasons why private security is important, and here I do just want to give a huge shout-out to the amazing security services that we have here at Parliament. They do a fantastic job, and they do not ever let party politics get in the way of their duties. It is not just important for things like violence and surveillance. For example, it is very important to protect the sanctity of certain spaces and places like multifaith prayer rooms, such as the ones they have at federal Parliament. The business of managing the environment of multifaith prayer rooms is part of our responsibility to a society that values equality. I am sure that among our MPs and staff in this Parliament, if we did have a multifaith prayer room in this state parliamentary precinct – which currently we do not, and which I have raised as an issue – that not only our security services but all of us here as a group of representatives together would ensure that nobody would ever treat faith-based spaces with such vile contempt as to do something so heinous as to procure sex workers and have orgies in that space. I am sure that we would never put up with anything like that, so that is why I am supporting this bill, and I commend it to the house.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (17:19): I sincerely thank everyone for their contributions on the legislation that we are about to, by the look of it, pass. There were a couple of matters that Mr Davis raised that I just hope to address for a speedy committee passage. One was in relation to his concerns about timing of the bill and any delay. I confirmed for him verbally across the chamber that the commencement of the changes is 2025. I am advised that that will be April, so we are talking just over 12 months in relation to that system being enacted. That is to enable enough time for the regulation impact statement (RIS), for consultation and

for the making of the regulations. Particularly on that note, I would just put to the house that we will not be supporting Mr Davis's amendment, in short because we do not believe that it is necessary. That is because there are existing and well-established processes for Parliament to consider and where appropriate disallow regulations, including that a provision in statute of the kind being proposed has historically only been done for legislative instruments that are subject to less scrutiny than regulations – for example, administrative orders.

I think everyone is familiar with the current process, but I might just outline it in terms of part 5 of the Subordinate Legislation Act 1994, which was introduced in 2010, at the same time the requirement for RISs came in. The purpose is to allow for greater scrutiny of all legislative instruments such as regulations. The process requires all new regulations to be laid before each house of Parliament and to be considered by Scrutiny of Acts and Regulations Committee, which has good representation across the Parliament. SARC also must assess the suitability of the regulations and report to Parliament. If there is a specific concern about the regulations, SARC can recommend some or all of the regulations be disallowed or amended, and this recommendation has to be laid before Parliament, during which time the regulations are suspended. Further, if SARC are of the opinion that in the interests of justice and fairness the regulations should be suspended in whole or in part pending consideration by the Parliament, then they may propose that also the regulations be suspended and either house of Parliament may disallow regulations wholly or in part.

Further, in relation to these regulations and I guess linking back to the commencement date and the main amendments of concern about the setting of licence fees, this will involve an exposure draft and a RIS for public consultation – noting of course that MPs can be involved in commenting in that process, so there will be full transparency about the scrutiny of the proposed fees and the basis for them. The RIS has to be approved by the independent commissioner for better regulation and must be settled to the satisfaction of the Chief Parliamentary Counsel, who will not issue a section 13 certificate to enable regulations to be made unless they are within power and suitable as to the form and content. We are of the view that these combined provide an appropriate check and balance and would counter the purpose of Mr Davis's amendment.

Again jumping to fees and some concerns in relation to those amounts: as, Mr Davis, you did indicate, this is designed to be a cost recovery and certainly no more. In relation to the training costs and who pays, the refresher training will be developed after the passage of the legislation and before commencement. Fees will be kept to the minimum necessary to provide adequate training. We would hope in many cases employers will pay for the refresher training, but the responsibility, we would expect, will fall on many workers, and the course content, delivery method and fees will be designed with that in mind. We know that private security work is generally not the highest paid profession and workers will be footing the bill in many cases, so we will be very conscious of keeping those fees low.

I will end on a fun fact: I was a security guard in the early 2000s. I conducted my training and got my licence.

A member: Don't mess with the AG.

Jaclyn SYMES: That's right, I built up quite a few skills whilst I was a security guard for a couple of years.

This is good reform, and I would also take the opportunity to thank the minister's office for allowing me to bring in the County Court Drug Court extension provisions in the legislation as a vessel to ensure that that important work can continue.

Motion agreed to.

Read second time.

Committed.

*Committee***Clauses 1 to 52 agreed to.****Clause 53 (17:26)**

David DAVIS: I move:

1. Clause 53, page 29, after line 20 insert:
'(7) After section 180(3) of the Principal Act insert:
“(4) Regulations made under this section may be disallowed in whole or in part by either House of the Parliament.”’.

My amendment here is to insert a clause that will make it crystal clear – strongly clear – that regulations made in this section can be disallowed in whole or in part in either house of Parliament. I thank the Attorney-General for her commentary before and the useful elucidation of the disallowance powers.

Jaclyn Symes: You have used that word a couple of times today.

David DAVIS: Yes, I have got it going, haven't I? Anyway, I thank her for that. I will direct people who want to understand the disallowance matters and the regulatory framework and the Subordinate Legislation Act 1994 to read her contribution. With respect, though, we believe that it is not so clear in this case, and that is why we are moving the amendment. We believe this does make it absolutely crystal clear that the disallowance powers can be exercised, and this clause will strengthen the position. We think that changes of this type need more legislative scrutiny, not less, so that is our rationale.

Jaclyn SYMES: I have already addressed it.

Council divided on amendment:

Ayes (15): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Joe McCracken, Nick McGowan, Evan Mulholland, Adem Somyurek, Richard Welch

Noes (21): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt

Amendment negatived.**Clause agreed to; clauses 54 to 65 agreed to.****Reported to house without amendment.**

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (17:35):
I move:

That the report be now adopted.

Motion agreed to.**Report adopted.***Third reading*

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (17:35):
I move:

That the bill be now read a third time.

Motion agreed to.**Read third time.**

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

Energy and Public Land Legislation Amendment (Enabling Offshore Wind Energy) Bill 2024

Introduction and first reading

The PRESIDENT (17:36): Order! I have a message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Land Act 1958**, the **Crown Land (Reserves) Act 1978** and the **Forests Act 1958** to enable licences over public land to be granted for up to 21 years for purposes relating to offshore wind energy generation, to include offshore wind energy generation companies within the scope of certain provisions in the **National Parks Act 1975** and to amend the **Electricity Industry Act 2000** to enable the Minister to declare persons to be offshore wind energy generation companies and for other purposes.’.

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:37): 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 Housing, Minister for Water, Minister for Equality) (17:37): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Energy and Public Land Legislation Amendment (Enabling Offshore Wind Energy) Bill 2024 (the **Bill**).

In my opinion, the Bill, as introduced to the Legislative Council, is compatible with the human rights protected by the Charter for the reasons outlined in this statement.

Overview of the Bill

In December 2022, the Commonwealth Government declared an offshore wind area in Commonwealth waters situated off the Gippsland coast of Victoria. The *Offshore Electricity Infrastructure Act 2021* (Cth) (**OEI Act**) governs the licensing, construction, installation, commissioning, operation, maintenance and decommissioning of offshore electricity infrastructure in the Commonwealth offshore area. Victoria retains jurisdiction over any offshore electricity transmission infrastructure to be installed in Victorian coastal waters (landward of a line that is 3 nautical miles seaward of the territorial baseline) and onshore, in order to connect the proposed offshore wind farms with the National Electricity Market via the Victorian electricity grid.

To that end, this Bill amends Victoria’s public land and electricity legislation to support the establishment of a Victorian offshore wind industry. The Bill amends the *Land Act 1958*, the *Crown Land (Reserves) Act 1978* and the *Forests Act 1958* to enable certain licences and permits under these Acts to be granted over public land for a term up to 21 years, for the purposes of:

- assessing the desirability or feasibility of constructing or installing offshore electricity transmission infrastructure;
- determining the optimal placement of offshore electricity transmission infrastructure; and
- carrying out an activity for the purposes of obtaining a permit or consent required by or under any Victorian Act or the OEI Act, for the construction or installation of offshore electricity transmission infrastructure,

The Bill also amends the *National Parks Act 1975* to make offshore wind energy generation companies public authorities for the purposes of that Act, enabling offshore wind energy generation companies – where consent has been obtained from Parks Victoria or the Great Ocean Road Coast and Parks Authority – to perform functions and exercise powers in, and in relation to, a park as defined in the Act. The Bill also amends this Act to enable the Minister to enter into an agreement with an offshore wind energy generation company to manage and control, or to carry out functions and powers related to the company's purpose in, certain areas specified in the Act for offshore wind energy purposes.

