Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 14 August 2025

By authority of the Victorian Government Printer

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

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

Deputy Leader of the Opposition in the Legislative Council

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

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

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

Party abbreviations

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

CONTENTS

CONTENTS

Thursday 14 August 2025

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

Petitions

Youth crime

Rikkie-Lee TYRRELL (Northern Victoria) presented a petition bearing 1770 signatures:

> The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council increasing concerns of escalating youth crime and knife violence that is plaguing the Victorian community. Two young lives have been lost in just over two months in the past year. These events highlight the urgent need for decisive action to address youth crime.
>
> Offences committed by 10 to 17 years olds are the highest recorded since 2009, having almost tripled since 2022 and with the biggest increase documented last year. Repeat offenders are being often released within 24 hours, including after committing violent offences.
>
> While there may be underlying root issues that are driving criminal behaviour, our legal system is failing to deter young people from committing crime, and from re-offending. In this environment, Victorians are losing faith in the institution and do not feel safe in their own neighbourhoods. Mandatory sentencing for violent offences and violent crimes must be introduced to address youth crime.
>
> Mandatory sentencing would occur when a crime involves causing physical injury, the use of weapons, threats of harm, gang-related violence, sexual offences, assault, robbery, and homicide.
>
> Bail laws need to be reformed to be stricter and there should be no bail conditions set for repeat offenders of violent crimes while they await trial. An increase in police presence in high risk areas and further funding for support programs for victims' families is also needed.
>
> **The petitioners therefore request that the Legislative Council call on the Government to immediately address youth crime and restore community safety by introducing mandatory sentencing for violent crimes, reforming bail laws, increasing police presence in high risk areas, providing reports on knife-related injuries and providing additional support to programs for victims' families.**

Rikkie-Lee TYRRELL: I move:

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

Motion agreed to.

Bills

Safer Protest with a Registration System and a Ban on Face Coverings Bill 2025

Introduction and first reading

David DAVIS (Southern Metropolitan) (09:35): I introduce a bill for an act to provide for the registration and authorisation of public protests, to give legal protection to persons who participate in authorised public protests, to provide for prohibition orders and exclusion orders, to prohibit the wearing of face coverings at public protests, to consequentially amend the Summary Offences Act 1966 and for other purposes, and I move:

> That the bill be now read a first time.

Motion agreed to.

Read first time.

David DAVIS: I move:

> That the second reading be made an order of the day for the next day of meeting.

Motion agreed to.

Papers

Papers

Tabled by Clerk:

Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rule No. 70.

Petitions

Responses

The Clerk: I have received the following papers for presentation to the house pursuant to standing orders: Attorney-General's responses to petitions titled 'Honorary Justice Services Support' and 'Lower the age of responsibility for serious crimes'.

Business of the house

Notices

Notices of motion given.

Adjournment

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (09:43): I move:

That the Council, at its rising, adjourn until Tuesday 26 August 2025.

Motion agreed to.

Members statements

Community safety

Ryan BATCHELOR (Southern Metropolitan) (09:44): I rise today to lend my voice to that of the Premier and many others across the community condemning the cowards hiding behind masks who brought their hatred to the streets of Melbourne over the weekend. As the Premier said, neo-Nazis have no place in our city, no place in our state and no place in our country, and the gutless display that we saw on the streets of Melbourne last week must stand condemned. This government has moved and passed criminalising of hate speech in this state, laws the Liberal Party –

Members interjecting.

The PRESIDENT: Order! The clock is going to start again. If anyone yells to the level that I just heard on my left-hand side, they are going to be out of the chamber for 30 minutes. Reset the clock. Mr Batchelor was not being provocative. I think he was talking in terms that we could all agree on.

Ryan BATCHELOR: I rise to lend my voice to condemn the actions of the cowards –

David Davis interjected.

The PRESIDENT: Order! Sit down. Mr Davis, you can get out for 30 minutes.

David Davis withdrew from chamber.

Ryan BATCHELOR: I rise to lend my voice to that of the Premier and many in this state to condemn the actions of the cowards who hid behind masks and brought their hatred to the streets of Melbourne late at night over the weekend. As the Premier said, neo-Nazis have no place in our city. They have got no place in our state. They have got no place in our country. I am proud to be part of a government that has just passed laws to criminalise hate speech in this state, and I stand here today particularly following a discussion that I was part of last week at the Holocaust Museum. Reflecting on the trip we made, several members of this Parliament, on a bipartisan delegation, visited Auschwitz and Birkenau and the death camps. We, as part of that delegation, bore witness to where hatred leads,

and we affirmed at that discussion last week we would stand up against hatred in all of its forms here in Victoria and condemn those who seek to marginalise and who seek to vilify others on the basis of their religion. I stand particularly with members of Victoria's Jewish community at a very difficult time.

Andrew Milbourne

Melina BATH (Eastern Victoria) (09:46): I want to acknowledge the retirement of the widely loved and highly respected 'AJ', Senior Sergeant Andy Milbourne, whose distinguished 30-year career has left a lasting legacy on the people of Gippsland. AJ is involved in RoadSafe Gippsland as chair and is a Victoria Police road policing adviser, and he has championed road safety education in our schools, clubs and community. He has worked with Keys Please and the L2P program and has mentored countless young drivers in his tireless efforts. He often says, 'If we teach people how to do the right thing, then that's what they'll keep doing.' We sincerely thank him for his dedication to his work and our people in Gippsland.

Country Fire Authority Morwell brigade

Melina BATH (Eastern Victoria) (09:47): I also rise to extend my warm congratulations to the Morwell fire brigade on reaching an outstanding 110 years of dedicated service to the people of Morwell, the Latrobe Valley and the wider Gippsland community. Established in 1915, the Morwell fire brigade has stood as a pillar of courage, professionalism and community spirit. Morwell's ongoing presence and commitment have been instrumental in safeguarding life, property and the wellbeing of our community. I want to congratulate each and every one of the past and present volunteers for their responses in times of emergency, public education, disaster preparedness and ongoing level of training. You are heroes in our land, and we thank you. Please be proud of your very worthwhile achievement.

Commonwealth Bank

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:48): Australia's biggest bank gets even richer: Commonwealth Bank profits are up again. Last year they made an eye-watering $10.25 billion cash profit. That is mega money. It is so wildly removed from the reality of people in this state, who continue to struggle with day-to-day expenses. And then we hear the Commonwealth Bank has raked in over $10 billion at a time when the interest rate cut was just a measly quarter of a per cent, as we have just seen. No doubt that cut will absolutely make a difference for people with mortgages. They will have an extra few hundred bucks a month to keep that roof over their head or to cover high winter energy bills, but it is just such a juxtaposition. People are desperate for these tiny decreases in their mortgage payments, and these profit-rich banks could always reduce home loan rates beyond the cut in the cash rate, particularly given they make huge amounts of money from home loans. It would literally be no skin off their bones. If the banks are not going to make their home loans and other products more affordable, we should tax them more. They can certainly afford it, and they should be paying their fair share. We should expect better.

Country Fire Authority Cranbourne brigade

Michael GALEA (South-Eastern Metropolitan) (09:49): Over the weekend I had the great pleasure and privilege of joining the member for Cranbourne in the other place Pauline Richards to attend the 85th anniversary dinner for the Cranbourne fire brigade. It was wonderful to go along with all the members of this wonderful local CFA brigade, along also with the mayor of Casey Stefan Koomen and local federal MP Cassandra Fernando. We were joined by many on the night, including captain of the CFA branch Mitchell Newman, and I would like to thank him in particular for having us come along. It was great also to acknowledge the incredible length of service and achievement of many of the brigade's volunteers, with service awards being given out to Jarryd Simmons for 15 years of service, Mark Christie for 20 years of service, Ronald Battams for 25 years of service and Adam Russell for 30 years of service. The National Medal was also awarded to Brendan Wilson, and a brigade life membership for 20 years service was given to Mark Christie. The longest standing

member at Cranbourne was Robert Lake, and he received an award for 56 years of service to the local brigade, an incredible achievement, which, coupled with the service of his son Anthony Lake, who also serves in the brigade, comes to around 90 years of combined service just for the Cranbourne local community – a remarkable achievement. Congratulations to member of the year, as voted by the brigade membership, Steven Howard, runner-up Lisa Cunynghame and firefighter of the year, as nominated by Mitch the captain, Steven Howard as well. Congratulations to all.

Government performance

Gaelle BROAD (Northern Victoria) (09:51): I think it is important to give people something to look forward to, and we are now just 19 weeks away from Christmas, which is fantastic. But even better, we are about 65 weeks away from the next state election, when the polling booths open. When I speak to people, they are very clear that they want to see a change of government, and I thought it was worth reminding them what our focus as the Liberals and Nationals is. We are all about creating jobs, supporting business and growing our economy. We want to build safer communities. We want to unlock home ownership and deliver affordable, accessible homes and deliver the services Victorians deserve. If elected to government, we will scrap the emergency services tax, the GP health tax, the Airbnb tax and the schools tax, restoring choice to Victorian parents, and we will also scrap stamp duty on homes up to $1 million for first home buyers. Labor have made Victoria the place you want to leave. Under a Liberal–National government, we want to make Victoria the place to live.

World Elephant Day

Rachel PAYNE (South-Eastern Metropolitan) (09:52): Tuesday was World Elephant Day, when we raise awareness about the urgent challenges facing elephants and the need to protect them. I sponsor a magnificent Thai elephant, and her name is Jokia. She now lives at the Elephant Nature Park just outside Chiang Mai. It is elephant paradise, but Jokia's former life was not. She was forced to work in the illegal logging trade for most of her life. She was even forced to work throughout her pregnancy, and when she was in labour with her calf, it was tragically crushed to death by the logs that she was forced to move. Jokia was heartbroken at this traumatic incident and could not be controlled, so they continued to break her spirit. They beat her and blinded her in an attempt to force her back to work.

Thankfully, Thai conservationist and activist Lek Chailert, who I have had the honour of recently meeting, has dedicated her life to protecting and rescuing Asian elephants. She rescued Jokia, who now lives a full and happy life at the park. Jokia has made connections and has become a nanny to four-year-old baby Lek Lek, which helps her to heal. Lek calls for an end to the violence and cruelty many elephants are put through.

If you have interacted with an elephant that has chains around its neck and legs, is being ridden or bathed by tourists, no doubt this elephant is vulnerable and in controlled cruelty. To be this tame, an elephant's spirit has to be broken. I will always speak out against elephant cruelty and educate others to not support any activities that exploit these majestic animals.

Emergency Services Foundation

Sheena WATT (Northern Metropolitan) (09:54): A few weeks ago I had the privilege of representing the Minister for Emergency Services at the 25th annual emergency management conference. This event brought together emergency management professionals, experts and volunteers from across Victoria to reflect on lessons learned and prepare for the challenges ahead. This year's theme, 'Reflections and realities: where will the next 25 years take us?' encouraged us to look to the future of emergency management, embracing innovation, strengthening resilience and building on the collaboration that is the hallmark of emergency services. A highlight of the conference was the launch of Supportal, a new online hub developed by the Emergency Services Foundation to provide mental health information, practical resources and connections for the families of emergency services workers. Families are the quiet backbone of our emergency response capability, and Supportal will ensure that they have trusted, accessible tools to support their loved ones. I thank the Emergency

Services Foundation for hosting this outstanding conference, and I acknowledge our frontline emergency services workers, who are some of the most hardworking and dedicated people you will ever find. Their service makes Victoria stronger, safer and more resilient, and I can confidently say that Victoria is in safe hands.

Australian Education Union

Nick McGOWAN (North-Eastern Metropolitan) (09:55): What a fantastic day we had yesterday. It was sensational to see the Australian Education Union in this place. And I say 'sensational' because they are one of the very few unions at the moment – although the list is growing every day, I am proud to say, an increasing number of unions – who are prepared to call out this government. They were actually prepared to come to this Parliament yesterday and meet individually with each member of Parliament to stare them in the face and tell them what a rotten, terrible job Labor is doing. They were even prepared to tell you lot across from us on the aisle across from us, through you, President, to your face and condemn the efforts you have made – condemn the fact you have absolutely ripped $2.4 billion out of the education system.

You sit there and you lecture everyone, not just this side. You lecture the crossbenchers, and you lecture those in the community. You look down upon people, and all because you yourselves at the same time have got your hand in the till. That is right, you are taking $2.4 billion – $2.4 billion you are ripping out of the education system. So the Australian Education Union had the guts to come here yesterday and say to your faces what a disgrace you lot are, what a disgrace you have become. You have lost sight of who the workers are in this state. You have completely lost sight of what a union is. I am surprised you even recognise them – were it not for the fact they had T-shirts on, which was sensational because they are easily recognisable.

So there they were, telling you to your face, but they were prepared even to put it in writing and to take up the challenge to this government to actually make sure that they fund education, because they are not funding education properly. You are not funding facilities properly, you are not funding child care properly, you are not funding teachers properly. There is nothing you fund in the education sector that you should be proud about. It was a warning bell for you opposite, and hopefully you listen to them if to no-one else.

Gippsland Agricultural Group

Tom McINTOSH (Eastern Victoria) (09:57): Last week I had the privilege of going to the Gippsland Agricultural Group, which was fantastic – to their research and demonstration site down at Bairnsdale near the airport. I want to thank Jen Smith, the chair, for having us all along. We had local farmers, and East Gippsland shire did a lot of work on coordinating a number of visits, including this one, and their ag advisory group were also in attendance. We talked about a lot of issues facing farmers. We talked about getting young locals engaged and excited to work on farms, getting them trained with the appropriate skills; dealing with weeds and pests in the area, particularly African lovegrass; and dealing with pigs. We talked about improved agriculture infrastructure, both on farm sites and across the region, to help the agriculture sector, and we talked particularly about federal and state government avoiding duplication of process or engagement and avoiding inefficiencies.

As Victoria grows, we know the $20 billion of ag production in this state is vitally important to not only our economy but feeding our people. So the focus that the Gippsland ag group has is on productivity, ensuring that farmers are not leaving any money on the table and that Gippsland is being as productive as it can be on farms, ensuring our farms are resilient and ensuring that they can be passed on from generation to generation to generation and keep operating profitably.

World War II commemoration

Bev McARTHUR (Western Victoria) (09:58): Victory in the Pacific Day this week marks 80 years since August 1945, when the Second World War ended and Australians could move on from years of total commitment, sacrifice and the existential threat to our country to building our nation in peace. In

western Victoria the contribution was immense both at home and abroad. Despite far smaller populations at the time, enlistments were extraordinary – over 14,000 from Lowan, 9000 from Ripon, 9000 from Eureka, 7000 each from South West Coast, Geelong and Polwarth, 6000 from Wendouree and Lara, 900 from Bellarine and 700 from Melton. Men and women served in the army, navy, air force and women's services, from the jungles of New Guinea to the seas of the Pacific. The home front also worked tirelessly. In Dunkeld locals turned rabbit pelts into slouch hats. In Bacchus Marsh women baked thousands of scones for soldiers at Darley Camp. In Heywood the air observers corps kept watch around the clock.

I thank the parliamentary library for their excellent research recording the service and celebrations across our region in 1945. Their work keeps memories alive, and of course beyond the experiences and the relief, we remember the sadness felt that day for the more than 39,000 Australians who never came home. Lest we forget.

Energy policy

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:00): I rise today as well to speak on rising energy bills, which have been an absolutely atrocious situation for people in my area. Yesterday I had a message from Grandma Trudy in Frankston, who told me that her bills for electricity used to be $100 a month. Now they are $90 a week. How are people supposed to be able to afford this? It is just incomprehensible that this government can think it is doing a good job and helping Victorians with their rising energy bills – absolutely ridiculous.

Early childhood education and care

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:01): Children, babies and toddlers all deserve to be safe in our Victorian childcare systems. They deserve to be free from abuse and cared for by ethical, caring people. Parents deserve to have the peace of mind that when they put their children in child care they are not going to be abused but they are going to be looked after. This state has failed all Victorians.

Community safety

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:01): William Cooper, an Aboriginal man from the Yorta Yorta community, protested against Nazi persecution of Jews. It really distresses me to think that we have displays by neo-Nazis in Victoria. Jewish community people deserve to feel safe. Children that go to Jewish schools deserve to feel safe. Christians, Muslims, Sikhs – whatever their religion or their non-religion is, all Victorians deserve to feel safe without vilification and without violence, abuse or discrimination for their faith.

Box Hill brickworks site

Richard WELCH (North-Eastern Metropolitan) (10:02): My members statement is with regard to the brickworks site in Box Hill. It is parkland that was built over a quarry that was then used as a tip, so there are some fairly dangerous materials below the surface and they should not be disturbed. Unfortunately, it has been zoned for high-density housing under the Suburban Rail Loop precinct plans. However, I think there is a very strong case for that land to be made into permanent parkland. We have a rising population in Box Hill, and there is no significant provision for greater open space for that rising population. I will contrast it with other compulsory acquisition purchases that have taken place under the SRL. For example, the Waverley RSL, a living, breathing organisation, has been compulsorily acquired and will need to move. That acquisition is being negotiated at a pre-rezoning valuation, and they will be forced to acquire a new property at a post-revaluation costing, so that is clearly unfair to them. But if the Suburban Rail Loop Authority is willing to do that to a living, breathing organisation, surely it can do it to a piece of contaminated land that has not been used for 30 years and has no other practical purpose than being parkland.

Family violence

Renee HEATH (Eastern Victoria) (10:03): This government claims to stand with victims of family violence. However, its actions say otherwise. In this year's budget Labor has cut $8.3 million from primary prevention, $24.2 million from service delivery and $169 million from housing assistance. Victoria Police, already under-resourced, has admitted it can no longer guarantee victim notifications when violent offenders are released from prison. This failure could be fatal, and unfortunately it already has been fatal. Noeline Dalzell was murdered in front of her children by her abusive ex-partner. A simple warning from police could have saved her life. Instead, the coroner's recommendation for mandatory victim notification has gone unheeded because they have been unable to fund it. Meanwhile 1100 police positions remain unfilled, 43 police stations have closed or reduced their hours, and VicPol is now responding to a family violence incident every 5 minutes. These are not just statistics, these are signals. Victims are being abandoned and prevention is being sacrificed to cover Labor's blowouts of the budget. If the Premier believes in protecting women and children, she must prove it by restoring funding, respecting the experts and fixing a broken system.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (10:05): I move:

> That the consideration of notices of motion, government business, 278 to 1042, be postponed until later this day.

Motion agreed to.