The Bill also amends the *Electricity Industry Act 2000* to enable the Minister to declare a person to be an 'offshore wind energy generation company'.

The Bill also makes several miscellaneous amendments, including in relation to local land boards under the *Land Act 1958*, and enabling as originally intended, the Minister to make an agreement with an electricity company to use land managed under the Acts for the purposes of or in connection with the company's purpose in the future, but where the land may not currently be used for generating, transmitting or distributing electricity. These miscellaneous amendments have been assessed as not engaging the Charter.

Human rights issues

The human rights protected by the Charter that are relevant to the Bill are cultural rights in section 19 of the Charter and the right to freedom of movement in section 12 of the Charter.

Aboriginal cultural rights

The Bill amends the public land Acts to provide a pathway for offshore wind developers to acquire licences of up to 21 years over public land (unreserved and reserved Crown land and reserved forest) to carry out investigative activities to enable the transmission of electricity generated in offshore wind farms in the future. These activities include the assessment of the feasibility and placement of offshore wind electricity transmission infrastructure offshore and onshore, as well as the carrying out of activities for the purposes of obtaining relevant permits or consents required for the construction or installation of offshore electricity transmission infrastructure. The Bill also empowers the Minister administering the *Electricity Industry Act 2000* to declare a person to be an 'offshore wind energy generation company'.

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

The rights under section 19(2) are to be read broadly and are concerned not only with the preservation of the cultural, religious and linguistic identity of particular cultural groups, but also with their continued development. Aboriginal cultural rights are inherently connected to the relevant community and the traditions, laws and customs of that community. It can include traditional ways of life including practice of spiritual traditions, custom and ceremonies, and the maintenance of a cultural connection with land, including the use of natural resources and the preservation of historical sites and artefacts. Further, Aboriginal cultural rights co-exist with, and may extend beyond, rights in other legislative schemes, including the *Aboriginal Heritage Act 2006*, *Traditional Owner Settlement Act 2010* and *Native Title Act 1993* (Cth).

A critical aspect of the protection of the cultural rights under section 19(2) is participation in decision-making that affects the group. This would include decisions in relation to investigative activities that would impact the ability of Aboriginal persons to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources which they have a connection under traditional laws and customs.

The licensing regulatory framework provided for in the Bill does not, in itself, affect the Aboriginal cultural rights protected under section 19(2) of the Charter. Rather, any impact upon cultural rights protected under the Charter would be as a result of the issuing of a licence, permit or the entering into an agreement or consent. To the extent that any activities undertaken pursuant to a licence or a permit may affect the enjoyment of cultural rights, in considering whether to grant a licence or a permit under the new licensing provisions of the Bill, the Minister as a public authority will, pursuant to section 38(1) of the Charter, be required to give proper consideration to, and act in a way that is compatible with, human rights, including cultural rights under section 19(2) of the Charter. The Minister will also need to consider the Charter when entering into an agreement under the *National Parks Act 1975*. Parks Victoria or the Great Ocean Road Coast and Parks Authority will also need to consider the Charter when providing a consent under that Act.

That is to say, where there are cultural claims by one or more individual or Traditional Owner group in relation to the area the subject of a licence, permit, agreement, or consent the Minister or relevant body will be obliged to consider whether the licence, permit or agreement grants rights to an area which may limit the cultural rights of individuals or groups with a claim to the area, including: access and use of the land and waters; the

spiritual connection to the land, including the preservation of places of cultural or spiritual significance; participation in culturally significant or traditional practices on the land, including fishing, and exercising self-determination in relation to the management of country.

In addition, the Minister, when considering whether to grant a licence under the new licensing provisions of the Bill or entering into an agreement, and Parks Victoria or the Great Ocean Road Coast and Parks Authority, when considering giving a consent, will be required to do so in accordance with the statutory requirements in or under the *Aboriginal Heritage Act 2006*, *Traditional Owner Settlement Act 2010* and *Native Title Act 1993* (Cth). If enlivened, the procedures imposed by or under these Acts allow for the participation of Traditional Owners in decisions that may affect their rights and requires the Minister to consider the impact a licence to conduct investigative activities may have on Aboriginal persons with a connection to the relevant land and/or waters.

As such, to the extent that land and waters with which Aboriginal persons may have distinctive spiritual, material and economic relationships, may be impacted by the licensing regulatory framework provided for in the Bill, there is, in my view, no limitation imposed by this Bill on the cultural rights under section 19(2) of the Charter.

Right to freedom of movement

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria. The right extends, generally, to freedom to move throughout the State without impediment or restrictions (both physical and procedural) and a right to access public places and services. This right is, however, not an absolute right under the Charter and may be subject to such reasonable limitations as are demonstrably justified in a free and democratic society, including the property rights of others.

Aspects of this Bill are concerned with enabling access to unreserved and reserved Crown land, reserved forest and parks under the *National Parks Act 1975*. In this regard, the Bill does not, in itself, prevent movement freely within Victoria as protected under section 12 of the Charter. Rather, the Minister, when considering whether to grant a licence or a permit under the new licensing provisions of the Bill, will, pursuant to section 38(1) of the Charter, be required to give proper consideration to, and act in a way that is compatible with, human rights, including the right to freedom of movement under section 12 of the Charter. As set out above, the Minister will also need to consider the Charter when entering into an agreement under the *National Parks Act 1975*, and Parks Victoria or the Great Ocean Road Coast and Parks Authority will need to consider the Charter when providing a consent under that Act.

Accordingly, the Bill does not, in my view, limit the right to freedom of movement under section 12 of the Charter.

Conclusion

I therefore consider that the Bill is compatible with the Charter.

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

Second reading

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:37): I move:

That the bill be now read a second time.

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

Victoria is leading nationally in developing offshore wind having recently legislated new offshore wind energy targets of at least 2 gigawatts (GW) by 2032, 4 GW by 2035 and 9 GW by 2040, established Offshore Wind Energy Victoria to progress sector development including undertaking engagement with industry, Traditional Owners and the Australian Government on proposed offshore wind projects, and established VicGrid to coordinate the overarching planning and development of Victoria's Renewable Energy Zones and offshore wind transmission projects.

Our state is undergoing a significant renewable energy transition and the Victorian Government is committed to ensuring that Victorians have access to renewable, reliable, and affordable energy while making sure we meet our renewable energy and climate targets. Offshore wind energy is a key pillar of Victoria's renewable energy future, and I am proud to say that Victoria is the national leader and at the forefront of offshore wind development in Australia.

The Energy and Public Land Legislation Amendment (Enabling Offshore Wind Energy) Bill 2024 is the next stage of the State's offshore wind legislative reform program following introduction of the Climate Change and Energy Legislation Amendment (Renewable Energy and Storage Targets) Bill 2023.

Amendments enabling offshore wind activities

The primary purpose of this Bill is to extend the existing licensing and agreement regime under various public land legislation to enable offshore wind project proponents to access Victorian public land for the purpose of investigating the suitable placement of connection infrastructure between offshore wind projects and an onshore electricity grid connection point.

Offshore wind farms will be located in Commonwealth waters adjacent to the State's waters, which extend three nautical miles from the coast. Accordingly, offshore wind project proponents are required to obtain the necessary licences to undertake feasibility, research and demonstration, construction and commercial works under the Commonwealth's *Offshore Electricity Infrastructure Act 2021* and accompanying regulatory framework.

The passage of this Bill will provide offshore wind project proponents with greater certainty and continuity to undertake their project planning and design from Commonwealth waters through to the onshore connection point into the Victorian electricity grid. It will do so by:

- enabling Victorian licences to be issued to, or agreements to be entered into between the relevant Minister (or their delegate) and offshore wind project proponents to access 'public' or 'Crown' land including the Victorian seabed up to three nautical miles from the coast, for a period up to a maximum 21 years to conduct initial investigatory works, as part of any proposed construction of offshore wind farms
- allowing the Minister administering the *Electricity Industry Act 2000* to declare an entity to be an 'offshore wind generation company' to allow investigatory activities to be conducted if necessary under the *National Parks Act 1975*.

These amendments are intended to work with, and not be contrary to, existing rights and obligations that apply under the Acts being amended by this Bill. Further, the amendments are intended to work with, and not be contrary to, existing rights and obligations under other legislation likely to apply to offshore wind projects notably the *Planning and Environment Act 1987*, *Marine and Coastal Act 2018*, the *Traditional Owner Settlement Act 2010*, the *Aboriginal Heritage Act 2006* and the *Native Title Act 1993* (Cth). Further, the licensing regime does not cover any investigatory activities proposed to be undertaken on private land. Access to private land will be a matter for project proponents to negotiate with landholders.

The Victorian Government's engagement with Traditional Owners is underpinned by self-determination. The Government aims to form genuine, meaningful partnerships with Traditional Owners by transferring power back to and being held accountable to Traditional Owners.

Amendments to the *Land Act 1958*, *Crown Land (Reserves) Act 1978*, *Forests Act 1958* and *National Parks Act 1975*

Offshore wind connection infrastructure, notably transmission cables, will traverse public land of different 'types', currently managed under different statutes. All seabed in Victorian coastal waters is regarded as public land, and the onshore components of connection infrastructure are likely to traverse public land, including reserved Crown land, unreserved Crown land and State forest.

Accordingly, the Bill amends the *Land Act 1958*, *Crown Land (Reserves) Act 1978* and *Forests Act 1958* to provide a pathway for offshore wind project proponents to acquire long term licences over public land (unreserved and reserved public land and reserved forest) of up to a maximum of 21 years in order to begin investigative activities to connect to a consolidated connection point. The Bill also enables Parks Victoria to consent to an offshore wind energy generation company carrying out such activities in a park under the *National Parks Act 1975*.

The Minister or their delegate in granting a licence must have regard to:

- whether or not the applicant for a Victorian licence is the holder of a licence under the Commonwealth *Offshore Electricity Infrastructure Act 2021*
- whether granting the Victorian licence would contribute to achieving a Victorian offshore wind energy target or renewable energy generation target
- any other matters that the Minister or delegate considers relevant.

For example, other matters the Minister or delegate may consider relevant could include:

- the proposed scope and nature of the investigatory activities to be conducted on the Victorian seabed and onshore

- the period of time that the applicant wishes to have access to the land
- any known environmental or Traditional Owner cultural values or sensitivities in the area that is the subject of the application and suitable measures to avoid or mitigate impacts.

These considerations have to occur in the context of all applicable Victorian legislation. This may include meeting the requirements set out in a land use activity agreement under the *Traditional Owner Settlement Act 2010*, and, where applicable, requirements to obtain a consent under the *Marine and Coastal Act 2018* or the *Flora and Fauna Guarantee Act 1988* or the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and, for any substantial development, meeting the requirements to carry out an environmental effects statement under the *Environmental Effects Act 1978*.

The Bill also makes amendments to the public land acts to ensure that electricity companies can enter into agreements for the purposes of constructing and operating electricity infrastructure.

Amendments to the *Electricity Industry Act 2000*

The Bill makes amendments to empower the Minister administering the *Electricity Industry Act 2000* to declare an entity to be an ‘offshore wind generation company’. This will be limited for the purpose of investigatory work. Under existing regulatory frameworks, at the time of construction, a developer would be expected to be licenced as a generation company, a transmission company and/or a distribution company, by the Essential Services Commission.

Other amendments

The Bill also amends the *Land Act 1958* to repeal provisions requiring a public hearing to be undertaken by the Minister or an appointed ‘local land board’ prior to undertaking various land-related transactions including the issuing of licences and leases. This process, which derives from earlier Land Acts, is inefficient and administratively burdensome, and not appropriate to support contemporary land management.

The Bill also clarifies section 21 of the *National Parks Act 1975* (which relates to the granting of permits) so that the Great Ocean Road Coast and Parks Authority can grant permits in relation to parks under the Act for which it will shortly take responsibility.

Conclusion

Offshore wind is critical to the delivery of 95% renewables by 2035, and net zero by 2040. As coal-fired power plants exit, as they have flagged, the increased generation capacity of offshore wind farms provides crucial reliability assurance for Victoria’s grid. It’s not just a nice to have, and the Victorian Government is committed to enabling offshore wind project proponents to undertake the necessary site feasibility investigation works to inform their project design phase, harness the opportunities of our world-class wind resources and contribute to Victoria’s offshore wind and renewable energy generation targets.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (17:37): I move on behalf of my colleague Mr Davis:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Estate Agents, Residential Tenancies and Other Acts Amendment (Funding) Bill 2024

Introduction and first reading

The PRESIDENT (17:38): I have a further message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Residential Tenancies Act 1997** in relation to funding dispute resolution and advocacy services, to amend the **Estate Agents Act 1980** in relation to funding dispute resolution and advocacy services and to abolish the Estate Agents Council, to amend the **Business Licensing Authority Act 1998** to facilitate closure of the Sex Work Regulation Fund, to amend the **Public Records Act 1973** to abolish the Public Records Advisory Council and for other purposes.’.

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:38): 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 Housing, Minister for Water, Minister for Equality) (17:39): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Estate Agents, Residential Tenancies and Other Acts Amendment (Funding) Bill 2024 (the Bill).

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

Overview

The purpose of the Bill is to amend the *Estate Agents Act 1980* (EA Act) and *Residential Tenancies Act 1997* (RT Act) to authorise funds from the Victorian Property Fund (VPF) and the Residential Tenancies Fund (RTF) established under those Acts to be utilised to fund alternative dispute resolution and consumer advocacy and assistance services.

The Bill will also amend the *Business Licensing Authority Act 1998* (BLA Act) to close the Sex Work Regulation Fund as part of the final phase of the decriminalisation of sex work in Victoria.

Finally, the Bill will amend the *EA Act* and *Public Records Act 1973* (PR Act) to abolish the Estate Agents Council (EAC) and Public Records Advisory Council (PRAC).

Human Rights Issues

Human rights protected by the Charter that are relevant to the Bill are the right to freedom of expression (section 15(2) of the Charter), the right to freedom of assembly and association (section 16 of the Charter) and the entitlement to participate in public life (section 18(1) of the Charter).

Abolition of EAC and PRAC

Right to freedom of expression (section 15(2))

Section 15(2) of the Charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether orally; or in writing; or in print; or by way of art; or in another medium chosen by him or her.

The EAC provided appointed industry and community representatives an opportunity to advise the government on the operation of the EA Act. Similarly, the PRAC provided members with a broad range of skills and expertise an opportunity to advise on the operation of the PR Act. Abolishing EAC and PRAC removes the ability of persons to express their views to the government as a member of an advisory body in a formal setting.

However, the Bill does not prevent persons from expressing their views through other means outside of this formal setting. Alternative avenues to consult with the government are open to those wishing to express their views, including through Ministerial correspondence and invitations to provide feedback on issues papers or policy proposals via public and other consultation processes. Government will maintain ongoing engagement with relevant industry, community and sector stakeholders to inform policy development and practice in the regulation of the real estate industry and the administration of the PR Act.

I therefore, consider that any interference with the right to freedom of expression resulting from these provisions is negligible and a reasonable limitation that can be justified in a democratic society.

Right to freedom of assembly and freedom of association (section 16)

Section 16(1) provides that every person has the right of peaceful assembly. Section 16(2) of the Charter provides that every person has the right to freedom of association with others, including the right to form and join trade unions.

The right to freedom of assembly may be engaged in a limited way in relation to the abolition of EAC and PRAC. Whilst the abolition of these bodies may somewhat limit the ability of persons meeting to exchange ideas and information as members of EAC or PRAC, as membership of these advisory bodies was subject to a formal appointment process, the membership is not so broad as to be considered a ‘freedom of assembly’ right. The abolition does not in any way impede the right of persons to form their own lobby or advocacy groups to pursue policy objectives in relation to the real estate or public records sectors.

Further, the right to freedom of association may also be engaged as abolishing EAC and PRAC prevents persons gathering as members of EAC or PRAC. However, the Bill does not prevent persons to gather, as well as to exchange ideas and information as concerned stakeholders on issues concerning the EA Act or PR Act.