Bills

Crimes Amendment (Performance Crime) Bill 2025

Second reading

Debate resumed on motion of Harriet Shing:

> That the bill be now read a second time.

Joe McCRACKEN (Western Victoria) (10:05): I rise to speak on the Crimes Amendment (Performance Crime) Bill 2025. This is essentially the legislation enabling the practice of 'post and boast' to become a crime. The bill inserts division 2E 'Performance crime' into the Crimes Act 1958. There is a broad definition of what is considered 'material' in new section 195S. It includes any film, audio, photograph, printed matter, image, computer game or text or any electronic material, including data from which text, images or sound could be generated or any other thing of any kind, basically. So this essentially covers anything in hard copy, electronic data such as sound, any moving or stagnant images, associated commentary and information in text format, and there is the 'everything else' cover.

The definition of 'publish' is in new section 195T, and it is fairly broad. It includes actions such as posting online and in hard copy, but it excludes a situation where a person makes material available only to one person. I just make that essentially clear: this excludes when you publish material to just one person, so sharing this with one person does not constitute a crime under these proposals.

New section 195U outlines what a relevant offence is, and in terms of posting and boasting, this list includes things like theft, theft of a motor vehicle, robbery and armed robbery, burglary and aggravated burglary, home invasion and aggravated home invasion, affray and violent disorder, and it also includes inciting or attempting to incite those above offences as well.

New section 195V outlines the elements of summary offences. Those elements are:

> A person must not –
>
> (a) publish or cause to be published material that depicts, describes or otherwise indicates the commission of a relevant offence by the person; and
>
> (b) undertake or cause that publication with the intention of attracting attention to the commission of that offence.

The penalty is level 7 imprisonment, which is a maximum of two years. New section 195W outlines the process for issuing a warrant in respect of these offences.

We think that the bill is a weak attempt to prescribe consequences for those who post and boast. It could be a lot stronger. The reason why we say this is because it not only applies to a very limited number of offences, it excludes some offences which are often posted and boasted about in public, and we have seen many examples in the community of that, including arson, assault and dangerous driving. I am sure in news clippings we have all seen examples where there is dangerous driving and hooning and it is being filmed. Those sorts of actions are not covered under this. Anyone can go around driving dangerously and filming it, and they are not covered by this, so they can post and boast as much as they like – it is not a criminal offence at all. In other jurisdictions, such as Queensland, anybody posting relevant material to glorify criminal conduct can be charged, regardless of whether they actually committed the offence that is being posted and boasted about.

This is a serious flaw in the legislation. If the aim of the legislation is to prevent people from glorifying acts of crime, then you would have to ask the question: why doesn't it apply to anyone filming the crime? Again, we have seen many different examples of where someone may not necessarily be a participant in a crime but is filming it. Under these provisions they are not covered. If we think about something like an armed robbery – imagine a group of people undertaking this crime; it is usually not just one person, it is a number of people – it might be the case that the person who physically undertakes the armed robbery is not capable of literally filming themselves undertaking this offence. I do not understand anyone who literally wants to break into a house while they are live streaming it on a streaming service like Facebook or something like that; that is not usually how it works. So you can imagine a situation where someone is literally breaking into a property and some other person who may not be undertaking that crime – they may be standing somewhere in the background – might be filming this. But technically they are not actually part of the crime, are they? They are not the ones breaking in and they are not ones undertaking the crime. So it stands to reason that they would not be caught up in these provisions as they are written in front of us. It would only be a crime if the person undertaking the activity actually filmed it themselves. Again, there are a number of different crimes where I do not know why a criminal would actually do that, except in very limited circumstances.

A real-life example of this actually happened only a week or so ago, when a group of motorcycle hoons using many of the main roads around Melbourne, including CityLink, turned it basically into an illegal speedway, putting lives at risk when they were doing tricks on the speedway. Police allege the group used products on their boots to throw up sparks on the road, which obstructed the view of other motorists, and of course it is not really good for road safety or anything like that. They also covered their number plates to avoid detection – all for cheap likes on social media.

Additionally, there is nothing in the legislation that requires any penalty for the offence in addition to the penalty for the underlying offence. This effectively means that the sentence for the underlying offence and the offence for posting and boasting can be served alongside each other concurrently. You have got to think about that: what is the purpose of going through this if you can serve an offence concurrently? Is there really a penalty for this, or is it just a matter of saying, 'We want to make it a crime, but it's not really going to have that much of an impact'? So why create a set of circumstances where a crime can be committed but the ability to have the post-and-boast crime served alongside the substantive crime does not actually exist? It really flies in the face of encouraging consequences for actions and ensuring people take their responsibility seriously, because if there are effectively no

consequences for posting and boasting, then what is the deterrent? Why would people not post and boast if they knew that whatever crime they were found guilty of was just going to be served concurrently? In effect you serve the same time as the substantive crime; what is the disincentive there to post and boast?

I guess we also need to think about what message this is sending to the community. If you will not have extra time added on to the substantive sentence because someone posts and boasts about it, what message are we sending to young people in the community? Are we saying it is okay to post and boast? Are we saying, 'Please don't do it, but there are not going to be any consequences for doing it'? It just seems like we are not really putting the teeth into this that there need to be.

We do have amendments to this bill which we believe will strengthen the bill. We will not be opposing the legislation. I ask that those amendments be circulated now, please. The amendments to the bill, which we believe will strengthen the bill, include the following – essentially there are three aspects to it. The first one is to add the following to relevant offences under the legislation. The first one is 'causing serious injury intentionally in circumstances of gross violence'. The second is 'causing injury recklessly in circumstances of gross violence'. Assault is included, destroying or damaging property is included and dangerous driving is included. We believe that those are important because those are quite often the circumstances where we see posts-and-boast materials happening. For example, with dangerous driving, which I just cited before, you see it all the time online where people are driving crazily in the streets of Melbourne and in regional Victoria as well. We want to include that in here to make sure it is captured in the legislation. We do not want to incentivise people putting risk on our roads. I think that is going to be really important. Safety here has to be first.

The second change we want to make is we want to delete the provisions relating to the publication of material to only one person – if you put it to just one person, that is not considered publication. This essentially means that even if you do share it with just one person, that should be captured under these laws, and they would therefore be guilty of a performance crime.

Thirdly, we also want to ensure that any sentence imposed for the performance crime must be served cumulatively, not concurrently. This will ensure that any punishment for a performance crime is in addition to the underlying offence and will not be served alongside it, ensuring that there is an actual consequence for actions.

Before I finish I just want to touch on the impact on victims of crime. Time and time again we see the criminal justice system lacking a focus on victims and their support. In this particular circumstance, with this bill we are debating today, the government is effectively allowing someone not involved in a crime to film a crime and post it online and there is no consequence. The reason I say that is, again, it is in here: you are only covered by this if you are filming or posting photos of your crime if you are the one undertaking that crime. Anyone else – it could be a bystander or someone standing to the side of the crime watching it happening – is not captured. This legislation could almost facilitate a situation where you have got young people standing around and one person commits the crime and everyone else films it. Everyone else who is filming it and posts it online is not guilty of a crime at all. As I said, if we are really trying to disincentivise posting and boasting, they should all be captured in that. So it is a serious gap.

I do want to talk about the mental health ramifications for people that are victims of crime as well, because they are quite often asked to relive traumatic experiences. I am talking about things like theft, armed robbery, even burglary, and to think that those sharing content online are not captured because they are not the ones who directly committed that offence – it is a real missed opportunity. And those that are victims of crime, who might have seen their car stolen, who might have seen their home broken into, have to relive that experience day in, day out when some of these clips, unfortunately, are spread far and wide across the internet. Because the mental health impact on victims ripples right across individuals, families, support workers and entire communities, we want to make sure that that is captured a bit better. I encourage others in this place to carefully consider victims of crime, especially

when considering these amendments that we will be moving to make sure that this is actually strengthened.

Katherine COPSEY (Southern Metropolitan) (10:18): I rise today to speak to the Crimes Amendment (Performance Crime) Bill 2025 introduced by the Labor government. This legislation creates a separate standalone offence which adds up to two additional years imprisonment for people who publish serious crimes on social media. The legislation itself is performative and punitive, not preventative. This law will disproportionately impact marginalised youth, particularly First Nations children, and is unsupported by evidence that it will actually deter crime or contribute to community safety. As the Law Institute of Victoria has pointed out, the legal tools already exist to prosecute offenders for the crimes that they commit, including when they share evidence of those crimes online. Offences such as robbery, burglary and carjacking already carry significant maximum penalties, including imprisonment. Filming and sharing a crime is already an aggravating factor to be taken into consideration when sentencing, and as abhorrent as it is, making a separate crime of filming the attack is unlikely to be a further deterrent.

Let me be crystal clear: the Greens believe in community safety, but we firmly reject this government's approach. Instead of resorting to headline-seeking announcements that criminalise young people trying to climb a viral ladder with reckless posts, we must invest in comprehensive evidence-based strategies to address the root causes of offending behaviour in the first place. Where the government cuts budget line after budget line for preventative services – for mental health, for youth services, for education, for housing and for early intervention – we believe in reinvestment. Redirecting money from prison responses into community programs, trauma-informed support, counselling and education can genuinely steer young people away from the substance abuse, violence and crime that fuels these incidents. Let us please listen to the experts: the Justice Reform Initiative, the Victorian Aboriginal Legal Service, the Victorian Equal Opportunity and Human Rights Commission, the children's commissioners, community legal centres, First Nations organisations and social services. Not only have they raised serious doubts about the effectiveness of this bill, but they are concerned it will do more harm than good, pushing more young people deeper into and enmeshing them in the justice system, doing nothing to prevent offending and serving only as political theatre and distraction.

The responsible course here for the government would be to step back, to consult and then to invest in what works, not to double down on this futile politics of appearing tough. It is not working. We must see the deradicalisation and rehabilitation of young people, not their deeper entrenchment in the criminal justice system. At the Victorian Parliament's inquiry into extremism in Victoria, which focused on far-right extremism and was initiated by the Greens, it was demonstrated that police alone will not solve these problems. We need credible messenger programs, positive mentoring, digital literacy and counter-narrative work, and we need restorative justice that builds accountability and community ties. These approaches are being piloted here in Victoria and have been proven overseas. They are far cheaper than carceral responses and they are far more effective at changing behaviour, which surely is what we all seeking to do in this place. Social media platforms should also be made to lift their game. We must be funding wraparound support services, support programs in schools, youth mentoring, suicide prevention, mental health outreach, diversion programs, family support, Aboriginal community controlled responses and genuine alternatives to incarceration. We could do all of these things for far less than it costs to prosecute and keep young people in prison. We also support legislative measures to hold social media companies accountable for platforming harmful content, improving moderation and limiting youth exposure to extremist or violent messaging.

This bill provides no protection for victims whose assaults are filmed and circulated. Victims of these crimes are often subjected to ongoing digital harm that the government could be preventing better through stronger regulation of online platforms and victim notification mechanisms. Labor continues to defund intervention work. Its budget cuts to frontline services, mental health teams, youth workers and housing supports are glaring. In these circumstances adding new punitive laws is only going to compound the harm and continue us on a path that does not contribute to improved community safety.

Our communities do not want performative politics; they want results. They want fewer young people behind bars, and they want more young people thriving. They want safe neighbourhoods with youth services, not flashy laws that seek to punish tragedy instead of preventing it in the first place. The Greens reject this post-and-boast bill because we reject the theatre of ineffective tough-on-crime rhetoric. We need reinvestment and early intervention, and we need deradicalisation support for vulnerable young people. That instead would be the path to a safer and a more just Victoria.

John BERGER (Southern Metropolitan) (10:24): I rise to speak on the amendment to the Crimes Act 1958 which is currently before the chamber. This amendment changes the act to make it an offence for someone who commits a serious crime to post about it online. This is a practice that has become far too common recently, and it is often known as posting and boasting. This practice is harmful and sometimes traumatic to the dignity of victims. It makes people feel unsafe in their own communities and can inspire others to commit similar crimes. Sadly, I think all of us in this place know that young people are far too often negatively influenced by the kinds of content they see online. This applies to many different corners of the internet, often affecting different groups of young people differently.

Today we are specifically talking about the issue of those out there who seek to turn crime into content. In cases where crimes such as carjacking, motor vehicle theft or home invasions, amongst others, have been posted online they can have serious and harmful effects beyond the crime itself. Often shared as videos on social media platforms, these posts can make serious crimes appear to others to be cool – a way to prove one's toughness, a way to feel powerful or just a way of getting attention online. They can appeal to the instincts of teenage rebellion and adventure to encourage young people to make decisions and commit crimes which are damaging to the social fabric of their community. No-one wants to live in a community where the elderly are afraid of the young, where the standing of all young people is tarnished by those few who make the wrong choices. This is not a recipe for a peaceful, highly cohesive community or society. We need to keep our community safe, and we need to make sure that our young people feel safe online. As well as the damage that an individual crime such as car theft can do to the victim and to the community, often these kids are doing potentially irreversible damage to their own lives as well. No parent raises a child hoping they end up in the youth justice system. In fact it is something which parents actively try to prevent from ever happening to their child, and we know that a criminal record, especially one acquired so early in life, can do serious long-term damage to somebody's future. We also know that the best way to crack down on crime is to prevent it from happening in the first place.

The aim of this bill: if posting and boasting is leading to more young people being inspired to go out there and commit serious crimes which they otherwise would not have, then it follows that banning this practice will help keep our communities safe. Rehabilitating young offenders is difficult, it is expensive and it is important, but it is generally better value for money to prevent them from offending in the first place. We on this side of the chamber believe that by cracking down on the post-and-boast trend we can prevent the normalisation and glorification of criminal activity from spreading online. By preventing it from spreading online we aim to prevent it from influencing the habits, views, perspectives and ideas of the young people online. No child is born a criminal. Criminality emerges from a range of extremely complex factors in somebody's life. It is important, if we can remove or attempt to remove one of these factors with a simple piece of legislation, that we do so. Preventing young people from being exposed to this sort of content we believe is one way that we can reduce the risk of young people making decisions that could land them in the youth justice system. This bill gives the offence a two-year maximum penalty which will come on top of the penalty handed down for the original offence, such as car theft or home invasion. For the sake of efficiency in the courts system the bill intends for the accused to be charged and tried simultaneously for the performance crime and the original crime.

In Victoria community safety comes first, and the Allan Labor government is committed to doing what is necessary to keep Victorians safe. We passed tough new bail laws earlier this year, invested in support of Victorian police year on year and provided our justice and corrections systems with the

resources they need. This is because we on this side of the chamber are putting community safety first with actions, not words. Sometimes what the government needs to do to keep the community safe is provide the funding and resources that are necessary. That is why in the budget handed down by the Treasurer in May the Allan Labor government committed to an additional $1.6 billion backing Victoria's new bail laws. This meant more funding for the police and more funding for our justice workforce. This was so that every part of the justice system could get the resources it needs to keep us all safe: the police, the courts and the corrections system. It also meant providing our police with the resources they need to implement the Allan Labor government's new ban on machetes. At other times keeping our community safe means early intervention, breaking the cycle of crime and breaking the cycle of reoffending. That is why we made a $176 million investment in programs within prisons, programs for young offenders, programs in schools and more funding for case management for kids at risk of disengaging. We are making these investments because it is much better for everyone involved if we can reduce crime by preventing it from happening in the first place. It is also important that we give people who have offended in the past the help they need to get their lives back on track and break the cycle of reoffending.

At other times, however, the changes that are needed are changes which emerge as adaptations to the rapidly changing world. Technology is changing so much in the world. Social media is changing so much about our society and many of these changes we may not fully understand for a number of years to come. It is important with issues like this – crime being fuelled by trends on social media – that the government works to deal with the issue as it arises. There are also those out there who believe that governments have no business interfering with social media – that is, it is the role of the tech sector and the social media giants to move fast and break things regardless of the negative effects on individuals and society. But when moving fast and breaking things means teenagers are encouraging others to break into people's homes, we simply say that that is not acceptable and there must be consequences.

Of course there are many opportunities and benefits social media provides us with, but equally there are significant dangers. Post-and-boast offences going viral online can play a very dangerous role in shaping young people's views of what behaviour is acceptable, normal and legitimate. Therefore it is our hope in this bill that by adding an additional penalty to the offence there will be fewer of them being spread around online and therefore fewer copycat offenders. Our approach to community safety is not only to be tough on crime but to get smart on crime as well, and getting smart on crime means preventing it before it happens through measures like this one.

The offences to which the new additional offence applies will be motor car theft, carjacking and aggravated carjacking, burglary and aggravated burglary, home invasion and aggravated home invasion, robbery and armed robbery, affray and violent disorder, and inciting, attempting to commit or being complicit in one of these crimes. These antisocial behaviours, which have been promoted online, must stop and must not be shared freely the way they currently are. It is also important to remember that similar laws have already been passed in other states. It is a system which has already been tested. This bill has been written having learned the lessons from implementation in other states. This bill also goes much further than the laws in a comparable state such as New South Wales, taking a broader approach and applying to more types of crimes.

I have already spoken about the destructive effect of this sort of behaviour on the young people who get involved with them, but we also need to remember the additional harm which can be brought to the victims of crime through posting and boasting. Suffering through the crime once can be extremely damaging, even traumatising to a person, but having footage of it shared publicly by someone seeking to boast about it can do even further damage. From the simple invasion of privacy to the risk of identification leading to a repeat or copycat offence, there are serious risks to people's wellbeing. Further, there is a risk of retraumatisation either from seeing the footage or from the consequences of the footage being spread around widely. Nobody deserves to go through that; nobody deserves to deal with that sort of behaviour.

Victims of crime deserve far better than to have this sort of thing posted online for attention, and it is offensive to the values that as Victorians we hold. Fortunately, Victorians know that we on this side of the chamber in the Allan Labor government are always on the side of the victims of crimes and will always put community safety first. When we introduced our tough new bail laws, we knew that they would be controversial and we knew that would not be easy, but we did what was right and what would keep our community safe.

We are also banning machetes. The ban on possession will come into place in September, but until we have the implementation of a total ban on sale of machetes in September there are no exceptions to the ban. Once the permanent ban on possession and sale comes into play in September, we will allow for cultural and agricultural exemptions. Whatever legitimate reasons people or organisations might have to seek to purchase a machete, we said that they would have to wait until the exemptions become valid through September. In fact this is the toughest ban on machetes that has ever been attempted in the history of Australia. The reason we did this is because Victorians deserve to be able to walk around their neighbourhoods without worrying about whether they could be a victim of a knife crime.