I therefore consider that any interference with the right to freedom of association and freedom of assembly are a minimal and reasonable limitation that can be justified in a democratic society.

Taking part in public life (section 18(1))

Section 18(1) of the Charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

The right to take part in public life is engaged in relation to abolishing EAC and PRAC. These provisions engage the right to take part in public life as the abolition limits persons from holding membership, and in doing so may be perceived to limit participation in issues relating to the operation of the EA Act or PR Act.

However, the formal abolition of EAC or PRAC does not remove the ability to participate in decisions regarding the EAC Act or the PR Act. Alternative avenues to advocate or consult with government on policy reform remain open, ensuring that persons may continue to take part in public life. For instance, consumers, advocacy groups and industry representatives will continue to be able to provide industry advice through public and other consultation processes.

Therefore, to the extent that these provisions impose a restriction on a person’s right to take part in public life, I consider they are a minimal and reasonable limitation that can be justified in a democratic society.

Conclusion

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

Hon Enver Erdogan MP
Minister for Corrections
Minister for Youth Justice
Minister for Victim Support

Second reading

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:39): I move:

That the bill be now read a second time.

Ordered that second-reading speech be incorporated into *Hansard*:**Expand the use of existing statutory trust funds to support the delivery of alternative Dispute resolution services to Victorians**

The Victorian Government is committed to ensuring access to fair, safe, and secure housing for all Victorians. As part of that commitment the Government released the Housing Statement on 20 September 2023 outlining a 10-year plan to improve housing supply and housing affordability in Victoria. The Housing Statement announced a new alternative dispute resolution service to be known as Rental Dispute Resolution Victoria. The new service will assist renters and residential rental, providing a one-stop shop for renters, agents and landlords to resolve tenancy disputes over rent, damages, repairs and bonds.

The proposed establishment of Rental Dispute Resolution Victoria is a significant reform. This service will be a faster, fairer and cheaper way to resolve a range of rental disputes and will enable the Victorian Civil and

Administrative Tribunal to use its resources to address more complex matters such as disputes around termination of residential rental agreements or applications for an order for possession of rented premises.

The amendments carried by this Bill are the first important step in supporting the delivery of the government's Housing Statement by expanding the use of the Victorian Property Fund and Residential Tenancies Fund to fund the establishment and ongoing costs for alternative dispute resolution services arising under housing and property related Consumer Acts. To ensure that this new service is accessible to all Victorians, the funds will also enable government to resource community organisations to provide advocacy and assistance services to consumers in relation to housing and property issues. This includes funding for the Financial Counselling Program administered by CAV that alleviates the impacts of economic abuse and financial hardship, helping people to manage debts, stabilise their financial situation and rebuild and get on with their lives.

Closure of the Sex Work Regulation Fund

The Bill will also close the Sex Work Regulation Fund which was established as a trust account to support the operation of the previous sex work licensing and registration scheme. Following the full decriminalisation of sex work on 1 December 2023, it is fiscally prudent for the Government to make the administrative change to close the Fund given it no longer serves a required purpose.

Abolishing the Estate Agents Council and Public Records Advisory Council

The Government is also committed to modernising how we engage with consumers, advocacy groups and industry.

To achieve this, the Bill will abolish the Estate Agents Council and the Public Records Advisory Council while the Government works towards establishing more informal, flexible and ongoing consultative mechanisms to inform policy and practice in the regulation of the real estate industry and in managing public records requirements.

The Government acknowledges and thanks past and current members of the Estate Agents Council and the Public Records Advisory Council for their work and support in administering the Estate Agents Act 1980 and Public Records Act 1973, and will work with sector representatives and the public on the most appropriate approach going forward to ensure that consumers, advocacy bodies and industry will continue to have access to, and can inform policy and practice in the regulation of the real estate industry and in managing public records requirements.

I commend the Bill to the house.

Evan MULHOLLAND (Northern Metropolitan) (17:39): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

National Electricity (Victoria) Amendment (VicGrid) Bill 2024

Introduction and first reading

The PRESIDENT (17:39): I have a final message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **National Electricity (Victoria) Act 2005** in relation to VicGrid and for other purposes.'

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:40): 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 Housing, Minister for Water, Minister for Equality) (17:40): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the National Electricity (Victoria) Amendment (VicGrid) Bill 2024 (the **Bill**).

In my opinion, the Bill, as introduced to the Legislative Council, is compatible with the human rights protected by the Charter. I have this opinion for the reasons outlined in this statement.

Overview of the Bill

The primary purpose of the Bill is to amend the *National Electricity (Victoria) Act 2005* (the **National Electricity Act**) in relation to renewable energy.

The Bill will amend the National Electricity Act to:

- confer new functions and powers on the Chief Executive Officer, VicGrid (**CEO, VicGrid**) in relation to planning for major electricity transmission infrastructure in Victoria, including a new transmission infrastructure planning objective, provide for the integration of the reforms into the existing national electricity transmission planning framework and provide for cost recovery of the CEO, VicGrid's services;
- allow for the declaration of Renewable Energy Zones by the Minister; and
- introduce a process for the CEO, VicGrid to make payments to certain landholders who host transmission infrastructure on their land.

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

The Bill does not raise any human rights issues.

Consideration of reasonable limitations – section 7(2)

As the Bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the Charter Act.

Hon Ingrid Stitt MP

Minister for Mental Health

Minister for Ageing

Minister for Multicultural Affairs

Second reading

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:40): I move:

That the bill be now read a second time.

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

The Victorian Government is committed to managing the transition of the energy sector to achieve net-zero emissions by 2045 while ensuring the reliable supply of energy to Victorian consumers. Achieving this goal requires significant investment in the transmission network to connect and transport our new renewable energy efficiently to Victorians.

This Bill amends the *National Electricity (Victoria) Act 2005*.

The *National Electricity (Victoria) Act 2005* is amended in the following areas:

CEO VicGrid

First, the Bill will confer transmission planning functions for renewable energy zones to the Chief Executive Officer, VicGrid (CEO VicGrid). The CEO VicGrid will also be empowered to assist the Australian Energy Market Operator (AEMO) in the performance of its functions, enabling VicGrid to conduct early works and facilitate investment in Victorian transmission projects.

Victorian Transmission Planning Objective and Victorian Transmission Plan

Second, the Bill introduces the Victorian transmission planning objective, which will guide the CEO VicGrid in their deliberations over transmission planning in renewable energy zones, in particular, the Victorian

Transmission Plan. The requirement to publish a Victorian Transmission Plan, in which VicGrid analyses transmission infrastructure needs to accommodate new renewable generation in renewable energy zones, is the third thing the Bill introduces. The Bill details its contents as well as the process by which it will be produced.

The inaugural Victorian Transmission Plan will look to a 15-year horizon, whereas subsequent editions will look to a 25-year horizon. The first Victorian Transmission Plan must be published by 31 July 2025. The second Plan must be published by 31 July 2027, with subsequent editions due every four years thereafter.

There is also a requirement to publish guidelines on how the CEO VicGrid will go about preparing the Victorian Transmission Plan, including the scenarios it will study, key inputs, sensitivities, methodologies and assumptions, not to mention its consultation process with stakeholders.

These measures will provide transparency in the process, for identifying Victoria's transmission infrastructure needs that will support Victoria's commitment to net zero emissions by 2045.

REZ Declarations

Fourth, the Bill provides a process, including stakeholder consultation, by which the Minister will declare an area within Victoria to be a renewable energy zone (REZ). The purpose of a REZ declaration will be to identify the geographic area where renewable generation is likely to be of optimal benefit towards meeting Victoria's net zero emissions targets. The declaration will also specify the proposed transmission hosting capacity within such a zone and preferred transmission corridor and other matters. Hence, the analysis carried out by the CEO VicGrid for the Victorian Transmission Plan will also inform Ministerial declarations. Declarations will also be subject to consultation with industry and consumers and declarations will be published with reasons.

Collaboration with the Australian Energy Market Operator

Fifth, the Bill requires that the CEO VicGrid cooperate with the Australian Energy Market Operator in performing their respective functions.

Landholder payments

Sixth, the Bill provides for payments to landholders who host new transmission infrastructure through a scheme of annual payments for 25 years. The Bill provides for the criteria for eligible landholders to be prescribed in regulations. This will include landholders of private land hosting new easements for transmission infrastructure. In addition to such private land holders, eligibility will include holders of certain rights and interests with respect to Crown land hosting new transmission infrastructure to be prescribed in regulations.

The payments are designed to facilitate the development of new transmission infrastructure and are in addition to any compensation that landholders are entitled to under the *Land Acquisition and Compensation Act 1986*.

The framework will require ongoing payments of certain amounts, to be calculated in accordance with formulae in the Bill or to be prescribed in regulations, for 25 years, from registration of the easement and provides for the determination of eligibility and recovery of overpayments and administration of payments. Persons who are determined ineligible and are dissatisfied will also have an avenue of appeal to the Victorian Civil and Administrative Tribunal.

Cost recovery

Seventh, the Bill enables recovery of the CEO VicGrid's costs from end users through transmission use of system charges. VicGrid's costs will arise in developing the Victorian Transmission Plan and facilitating and enabling high priority transmission projects, and fees and charges for the recovery of VicGrid's costs will be determined in consultation with the Premier, Treasurer and the Minister.

Other amendments

Finally, the Bill integrates the reforms into the existing national electricity planning framework. It also extends the time for the review of ministerial powers under section 16Y of the *National Electricity (Victoria) Act 2005* to facilitate the procurement of major transmission infrastructure projects.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (17:40): I move, on behalf of my colleague Mr Davis:

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 Housing, Minister for Water, Minister for Equality) (17:40): I move:

That the house do now adjourn.

Merri Creek

Sheena WATT (Northern Metropolitan) (17:41): (805) The Merri Creek is one of the most significant landmarks in my entire electorate, twisting and turning from the very tip top of Northern Metro and winding all the way down to meet the Yarra. This 60-kilometre-long, life-sustaining staple is one of the most recognisable aspects of the broader Merri community, and all that live around the creek know this, from Coburg to Campbellfield and Fawkner to Fitzroy. Every local, whether young or old, whether they are new to the area or a long-time resident, has a good story to tell about the Merri Creek. Whether it is the weekly Sunday walk, the scenic route to work or your favourite bit on the Mernda line, it is safe to say we all love the Merri Creek. The wildlife sustained by the creek and the stunning beauty of the natural environment really make the Merri Creek one of the most important facets of the whole Northern Metropolitan community.

This corridor of life is central to my community and needs to be looked after. With a combination of state government support and a group of dedicated locals who work tirelessly to care for the creek, we can all rest assured that it is in good hands. A message to those tireless volunteers who work around the clock to look after the Merri Creek: thank you. Your work is so vital to the communities we all live in, and you will always be an integral part of the Merri Creek.

We will always strive to look after the natural environment that so many Victorians love and enjoy. My question is for the Minister for Water, who is here, and I was not expecting that. Will she update the house on a funding round that I understand is available now called the Green Links grants program and what benefit this investment by the Allan Labor government will provide in keeping the thriving and beautiful Merri Creek very much in our hearts?

Gas supply and prices

David DAVIS (Southern Metropolitan) (17:43): (806) I want to draw the chamber's attention, and particularly that of the Minister for Energy and Resources, to the extraordinary documents that have been released by AEMO today, the Australian Energy Market Operator. They have laid out a terrible future for Victoria, a Victoria that is going to be hit with real issues of energy supply. It is clear that in coming years – and not too many years, just two or three years – we are going to face significant shortages of energy, particularly gas. Those shortages are going to really hurt families and they are going to really hurt small businesses, and those businesses include manufacturing businesses that are dependent on gas supplies.

This government has been in power now for 10 years. They have had ample time to get in place a reliable supply, and what they have not done is get a reliable supply of gas. They have blocked off the ability for those who would explore to explore for onshore conventional gas, of which Victoria –

Harriet Shing interjected.

David DAVIS: We know it is a rubbish survey and we know that there is onshore gas, and why would you block the aptitude to get to it? We know the failings in that survey are very well understood. And we know –

Harriet Shing interjected.

David DAVIS: Look, I am just telling you, and this is one of the problems with your government: your minister will not listen to industry, and industry is saying that there is onshore gas and we should get it, because Victoria will need it. We need a proper process and we need to get on, and the minister needs to start listening to industry and engaging with industry instead of adopting an ideological

approach to the gas sector. She is trying to close it down with her gas bans. It is bizarre, it is ideological and it is damaging. Ten years of closing off options for Victoria is a disaster for this state, and now we see 10 years in that the government has not planned properly for the future and has not planned properly for the way forward to make sure that we have got secure electricity on one hand but a secure gas supply on the other.

So what I am seeking for the minister to do now is convene a crisis committee to deal with Victoria's gas supply. She needs to bring in key people in industry one by one and actually work with them to establish a way forward. She is bereft of ideas and bereft of an approach that actually would solve the problem. We need a practical approach. She needs to listen to the sector, she needs to engage and she needs to find practical conclusions that will guarantee the gas does not go off for industry and the gas does not go off for households. The truth is in a cold Victorian winter losing gas will be devastating for many households, and if that is where we end up because of Lily D'Ambrosio's failure and incompetence, it will be a disaster, and if we lose industries, which is already beginning to happen as we know now – (*Time expired*)

International Day for the Elimination of Racial Discrimination

Samantha RATNAM (Northern Metropolitan) (17:46): (807) My adjournment matter tonight is for the Minister for Multicultural Affairs. My ask is that she rename Harmony Week to Anti-Racism Week in Victoria and advocate to the federal minister for multicultural affairs to do the same at a national level. Today, 21 March, is International Day for the Elimination of Racial Discrimination, yet in 1999 John Howard renamed this day to Harmony Day to minimise attention on the issue of racism in Australia. In 2019 Scott Morrison started Harmony Week to expand the charade that this country is free from racism. But this is far from the truth – every day far too many people in Australia are subjected to blatant and systemic racism. First Nations continue to face the impact of dispossession and colonisation, and over the past few years we have also seen a concerning rise of Islamophobia, antisemitism and far-right extremism.

Last year a group of young people from a diverse range of backgrounds organised a forum at Parliament House. They shared their heartbreaking experiences of racial discrimination and how they felt tokenised at school during Harmony Week while their experiences of racism every other day of the year were dismissed. Some of these young people are here with us in the Parliament today, and I thank them for their work on this matter. They have written a message in support of this adjournment, which I now wish to share:

“Harmony Week” is made-up, isolated from antiracism. We can't ignore that Australia had racial segregation and racism still exists in Australian society today.

“Harmony Week” is an appropriated celebration invented by the Howard Government to avoid progress towards eliminating racial discrimination. How can we pretend we already achieved it? Sure, celebrate “everyone belongs”, but what about when my family members are called racial slurs by “true-blue Aussies”, the disproportionate incarceration of First Nations people and people of colour, or the fact the land we are sitting on was dispossessed from the sovereign Kulin nations?

Yes, we are a multicultural society, and yes this should be celebrated. Not just today, but every day. And as a multicultural society we must not shy away from confronting racism in pursuit of being palatable or superficially harmonious.

The crux of it all is that you don't have the right to claim people like us for your idea of a multicultural Australia unless you strive to eliminate racism in our society.

Thank you to all those young people for this important contribution. It gives me hope to see young people fighting for what is right. Renaming Harmony Week as Anti-Racism Week might not end racism in this state, but it would send a powerful message that racism is not welcome here and that we have work left to do to ensure equality for all those who are marginalised on account of their background. You cannot solve an issue if you are not willing to name it. For those young people I heard from in December and thousands more across the state, it would signal that this government takes responsibility for creating a Victoria where they can live free from discrimination. So Minister,

I ask again: will you restore Harmony Day to its original name in Victoria and lobby your federal counterparts to do the same?

Regional ethnic community council funding

Joe McCracken (Western Victoria) (17:49): (808) My adjournment matter is for the Minister for Multicultural Affairs. It concerns the ongoing funding to regional ethnic community councils – such as the Ballarat Regional Multicultural Council and the Loddon Campaspe Multicultural Services, amongst others – who work within the umbrella of the Ethnic Communities Council of Victoria. The action that I seek is for the minister to give an assurance that ongoing funding will be made available to support the ongoing work of regional multicultural councils so they can continue their support of various people in their care.