Of course this ban on posting and boasting which we are debating today will help prevent young people from being exposed to content online which glorifies and encourages crime. I have been over a few different ways that the government is seeking to tackle this issue of crime, and I want to emphasise and highlight the different methods and approaches that we are taking, because crime is complex and is an issue that never takes a one-size-fits-all approach to preventing crime. For some people straightforward deterrence might work, whereas for others early intervention and helping them address underlying issues is a better way to prevent them from falling into a cycle of crime and reoffending. Of course in this bill we are trying to prevent young people from being introduced to a type of content which portrays, glorifies and encourages serious crimes.

It is worth emphasising once again that this is not the only solution that the government is proposing to deal with the offences covered under this bill; it is a solution to part of the much broader issue of crime generally and youth crime specifically. The Allan Labor government is addressing all aspects of crime and crime prevention, and this bill is a change which is being sought to address the challenges brought about by our modern and digital age. It is no good ignoring what is happening online. All of us in this place know that what happens online can have an impact on the real world. People are radicalised online, and they can be shown fictionalised versions of the world that do not reflect the reality. They can learn to view the people around them and their communities as not worthy of respect, and they can see serious crimes being committed but filmed or portrayed in a way that presents the criminals as daring and the victims as not even worth basic human respect and dignity.

It is important that the government moves with the times. We understand new developments and new dangers will emerge online and through social media, especially when they relate to real-world consequences. So you can see quite clearly that a reform like this is important. Twenty years ago we might never have imagined that we would need to make changes like this. But the internet has moved fast, social media has moved fast, and if we do not keep up with these sorts of changes, then we risk more young people being pushed towards the path of crime.

So much of what is influencing young people these days is almost completely unrecognisable compared to how things were at the turn of the century. There is a lot out there, including things such as the posts which we are discussing today, that I would think disturbs all of us in this place – those who sit on the other side of the chamber and the crossbenchers. I am sure that all will find these posts reprehensible and the potential consequences disturbing, which is why I think it is appropriate to also take a moment to acknowledge that, by all indication, the opposition will be supporting this bill. It is heartening to see that we can work together on issues like crime and reflect constituents regardless of whether they are in a Labor seat, Liberal seat, Nationals seat or Greens seat, because community safety is not an issue that will ever go away. It is one issue that will always be front of mind for all governments, especially for the Allan Labor government, and I commend the bill to the house.

Trung LUU (Western Metropolitan) (10:37): I rise today to make my contribution to the Crimes Amendment (Performance Crime) Bill 2025, and I do so with some reservations. This bill should be commended for its intent, which is to provide for a new offence in relation to those who wilfully publish material online glorifying certain offences. The rise in post-and-boast materials is alarming, and therefore any bill that limits or reduces this content is a good thing. However, the bill which we are debating today is quite weak, and the crimes that the bill covers are limited. I will go through those limited offences shortly, but to exclude offences such as assault, arson and dangerous driving, the three main offences we see regularly, from this bill is short-sighted and weak given much of the content that is shared by those offenders and others online falls into these offence categories.

Just an example: assault. How many fights have we seen in past years where again and again we see a group of students attack another? Dangerous driving – hooning: how many times have we seen clips of a passenger in a stolen vehicle laughing and boasting about the excessive speed they are travelling at or travelling on the wrong side of the road? The government have a perfect opportunity with this bill to finally enact some reform that will combat the rise of post-and-boast material, but instead they are offering this watered-down, weak and ineffective bill, tinkering at the edge of what is a very serious issue rising in the community.

This aforementioned bill amends the Crimes Act 1958, and as I stated, its intent is to combat the rise in post and boast, where commission of the offence is glorified online, encouraging others to copycat. Several jurisdictions across Australia, namely Queensland, Northern Territory and New South Wales, introduced a similar offence throughout 2024 and with various performance crimes covered. Some of these bills are not yet law, such as the bill introduced by the Cook government in Western Australia, which started debating their version of the bill back in June, to crack down on 'crime influencers', as they refer to those who glorify dangerous illegal acts on social media. I think this term should be used more often, because that is exactly what these people are doing. They are glorifying crimes online, pretending they are some form of criminal influencer – very dangerous behaviour. These people post and aim to enhance offenders' bad reputations and to embarrass the victims for laughs. South Australia also has a version, which was tabled in Parliament earlier this year.

One of the major concerns I have with this Allan government bill is that it only applies to a very limited number of offences, which limits liability to situations where the offender commits a relevant offence and subsequently publishes the material themselves. In other jurisdictions across Australia anybody posting material glorifying criminal acts can be found guilty, regardless of whether they are committing an offence or not. This is what this side of the chamber thinks we should replicate in Victoria to really send a good message that anyone posting materials glorifying a criminal act can be found guilty regardless of whether they were committing an offence or not.

I will just give you an example of people driving dangerously in a stolen vehicle. The person in the passenger seat or the back seat filming it and encouraging and posting it is not committing an offence under this bill. I strongly believe that it should be a requirement that any penalty of offence be additional as well. The offender should receive an underlying offence. If this bill proceeds as it stands at the moment, this may result in a subsequent penalty where any sentence is being served concurrently. So comparatively, Victoria's bill, which we are debating, is weaker than those in other states.

I will just quickly mention some of the other states to give you a comparison in relation to what is going on. Take the Queensland bill, which introduced an amendment to the Summary Offences Act 2005 last year prohibiting material about offending behaviour for offences that include driving or operating a vehicle, violence or threatening violence, and taking, damaging, destroying, moving, using, interfering with or entering properties. In Victoria only the person who committed the offence can be found guilty of publishing the same offence, whereas in Queensland the law applies to anyone who publishes the same material. I believe if the Allan government is serious about this offending, it should adopt the amendment that my colleague Mr Joe McCracken put forward earlier, sending a strong message to the community that it is not okay to publish material and that these offences are not

tolerated. Naturally, the exemption for material published by journalists in the course of their work should apply, and we understand the reason behind that. As a result of the Queensland bill, it was reported on 12 May 2025 that 195 offenders have already been charged with the offence since August last year, showing the seriousness of the offence. That is in Queensland.

New South Wales introduced a similar bill in 2024 to amend the Crimes Act 1900 to prohibit performance crime. The New South Wales legislation will apply only to motor vehicle break-and-enter offences. The person guilty of an offence is sentenced for their involvement in the offence. The Northern Territory also have a similar offence.

In comparison to the main provision of this bill we are introducing today, the definition of 'material' we are introducing only covers – which my colleague mentioned earlier – theft, robberies, armed robbery, aggravated burglary, carjacking and affray, to name a few. As I pointed out earlier, this bill excludes assault, arson and things like dangerous driving, which are the most common things we see regarding post and boast. Why are they excluded from this bill? The question needs to be asked. This new law will apply to anyone who encourages people, including young Victorians, to commit these offences, including social media platforms such as Instagram, Facebook, TikTok, Snapchat and X, formerly Twitter, where most of this material is posted.

My question to the Attorney-General and those opposite is this: why would you wait a year to act on this now? It is the trend and clearly it is not declining. So it is late, but it is better late than never. The Minister for Police in the other place Mr Carbines has suggested that the government had the right to ignore calls previously to introduce this law, saying that the government needed more time to ensure the legislation was effective. These laws are weak, and Victoria is behind the eight ball once again. But I encourage the chamber today to put a strong message out to the community and accept the amendment we put forward today to strengthen the bill. The bill needs work, but nonetheless we think we should support alignment with community expectation in this space to protect the community from harmful online posting.

I will speak quickly on the amendments put forward by Mr McCracken. They cover those causing serious injury intentionally in any circumstances or causing serious injury recklessly in circumstances which will cover the dangerous driving part. Also, in section 2 they will add assault, which covers most of the online posting we have seen young Victorians all across this country posting over the years. They also include an insertion about the Road Safety Act 1986 in clause 3. All of these are important to strengthen the bill. They also mention in relation to sentencing that it is important that penalties served for offences committed are served cumulatively and not concurrently. If you do it concurrently, the perpetrator or offending person will not really be punished for what they have done; it will just be added on to what they will already serve.

Just quickly wrapping up my time in relation to this bill, it is important that we support the community in relation to sending a message out that post-and-boast material is not to be condoned. That is why, with these amendments strengthening the bill, it is important that we send a strong message that we do not accept any sort of encouragement in relation to criminal activities. Whether online, whether you are committing an offence or not, you are part of the commission of the crime if you are in the space encouraging others to participate – encouraging those who are committing the crime – and you should be looked at as also participating in the commission of the crime.

David LIMBRICK (South-Eastern Metropolitan) (10:48): I also would like to speak on the Crimes Amendment (Performance Crime) Bill 2025. There is certainly a performance happening, and I think that the performance is by the government. Once again we have got this doubly illegal thing, where something is already illegal and the government bring in new laws to make it doubly illegal, and then they can say to people that they are actually doing something about crime. Unlike the motion that we were debating yesterday, which was about something that people actually want – about defending their own homes – today we are doing something which will have no real effect whatsoever, because if

someone posts something online about their own crimes it can already be taken into account as an aggravating factor when sentencing.

So what is this actually doing? It is really just performative politics by the government. It seems to be so pointless that not even the Greens will support it, but apparently the opposition are supporting it. In fact they are complaining that it is not pointless enough, and they want to make it even worse than it is. This is about as useless as a machete bin. It is just nuts, what they are doing here.

Since I have been in this place there have been so many instances of the government making things doubly illegal, it is crazy. They come out and say, 'We've got to do something,' and of course they always need to do something in response to crime. Usually the things that they do have no effect whatsoever, and this will be one of them. In fact it may even have a negative effect. What we are doing here – think about the incentives – is incentivising people, criminals, to not publicly post evidence of their crimes. These social media posts are quite often used as evidence against them, and we are incentivising people to not post evidence of their crimes. That is ridiculous.

So the Libertarian Party will not be supporting this bill. It is ineffective, performative politics, and I will not be a part of it.

Ryan BATCHELOR (Southern Metropolitan) (10:50): Crime is not content, and we should not be in a world changed by social media where criminals can commit crimes and get clicks for their satisfaction and face no consequence. That is what the bill before us today seeks to ensure is not part of the acts that are occurring in our community. It is about sending a very clear message to those who may be thinking about committing criminal acts and going through the process of committing that crime, which has, as we all know, very serious and negative consequences for the victims but also for many in the contemporary age, where the realities of social media and the realities of the way that algorithms have been affecting what people see, what they consume, and then what they seek to feed into those algorithms are creating sets of behaviours and creating sets of circumstances that this legislation is seeking to deal with. Crime is not content, and we should not allow it to be so. It will not be tolerated, and it will not be rewarded.

This legislation really seeks to protect victims not only from the traumatising events that the criminal act itself brings but also from the retraumatising events that occur when that act is then exploited for the gratification of the criminals themselves and those who they seek to attract to their following. It is designed to also be a preventative measure that mitigates fears and the fuelling of community fears and attempts to prevent would-be criminals from copying the serious crimes that they see in online content.

The bill will amend the Crimes Act 1958 to introduce a new performance crime offence, which prohibits a person from publishing material to draw attention to their involvement in certain serious offences. The offences that are captured as part of this are theft of a motor vehicle, burglary or aggravated burglary, home invasion and aggravated home invasion, carjacking and aggravated carjacking, robbery and armed robbery, affray, violent disorder and inciting or attempting to commit one of those above offences or being complicit in such offending. A person will be able to be charged with the new performance crime offence if they have been found guilty of a relevant offence that is the subject of the material. The new performance crime offence will be a summary offence, carrying a maximum penalty of two years imprisonment, which is additive to the penalty for the relevant offence. The bill also gives Victoria Police certain search warrant powers pursuant to section 465 of the Crimes Act to investigate the offence.

The bill obviously responds to community concern about the prevalence of certain serious offending, such as motor vehicle theft and home invasion, which is often magnified when offending is depicted in material that can be shared online. The proposed new offence increases the culpability of these criminals and will send a very clear message denouncing those actions. Certainly the intent behind it is to prevent or deter the publication of material drawing attention to that offending, and obviously, as

I said, it acknowledges the significant trauma that many in the community face when they see the crimes that they have been subjected to reshared online and used for the gratification of others. We are very serious about our commitment as a government to making sure that we are not only dealing with the crimes themselves but also dealing with the attitudes and the practices that exacerbate some of that offending.

The bill is part of a broad suite of measures that the government has been introducing and implementing in recent months to help keep our community safe. The government has acknowledged that there is serious concern within the community about serious offending. Sadly, we have seen in recent times an increase in certain types of serious offending in parts of the community. We have listened to community concerns about that offending and the impact that it is having, and we have changed the law to help stop it. We have provided police with both the powers and the resources that they need to help tackle serious offending in our community. We have made changes that have been necessary to introduce the toughest bail laws in the country. We have introduced the country's first ban on machetes, and we have passed anti-vilification laws to protect the community from hate speech and division. We have expanded our capacity in the prison system and the youth justice system. And importantly, we have increased funding for crime prevention measures as well as rehabilitation and reintegration programs.

All in all, what we are trying to achieve here is not only a response to offending as and when it occurs, but also to create pathways for people to choose a future that does not involve further criminal offending and to support them to get out of the cycle of offending. Hopefully one of the benefits of the legislation we are debating here today is that it will help break the cycle of attention that offending can bring now in the modern world – with social media and the way that algorithms are fed by engagement on matters that are often quite sensational and quite extreme – and break that cycle of algorithmic furtherance of criminal endeavour. That really is a concept that as a criminal justice system we have not had to grapple with in these sorts of ways before but do now because of the emergence of not only the technology of being able to record but the way that particularly the algorithms that power the delivery of content on social media have certainly changed the dynamics of how this is fed out into the broader community. It is a necessary part of the response the government has to make to these changing circumstances to try and deal with this sort of new phenomenon that is delivering real and significant harm to the victims of crime who find themselves recorded in these acts.

We do think that with the particular offences that are being criminalised in this performance crime and the post-and-boast measures here it is important that they are serious and specific high-harm offences – as I said, things like aggravated burglary, car theft, home invasions and violent disorder. It is not about making additive offences for those which do not meet that threshold of high harm. The bill is very specific in ensuring that the criminalisation of the publication of high-harm materials is designed specifically to prevent the furtherance of the gratification of those offences into the future and is very clearly connected to the act of commissioning or the participation and the facilitation and incitement of further serious crimes. So it is not just about those who are involved in the act of the crime itself, but it enables the encompassing of those who may be trying to incite those acts as well. So I think it does attempt to have a preventive element to it as well. It is attempting to strike the right balance to ensure that we do get action taken in this part of the criminal justice system.

As I said, the bill also considers the impact that these very serious crimes have had on members of the community. I know that I have certainly spent quite a bit of time recently talking to members of my community in the Southern Metropolitan Region, particularly through the work that Neighbourhood Watch Bayside have done in recent months and recent years. I have had some very constructive discussions with Neighbourhood Watch Bayside, and I have also had discussions with other local representatives, including local government representatives in Bayside, Glen Eira, Port Phillip and other areas, who are concerned about increasing types of crime, particularly aggravated burglaries and particularly motor vehicle theft offences that have been occurring in the community. We take them seriously. I want to thank the local community advocates, particularly people like Neighbourhood

Watch Bayside, who have been out working with the community, bringing their concerns forward, having constructive and detailed conversations with their local representatives and reaching out as well to have those conversations with ministers in the government.

Certainly what this legislation and what legislation we have debated in the past demonstrate, and what I am sure we will deal with in the future will demonstrate, is that the government is taking these law and order issues very seriously. We do have a responsibility to ensure that our community is safe. Through the laws that we are passing, like this one, we are taking concrete steps to give clear signals to those would-be offenders that this sort of behaviour is not something that is acceptable or appropriate in our community. We are also certainly making sure that with the significant investments that the Labor government has made providing additional and appropriate resources to Victoria Police we have police on our streets with support and resources from the government for not only the largest but also I think the best police service in the nation. We are giving them the support that they need to take action, and there are certainly significant inroads that Victoria Police is making in certain criminal activities across the state. I want to thank members of Victoria Police for all the hard work they do every day to keep our community safe.

I think the fundamental point that I will come back to here is that the bill makes it very clear that crimes are not content and that hurting others – serious offences, serious harm caused to others – is not something that you can capture for clicks. It is not something that should be designed to help you gain attention and gratification online. It hurts others, it harms others, and this bill says very clearly that it has no place in Victoria. I commend the bill to the house.

Gaelle BROAD (Northern Victoria) (11:04): I am pleased to be able to speak on the Crimes Amendment (Performance Crime) Bill 2025. Crime rates in Northern Victoria are rising, with rural communities facing increasing threats from youth gangs, property crime, drug-related offences and violent incidents. Families and farmers are feeling unsafe in their own homes and in their own towns, and we have seen a disturbing rise in young offenders particularly posting and boasting about their crimes on social media, glorifying violence, theft and destruction and facing little or no consequence for that. This bill has been introduced to combat that post and boast.

We saw Queensland, the Northern Territory and New South Wales introduce similar offences in 2024. Western Australia has a bill before their Parliament as of February 2025, and a bill was tabled in the South Australian Parliament in May 2025. But this bill is weak. It is like Swiss cheese; it has lots of holes in it. What is not in this bill? Assault is not a relevant offence for the purpose of this bill. Another is dangerous driving – dangerous driving is not a post-and-boast offence under this bill. Why not? Another is destroying or damaging property, including through arson – this is not a post-and-boast offence. Why not? In Victoria under this bill only the person who commits the crime and then posts about it themselves can be liable. Somebody can have a mate standing beside them filming, and that mate can put it online. As long as they did not commit the offence, they have got a clear pass under this post-and-boast legislation.

When I look at the crime rates that we are seeing in Victoria compared to New South Wales they show how off track we are. Just to give you an insight into some of the things that are happening, I know in Bendigo, near where I live, the Bendigo Theatre Company were broken into recently, and they have been broken into before. We have read about a councillor that had his car broken into, but he is one of many in the region. In the City of Greater Bendigo we actually pay for a security guard to be there at the library. I know as you walk up our streets there are boards on some of the shopwindows because windows have been broken through antisocial behaviour. Hooning is a big issue in our area, and people have told me about hearing the screeches at night and being quite scared about that. We have people walking in the street that are high as a kite, and some of them have been very threatening to other people. I know retail theft has been a huge issue. We are seeing in Hargreaves Mall a number of shops that are empty now, with businesses moving out of that area. It is a big concern. We have seen all areas of crime increase in Bendigo in the 12 months of the data from the Crime Statistics Agency to March 2025: total offences up, again, 14 per cent; theft from retail stores, as I mentioned, up a whopping

84 per cent; aggravated robbery up 60 per cent; motor vehicle theft up 21 per cent; residential non-aggravated burglary up 35 per cent – it goes on.