I note that the Ethnic Communities Council of Victoria wrote to the minister on 4 December 2023 requesting the continuation of two specific programs in particular, the first one being the Strategic Engagement Coordinator program and the second, the Strategic Partnership Program. The aim is to ensure that there are uninterrupted critical support services for vulnerable multicultural community members while securing employment and job security for skilled staff and those staff who often have very deep links into multicultural communities. They also submitted a prebudget submission to the government, which outlines a number of key requests, which I have available to me as well and which I have seen.

I guess my message to the minister is: I will be watching, and I will be making very, very careful judgements about what is happening in this space to ensure that the government does indeed continue the funding to support multicultural councils, particularly in regional areas, to support the ongoing work that is needed to ensure that multicultural communities not only survive but flourish and to ensure their continued growth into the future. Ultimately, all this work is in place to ensure that people from all different backgrounds, from all different racial groups and all different ethnic groups have the support and care that they need so that they can thrive in our community.

Waste and recycling management

David ETTERSHANK (Western Metropolitan) (17:51): (809) My adjournment matter is directed to the Minister for Planning in the other place, and it concerns a proposal to build a waste-to-energy incinerator just outside of Sunbury. Hi-Quality, the waste management company behind the proposal, recently conducted some community consultations. It is safe to say that the consultations did not particularly reassure residents. The community is rightly concerned about the environmental and health impacts of the proposal, not to mention the thousands of additional trucks that the facility will force onto already congested and overcrowded local roads.

As we heard during Dr Mansfield's debate on a similar proposal last sitting week, waste-to-energy incineration is high risk and low reward. It locks in an ever-increasing generation of waste, is highly water intensive and does relatively little to reduce carbon emissions. It also serves to slow down the necessary transition to a circular economy and hampers the development of processes to increase the recyclability and longevity of products. And clearly the science is out on these facilities. A review into waste to energy published in the *Australian and New Zealand Journal of Public Health* found adverse health outcomes in populations near waste incinerators, including cancers and reproductive dysfunction. The review concluded that at best a precautionary approach should be taken.

The government seems to be embracing waste-to-energy incineration as some sort of cutting-edge, emerging technology even while other jurisdictions such as the European Union are busy decommissioning them. They have already been banned in the ACT and in parts of Sydney. At the very least the government should be ensuring that companies like Hi-Quality adhere to best practice in mitigating the environmental and health impacts of these facilities, but that does not appear to be happening. The EPA has actually laid 33 charges against Hi-Quality for breaches of EPA landfill licences and failure to comply with previous EPA remedial notices in the last 12 months. Approving

this latest project is akin to leaving the fox in charge of the henhouse. The west is sick of being a dumping ground for Melbourne's waste – we have had enough. With EPA and planning applications looming, the action I seek is confirmation that the minister will rule out approval of this atrocious project.

Kialla West Primary School

Wendy LOVELL (Northern Victoria) (17:54): (810) My adjournment matter is for the Premier, and it concerns safety at the proposed new kindergarten to be co-located at the Kialla West Primary School. The action that I seek is for the Premier to detail the government's plan for increasing safety and accessibility for pedestrians and vehicles at the school, including by expanding the drop-off and pick-up points and separating pedestrians from traffic at the pedestrian crossing. On 1 March the state government announced that Kialla West Primary would be the site of a new co-located early learning centre. Co-located early learning centres were a policy that I championed during my term as minister for early childhood in the former Liberal state government. The current state government has continued to roll out this model of early learning education and care services because it delivers good outcomes for children, families and schools. However, with the co-location come responsibilities for the government to ensure other infrastructure at the school is able to cope with the additional students, families and traffic.

Kialla West is a school that is already struggling with traffic movements and safety at its drop-off and pick-up points and school pedestrian crossing, which is located on the Goulburn Valley Highway. The crossing was the site of the horrific accident in September 2018 when a truck collided with a vehicle carrying a school family. Sadly, one of the children is still undergoing medical treatment to this day. Over five years have passed since the accident, and still no major safety improvements have been made to the crossing. In addition to the safety issues at the crossing, the school's drop-off and pick-up points at the front of the school and in Cemetery Lane already struggle to cope with current demand and will need to be expanded and improved to manage additional traffic for the early learning centre.

A co-located early learning centre will be a fantastic addition to the Kialla West Primary School. Having children's services from birth to grade 6 co-located on the one site will benefit the community and the school. For students it provides a seamless transition from early learning into primary education; for families it provides the convenience of maternal and child health, day care, kindergarten and primary education at a single destination; and for the school it provides a feeder stream for enrolments and stronger connections with their families. It is normal for schools with co-located early learning centres to experience growth in prep enrolments that leads to growth in the school student numbers over the next few years. This will mean that not only does the government need to invest in immediate safety upgrades of the school crossing and drop-off and pick-up points but it will also need to provide funding to expand the school.

I raise this matter for the attention of the Premier because although it is one issue of safety at the school, it involves the cooperation of three ministers: the Minister for Roads and Road Safety, the Minister for Education and the Minister for Children.

Barwon public housing

Sarah MANSFIELD (Western Victoria) (17:57): (811) The action I am seeking from the Minister for Housing is to take urgent action to increase the supply of public housing across the Barwon region. At the latest count there were 7101 households – not individuals, entire households – on the priority waitlist in the Barwon region. These households cannot afford to sign a lease at a private rental or to pay so-called affordable rent and are being forced to make unimaginable trade-offs. They should have access to the protection and stability that public housing provides, but they do not.

The impacts of insecure housing across a lifespan and across generations cannot be overstated. The number of women without a stable place to live is on the rise. In the five years from 2016 to 2021 there was a 10 per cent increase in the number of women experiencing homelessness, compared to a

2 per cent increase in the number of men. Single mothers with children represent a significant portion of households on the waiting list, while women over 55 represent the fastest growing demographic experiencing homelessness. Forty per cent of those seeking housing assistance in the region cited family and domestic violence as the cause. Children who grow up without secure housing are more likely to enter homelessness as teens, and the rates of youth homelessness are staggering: 38 per cent of those experiencing homelessness last census were under 25.

This level of homelessness and housing insecurity would not be occurring if successive state and federal governments had maintained an adequate supply of public housing. In 1956, 22 per cent of new housing in Australia was public housing; now it is less than 2 per cent. Yet how is the Labor government responding in the Barwon region – public land is being sold off to private developers to build market housing. The Commonwealth Games village site, on public land, which this government was all too keen to promote as a salve to the region’s housing woes, will have apparently 400 dwellings built on it. Just 72 of these, 18 per cent, are earmarked for social and affordable housing, and most low-income households cannot actually afford so-called affordable housing. Even if they could, these 72 properties would barely touch the sides of the 7000-plus waiting list.

In 2020 the City of Greater Geelong estimated 675 properties per year for the next 10 years were needed to meet the current demand. Labor continues to hold to the blind belief, based on outdated and flawed economic arguments, that the market will somehow provide for low-income households’ demand for housing. It will not, and the proof lies everywhere around us. The market has failed emphatically, and the need for government intervention could not be clearer. We urgently need a massive increase in the supply of genuine public housing.

COVID-19 vaccination

Ann-Marie HERMANS (South-Eastern Metropolitan) (18:00): (812) My adjournment is addressed to the Minister for Emergency Services. In light of the recent decision by the Queensland Supreme Court, which has ruled that forcing vaccine mandates on workers is unlawful, the action I seek is for the minister to revoke the mandate on unvaccinated firefighters in Victoria, effective immediately. A Bond University associate law professor said:

... the largest part of the decision –

in Queensland –

focused on the ... Queensland Human Rights Act, and only the ACT and Victoria have “comparable” legislation.

...

... What this decision basically says is that, under the Human Rights Act, anyone making a decision firstly needs to think about the human rights implications of the decision they’re planning on making and secondly, consider whether or not the proposal is still reasonable.

Fire Rescue Victoria is the only fire service in Australia still enforcing a mandatory COVID-19 vaccination. Further inquiries from constituents continue to be received in my office from firefighters wanting to return to work. I am going to have to skip through a whole lot of really important points here in order to get to some of the main things.

In a Public Accounts and Estimates Committee hearing, I must say, it was confirmed by Rick Nugent that firefighters without the vaccine would not be working this season. We are still in a fire season even though we are no longer in summer, and we always are at risk in our summer periods. Meanwhile, we have a CFA with outdated and inadequate resources, and we also have firefighters unable to do their jobs because their resources have not been properly updated. This decision has opened up discussions about legality and ethical considerations as well because dozens of frontline workers remain off work after suffering serious conditions as a result of taking the COVID-19 vaccines, which has led to more than \$4 million of WorkCover claims to date. 125 essential workers required to take the vaccine developed serious illnesses, with some people suffering life-altering conditions, and there

are more than 40 cases which remain open, which could see ongoing payments of hundreds of thousands of dollars from the state's troubled and plagued WorkCover system. I could go on. There is so much information here that gives all the reasons why we need to look at this.

The vaccine information clearly states that the maximum effectiveness periods for both transmission and individual protection are only four to six months for primary and boosters. So, Minister, employees who have not received further doses beyond the third dose deadline are no more protected than non-vaccinated. Despite the above inconsistencies, dozens of firefighters and employees remain stood down without pay and are deemed to be noncompliant by FRV, purportedly considered a risk in the workplace. Victoria Police has scrapped the mandate, as has every other fire agency in Australia, conforming to the legislative changes which took effect on 12 July. I call on the minister to review COVID-19 vaccine mandates and remove the mandate so that we can re-engage experienced firefighting professionals who have been excluded from the workplace in Victoria.

Middle East conflict

Georgie PURCELL (Northern Victoria) (18:03): (813) My adjournment matter is for the Premier, and the action that I seek is for the government to finally end its partnership with Israeli weapon companies in light of the recent bombing and planned invasion of Rafah. Last week International Women's Day gave us an opportunity to recognise and acknowledge women; the inequality, sexism and misogyny that attempts to determine our fate; and our achievements as women despite it all. Yet the day continues to be surpassed by horrific realities. Every time I hear someone say women have equality in this state, I think of the hundreds of women being murdered at the whim of men – women who either will not return home or are killed within their homes. They tell us not to run at night, of the perversions we may risk in the dark. As it turns out, we found out in recent weeks the light is not safe either.

But many on International Women's Day also reflected on how Palestinian women are being ravaged by violence and colonialism. Sixty thousand women are pregnant in Gaza while suffering from dehydration and malnutrition, starving because countries like Australia are preventing basic aid from flowing through. Gaza's hospitals have been obliterated by Israel, leaving women and children without medicine, proper birthing facilities or doctors. Women also cannot access menstrual products. As if the constant blood of the death around them was not enough, they are prevented too from containing the flow of their own periods.

A United Nations report recently described the Israeli soldiers' employment of violent beatings, sexual humiliation and assaults of Palestinians. It is no coincidence that 70 per cent of the more than 30,000 Palestinians killed are women or children. Whether this figure be argued as a display of sexual triumph between male enemies, an attack on the integrity of men or the reconfiguration of an ethnic collectivity, they all extract the individual from the body, reducing women to mere vessels for warfare. It is pathetic that we must continue to remind each other that women's rights are human rights. We applauded women in this country on International Women's Day, but our country and our state simultaneously partake in the genocide of Palestinians. At the same time that the Australian government sends aid to Palestinians, it is shipping weapons to the killers. I seek for the Premier to end this, because it is not right. Immediately cease providing weapons to and funding Israel's military.

COVID-19 vaccination

Renee HEATH (Eastern Victoria) (18:06): (814) My adjournment is for the Minister for Emergency Services, and the action that I seek is for the minister to put an end to COVID vaccine mandates so emergency services workers can get back to work. Recent findings by the Queensland Supreme Court determined that the state's COVID vaccine mandates for police officers and ambulance workers limited their ability to give full, free and informed consent for medical treatment. The continuance of Victoria's mandates continually hurt our essential services industries from operating at full capacity, and it is exacerbating burnout and denying efficient and critical services.

I have been repeatedly contacted by a representative of the Australian Firefighters Alliance, who remains frustrated that Victoria is the only state that has not dropped its mandates for career firefighters. Andrew said:

The AFA alliance is aware from senior officers of a severe shortage of staff that is appearing on a shift-by-shift basis. The minimum requirement per base is four firefighters, including the officer in charge, but regularly this has dropped to three. It is unprecedented to hear every week of firefighters on leave who are asked to come back and fill vacancies across Victoria. It reduces the number of crew, and it severely limits their ability to perform rescues. At least 30, but probably up to 50 firefighters, are still affected by the mandate. Some cannot work due to being vaccine-injured, but those who have improved enough are still not allowed to come back to work without a booster, even if they have a valid exemption. Yet others are being stood down for non-compliance without pay.

This is unfair, and I am asking the minister to intervene.

Suburban Rail Loop

Richard WELCH (North-Eastern Metropolitan) (18:08): (815) My adjournment is directed to the Minister for the Suburban Rail Loop in the other place. Fresh analysis from the Victorian Parliamentary Budget Office has revealed that the cost of just two-thirds of the Suburban Rail Loop is now expected to reach a massive \$216.7 billion. In 2018 Jacinta Allan, the now Premier, stated that the total cost of the entire SRL project would be just \$50 billion. In 2022 the PBO estimated that the cost of constructing the SRL East and North would be \$125 billion, with an additional \$75 billion in operating costs. In its updated analysis the PBO identified a further \$8.9 billion cost increase for the construction and a further \$7.8 billion in an operating cost increase for the SRL East and North, bringing the total cost of just the airport to Cheltenham sections of the tunnels to \$216 billion. These updated costings follow recent Victorian Auditor-General reports which confirmed that the main works of the Box Hill to Cheltenham tunnels are expected to suffer up to a 20 per cent escalation.

Labor cannot manage money and it cannot manage projects, and every Victorian is paying the price. Labor's mismanagement of major projects is driving up Victoria's record debt, crowding out private sector construction and adding in inflationary pressures across the economy. It is a project that Victoria cannot afford. A Liberal government will pause and review this project and prioritise long overdue basic infrastructure in communities that have been neglected by Labor for decades.

Victorians deserve to know how much the tunnels from Box Hill to Cheltenham are costing – in a timely way – and why it is so much, because \$16 billion is not pocket change. Sixteen billion dollars is why this state needs 53 new increased taxes, why we are about to face what is called a 'horror budget' and why small government grants and programs are being ripped out of communities because the government cannot dig a few tunnels on budget. What I ask of the minister is to confirm in writing what reporting he is receiving – broken down in categories of budget, scope change, project progress against planned milestones, risk reporting and changes to the project – and to confirm that he is receiving this information in an actionable form in a regular and timely manner appropriate to a project of this scale, which has been historically subject to significant cost blowouts.

Preston level crossing removal

Evan MULHOLLAND (Northern Metropolitan) (18:10): (816) My adjournment tonight is seeking the action of the Minister for Transport Infrastructure, and it concerns an issue raised with me regarding the Preston level crossing removal project. Mr Phillip Tsagaratos reached out to me concerned that he has not been treated fairly by the level crossing removal authority, contrary to claims made by the former Premier and the current one that residents would be treated with dignity and respect. He has been ignored by his local Labor MP also.

Mr Tsagaratos purchased a home next to his childhood home in a quiet cul-de-sac only to have his neighbouring childhood home as well as another home compulsorily acquired. This has left him living right next to an emergency stairwell and a large playground alongside his property, which brings significant noise in stark contrast to the peaceful quiet he had previously enjoyed. Further, he is not of

the belief that there was appropriate local consultation in relation to this playground. Level Crossing Removal Project newsletters do not even seem to feature a playground. Mr Tsagaratos believes the value of his property may have been reduced by as much as 20 per cent as a result of the level crossing removal.

We can all see the value in level crossing removals, but similarly I think we can agree that locals should be treated fairly and those adversely affected should receive appropriate remedies. The action I seek is for the minister to engage with affected locals like Mr Tsagaratos with the aim of resolving their concerns and for the minister to explain his position on the fairness of people having the value of their homes, which they have worked their entire lives for, severely impacted.