In March we had locals take to the streets. They had a protest about crime rates, and that was right in front of the Premier's office, to send a very clear message. Last year we had police walk off the job in Bendigo as part of a protracted pay dispute. I held a crime forum at my office. We had a number of residents, and we were able to connect them with Bendigo police. It is important that they get heard in this conversation because many feel that their calls for further action are just falling on deaf ears. Earlier this year you would be aware that there was a vicious and violent attack on a security guard at the Bendigo Marketplace. We also had an attack, reported on the news, at a jewellery store where a resident actually took action. This is one of many, but I know it is not just an issue that we are seeing in Bendigo. I should recall also the tobacco shops; we have had tobacco fires happen in the middle of Bendigo, and we also had one at Epsom. We have had reports of young people being bashed in the city centre. I have spoken to parents that have told their kids to avoid walking in certain areas. It is a very different place than what it was 20 years ago, I know that. Local businesses have reported a surge in crime, including vandalism, thefts and an attempted break-in at the Deck nightclub. Apart from anything else, Labor's soft-on-crime approach is making it a lot harder to do business in Victoria.

These statistics that I have talked about in the Bendigo region we are seeing right across Northern Victoria. In Loddon shire total offences are up 24 per cent and stealing from a motor vehicle is up 157 per cent. I know in Shepparton total offences are up 22 per cent, motor vehicle thefts are up 60 per cent and stealing from a retail store has increased by 110 per cent. In Hepburn we have seen total offences up another 8 per cent, but in some areas there has been a dramatic increase – motor vehicle theft is up 63 per cent, stealing from a motor vehicle is up 51 per cent and stealing from a retail store is up 69 per cent. In Campaspe total offences are up 15 per cent, residential aggravated burglary is up 48 per cent, stealing from a motor vehicle is up 34 per cent and total serious assault is up 39 per cent. These figures paint a very grim picture about the state of crime and the increase in crime that we are seeing across Northern Victoria, and I have been reminded today from other members that it is not just Northern Victoria, it is right across the state.

The Allan Labor government has failed to address this shocking increase in crime in any real way. There are issues like the huge number of police vacancies that remain unfilled, and there has been the closing of police stations and reductions to their hours. We have had the weakening of the bail laws – apparently with the tougher bail laws, they are trying to make them tougher. Labor has contributed to these statistics. Behind every statistic is a person impacted by crime, and I have spoken to many of them. It is not just a one-off, it is an impact that they carry for many, many years to come. I think this government does send mixed messages, very much so.

It is important that this government considers our amendments. We have put forward a number of amendments to this bill to expand the list of offences to include assault, arson, dangerous driving and causing serious injury; to broaden the definition of 'publish' to include sharing with even one person; and to mandate cumulative sentencing for post-and-boast offences, ensuring additional jail time beyond the original crime.

Aiv PUGLIELLI (North-Eastern Metropolitan) (11:12): I rise today to also speak on the Crimes Amendment (Performance Crime) Bill 2025. Given my colleague Ms Copsey has already covered many of the Greens' concerns about this bill, I will instead focus my contribution on what needs to be done to take real action to address the string of homophobic and queerphobic attacks that we have seen occurring across Melbourne. Realistically, the actions that are required are not in this bill. These violent attacks that have been directed specifically at queer folk, at gay and bisexual men, in Victoria are deeply concerning. Men have been lured through fake profiles on online dating platforms like Grindr and others to meet up. Once they arrive, they find themselves ambushed, often by a group of young men. They are brutally assaulted as well as sometimes robbed, kidnapped or blackmailed, and all are left terrified and traumatised. While some of these attacks have been filmed and while some of them have been posted online, what we are talking about here – and what I think we all would accept –

is that these are crimes that need to be dealt with accordingly and we should be addressing the root causes of these issues.

There is much more work to be done to prevent these crimes from occurring in the first place. We need to take serious action to stop the online radicalisation of young men who end up in these shady corners of the internet that are deeply misinformed, downright hateful online spaces that glorify violence against queer people, against men who have sex with men. There has been a really worrying rise in hateful rhetoric against LGBTQIA+ community members, and this has certainly fuelled these targeted attacks that are directed at our community. Bigoted and divisive ideas imported from far-right groups – often in the US, emboldened by Trump and by the Make America Great Again movement – are putting community members at risk. We have seen it with protests at rainbow family events. We have seen it with these attacks that I have been talking about on gay and bisexual men. We have seen it in the recent foul neo-Nazi-style graffiti that we saw splashed across two venues not far from here. We need to take action to support and protect our community and to build a society where homophobia, queerphobia and transphobia have absolutely no place, but sadly, the solution is not contained in this bill.

The Greens initiated an inquiry into the rise of far-right extremism a few years back, and this inquiry provided to the Parliament a number of tangible steps that all levels of government could take to prevent and counter far-right extremism and to keep our communities safe. And I do not just mean the LGBTQIA+ community; I mean all communities, because far-right extremism puts all marginalised folks in our community at risk. The hateful ideas that are espoused, including in these corners of the internet that I have mentioned – we are talking about racist ideas, sexist ideas, misogyny, homophobia, transphobia – are bigoted in so many ways, and these are people that seek to recruit others by exploiting fractures that exist in our community, fractures like rising levels of social isolation, rising distrust and suspicion of institutions like government and distrust of media, and of course growing economic insecurity, which we all hear about from our constituents. Victoria needs to invest more in building up our communities so that everyone feels like they have a place and they have opportunity for a good and meaningful life. We need to be funding programs that support young people and specifically prevent this radicalisation that we are seeing of young men and teenage people. The Anti-Hate Taskforce, for example, needs to be expanded to hear from LGBTQIA+ communities as well as other marginalised groups. Our schools need more inclusion, diversity and anti-racism education. We need to stop these crimes being committed by often young men and teenagers who find a place, a comfort somehow, in these corners of the internet, in far-right ideologies. Tackling that is the best thing that we can do to keep our communities safe.

Beyond building up our communities, we need to do more when we are seeing these homophobic or queerphobic hate acts being committed. It is vital that we see police have the data collection tools and that these tools are being used to record and to track prejudice-based crime where it is occurring. They must be including these factors in their data collection so that it is possible then to properly and fully understand the scale and the widespread nature of this problem that is occurring in our state and across this country. Given that there is no quick fix, we must do more to protect victims, particularly if these attacks are then shared online. We should be empowering courts to issue take-down and no-reupload orders when these crimes are posted. There should be a victim notification system so that people know when content is published or admitted as evidence and consideration of federal laws to strengthen online safety. But that is really beyond this bill and often this chamber.

My community – queer people in this state – are strong and resilient, but these attacks are causing a great deal of harm and uncertainty. It is beholden on this chamber and this government to take action to prevent this radicalisation that we are seeing. And it will not just be the queer community who benefit; multicultural communities, people of faith, disabled people and everyone will be safer through this action. Sadly, as I have stated, it is not this bill which will take these steps, and as has already been indicated, the Greens will not be supporting it.

Ann-Marie HERMANS (South-Eastern Metropolitan) (11:18): Weak, weak, weak – that is what this government is, and that is what this bill is. The Crimes Amendment (Performance Crime) Bill 2025 is a weak bill from a weak government that is not prepared to do exactly what it takes to protect Victorians and to prevent copycat crimes. There are so many omissions in this bill that it is almost laughable. Yes, it is a step in the right direction, but it is a baby step.

This bill does not cover a number of crimes that it ought to cover to protect Victorians from copycat crimes. The post-and-boast element of this is incredibly important, right? This bill is where the government is seeking to tackle the phenomenon of post-and-boast offending. That is great and that is what we would like to see, but the number of omissions that are in here are just laughable, particularly when you compare it to other states. If we look at Queensland's legislation, for instance, the legislation applies to offences involving driving or operating a vehicle, which means that hoon driving is covered. But is that covered in the Victorian bill? No, it is not. What about violence or threat of violence? One would have thought that a government that wants to protect the Victorian people would be covering violence or the threat of violence. We have enough of that. There are so many people in Victoria right now who are worried about their safety – they are so worried. As has been mentioned – and I have mentioned it before – there are a number of people or groups who are worried for their safety and who are feeling targeted in this state. It might be a religion; it might be to do with your identity. But nobody should be being targeted and everybody should be protected by Victorian laws, and this weak bill does not do that. This is a government that is not protecting Victorians, and all Victorians are paying the price.

What about tackling, damaging, destroying, removing, using, interfering with or entering property? Is that properly covered in here? What about an offence involving a weapon? Is that properly covered in here? And what about the fact that we have an issue, clearly, in this state with protecting our babies and our children, our little ones? Will they be protected in here – no. I know that post-and-boast crimes are over a range of fields of criminal activity, and this does not even attempt to touch on anything that has to do with protecting our babies – nothing. This is a failing government. This is a state in chaos, and this is a bill that is simply not good enough.

I think that we need to look at some of the other states and what they have actually included in their post and boasts. In New South Wales, in 1924 – let us be clear, 1924, which shows that other states are well ahead of this state because this state is quite happy to allow lawlessness. It is quite happy to allow people to just walk into shops and take things and have no consequences. That is why we have had this revolving circle of bail after bail after bail, with young people being in police stations and saying, 'They can't do anything to me. I've been bailed 58 times.' How pathetic is this government? In New South Wales in the Crimes Act 1900 they inserted a number of clauses that prohibited performances of crime, and the maximum penalty for their offences is two years imprisonment. I know that there is a copycat of that in ours, but I think you need to have a look at some of the different factors that are in there. If a person is found guilty of the offence or if they advertise their involvement in the offence or the act constituting the offence, they will be convicted.

One of the problems we have with our bill here in Victoria is that the person that is posting it has to be the person that has actually performed the criminal activity and therefore they are posting and boasting. Well, what about the mate that posts and boasts for the criminal? They should be covered in this bill as well. This is a weak bill. This is not protecting Victorians. This is not preventing copycat criminal activity. It is weak. It is weak once again, and Victorians are going to pay the price for a government that is not standing up for them. It is simply not good enough.

Let us have a look at what they do in the Northern Territory. In the Northern Territory they have included quite clearly a number of miscellaneous offences against the person, including disabling or stupefying to commit an indictable offence – spiking – and intentionally endangering safety of persons travelling by railway or roadway. You would like to think that you would be safe when you are on public transport. Does our bill cover that – no. No, it does not. It is weak. What about preventing escape from a wreck? What about intentionally endangering safety of persons travelling on an aircraft

or ship? You would like to think that when you travel on a Qantas plane or any plane coming from Australia or Victoria you would be safe. Will you be covered by this bill – no.

All right. What else have we got on here – endangering occupants of vehicles and vessels, causing serious harm. Will you be covered by that in Victoria – no. This is a weak bill. What about the fact that we have endangering life of a child by exposure? That is the most incredible negligence you could have. Will this be covered by this bill – no. No, it will not. This is a weak bill. Setting man traps: will this be covered by this bill – no. Causing harm: will this be covered by this bill – no. Choking, strangling or suffocating in a domestic relationship: will this be covered by this bill – no, it will not be covered. But they are covered in the Northern Territory. What about just plain old assault or assault with intent to steal? Will that be covered by this bill – no. This is a weak bill by a weak government that is simply not standing up for Victorians, and Victorians are sick and tired of having a government that is letting them down. They are sick and tired of not feeling safe in their homes. They are sick and tired of having to go down the street and see criminal activity with nobody able to turn up or do anything about it. Victorians are wanting to stand up for themselves, and they do not want to be implicated in post-and-boast situations when they are actually trying to defend themselves either. So this is a really weak bill, and they have only just touched the surface. One has to wonder why they are doing this. Who are they protecting? Do they have mates that are involved in criminal activity? One has to wonder about this, because this is a weak bill. I mean, we did not get to see what really went on in the investigation of the CFMEU, did we? None of us could really be there to see or to question. That was not a public hearing. No-one from the opposition was allowed to be there. Why wasn't it public? What is going on with this government?

If we have a look at what it is going to cover, it is very, very weak – armed robbery, aggravated burglary, home invasion or aggravated home invasion, carjacking and violent disorder. It has got a few things in there, but really it is not enough. It is a very, very broad definition. It does not allow us to protect Victorians in this state. It is a very, very weak attempt to prescribe consequences for those who post and boast as well. That is the other part that makes it weak. Number one, it only applies to a limited number of offences and excludes some of the offending which is regularly seen in post-and-post offending, including assault or arson or dangerous driving. But it is also weak because there may not be an additional penalty. You see, there is nothing in the bill that requires any penalty for the offence to be in addition to the penalty for the underlying offence. What that means is that there may not be any additional penalty at all where any sentence is served concurrently – no consequences for actions. There are loopholes in this bill.

Who is this government protecting? It is certainly not protecting the families in Victoria. It is not protecting our teens from learning consequences of actions and having to take some responsibility. It is not protecting the grandmas and the grandpas at home. It is not protecting the mums and dads, and it is certainly not protecting our children. It is not protecting our babies. This is a weak bill. This is a weak government. This is a flawed bill that could have been tighter. All they had to do was to look at what was going on in other states of Australia to tighten up their laws. But no, 'We're going to provide a weak bill so that we can look like we're doing something, something amazing. We're bringing in a bit of a penalty.' No, you are not. There is no genuine penalty if they are already in prison and it is just going to be served concurrently. There is no penalty. And on top of that, a whole lot of assaults and offences have been left out – pathetic, hopeless. Well, at least it is something. All we can say is, 'Yay, they're finally doing a little bit,' because we have been calling for it ever since we came into Parliament. We have been calling for tougher crime measures, and this is a weak bill from a weak government.

Michael GALEA (South-Eastern Metropolitan) (11:29): Well, that was an odd contribution from my colleague in the south-east. I am not sure of the logic of calling it a weak, weak, weak bill and then saying that you are going to be supporting it. But I would particularly like to call into question the outrageous assertion that members on this side are somehow mates with or supportive of the offenders in some of these post-and-boast incidents that we have seen. This government has been very, very

clear on that. If Mrs Hermans wishes to raise it, she may do so in a substantive motion, but it seems that, as usual, she is talking complete rubbish in this place. Last I checked, the only member of –

Ann-Marie Hermans: On a point of order, President, I feel highly offended by the accusations of the member across the chamber. I would ask for an apology for that, please, and for that to be retracted.

The PRESIDENT: I think that there have been exchanges like that for many, many years. I just ask the member to be mindful and try not to be offensive towards individuals in the chamber.

Michael GALEA: I will heed your advice, President. I mean no offence of course to Mrs Hermans. I do not wish to imply in any way that she is rubbish. She is not; she is a decent person. But she was talking rubbish – that is the point I was making – which is something we have become accustomed to in this place.

But I find it particularly odd, given some of these post-and-boast offences have been related to hoon driving and people filming all sorts of behaviour on the roads – I am not sure why you would suggest that we are mates with these people when it was of course the former Liberal member for Kew who was last seen crashing his car into a child's bedroom on a drink driving fuelled rampage. That is the sort of rampaging that we do not want to see. We do not want to see any of this activity going on that we have been discussing and that other colleagues such as Mr Batchelor and Mr Berger have so well elucidated in their contributions today. But I would just caution members, including Mrs Hermans, that this is a very serious topic and it should be treated with respect and not with hyperbolic or exaggerated remarks.

Renee HEATH (Eastern Victoria) (11:32): I rise to speak on the Crimes Amendment (Performance Crime) Bill 2025. In the last year families and communities across the Eastern Victoria Region from Gippsland to Casey have seen a surge in violent youth offending, brazen property crime and organised gang activity. According to the Crime Statistics Agency March 2025 data, youth crime in Victoria has reached a 15-year high: 23,810 alleged incidents – that is almost up 17 per cent on the previous year. In my region alone motor vehicle theft is up 28 per cent year on year, with over half of those offences committed by people under 18 years of age. And yet, despite these alarming figures, this bill arrives too late and too narrow and, as usual, riddled with loopholes. Our opposition statement made clear that Labor has dragged its feet while offenders continue to glorify crimes online, putting public safety at risk. But despite this, Minister Anthony Carbines still makes no apologies. The government's bill says it will kerb post-and-boast behaviour, offenders recording their crimes while posting them online to glorify that crime. I absolutely support the intent of this; the coalition absolutely supports the intent of this. But intent is not enough. This bill fails to match the strength of laws in Queensland and the Northern Territory. This is a headline but really lacking in substance.

I have spoken in this place a few times about something that happened in Pakenham, where a young kid named Jack was at a party. A gang that he did not know crashed this party and beat the living daylights out of him. He was unconscious; they broke his eye socket, all while posting it online. I raise this case study not because it is local and just extremely terrible, although those things are true, but because this bill would still not capture this case. The reason is because of the narrowness of the list. What Jack was victim to was a serious assault. It broke his eye socket; he was beaten unconscious. Serious assault is not on this list. Serious assault, arson and dangerous driving are all common performance crime videos, but they are missing from this list. Offenders in those categories can still post and boast without the consequences.

The other reason that Jack's offender would not be liable under this bill is because of the offender-only liability. Only the original offender can be prosecuted for posting; others who post to glorify the crime face no penalty. It is very difficult to beat the living daylights out of people with one hand and post and boast with the other hand. It is generally people in groups that are doing this, and this has been missed in this bill. There is also the single-recipient loophole: this bill excludes material sent to only one person. In Queensland and the Northern Territory no such loophole exists. Also there is no

cumulative sentencing. Once again, like in a lot of the laws in Victoria, everything is siloed rather than stacked on top of each other. Sentences for performing crime can run at the same time as the original offence, meaning there is no real extra punishment.

I also want to pick up on something that the Greens spoke about: young men and teenagers that are involved in far-right extremism and far-right hate crime. What about the far left? What about the extremism that they promote? What about the extremism that they are involved in? The other thing I want to pick up that the Greens spoke about is they are talking about teenage boys. Well, the Greens are the ones that want to raise the age of criminal responsibility even further. They were the ones that advocated to raise it from 10 to 14. In this place we raised it to 12, and I am going to talk about that and why that is detrimental, and important to this bill. Youth offending is not an abstract statistic. It is a lived reality for many people in Victoria, and it is a failure of the law and order system here. The core underlying reasons for increased crime absolutely need addressing, and we have not been doing that here in the state of Victoria. There was an article in June last year that exposed the shocking reality, and I am going to read a bit of it for you today. It states:

> Crimes involving children as young as 10 years old have soared to their highest level since 2010 as alarming new figures reveal the state's growing youth crime wave.
>
> Children aged 14 to 17 years old were "over-represented" in burglaries, assaults, robberies and car thefts while almost 400 youth gang members were arrested within the past 12 months.
>
> Baby-faced offenders aged 10 or 11 years old also recorded a 52.6 per cent spike in the number of offences committed.
>
> More than a third of young criminals aged between 10 and 17 years old are repeat offenders, with the number of recidivist offenders rising by 10.4 per cent.
>
> Children aged 10 to 13 years old were responsible for 84 aggravated burglaries across the state.
>
> Five years ago, they had only been involved in 18.