Health system

Georgie CROZIER (Southern Metropolitan) (18:12): (817) My adjournment matter this evening is for the attention of the Minister for Health, and it is in relation to the upcoming budget and the need to ensure that community health have sustainable funding so that they can continue to deliver the services that so many Victorians rely on. As we know, we have got an elective surgery waitlist that is in excess of 67,000. We have got many issues plaguing our health system. We have got the government targeting general practice, which is going to stop bulk-billing and it will cost Victorians \$100 to visit a GP. They therefore will defer their care and get sicker, and the system is going to be under enormous pressure. Community health does a huge amount of work in the community – preventative health and really assisting with those allied health services such as dental, physio, dietetics, nutrition, podiatry, speech pathology and a range of other things, including counselling – which is very, very important to support vulnerable Victorians and keep them out of the acute health system.

I am concerned because, as we know, the state is broke. As we have just heard from various speakers, the reason is that the government has overspent. They have blown budgets. The projects are blowing out all over the place, and as a result we have this increasing debt. We are also having increasing taxes, so we are losing innovation and we are losing aspiration. The government is killing aspiration and killing innovation, and investment hopes are flooding out of this state. That is going to be very bad, and that is going to put more pressure on the health and wellbeing of Victorians.

Community health plays a critical role, as I said, and I think the demands for community health are going to increase because of all these pressures that will be occurring in the general community. I would like, as I know community health has been lobbying various MPs and also the government for, the community health services to be properly funded in a sustainable fashion so that they can continue the work that they do currently, but I fear that they are going to take on extra demand because of the increasing pressures, as I have said, in the general health system due to bad policy decisions and poor budget management that are putting exceptional pressure on our acute system. We are seeing our regional and rural health services with their budgets falling off a cliff. It is just frightening what is happening, and community health are going to have to pick up a lot of the slack in relation to supporting vulnerable Victorians. Therefore it is critical that their budget is fully sustainable and maintained and that there are no cuts in the upcoming budget. I know the Treasurer has said it is going to be a horror budget – every Victorian is expecting that – but the health and wellbeing of Victorians are absolutely critical.

Eastern Victoria Region police numbers

Melina BATH (Eastern Victoria) (18:15): (818) My adjournment matter this evening is for the Minister for Police, the Honourable Anthony Carabine in the other place, and it relates to policing resources and rising crime. Today's Crime Statistics Agency report is out, on the 12 months ending in 2023, and it correlates very much with the information I am receiving from constituents in my Eastern Victoria Region. The action I seek from the minister is to read the statistics, listen to the statistics and increase frontline Victoria Police officers in the Cardinia, Bass and South Gippsland shires in my electorate.

Labor's current Victoria Police staff allocation model is simply not working. Any additional police officers over recent years have been allocated to taskforces in the CBD, not placed on patrol on our rural and regional streets in our communities. Police officers on the beat are certainly under the pump, so much so that the thin blue line feels like it is stretching even thinner under Labor. Crime is up and criminal offences are going unsolved. Our communities need a stronger policing presence to deter criminal activity and antisocial behaviour, and that means allocating more personnel onto the frontline in the regions.

Over the past 12 months in the Bass Coast shire only 34 per cent of criminal incidents have had charges laid against the alleged offender, while 39 per cent of reported incidents have gone unsolved. In Cardinia shire 29 per cent of criminal incidents have had charges laid, while 51 per cent have gone unsolved. Total offences are up by 15.5 per cent in Cardinia, 4.5 per cent in Bass Coast and 14.5 per cent in South Gippsland shire. Towns like Wonthaggi, Cowes and Lang Lang are experiencing elevated levels of crime. Theft in Cowes is up by 31 per cent on the previous year. In Wonthaggi crimes against the person are up 31 per cent and, tragically for victims, family violence assaults have risen by 61 per cent. Weapons offences are up by 73 per cent. In the township of Lang Lang crimes against the person are up a startling 200 per cent on the previous year.

We know our hardworking police are stretched and they are doing their very best, and we thank them both individually and collectively. But this Allan Labor government is not interested in fighting crime. The Nationals want a genuine commitment that in our rural and regional communities we will not continue to be short-changed by Labor. Too many crimes are being committed, too many are going unsolved, and there are too many victims.

Maternal and child health services

Trung LUU (Western Metropolitan) (18:18): (819) I rise today with a matter for the Minister for Mental Health. I rise to bring attention to a matter very close to my heart, the mental wellbeing of our mothers. Recent findings have revealed a distressing reality: many Victorian mothers are missing out on crucial screening for postnatal depression, leaving them vulnerable during a time that should be joyful and supported. A Department of Health review has highlighted the necessity for a complete overhaul of our approach to mental health screening for new and expectant mothers, so the action I seek from the Minister for Mental Health is to take decisive action and allocate additional funds in the upcoming budget towards increasing awareness of maternal mental health matters and programs.

Despite a national guideline advocating screening, many mothers are slipping through the cracks, deprived of the support they desperately need. The implications of neglecting maternal health are rising. Mental health struggles during pregnancy and postpartum are common yet are often misunderstood and overlooked. These challenges not only affect mothers but resonate through our families and communities, impacting the very fabric of our society. It is imperative that every mother, without exception, receives the support and care she deserves during a critical and vulnerable period of her life. Furthermore, I must address the systemic barriers that prevent access to mental health services for marginalised mothers and non-birthing parents. By developing an innovative screening approach and enhancing access to culturally sensitive services, we can ensure that no mother feels alone in her struggle. I say, please let us stand for our mothers and families: commit to providing the support and care they need to thrive during this precious time in their lives. No mother should suffer in silence.

Rulings from the Chair

Questions without notice

The PRESIDENT (18:21): Just before I call the minister, I committed to review the supplementary answer from Minister Erdogan to Ms Copsey. I will ask for a written answer under the standing orders, but given the lateness of the day, I will say that should be delivered in two days rather than the usual one.

*Adjournment***Responses**

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (18:21): Tonight we heard 15 matters on the adjournment from various members in this chamber. I will refer the relevant matters to the relevant ministers for response.

Ms Watt is here in the chamber, so I do want to address the matter that has been raised relating to Merri Creek, a really wonderful part of our waterway system which is incredibly important for the purposes of enhancing and supporting biodiversity. This is, as Ms Watt has correctly identified, one of the really important reasons that we have programs just like the Green Links announcement and initiative, for which Merri Creek organisations were the beneficiaries of the recent announcement of \$800,000 to make sure that a really precious part of Merri Creek and an area which is home to many species that rely upon good waterway management can continue to be protected.

As was announced in March, this \$800,000 is part of a total \$10 million investment, and it will ensure that the manager of the Merri Creek groups, the Merri Creek Management Committee – with the Friends of Merri Creek, Friends of Edwardes Lake, Merri-bek council, Friends of Edgars Creek and the Wollert community farm – can take an active role in supporting, identifying, surveying and managing, as far as broader environmental considerations and conditions are concerned, species like microbats, platypuses and pardalotes and so many different often very fragile floral species as well. When we take care of kilometres of creek, we know that the broader environment benefits enormously as well and that people benefit too.

I do want to recommit to the work in the Green Links program. The first round has delivered a number of really exciting initiatives. I am looking forward to again seeing those come to life and continuing the work of these wonderful volunteer groups, the ones that Ms Watt has identified. Thank you also to you and to local members for raising these issues and advocating so stridently for them. They are an integral part of making sure the communities are at the heart of delivering input and resourcing to our waterways to make sure that we have them healthy now and into the future and that they are adaptive and resilient to changes in climate and population growth.

I was going to address the other matter raised for my attention tonight in the housing portfolio by Dr Mansfield, but Dr Mansfield has left the chamber, and frankly it is to my mind a little disrespectful. If she is seeking an answer from the minister who is attending to the adjournment and does not stick around for it, then I am more inclined to seek to provide an answer in writing. I note that members of the coalition and members of government have stuck around, and it is often a very long process to sit here for the adjournment. This is the case even where matters are not directed to the minister on duty. It is not my intention, President, unless you have a view to the contrary, to provide an answer to somebody who is not here.

The PRESIDENT: I think that is a fair position. The house will adjourn.

House adjourned 6:25 pm.