Yet at the same time and in the same year the government's Youth Justice Bill 2024 raised the age of minimum responsibility from 10 to 12. Crimes committed by children under 12 have now vanished from the record. This does make youth offending look much better on paper, while families and people on the ground have seen the opposite. It is a statistical illusion – one that organised crime syndicates are already exploiting by recruiting children too young to be charged. They are recruiting children as young as 12 for arson attacks, sometimes for as little as a $500 fee. In multiple cases offenders freed on bail have now reoffended within days. This is a direct consequence of the legislation of the current bill. You cannot be guilty of post and brag or post and boast if the offence itself does not legally exist. Young people are the ones that are generally involved in these sorts of crimes, so if we are continually raising the age of criminal responsibility, we are just erasing the part that they can be found guilty of, yet it still exists in the community. A child a few days short of their 12th birthday can now film and share their own burglary or car theft without being charged under these laws, simply because the underlying offences have been erased.

But this post-and-boast phenomenon could even get worse with these laws that are raising the age of criminal responsibility and keeping it so narrow. We know that this government is under pressure from activists to raise the age of criminal responsibility now even further from 12 to 14. If that happens, even more offenders, including those responsible for serious and violent crimes, will be invisible to this bill. Again, they can post and boast to their heart's content without penalty, because on paper it does not exist. Add this to the more than 1100 sworn police vacancies statewide, the at least 12 stations in the Eastern Victoria Region that have closed or reduced hours and bail laws that the Police Association Victoria say leave an enormous amount of loopholes. And this current bill is unlikely to be a silver bullet for the crime crisis. These are the realities. We have already seen dangerous consequences of this soft-on-crime framework. In one case a 14-year-old boy with almost 400 alleged offences, from home invasion to luxury car thefts, had every single charge dropped. He was even granted bail more than 50 times. The presiding magistrate cited prison overcrowding, not community

safety, as the reason. I raise this to highlight the reality of the holes and the reality of the failures of what is happening under this government's watch.

Last month the *Herald Sun* reported that a 15-year-old boy was released without further supervision because 'he wouldn't comply anyway'. This youth first came under police notice at the age of 11, and since then he has racked up over 400 offences and has continually breached bail. This backs up what the police association and many others have said about bail laws that are so weak they allow repeat offenders to walk free again and again while the justice system dismisses or erases accountability through legislative loopholes. The police association puts it like this: when bail laws are working and offenders are put in prison, they are happy for them to boast as much as they like, but the fact is there is so much weakness in this that they just get put out on bail and offend again and again. This bill is another example of a government acting only when crime reaches their own backyard. They are a classic case of politicians and selective NIMBYs: one set of rules for the masses and another when it comes and hits their own backyard.

I just want to say, in closing, our communities do not need more political theatre. The government needs to take on board the reasonable amendments put forward, which would strengthen the performance crime bill. What is needed is capable government with a focus on repairing a broken system. Victoria needs real laws, real enforcement and real accountability.

Nick McGOWAN (North-Eastern Metropolitan) (11:43): I am not really sure where to start with this debate today, to be honest. It was very tempting – and still is – to stand up and rant and rave, but in truth this subject demands much more than that. I have been listening today to those on all sides who have made their contributions, including from the government side. When I came here this morning I think I reflected most on how I would explain this to people in my local electorate in Ringwood – how I might explain this to a mother or a father or a relative or friend of anyone who has been assaulted and, in that assault, had that assault filmed. That is done, as we have heard today, very infrequently, if ever, by the assailant themselves but actually by those around them, and it could be gang members, it could be other criminals. Infrequently it might be a bystander, but very frequently it will be one of the offenders – not the offender that is perpetrating the crime on the individual but just an offender that is using the opportunity to film the attack. I do not know about those listening at home or through social media or about those in this chamber, but when I see these kinds of videos from time to time, they are awful. I am not sure that there is anything more unpleasant than watching someone else be attacked in any way, shape or form. I have never liked it, never will.

I think why I have chosen to adopt this tone in this debate is a reflection of my disappointment in this place. I cannot, frankly, understand – let us take the politics, the partisan politics, out of it for a moment. I do believe there are good people on all sides of politics, and I know that there are very intelligent people on all sides of politics, including among the government ranks. How so many intelligent people around a cabinet table thought this was somehow a solution is puzzling. It really is puzzling. As the Greens have said today, this will not deter a crime and it will not punish offenders, so what are we doing? I mean, this is almost the very definition of wasting everyone's time, but it is a little bit worse than that because we are giving false hope – because the next time there is a video that appears, be it on Facebook, Instagram or Snapchat or just on television, and a parent or loved one is affected, outraged and saddened, they will quickly realise that the laws we will, in all probability, pass here today are meaningless. They are meaningless in two ways. First of all, in most instances where the person assaulting the victim is not actually filming, this law will not apply; it will have absolutely no effect whatsoever. If in the odd, unusual and rare circumstance the attacker is both attacking and filming – and I have to admit, never in my lifetime have I yet seen that – then the family will not be comforted by the fact that the penalties not only are laughable, were this not a serious issue, but will be, as has been pointed out today, served concurrently, which in common speak means they will have no additional impact on the sentencing whatsoever. I have never been a fan of concurrent sentencing. I find it abhorrent. I wish we would outlaw it in every respect. It has no place in a civilised society.

We either punish and deter or we do not, and increasingly in this state we are doing neither. This is a classic case of false hope.

We are providing so many Victorians who desperately are crying out, who desperately want their sons, their daughters, the elderly or the disabled – we have seen attacks on people of ability constraints, horrendous attacks. We have also seen attacks, as has been pointed out today in the chamber, on those who have a sexual preference – horrendous attacks – and it is something that has gone on, largely, without attention. I think I recall one minister in this place referring to those attacks. She rightly did so, and she rightly condemned them. But there has been too little focus on protecting those individuals, and sadly, this piece of legislation will do neither; it will neither protect nor punish. How do I explain to a mum, a dad, a cousin, a relative or a friend why, when they next see vision of their loved one being viciously attacked, the Victorian government saw fit to not include that crime in this piece of legislation? I cannot begin to imagine what the cabinet discussed. I mean, did they discuss this? Did anyone in cabinet speak up? Did anyone say, just for a moment, 'Attorney-General, I'm sorry, but why are we not including assault? Attorney-General, I'm sorry, but why do we not apply this new law to those gang members, those fellow criminals, who are filming the attack knowing full well what they are doing?' In addition to that, why did no-one around the cabinet table say to the Attorney-General – or the Premier, for that matter – 'Will this have an impact? Will it either deter or punish?' If the answer to that is no, then it is really quite a cruel bill. It has to be almost one of the cruellest bills I have seen in my three years in this place. Perhaps they did speak up and perhaps we just do not know that; we will never know. But what we do know is that this piece of legislation is window-dressing. The media release issued by the government says it all. It says:

> No Likes For Lawbreakers: 'Post And Boast' To Be Outlawed

Well, nothing could be further from the truth. In fact, in a very cruel and twisted way, what this bill does is actually protect post-and-boast individuals. If you think about it logically, what we are now doing is codifying protection for the people who are part of a gang who wish to film this material, because they are explicitly excluded from prosecution; they are explicitly excluded from this legislation. There is no offence that they can commit. If their friend, their fellow gang member or just an associate commits an awful, heinous crime of assault, then they are protected. So in many respects this is actually the post-and-boast protection bill for assailants and criminals. That is this piece of legislation. That is what we are now passing. It is twisted. It is bizarre. I could never fathom how a cabinet table of smart men and women can sit there and think in any way, shape or form that it is progress when we codify the actions of the criminals and sanction what they are doing, because this is sanctioning the filming of an assault on any Victorian and ensuring that they are beyond the law.

As if that were not enough, as if that were not insult enough to the person being assaulted – and it could be a disabled person, it could be somebody who is homosexual, it could be somebody who is elderly; it could be somebody who is all of those things, or it could be someone who is none of those things – the other offence committed here by the cabinet on this Parliament and these people is the fact that if you do all these things, if you commit an assault and you manage to film your assault at the same time, as craven as that is, so long as you only share it with one person, guess what, you have not even committed an offence. What was that logic? Who around the cabinet table – what was the advice? Where were the questions? Where was the probing? Who thought it was a great idea that when some criminal beats the living daylights out of, tortures, rapes or whatever it is, but certainly assaults – because we know it is not covered by this piece of legislation – an individual and films it at the same time, so long as they only share it with one person, then that shall not be a criminal offence? So again, in what I can only describe as a twisted sense of reality in this place, we are now codifying that and protecting them under legislation. We are protecting criminals.

This piece of law, this bill, does more to protect criminals than it does any other Victorian. It has been pointed out by all sides except the government in this chamber today. I can never and will never understand how we have got to this point. But I have not finished yet. As they say in those awful Demtel ads – because it is sort of like a Demtel ad – it just gets worse and worse. The maximum

penalty under this new law is two years. Now, you might go, 'In and of itself, two years is nothing to be quibbled with.' But, you know, insert asterisks, look down to the small print: 'served concurrently'. I touched on this earlier in my speech today. The reality is, if you understand what that means, it means that whatever sentence the judge hands down, should you be found guilty of an offence – that is, the offence, the attack or whatever it was; it will not be an assault because it is not covered by this legislation, but whatever the principal offence is, the primary offence – you will serve the sentence concurrently, which means that you will actually never serve any additional time.

What do I say to those mums and dads in Ringwood and the mums and dads in Mitcham, Nunawading, Blackburn, Vermont, Forest Hill, Donvale and Ringwood East? I will have to say, in all honesty, 'We failed you, and I'm part of that failure because we're going to vote for it. As unpalatable and terrible and morally moribund as it is, we're going to stand in this chamber and vote for it.' It is an embarrassment to me personally. It is no doubt an embarrassment to my colleagues. It should be an embarrassment to this Parliament. It is not least an embarrassment because we actually had a unique opportunity to protect vulnerable people and people who are attacked, and we have squibbed the opportunity. We have squibbed it simply in exchange for a cheap headline, a one-day story – the ability to be able to say that somehow Victoria has acted, when the truth is we know it has not. We know that actually it has failed to act, and much worse than that, what it has done has brought Victoria yet again into disrepute.

As I pointed out today, the bill will actually codify and set a whole layer of protections for criminals that will be familiar with it when it becomes an act, and they will know and avoid this. I will not be the least bit surprised if there is not a single person ever charged with an offence under the act, such is its ill-conceived and ill-contemplated nature and manner. We will be back here, because too many parents, too many Victorians, will realise that if we are not also holding to account those fellow assailants that may not be the primary offender but will be filming, then that is not justice – or it certainly does not look like justice to me. In all honesty, I do not think there is any Victorian who would differ from what I am saying today. Maybe there were some cabinet members who said the same thing I am saying, and maybe they just lost out, so perhaps my message to those cabinet members is: next time, stand your ground and speak up, because wherever your voice was and however loud it was, it was not loud enough and you did not prevail. What we have now is a piece of legislation that will attract a headline, but it will do nothing to protect young people. It will do nothing to protect women, which we hear about all the time, day after day, year after year, and we have done nothing to protect them in passing this piece of legislation. We have done nothing to protect those with an ability constraint, those with a disability. It is a sad day. As I stand to vote for this bill later today I will be ashamed to do so. I will be ashamed because we have missed an opportunity to do what is real to protect and deter. We have done neither.

Business interrupted pursuant to standing orders.

Members

Minister for Casino, Gaming and Liquor Regulation

Minister for Skills and TAFE

Minister for the Suburban Rail Loop

Absence

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:00): As you can see, we are a little light on today. I would like to inform the house that for the purposes of question time Minister Blandthorn will be accepting questions on behalf of Minister Erdogan's portfolios, Minister Stitt will be accepting questions on behalf of Minister Tierney's portfolios and I remind the house that I continue to take questions on behalf of Minister Shing.

Questions without notice and ministers statements

Early childhood education and care

Georgie CROZIER (Southern Metropolitan) (12:00): (1005) My question is to the Minister for Children. Minister, in relation to the performance of the government's childcare regulator, the quality assessment and regulation division of the Department of Education, you have said:

> QARD is effectively doing its job …

Do you stand by this praise for the regulator's performance?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:00): I thank Ms Crozier for her question. Again, it is a question very similar to ones that Ms Crozier has already asked me a number of times in recent weeks in the chamber, but I am more than happy to continue to speak to it. Indeed yesterday Ms Crozier referred to an article in the *Age* that spoke to some of the enforcement activities that had been undertaken by the regulator. In the conduct of its duties the regulator continues to act on every notification or complaint, and the regulator leads the nation in delivering high-quality early childhood education regulation, with 96 per cent of services meeting or exceeding the national quality standard, well above the average of 91 per cent. Indeed this is an improvement from 2016, when 82 per cent of services were rated as meeting or above.

The Victorian regulatory authority completed 4729 inspections of early childhood services in 2024 against a target of 4000 to ensure compliance with the national law, regulations and of course the child safe standards, and at the end of 2024, 97 per cent of Victorian services had been visited by the regulatory authority within the past two years. Services found to need additional monitoring based on compliance history or other risk factors were also visited more often. As you would expect, the regulator takes a risk-based approach to monitoring, but of course, as we have said, there is more to do. Despite the fearmongering of those opposite, the rapid review that we have announced is looking at the options for the regulator. As I have said on the record on a number of occasions, this was also something where I had, prior to the events of recent weeks and prior to the discussion of recent weeks, already been asking the department to look at options for further enhancing the role of the regulator.

Georgie CROZIER (Southern Metropolitan) (12:03): Minister, given the failure of the regulator to pick up glaring red flags, investigate compliance failures or follow up on complaints – including failing to close Smart Children Early Learning for over a year despite knowledge of a series of child safety breaches that were recorded during a visit to the centre; failing to investigate complaints about child safety breaches at Creative Garden Early Learning Centre, the centre where alleged offender Joshua Brown worked at the time the complaint was made; and failing to prevent an individual who was dismissed from a childcare centre for sexual misconduct, for grooming toddlers, from continuing to work in childcare centres for four years after they were made aware of this substantiated report and dismissal – why has the government regulator failed so catastrophically in doing its job to keep children safe?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:03): Again I thank Ms Crozier for her question, and again I highlight that her very question actually speaks to actions having been taken by the regulator. If we take the example of Smart Children, where Ms Crozier is referring to reporting in the *Age* on this matter, my advice is that the regulatory authority took prompt action and used all available regulatory actions under the Education and Care Services National Law and acted as swiftly as operationally and legally feasible in response to escalating concerns about the suitability of the person with management control and the approved provider for Smart Children Early Learning. Indeed their decisions were affirmed by VCAT earlier this year. Those opposite should be very careful about simply relying on reports in newspapers to draft their questions and make assertions. I would indicate that there are indeed factual inaccuracies in the article on which Ms Crozier is basing much of her question. But as I have said publicly already and I have previously said prior to these current events, and as I said in answer to the substantive question – *(Time expired)*

Greyhound racing

Georgie PURCELL (Northern Victoria) (12:04): (1006) My question is for the Minister for Racing in the other place. Over the weekend Tasmania announced they will stop subsidising greyhound racing, putting an end to the blood sport in the state by 2029. A report by the Parliamentary Budget Office released this week revealed that the same decision in Victoria would save our state almost half a billion dollars over 10 years. These figures do not even factor in emergency support payments just to keep Greyhound Racing Victoria operational, like the $3 million payment granted to them last year despite the fact that they ran at a $23 million loss. Why does the minister continue to subsidise greyhound racing in Victoria despite widespread community opposition?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:05): I thank Ms Purcell for her question. I will refer it to the Minister for Racing to get you an answer in accordance with the standing orders.

Georgie PURCELL (Northern Victoria) (12:05): Thank you, Minister, for referring that on. This decision came after the death of just one dog on the track, with Tasmania's greyhound of the year being killed on 28 July. By comparison, this year alone the Victorian greyhound racing industry has killed 30 dogs – it was 29 when I wrote this question yesterday – and over 100 dogs have broken their legs and 103 dogs have been killed away from the track, out of public view. The Liberal Premier stated:

> It's time to draw a line in the sand and ensure an orderly exit from greyhound racing in Tasmania …

Yet our Labor government, which claims to be better on animal protection, continues to justify killing and injuring so many dogs across our state in the pursuit of gambling profits. How many dogs is an acceptable amount?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:06): Again I thank Ms Purcell for her question for the Minister for Racing, and I will refer it accordingly.

Ministers statements: mental health services

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:06): I rise to update the house on how the Allan Labor government continues to support the mental health and wellbeing of all Victorians. Today I will officially launch *Wellbeing in Victoria: A Strategy to Promote Good Mental Health 2025–35*. This is Victoria's first 10-year plan to boost wellbeing and reduce mental distress across the community. Delivering on a key recommendation of the royal commission, the wellbeing strategy puts people at the centre, with care that is compassionate, accessible and embedded across the community. The strategy was developed in consultation with over 1000 Victorians, including community members, people with lived experience and organisations across sectors. Backed in by a series of rolling action plans, the strategy outlines our vision for wellbeing, promotion and prevention in Victoria. The first action plan builds on foundations for implementation of the strategy, with future action plans to be guided by evidence and the needs across the life of the strategy.

The strategy is all about making sure every Victorian has the opportunity to thrive, and we are incredibly proud of the investments we are already making to bolster social inclusion and wellbeing in Victoria. For example, our social inclusion action groups in Frankston, Mansfield, Benalla, Wangaratta, Latrobe, Brimbank, Geelong, Mildura, Ballarat and Whittlesea are delivering direct benefits to their communities by resourcing mental health promotion and social inclusion activities that are tailored to those diverse community needs. The Allan Labor government is committed to delivering on the vision that all Victorians have what they need for a healthier life, both now and for future generations.

Early childhood education and care

Georgie CROZIER (Southern Metropolitan) (12:08): (1007) My question is again to the Minister for Children. Minister, the terms of reference for the government's so-called rapid review explicitly exclude reviewing:

> … the performance or governance of the Victorian Regulatory Authority.

Minister, given the government has excluded the performance of the regulator from its review, how can Victorian families have any confidence in the review's findings and recommendations?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:09): Ms Crozier has previously asked me this same question, but I welcome the opportunity to again correct the record, because it is not true – the scaremongering of those opposite, the disingenuous activity of those opposite, what they are trying to suggest. If we look at the scope of the review, continuously the opposition continue to take out of –

Members interjecting.

Lizzie BLANDTHORN: Sorry, President, I cannot hear myself think when I am constantly receiving such interjections.

The PRESIDENT: The minister to continue.

Lizzie BLANDTHORN: If we look at the terms of reference for the review, it refers to the fact that:

> There are ongoing investigations into alleged incidents at Victorian early childhood education and care settings. The Review will not take any actions that could prejudice live Victoria Police investigations, criminal or civil proceedings, or any investigation underway by Victorian Regulatory authorities.

In the drafting of these terms of reference the government was absolutely clear that we did not – and I am sure, or I would at least hope, those opposite would not – in any way want to impede the current investigations, particularly in relation to the sickening incidents that relate to the accused that were publicised earlier in the month. But I would also point them to term number 2 of the terms of reference:

> identify options to improve interactions between regulatory schemes, including information sharing between regulators and agencies, both within Victoria and across jurisdictions.

It is absolutely clear – I have made it clear in this place; the government has made it clear to the review – that we expect them to look at the regulatory framework, look at the way in which the regulatory framework interacts across the state and provide the government with recommendations accordingly. That is my expectation and it is the government's expectation, and the disingenuous activity of those opposite just goes to undermining child safety in this state.

Georgie CROZIER (Southern Metropolitan) (12:11): I will tell you who is disingenuous, Minister, and what is out of scope:

> 2. The review will highlight priorities to support regulatory activity and reform and is not intended to be a review of the performance or governance of the Victorian Regulatory Authority.

So I ask, Minister: given the failings of the government's childcare regulator to keep children safe, will the minister commit to establishing a new independent statutory watchdog to oversee and enforce compliance in Victoria's childcare centres? I hope that you are more forthcoming in your answer than you were previously.

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:11): I would again point out to the house and to the opposition that it is completely disingenuous to read number 2 in isolation from number 1. Number 1 is about not impeding investigations that might be on foot that go to –

Georgie Crozier: On a point of order, would the minister like me to re-read that? Because it is pretty explicit, President. So she is actually misleading the house.

Members interjecting.

Katherine Copsey: On a point of order, President, you warned members earlier today about interjections being disorderly, and I am finding that your advice has not been heeded so far.

The PRESIDENT: I would really appreciate it if my advice was always embraced. I uphold your point of order. Can the minister be heard in silence. And, Ms Crozier, that was not a point of order.

Lizzie BLANDTHORN: I would urge those opposite to not be so disingenuous as to read number 2 without reading number 1, and I would simply say that we look forward to receiving the recommendations of the review.

David Davis: I move that the minister's answer be taken into account on the next day of meeting to the extent that it deals with term of reference 2.

The PRESIDENT: Mr Davis, could you put the question without the qualifications.

David DAVIS (Southern Metropolitan) (12:13): I move:

That the minister's answer be taken into account on the next day of meeting.

Motion agreed to.

First Nations custodial health care

Katherine COPSEY (Southern Metropolitan) (12:13): (1008) My question is to the Minister for Corrections. Heather Calgaret was a Yamatji, Noongar, Wongi and Pitjantjatjara woman and was just 30 years old when she died whilst in the custody of the Victorian department of corrections. In her report on Heather Calgaret's death the coroner highlighted that Heather never had access to culturally safe health care and at the time of her incarceration there were no Aboriginal health workers at the Dame Phyllis Frost Centre prison. That is one example illustrated in the need for action on all 16 recommendations in the coroner's report. Minister, will you accept all of the coroner's recommendations?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:14): I thank Ms Copsey for her question. I will refer it to the Minister for Corrections accordingly.

Katherine COPSEY (Southern Metropolitan) (12:14): Thank you for referring that on. Minister, we continue to hear ongoing reports of unsafe conditions in a number of corrections facilities, resulting in repeated and inhumane lockdowns. Minister, given the significant pressure that additional remand numbers are adding as a result of Labor's punitive bail changes, how are you going to address the increased risk of deaths in custody that legal and First Nations experts warn flow from Labor's bad bail laws?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:14): I again thank Ms Copsey for her supplementary question and will refer it to the Minister for Corrections accordingly.

Ministers statements: Fitted for Work

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:15): Last week I was on Bridge Road in Richmond with the Premier and Minister Erdogan to meet the wonderful women from Fitted for Work. This was the 2025–26 Victorian budget charity. It is customary for Labor governments to nominate a charity to contribute to when handing down the annual budget, and being the first female Victorian Treasurer I thought Fitted for Work was a great fit. Many members in the chamber will be familiar with the work of the awesome charity and how they help women and non-binary and gender-diverse people build up their confidence

to enter or re-enter the workforce. This includes developing interview skills, résumé help or an outfit that makes them feel job ready and confident. Over the last 20 years Fitted for Work has helped over 45,000 women break down barriers to employment, in doing so making a remarkable impact on helping to close the economic gender gap. In Victoria women's workforce participation has reached 63 per cent, which equates to an extra 425,000 women entering the workforce in the last 10 years, contributing substantially to overall economic growth and productivity in this state. But it is not just about the economics. Through employment, women build broader social networks and report better mental health outcomes, and it can empower them to take control of their futures. It is a win–win for everyone. It would also be remiss of me not to highlight the terrific space that is Fitted for Work's Conscious Closet, a preloved shopping paradise where 100 per cent of profits go back directly to supporting their programs and services. I would encourage anyone that is looking for more purchases to go and have a look. I am very proud to have picked Fitted for Work as my budget day charity, and I thank all of my colleagues who have contributed generously to this incredible cause.

Emergency Services and Volunteers Fund

David DAVIS (Southern Metropolitan) (12:16): (1009) My question is to the Treasurer. Treasurer, across the state today Victorians are receiving their council rates notices with a nasty new surprise: your big, fat new so-called Emergency Services and Volunteers Fund levy. One property in Mitchell shire paid $2633 in their fire services levy last year. Their emergency services fund tax this year is $4251, an increase of $1618, up 61.4 per cent. How is it fair, Treasurer, that this big new tax is massively jacked up at a time that Victorians are in a cost-of-living crisis?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:17): Thank you for the opportunity to start by acknowledging the amazing contribution and hard work of our emergency services workers and volunteers right around the state. Mr Davis, we have had many a conversation in this chamber about the importance of ensuring that emergency services are well equipped and have a sustainable funding model to enable them to respond to more frequent and more severe natural disasters that are impacting communities right around. I am also a resident of Mitchell shire, and obviously they were impacted by the 2022 floods quite significantly. I can say the response to and recovery effort for the 2022 floods, which impacted three to four LGAs, was $2.5 billion. What we want to do is make sure that now and into the future any communities that are impacted by natural disasters can receive a response such as that – a response that pays for councils to clean up, pays for emergency accommodation for people, helps people rebuild and helps the emergency services have the equipment they need to continue to do what they do best.

From the Emergency Services and Volunteers Fund every single dollar raised goes back into our emergency services. That is new trucks. We have announced 10 new trucks for the CFA and 10 new trucks for the SES. The VESEP grants have just opened. They have doubled this year. That is available for all units and volunteer brigades to request additional funding for the vital equipment that they have chosen for their particular brigades. Yes, this is an increase in people's rates notices. I know people are getting their rates notices this week; I got mine this week, which would explain why. Mitchell shire rates have gone out this week. The average increases for households are small. The average increases for commercial businesses are around $9.80 a week, which would probably be the case study that you have put to me, Mr Davis. But it is not appropriate for me to comment on specific cases, particularly when I have not been provided with all of the details or any particulars.

David DAVIS (Southern Metropolitan) (12:20): Let them eat cake. Treasurer, you have enlisted local councils to collect this massively increased state levy. Will you confirm that it is a fact that in some council areas the state tax component for some ratepayers will reach a third of the overall bill that ratepayers face on their rates notice?

The PRESIDENT: Can you repeat that question, Mr Davis, just the last bit?

David DAVIS: Isn't it a fact, Treasurer, that in some council areas the state tax component will reach a third of the overall bill that ratepayers face on their rates notice?

The PRESIDENT: I am just wondering how the minister would know what councils are charging as a percentage of –

David DAVIS: She might inquire. She has enlisted them to actually collect the rates.

The PRESIDENT: I am just concerned that you are asking a question in an area that she has not got responsibility for.

David DAVIS: In this case I am quoting a specific example, but this is actually wider. In some cases the share of the bill is a third of what is on the overall rates notice. Two-thirds is council charges and one-third is the minister's big new levy, so I am wanting her to confirm to the chamber and the community that in some cases a third of the bill is her new fat state levy.

Sonja Terpstra: On a point of order, President, that was not a point of order, it was debating, so that should be ruled out of order. It is not a point of order, it is debate.

The PRESIDENT: I actually genuinely want to flesh out Mr Davis's rationale, and where I was coming from is: how would you expect a minister who does not have responsibility for council rates to be able to respond?

David DAVIS: When the bill was going through the chamber, the Treasurer and I and others discussed the fact that the Treasurer had met with councils and representatives of councils. It surely is material – the impact on the overall bill.

Ryan Batchelor: Rates are different on different properties.

David DAVIS: Yes, they are – correct. But you would think you would engage with that. You would think when you met with councils, you would talk about the fact that it is a large share of the bill. We saw last night on the *7.30* report a councillor –

The PRESIDENT: I fully respect that everyone has the right to call points of order. I still have a concern. But I know Minister Symes is always very helpful to the chamber, so I might ask her to answer as she sees fit within her responsibilities under the general orders.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:23): Mr Davis, as I believe you are aware, the Emergency Services and Volunteers Fund is levied based on the characterisation or the category of property and the value of property, so it is a little difficult for me to provide you with a specific answer in a generalised term. However, the way you have just characterised your question has not been put to me by any council.

Economic policy

David LIMBRICK (South-Eastern Metropolitan) (12:24): (1010) My question is for the Treasurer. The Reserve Bank of Australia recently released their August statement on monetary policy. Once again, stalling productivity was a key feature. The survey identified the regulatory environment as the most significant factor impacting productivity. The productivity vibe seems to be catching on, though, with federal housing minister Clare O'Neil recently taking aim at excessive regulation and red tape in the construction industry. The challenges in Victoria are significant with the scale of our debt and the significant impact of the increasing tax burden on businesses and people. I always get a bit excited when I hear Labor politicians talk about cutting red tape, but I am usually disappointed by the outcomes. So my question for the Treasurer is: what actions is the government taking to cut red tape and improve productivity?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:24): I thank Mr Limbrick for his question and the opportunity to talk about what an awesome place Victoria is to live, to work and to invest. We are leading the nation in relation to economic growth, jobs growth and business investment growth, but we recognise that there is always more to do, and I think the *Economic Growth Statement* is something that I would certainly

point you to, Mr Limbrick. I should have some copies available in my office. We released that last year – my predecessor and the Premier at the time – and it is obviously in consultation with Minister Pearson and the minister for industry, Minister Brooks. The *Economic Growth Statement* is about backing business, with the 10-year plan to unlock industrial land and a streamlined single entry point for businesses on all investment-related engagements within the Victorian government.

Picking up on your point, Mr Limbrick, this is what I hear from businesses and investors as well: less people to deal with and less regulation; less steps means it is easier, and they are more likely to invest. That is also why halving the number of business regulators by 2030, down from 37 currently, is something that I have responsibility for as Treasurer. So there are a number of ministerial –

A member interjected.

Jaclyn SYMES: I know you would like that. I will keep you updated; I have got a few thoughts. We are also replacing paper-based or outdated digital processes and streamlining licences and other approvals, again addressing those frustrations and pain points for business.

Tomorrow I am joining other treasurers in Sydney; that is called the Board of Treasurers. We are getting together in relation to preparing for CFFR, which is where the federal Treasurer joins us. We will be preparing some joint submissions and some joint ideas in relation to the federal Treasurer's productivity round table. Some of the topics that we are particularly interested in are about reduction of regulation, particularly in the planning space, whether that is housing, renewable energy or other construction projects, because again, time is money, and we know that red tape delays people's ability to invest that money. Victoria is certainly open for business. We continue to attract more and more investment, but there is always more to do.

Ministers statements: Victorian Disability Advisory Council

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:27): I rise to update the house on the new Victorian Disability Advisory Council. Under the Disability Act the Victorian Disability Advisory Council provides independent advice to me in my capacity as Minister for Disability, advises on policy and strategy and helps to increase the inclusion and participation of Victorians with disability. The council is made up of people with lived experience of disability and expertise in inclusion, advocacy, policy and program delivery, and it aims to reflect the diversity of people with disability in our community. There are 14 members in the new council; this includes eight new members and six returning members. The new council's term began on 31 July and will run until 30 July 2028. I would like to take this opportunity to thank the council's chair Chris Varney and deputy chair Mija Gwyn for their continued leadership and congratulate them on their reappointments. During the last term the government was grateful to the council for their contributions to the response to the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and to the NDIS review and contributions to Victoria's inquiry into women's pain, the social services regulation reforms and the development of the whole-of-government accessible communications policy. Council members also participated in key forums such as the Victorian – *(Time expired)*

Parentline

Georgie CROZIER (Southern Metropolitan) (12:28): (1011) My question is again to the Minister for Children. Minister, the closure of Parentline is imminent, and you have said there are services available, including the maternal and child health line, but that is only to assist parents of children nought to five years of age; Orange Door, which is only for family violence and open from 9 to 5; Raising Children Network, which is only a website; Headspace, which has a waitlist; and Safe Steps, which is also for family violence. None of these services do in fact fill the role of Parentline, which caters specifically for parents of children from birth to 18 years old across all areas of parenting, from behaviour management and child development to family relationships, and it is available for vulnerable parents and families from 8 am to midnight. Minister, where exactly will vulnerable

families access the tailored support and advice that Parentline provides when it ceases operation due to your cruel funding cuts?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:29): This government is investing in families, and we will not be lectured by those opposite. In the time our government has been in power, investment in family services has increased threefold. You keep giving me an opportunity to say it, and I will keep saying it: we have invested three times the amount in family services for vulnerable children, young people and their families than when those opposite were in power. So it is a bit rich for them to sit here and pretend to care when in their time, in their day, there was nowhere near the suite of services.

David Davis: On a point of order, President, it is well known that in question time it is a chance to answer questions, not to attack the opposition.

The PRESIDENT: I uphold the point of order. There are a number of rulings that indicate that previous to me being in the Chair. I ask the minister to answer the question without reflecting on others.

Lizzie BLANDTHORN: It is just a little bit frustrating when those opposite pretend to care, because in their time there was not that investment in family services. This government is investing in families.

David Davis: On a point of order, President, the minister is just directly flouting your ruling and attacking the opposition again. I ask you to return her to answering the question directly.

The PRESIDENT: I kind of had a feeling that after an initial flourish she was getting to the answer. I call the minister to answer.

Lizzie BLANDTHORN: I am more than happy to talk about how our government is investing in families, and facts are important. In our time in government we have doubled the funding to family services, increasing that funding to over $446 million, and we are investing in services – not just one phone line but across a suite of services. When those opposite were in power, there was a phone line –

Georgie Crozier: Since we were in power, Minister, our population has increased by 1.3 million. So my point of order, President, is very specific. Where exactly will vulnerable families access the tailored support and advice that Parentline provides? That was the question, and I would ask you to draw the minister back to the question.

The PRESIDENT: I understand your point of order. I think the minister was relevant to the question. But I remind members that everyone has a right to raise a point of order and they should not be shouted at when they are trying to make their point of order. I ask the minister to continue her answer.

Lizzie BLANDTHORN: The point I was trying to make before I was interrupted by those opposite is that since Parentline was established, in a time when there was not the suite of services that is available now, there are a range of services rather than one single phone line that can provide a breadth of service tailored to the particular issues, challenges and supports that families need in their parenting journey. Rather than just one single phone line, we have a maternal and child health phone line. As I updated the house earlier in the week, I was very pleased to meet with those wonderful nurses at the maternal and child health nurse hotline just here in the Treasury precinct and talk to them about the issues they talk to families about in the zero-to-five cohort. We also have services for vulnerable families, as Ms Crozier herself has drawn attention to, in the family services suite of things, and in addition to the family services, things like the Orange Door. We also have a breadth –

Members interjecting.

Sonja Terpstra: On a point of order, President, I am sitting directly behind the minister and I am struggling to hear her answer. Despite your direction to the chamber this morning, the barrage of interjection and noise from those opposite continues. I would ask that the minister be allowed to continue her contribution in silence.

The PRESIDENT: Yes. I will ask the minister to continue.

Lizzie BLANDTHORN: As I said, in addition to the services for those zero to five through the maternal and child health hotline, we also have a suite of services for children who might be older and for families with children who are in those older age categories, from our mental health and doctors in school supports to a range of other wellbeing opportunities through our mental health facilities, through our hospitals. Through our other programs across our family services suite, we have a range of specialised services – rather than just a single phone line, which those opposite seem to think is just absolutely critical – a suite of them, which go from the maternal and child health days of our zero-to-five category to those that support the parenting journey across children and young people throughout their whole education and across the suite of issues that go to ensuring the wellbeing of children from their education and care needs to their health needs, their mental health needs – *(Time expired)*

Georgie CROZIER (Southern Metropolitan) (12:34): Gee, she is struggling today. Minister, what consultation did you undertake with Parentline about the cruel funding cut and closure of this service?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:35): Again, Ms Crozier seems to be lacking in the capacity to actually draft questions this week, because that is also a very similar if not the same question to that which we had earlier in the week. As I said in response to the question earlier in the week, the government undertakes a range of consultation and a range of considerations continuously to ensure that the programs that we run are meeting a particular need. Since Parentline was established we have tripled investments in family services, we have continued to support the maternal and child health phone line and we have put in place a whole lot of supports through things such as the schooling environment, like doctors in schools and mental health supports in schools, and there are a range of other services that now provide more tailored solutions and supports for families than one single phone line.

Nick McGowan: On a point of order, President, on relevance, the question asked was in respect to what consultation the minister had undertaken, not the phone line itself. I would ask you to bring the minister back to the question.

The PRESIDENT: I heard the minister say that there was a range of consultation on and consideration over all services, which I guess would cover that as well. So I do not uphold the point of order.

Gunbower National Park

Rikkie-Lee TYRRELL (Northern Victoria) (12:36): (1012) My question today is for the minister representing the Minister for Water. Last week I met with the Central Murray Environmental Floodplains Group to hear their concerns regarding the environmental flooding in the Gunbower state forest. Members of the CMEFG spoke of the loss of the understorey of the dying old-growth black box trees, the endangered grey box trees and wattles, and dwindling fish numbers in the Gunbower Creek. They are of the belief that this is being caused by the environmental flooding. The upper and midsections of the forest have been flooded eight times in 10 years. Is the minister aware of the damage being done to the Gunbower state forest by frequent unnecessary environmental flooding?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:37): I thank Ms Tyrrell for her question, and I will pass that on to the Minister for Water for a written response in accordance with the standing orders.

Rikkie-Lee TYRRELL (Northern Victoria) (12:37): I thank the minister for her reply. My constituents feel as though their concerns regarding the health of the Gunbower forest are being unheard as their questions are being left unanswered by the North Central Catchment Management Authority and DEECA. Will the minister accept my invitation to accompany me and members of the Central Murray Environmental Floodplains Group to the Gunbower forest to hear their concerns, as well as see the damage for herself?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:37): I would be very happy to also refer your supplementary question to the Minister for Water for a reply.

Ministers statements: Victorian Multicultural Awards for Excellence

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:38): The Victorian Multicultural Awards for Excellence are an inspiring opportunity to honour extraordinary individuals and organisations across our state whose dedication and contributions strengthen the fabric of our multicultural state. There are only two weeks remaining to submit a nomination in the 14 award categories in 2025. Categories include the arts, business and employment, emergency services, mental health and wellbeing, sport, youth leadership, the multicultural honour roll and the Premier's Award for Community Harmony. This broad spread of categories reflects the many ways our state is enriched by contributions from members of our multicultural communities. They honour the Victorians who work tirelessly and often quietly to build bridges across cultures and ensure everyone can participate fully in our shared society.

Last year's winners showed us the power of the community in action. We had 25 inductees into the Victorian Multicultural Honour Roll. Our Fire Rescue Victoria multicultural liaison officers took home the Emergency Services Award through their work in helping multicultural communities reduce fire and emergency risk. The Albanian Moslem Society Shepparton took home the Arts Award.

Wendy Lovell interjected.

Ingrid STITT: It is a very great organisation. That was in recognition of their work in celebrating and preserving Albanian culture through language classes, community support and annual events such as the harvest festival, which I had the pleasure of attending in April. Rasha Abbas, the founder of Palestine Australia Relief and Action, received the Refugee Leadership Award. Her leadership drives impactful support and champions the rights and wellbeing of Palestinians and vulnerable migrant communities who have left the devastation of Gaza.

These awards are about recognising the people and organisations who work every day to make our communities stronger, fairer and more connected and also recognising those who embody the very best of Victoria. Nominations close on Wednesday 27 August, and I look forward to celebrating the amazing work.

Written responses

The PRESIDENT (12:40): Minister Blandthorn will get Ms Purcell responses from the Minister for Racing, as prescribed in the standing orders, in two days. Minister Blandthorn responding to Ms Copsey's questions: because she is a member in this chamber, the standing orders prescribe responses in one day. It is similar for Minister Stitt responding to Ms Tyrrell's questions to the Minister for Water, given that minister is in this chamber. Thank you for following that up.

Georgie Crozier: On a point of order, President, I have a request. In regard to my last question, the supplementary, the answer that the minister provided did not answer that question in relation to the specifics of what I asked, and I ask that it be reinstated or an answer be provided.

The PRESIDENT: I was pretty confident in real time she did, but I will commit to reviewing it, because sometimes I am wrong.

Georgie Crozier: It was very specifically about this organisation.

The PRESIDENT: I am committing to getting a review back to you by this afternoon.

Constituency questions

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:41): (1742) My question is to the Minister for Industrial Relations. My question is: how can residents in the Southern Metropolitan Region have their say on the government's plans to protect workers rights to work from home? The Premier's recent announcement of the government's moves to enshrine a right to work from home two days a week has been welcomed by many across the Southern Metropolitan Region. It gives people who have the capacity to work from home more flexibility. Studies show that it helps boost productivity, and we think, according to data from the Australian Bureau of Statistics, there are around 150,000 residents in the Southern Metropolitan Region who have worked from home or do work from home. This is exceptionally welcome policy, and I encourage everyone in the Southern Metropolitan Region to have their say on what this means for them.

Western Metropolitan Region

Trung LUU (Western Metropolitan) (12:42): (1743) My constituency question is for the Minister for Roads and Road Safety. Can the minister please update my constituents on the representations made to her and her department by the City of Brimbank to look at options to improve the safety on Old Calder Highway between Keilor Park Drive and Bonfield Street in Keilor? It has been brought to my attention that this section of road is extremely dangerous, with motorists driving on the wrong side of the road due to the configuration of the road. A centre median island treatment is the preferred option to alleviate this issue. Having a separate physical barrier between the east and west boundary lane on the Old Calder Highway between Keilor Park Drive and the bridge would make a significant improvement. I look forward to the minister's response on this very important road safety initiative for motorists and for local residents in Keilor.

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:43): (1744) My constituency question today is for the Minister for Roads and Road Safety. My constituents are asking how long they will have to wait for the deep, dangerous potholes on the Murray Valley Highway on the bends at Kotupna to be fixed. In the past few weeks the condition of the Murray Valley Highway has been raised multiple times by my constituents. One particularly dangerous section is the bends at Kotupna east of McCoys Bridge. I have personally had to dodge the deep, almost invisible potholes along this section on both sides of the highway. Many of these potholes you cannot see until you are right on top of them, which can cause drivers to either swerve dangerously to avoid them or risk damage to their vehicles by hitting them. These potholes are particularly dangerous at night-time. With many trucks travelling this road every day, it is a miracle there has not been a major traffic incident along this section of the highway. I know the minister will try to blame the 2022 flood event for some of this damage, but let us be real: it has been almost three years since that event, so it is time the road was fixed properly.

Northern Metropolitan Region

Sheena WATT (Northern Metropolitan) (12:44): (1745) My constituency question today is directed to the Minister for Women in the other place. Access to period products is a basic necessity, not a luxury, yet period poverty remains an often overlooked but deeply damaging barrier for many. It denies people the essential hygiene they need and severely impacts their health, education, wellbeing and sense of dignity; in fact one in five of those who need period products say they cannot afford them each month. That is why the recent announcement to expand our government's free period pads and tampon program is a vital step to ensuring people have reliable, consistent access to period products when and where they need them. My question to the minister is: what venues in the Northern Metropolitan Region are providing free access to period products under this program?

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:45): (1746) My question is for the Minister for Police. There is ongoing concern from residents and business owners in Emerald regarding the lack of adequate police presence. Emerald has a police station that came at significant cost to the taxpayer, yet despite this investment it remains understaffed or unstaffed through many hours. Last month three local businesses – Hush Beauty and Skin, Bill's Fish 'N' Chips and the Laughing Fox – were broken into three nights in a row. These family-run businesses employing locals are now left to deal with smashed windows, lost business and distressed staff. Business owners were shaken, one noting it was their second break-in in six months. The owner of Hush Beauty and Skin, Jessica, said, 'It looked like a sledgehammer had been taken to parts of the store.' Minister, will you commit to providing 24-hour staffing at the police station in Emerald so that the community has visible and responsible policing at all times?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:46): (1747) My question is for the Minister for Housing and Building. Last week was Homelessness Week, and constituents brought to my attention that there were 260 households on the priority housing list in Colac Otway shire at the end of March. Meanwhile, local housing support agencies have reported an increase in the number of people seeking support. These households on the priority list are in urgent need of support because they are already homeless or are in critical need of support due to factors such as family violence. Minister, how long will these households remain on the priority waiting list?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:47): (1748) My question is to the Minister for Children. Minister, the recent crime statistics by the Crime Statistics Agency show that sexual offences against children have almost doubled in the City of Casey, from 107 offences in 2020– 21 to 191 offences from April 2024 to March 2025. I ask: what is being done to address this appalling statistic – that is, to reduce sexual offences against children in the City of Casey and throughout the South-East Metro region, which I represent, and indeed throughout Victoria, while improving reporting and support access?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:48): (1749) My question is for the Minister for Planning. Each year swift parrots migrate from Tasmania to the mainland in search of food. Last month a flock of hundreds of these beautiful birds was sighted near Bendigo. Due to their critically endangered status, this was estimated to be close to the entire population. Swift parrots have been faced with the increased destruction of their habitat from continued native forest logging, from the recent expansion of the Fosterville Gold Mine and, critically, from the growth of housing developments in central Victoria. At the current rate of decline it is estimated that the swift parrot will be extinct by 2031. Will the government ensure that planning assessments consider impacts on intermittent habitat for migratory endangered species in my electorate?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:48): (1750) My question is for the Minister for Environment. The Nationals believe in law-abiding hunters, public access to public land and no new national parks. Recently, in June, the minister spruiked that he would enable deer hunting to occur in the Errinundra and Snowy River national parks, and we endorsed that position. But like this minister and like this government, they tend to kick things down the road after they have made their media splash. This area has been hit by the closure of industries and the neglect of this government in terms of the impact of bushfires some five years ago. So I call on the minister, I ask the minister, to make sure that he does not kick this idea down the road; it deserves its own piece of legislation, its own bill to go through. When will the minister open these national parks up for law-abiding hunters?

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:49): (1751) My question is to the Minister for Outdoor Recreation. The Olympic Leisure Centre in West Heidelberg is an important community pool. It has served the community since it opened in the 1970s at the site of the 1956 Melbourne Olympics. It has provided an excellent place for people to come together to enjoy the pool and other facilities, as well as promoting a healthy and active lifestyle and being a place for people to socialise, learn to swim and more. Many people in my electorate want the Olympic Leisure Centre to continue to operate, and they want to continue to have access to these programs. Minister, will your government step in to ensure that the Heidelberg West community, the Olympic village community, continue to have access to affordable and accessible swimming programs, including culturally appropriate sessions as well as learn-to-swim classes?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:50): (1752) My constituency question is for the attention of the Treasurer, and it concerns her big, fat new tax, the essential services levy that is being levied now. People are feeling the pain as it comes through on their council rates notices. In my region there are nine councils: Melbourne, Port Phillip, Stonnington, Glen Eira, Kingston, Bayside, Boroondara, Whitehorse and Monash. I am asking the minister to release the details of the collections of the emergency services levy in each of those municipalities and indeed to look at the previous figures for the fire services levy so that we can see the difference. The City of Melbourne we know have released the figure – $55 million more is being collected. The minister promised to release this figure at the time of the committee stage when the bill was going through, but that has not been provided. I would ask that the Treasurer now provide those figures publicly to me and to the house, because people are paying through the nose. They are being hit and hurt, and they are entitled to know by how much.

Southern Metropolitan Region

Katherine COPSEY (Southern Metropolitan) (12:51): (1753) My question is to the Minister for Tourism, Sport and Major Events. I have been contacted by clubs in Albert Park, including those who use the lake, outraged about Labor's plan to extend the grand prix lockout. They already oppose the staggering sums of public money that Labor funnels into the grand prix compared to the tiny amount spent on community sport and recreation and Albert Park itself. Given claims of a net positive financial benefit to Victoria, Minister, will you fully compensate the clubs for the costs the grand prix imposes? Impacts include loss of access to clubrooms, sporting facilities, playing fields and the lake itself and consequentially the inability to run scheduled programs, which impacts these clubs. For the rent they pay during lockout times, the admin and volunteer time lost to rescheduling, paying for alternative venues and extra travel time and cost, will you compensate these clubs for what they lose during the grand prix's disruption?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:52): (1754) My question is for the Minister for Agriculture. I welcome the trials announced for virtual fencing for cattle in Victoria and the potential benefits for stock management, land use flexibility and environmental protection. I know the study is well supported by farmers in my Western Victoria Region electorate. Could you advise when the trial results will be available and outline the government's timeline for moving from research to allowing commercial use of this technology? Further, I have received representations from pig producers in my electorate. Western Victoria is home to some of the state's and indeed the country's best pork producers, who see similar opportunities in their industry. Virtual fencing is now used internationally for cattle, sheep and goats, but not for pigs. Will the government extend research to include pigs so those producers can share in the same productivity, welfare and land management benefits?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:53): (1755) My question is to the Minister for Planning. I note that the Meadow Creek Agricultural Community Action Group has written formally to the minister to request the appointment of an advisory committee under section 151 of the Planning and Environment Act 1987 in relation to the planning permit application for the Meadow Creek solar farm project, which includes a battery energy storage system. I also understand that the Australian Energy Infrastructure Commissioner wrote to the minister recently in support of this proposal, noting continued concerns raised within the community about the development and the need for more oversight and accountability in the process. The commissioner is supportive of additional measures that increase transparency and enhance community confidence in the decisions made on this development and supports the need for an independent advisory committee to help address community concerns. I thank the minister for her consideration and on behalf of the local community ask for her support in establishing an independent advisory committee.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:54): (1756) My question is for the Minister for Education. Minister, will you order new, safe and clean toilet facilities to be built for students at Swan Hill College? Last month students at Swan Hill College hit the news after a video they made about the dilapidated toilets at the school went viral. The school's year 12 captains have called out the atrocious state of the bathrooms and garnered almost 900 signatures on a petition to improve the facilities. Bathrooms at public schools should offer a safe and clean environment where all students can have dignity and privacy while using the toilets, but the facilities at Swan Hill College fail to meet this standard. The toilets are outdated and regularly broken, dispensers do not work, the faulty waste system leaves the air thick with pungent fumes, and gaps under the doors and some students sitting on rafters looking down into cubicles leave many students anxious about their privacy. The minister must take note of the students' plea and act immediately to fix these toilets to give Swan Hill students the safe, clean and private facilities they deserve.

Sitting suspended 12:56 pm until 1:04 pm.

Bills

Crimes Amendment (Performance Crime) Bill 2025

Second reading

Debate resumed.

Rachel PAYNE (South-Eastern Metropolitan) (14:04): I rise to speak on the Crimes Amendment (Performance Crime) Bill 2025 on behalf of Legalise Cannabis Victoria. This bill attempts to address performance crime, otherwise known as 'post and boast', a trend where certain crimes, often committed by young people, are filmed and posted on social media. This bill amends the Crimes Act 1958 to create an offence of this kind of behaviour. The offence is broadly defined as 'where a person publishes or causes to be published material that depicts, describes or otherwise indicates the commission of a relevant offence by the person and that undertakes or causes that publication with the intention of attracting attention to the commission of the offence'. This offence is punishable by up to an additional two years of jail time on top of the penalties for the underlying offence. Offences that will be captured by this law include motor vehicle theft, robbery and armed robbery, burglary and aggravated burglary, home invasion and aggravated home invasion, carjacking and aggravated carjacking, affray, violent disorder and any incitement offence. The government have said that they have chosen these offences to target serious confrontational theft and violent group offences of concern to the community that are increasing in frequency and prevalence, particularly among young offenders.

While we agree that posting and boasting causes further harm to already vulnerable victims of crime, we are not convinced that having a new standalone offence in this way will deal with this issue. The

act of posting your crimes online is already something that can be considered at the sentencing stage when deciding how harsh a penalty should be. Jurisdictions that have pushed ahead with these kinds of laws have seen no change in the level of offences. Instead these laws end up pushing young people further and further into the criminal justice system.

As the Legalise Cannabis Party we are particularly concerned about the risk of future changes to any legislation passed that would seek to expand the list of offences captured by these laws. While currently there are no drug offences included, this bill could represent a slippery slope. What is to stop this government or a future conservative government from deciding that posting and boasting about all offences, including drug offences, is deserving of additional time? While the bill as it stands is focused on crimes commonly boasted about on social media, there have already been calls for this bill to be expanded to cover every single loophole. The appetite is there. I will be putting forward some questions in the committee-of-the-whole stage to seek assurances on a number of matters, including that the laws proposed in this bill cannot, presently or in the future, be used to criminalise cannabis consumers.

We understand why this bill is before us today. People are scared, and there have been some deeply troubling instances of people posting and boasting about their crimes. In Victoria police have arrested dozens of alleged offenders following a string of horrific homophobic attacks where dating apps like Grindr were used to lure men to meet-ups where they were violently assaulted, filmed and publicly shamed. There is a trend in anti-LGBTIQA+ rhetoric, particularly with young men who are radicalised to hate. These crimes are deeply disturbing, but the solution is not pushing these people further into the criminal justice system and taking away opportunities to break cycles of violence and hatred. The laws proposed in this bill will not stop people from posting their crimes. As they are written, they may not even capture some of these homophobic attacks.

Coupling this with stakeholder concerns and the Victorian government's backflips on progressing youth justice reform, the changes in this bill cannot be supported. They are at odds with the evidence and will lead young people to become lifelong criminals. We do not want a future where even a puff of a medicinal cannabis vape posted on Instagram could result in threats of jail time. It is for these reasons we will not be supporting this bill.

Council divided on motion:

Ayes (27): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Gaelle Broad, Georgie Crozier, David Davis, Jacinta Ermacora, David Ettershank, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Rachel Payne, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Noes (6): Katherine Copsey, Anasina Gray-Barberio, David Limbrick, Sarah Mansfield, Aiv Puglielli, Georgie Purcell

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (14:16)

Rachel PAYNE: Minister, what protections are in place to ensure that the list of relevant offences will be limited to those in the bill and not extended in future to capture drug offences?

Jaclyn SYMES: At the outset you would appreciate that the bill contains very specific offences. They have been drawn from the experience of incidents in practice, picking up on concerning

behaviour in practice. The bill is designed to respond firmly to that and, hopefully, deter people from particularly not only committing the crime in the first place but publishing it for broader purposes. That is what we are trying to respond to here. There is no intention from the government to expand it beyond the list. I think in some of the conversations and the contributions that we have heard in the Parliament members have suggested we should have broader things, but this is really designed to be targeted. There are a range of laws that pick up other behaviours that are appropriate for other circumstances, I think. There are aggravated circumstances that are available for a lot of sentencing matters. A lot of the offences that may involve some recording still fall into that potential category for people to consider. This is specifically targeted for this conduct, and the government has no intention of expanding the list of offences.

Rachel PAYNE: What impact is the bill predicted to have on rates of youth incarceration?

Jaclyn SYMES: In all honesty, what we would hope is that these charges do not ever have to be used. We are responding to behaviour that has happened in the past. We hope that, through enabling police to have further powers in relation to charges, there are very few charges. We also hope that there is a deterrence effect in relation to the conversations that we are having about how this is unacceptable behaviour, it should not happen, and if you engage in it, you can suffer further consequences for your offending behaviour. So hopefully it has the effect of having less young people caught up in the justice system.

Rachel PAYNE: This is my final question, and it relates to the string of horrific homophobic attacks that have been reported through dating apps such as Grindr, where they have been used to lure men to meet-ups and there have been violent assaults. These have obviously been filmed and the men publicly shamed. Some people have claimed not all attacks of this kind are covered by the bill as it is currently drafted. When will and won't these kinds of acts be captured?

Jaclyn SYMES: I share your concern about the horrific examples that have come to light in recent times of bashings that have occurred at meet-ups. It is appalling, and I know that the LGBTIQ+ community in particular have been very interested in the development of this legislation. It is not like most laws; I am not in a position where I can give you examples of what is in and what is out prescriptively. But I want to be very clear that the kinds of hateful, violent incidents that were reported in the media that occurred before this bill came into effect have informed what the government is trying to respond to. Homophobia has absolutely no place in Victoria – not in our streets, not online, not anywhere. Every Victorian has the right to feel safe. We certainly have listened to the LGBTIQ+ community. We stand shoulder to shoulder with them in relation to wanting to address those serious concerns and alleviate fear if we can but indeed enable the law to protect them when appropriate.

Nick McGOWAN: Minister, what is the logic of allowing an individual to share anything they have filmed at least once?

Jaclyn SYMES: This is about responding to conduct that is being driven by a desire to be seen, to big-note yourself, to be, sadly, of interest to others and to promote your offending, and it is done in a way that is referred to as posting and boasting. I guess the boasting is picked up by it being disseminated to a broader audience.

Nick McGOWAN: Perhaps I have not communicated clearly: my understanding is that this bill would allow people to share on at least one occasion without falling foul of the new proposed law. Is that correct or incorrect?

Jaclyn SYMES: The law kicks in when it is shared with more than one person, so it is about the audience. That is in relation to this law; that does not mean that other laws might not be applicable in those circumstances.

Nick McGOWAN: So if one person shares it just once – for example, live streaming; they can have a website and have it live streamed – that is just one share, and yet that is permissible under this

new law, because nowhere in this bill do I see that that would actually mean that would be prohibited. That would be permissible as the law currently stands.

Jaclyn SYMES: That is not the intention. You have misinterpreted the law here. Sharing it to one person – so if I sent you something – is not captured, but if you broadcast it, that is sharing it with more than one person, so that is captured. If the one-on-one conduct of me sharing something to you has threatening or harassment elements as well, then that is also different; the law can pick up and obviously respond to that type of behaviour. But this law is about the performance element, which is described as broadcasting to more than just sending a message to one other individual.

Nick McGOWAN: As you know, in the future both lawyers and judges may well read what we are saying today, and they may be no clearer than I am in the answer you have just provided, because in essence this legislation still allows you to share it with one. So I go back to my original question, which is: why would you make it permissible for any of the content that is described to be shared at all? What is the purpose of allowing anyone – much less a perpetrator, but a perpetrator in this case – to share it even once?

Jaclyn SYMES: It is about the audience. You can share it once, and you are covered by the legislation.

Nick McGOWAN: That answer only heightens my anxiety, I have to say to you. This material is deplorable, sometimes heinous, and all this will do therefore is give legal code, protection, sanction to those criminals to share it even once. Why on earth would this government want to allow anyone to share anything like that in all its abhorrence even once? I just fail to understand what the government's logic is here.

Jaclyn SYMES: Mr McGowan, you are, with respect, not interpreting the bill in the way that others are. This is about ensuring that if you are engaging in criminal behaviour and you go on to broadcast that, whether it is live streaming or putting it up on a site or sending it to multiple people, then you are going to be potentially falling foul of these new laws. This is absolutely about responding to the concerns that the community have and the conduct that we have seen, and it goes over and beyond the existing law in relation to aggravating circumstances which can be considered in sentencing. This is really targeted to that particular offending that the consultation and discussions and experience have narrowed it down to.

Nick McGOWAN: That answer is most troubling because, as you and I both know, aggravating circumstances is not a law in and of itself. It is a consideration that goes in respect to sentencing for other offences. Your answer gives great light to that fact. Let us go back to the core argument here, Minister. Why on earth would you allow anyone an ability to commit an offence in this state, film it and then share it once, even if it is with their mother, their father, their friend – whoever it is with? What possessed this government to make that a right that that criminal has – to not fall foul?

Jaclyn SYMES: Mr McGowan, you cannot invent laws from the opposition benches. What you are saying is false.

Nick McGOWAN: I will move on for the sake of all of us. Why wouldn't you also therefore extend this to those fellow people, who are part of the scene and may well be charged with other crimes but not the crime that you have listed, that are actually filming it? In most cases it is not the person actually committing the crime, it is the surrounding people, the gang members – call them what you want – the other assailants. Why would you not include those in this legislation, given that we know that they are mostly the people who film this, because they are not partaking per se?

Jaclyn SYMES: The problem I have with your line of questioning, Mr McGowan, is that you are viewing this bill in isolation from the rest of the laws on the statute. There are a range of offences that pick up inappropriate behaviour and people breaking the law. This is about targeted laws to really drill down and send a strong message that this conduct is unacceptable. Many of the other conducts are

picked up by a range of other laws, and I am not necessarily going to sit here and explain all of that to you, because it is not particularly relevant to this bill. But any statement that these new laws allow people a right that is not captured specifically by these offences or by the way they publish is just not a good way to describe how the justice system works.

Nick McGOWAN: Why has the government also chosen to make any potential sentence concurrent as opposed to cumulative?

Jaclyn SYMES: Mr McGowan, I am just interested in some of the other comments you made before, so I might come back to you if you want me to. But in relation to your specific question in relation to cumulative, by establishing standalone, separate offences it is a matter for the courts to decide on an appropriate sentence. Parliament is making it clear that it denounces this conduct and that sentences should reflect the additional criminal culpability. That is not an unusual way to legislate, and the courts have been asked to ensure that separate offences are considered because they will be able to consider the two charges at once.

Nick McGOWAN: Minister, you also indicated you had further information to provide in respect to previous questions.

Jaclyn SYMES: Yes. You raised a concern about those that film that may not be involved in the offending behaviour. If you look at new section 195U(1)(b), the offences that we have listed would often pick up accomplices, those that are in the vicinity of the crime, as well. So if there is a home invasion and you are just standing outside keeping watch, if you are the one filming, you will be picked up by this law if you publish the filming that you take. These are not only the offences that are listed. The new section also points out – let me read the exact words – that if you are inciting or attempting to commit one of the above offences or being complicit in such offending, so pretty much if you are involved in some way, you will be picked up in this instance.

Nick McGOWAN: Last question: what was the decision or the thinking in omitting some criminal acts? Assault, for example, is the obvious one. What was the logic to that?

Jaclyn SYMES: This is really about targeting serious offending. It is making sure that we are responding to the concerns of the community and making sure that we are drilling down on those offences that we know have happened. Let me put it this way: assault can be quite a broad offence. I am not sure that we would want to see a situation where there are squabbling neighbours and one shoves the other and that is posted, that we are really wanting to attract these types of offences to that type of behaviour. We are not wanting low-level scuffles and the like to be brought into this scheme. But to my earlier point, that does not mean that that conduct is not caught up by the Crimes Act in some other way.

Joe McCRACKEN: I said I was not going to ask a question, but here I am. I just want to get some clarity; it is to do with the definition of the word 'publish'. I take your point about the audience, Treasurer, being a single person. So I guess just for simplicity's sake, if a person who commits the crime sends one text message to one other person, that one communication is not captured by this. Is that a correct understanding? I am not talking about a live stream; it is just one text message to one other person.

Jaclyn SYMES: Yes, that is correct.

Joe McCRACKEN: My subsequent question to that is: if that second person then chooses to publish the material, who is deemed to have caused that publishing? Is it person A who might have originally filmed it and passed it on, or is it person B who then decided to distribute it more widely?

Jaclyn SYMES: I asked the same question in my briefing. It is covered if the original person sent it with the intention of it being published. So person A filmed themselves holding up someone at gunpoint. They sent it to someone who then further disseminated it. If person A was of the view that that was going to be published more widely, it could be caught up by these laws.

Joe McCRACKEN: I guess it is possible that we could have a person A pass it to person B, person B passes it to person C – you could probably create a chain as long as you wanted to. If each was just one person in that chain, at any point in that chain one of those people could decide that they might want to publish whatever that material might be without anyone else in that chain having the intent that that might happen. Is that a possible problem?

Jaclyn SYMES: What I would draw you to is the wording in the bill, which specifically refers to 'causes to be published'. If you have sent it to one person and then it disseminates broader, you are still the cause of it being published, so you can be picked up in that sense, and that is whether it is a chain or whether it is scattergun after the second. Both would potentially apply. It would depend on the facts of each matter.

Nick McGOWAN: Minister, I was almost done, and you have now caused me to rise to my feet again. So person A – and we are not clear what that person and their intent might be, because the police will have to prove that – shares it with person B. One can in this case or scenario assume that there cannot be established intent. Therefore person B is able to publish that but is not subject to this law – because you used the word 'could' be.

Jaclyn SYMES: A can be. B cannot be.

Nick McGOWAN: That is more precise. So B cannot be and is not. Because a moment ago you said 'could' fall foul of this law. I will sit down so you can answer the questions.

Jaclyn SYMES: Person B is not captured. Person A can be. Basically, person B cannot be, because the law requires you to be the offender in terms of the substantive offence in the first instance – unless they are an accomplice.

Nick McGOWAN: Unless you say something else that causes me to rise again. But Minister, doesn't that cause you concern? It concerns me greatly because, as I said today in my contribution, when we speak to mothers and fathers – and often they are the mothers and fathers of the victims, because we are talking about a lot of young people, potentially – the explanation to them that we sat here and had this conversation about how we are not going to hold B responsible but are going to hold A responsible is not going to be well received, I can tell you now. Why not include them in this aspect? Why allow that initial sharing to that one person is my point.

Jaclyn SYMES: Again you are crafting situations that these laws do not cover to be in some way a green light for that behaviour to occur. That is not the case. There are a number of offences that could apply to someone who just shares inappropriate material if it is designed to harass, if it is designed to threaten or indeed if it is gross and offensive. There are a number of offences that you could be charged with even if you did not know the offender and you caused that material to be placed on a platform where it caused harm to people. There are a range of offences for these types of behaviour. These laws are about posting and boasting. This is about offenders who capture their offending behaviour on film and then to big-note themselves, wanting people to know about it, go on to promote themselves. What we know is that it is almost encouraging copycats, it is encouraging crime, because it is broadcasting and bragging about this type of behaviour. Unfortunately, we are concerned about the impact that has, particularly on impressionable young people who might see it as a bit of a competition. That is why these laws are so targeted. In relation to material that is disseminated in other ways, that is dealt with outside of this bill in many instances.

Clause agreed to; clause 2 agreed to.

Clause 3 (14:39)

Joe McCRACKEN: I move:

1. Clause 3, page 3, lines 4 to 6, omit all words and expressions on these lines.

My first amendment is just to change the meaning of 'publish' to exclude 'one other person' and let it be every single person. That is the thrust of it.

Jaclyn SYMES: Mr McCracken, we are not in a position to support this amendment. As I think I went through a little bit in the exchange before, the offence was designed to address public or wider audience sharing, which can amplify harm, encourage copycat behaviour and retraumatise victims. Sharing to one person, especially in private, non-public contexts, lacks the same community-wide harm element. If the sharing to one person is intended to threaten, humiliate or cause harm, other offences, including stalking, harassment and image-based abuse already apply.

Katherine COPSEY: The Greens will not be supporting this amendment. We do not believe that the bill as it is designed is going to provide the deterrent effect the government is seeking, and consequently we do not support the broadening of the application of the offences as has been proposed by the Liberals.

Council divided on amendment:

Ayes (12): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Rikkie-Lee Tyrrell, Richard Welch

Noes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt

Amendment negatived.

Joe McCRACKEN: I move:

2. Clause 3, page 3, after line 11 insert –
   "(i) section 15A(1) (causing serious injury intentionally in circumstances of gross violence);
   (ia) section 15B(1) (causing serious injury recklessly in circumstances of gross violence);
   (ib) section 31 (assaults);".
3. Clause 3, page 3, line 12, omit "(i)" and insert "(ic)".
4. Clause 3, page 3, line 25, omit "or".
5. Clause 3, page 3, after line 25 insert –
   "(xii) section 197(1), (2), (3) or (7) (destroying or damaging property);
   (xiii) section 64(1) or (2A) of the Road Safety Act 1986; or".

These amendments are very short and sweet. They are just to expand the relevant offences that are captured under this legislation so there are more than the ones that are currently described in the bill.

Jaclyn SYMES: We have real concerns with this amendment. As I explained, the new offence is to apply only to people who post and boast about their involvement in serious violent crime. We are not talking about a scuffle or a dispute between neighbours, we are talking about violent offenders celebrating their offences to gain notoriety. In relation to assault, affray and violent disorder are serious assault-type offences and they are already captured by the specific inclusion of those. This is about taking a targeted, sensible approach to a relatively novel area of law. The bill will introduce a crime that is very similar to what New South Wales have done, except we go further by adding in the violent disorder and affray offences. The list is important as it stands because it ensures that the law is focused and proportionate and directly addresses the criminal behaviour that is causing the greatest concern to the community.

I also note that it is not just assault that you are attempting to include; you have got some property offences that you deemed should be appropriate. Again, we do not think that these crimes fit what we are trying to do with the high-risk, high-harm offences. To the conversation I had with Mr McGowan,

this is not about providing a green light to offences that are not included. There are a range of other measures that apply to this type of offending behaviour. This is designed to be targeted to the most concerning behaviours that are reflective of some of the experiences that the community have had to tragically endure.

Katherine COPSEY: Similar to the previous set of amendments, the Greens do not support the government's approach in this bill overall, and so we do not support the Liberals' amendments broadening the impact of those offences.

Council divided on amendments:

Ayes (12): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Rikkie-Lee Tyrrell, Richard Welch

Noes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt

Amendments negatived.

Joe McCRACKEN: I move:

6. Clause 3, page 5, after line 14 insert –

> "(6) Despite anything to the contrary in the Sentencing Act 1991 or in any other law, in imposing a penalty for an offence against subsection (1) the court must direct that any term of imprisonment imposed be served cumulatively on any term of imprisonment imposed for the relevant offence referred to in subsection (1)(a).".

Again, this one is just about ensuring that any penalties that are imposed are served in a cumulative sense – they are not done concurrently.

Jaclyn SYMES: Online glorification of violence is real, it is harmful and it is happening. It is about recruitment, it is about escalation and it is about trauma. That is why we are creating a standalone offence. While it will be a matter for the courts to decide on an appropriate sentence, hopefully the Parliament today passes the laws, making it very clear that it denounces this conduct and that sentences should reflect the additional criminal culpability.

Katherine COPSEY: We think that it is more appropriate for the courts, which are well equipped to determine sentencing, and that those options should be available to the judiciary in conducting sentencing rather than directed by the Parliament. We will not be supporting the amendment.

Council divided on amendment:

Ayes (12): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Rikkie-Lee Tyrrell, Richard Welch

Noes (20): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt

Amendment negatived.

Clause agreed to; clause 4 agreed to.

Reported to house without amendment.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (14:56): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (14:56): 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 has agreed to the bill without amendment.

Business of the house

Orders of the day

Lee TARLAMIS (South-Eastern Metropolitan) (14:57): I move:

That the consideration of orders of the day, government business, 2 and 3, be postponed until later this day.

Motion agreed to.

Committees

Procedure Committee

Reference

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (14:57): I move:

That this house requires the Procedure Committee to inquire into, consider and report on the following proposed sessional order relating to production of documents by 18 November 2025:

X. Variation of scope of order for the production of documents

After standing order 10.01 insert:

(1) The Secretary, Department of Premier and Cabinet, may write to the Clerk at any time up to and including the seventh day prior to the date for the return of documents and request that the scope of an order be varied.

(2) A request to vary the scope of an order for the production of documents must include –

(a) reasons why the timeframe for the production of the documents cannot be met; and/or

(b) reasons why the terms of the order are likely to result in the production of a large number of documents reasonably believed to be irrelevant to the intent of the order for documents.

(3) The Clerk will provide the request and any accompanying documents to the President and the member who moved the original order for documents. The Clerk will advise all members and publish notification that a request has been received.

(4) When a request under this Sessional Order is received –

(a) the original order and the date for return of documents is suspended; and

(b) if agreement is not reached within 14 calendar days, the original order stands and the documents ordered are to be produced to the House by the original due date, or if that date has passed, within a further seven calendar days.

(5) When an agreement is reached between the member and the Secretary, Department of Premier and Cabinet, and is certified by the President, the Clerk will advise all members and publish the terms of the agreement.

(6) On the next sitting day the President will report the agreement to the House and table all relevant documents.

(7) The President will then propose the question to the House "That the varied terms of the order be agreed to". This question may not be amended or debated except for the member who moved the original order and a Minister may make a statement of up to 5 minutes each.

(8) If the question is resolved in the negative, the original order remains in force.

Thank you for the opportunity to deal with the motion in my name about variation of scope of orders for the production of documents and ultimately a referral for the Procedure Committee to inquire into, consider and report on some changes to sessional orders, which deals with some of the conversations that we have been having – or not having really – on how we can better collectively deal with documents requests. Hopefully we get some agreement today. This is something that I have had on the table for some time, the opportunity to explore improvements for document processes. The Procedure Committee obviously is an appropriate vessel to have proper, considered discussion and determine suitable outcomes. I happen to be a member of the Procedure Committee – I have been for a long time – and Ms Terpstra is an eager member on the Procedure Committee, so we are looking forward to some of these discussions.

What the Procedure Committee does a lot more effectively than the conversations that we have had in here, whether it is question time or not, is give the opportunity to sit down, go through the process of what is happening now and look at the bottlenecks and what the issues are. I am often on my feet explaining that the volume of documents is just drowning public servants. Not only is it the time to identify them, but then the numbers of documents and having to go through them in relation to whether there is an appropriate reason to withhold them. There very often is, and it is not because you necessarily want to withhold the documents. But if they contain private information or commercial-in-confidence matters and the like, they are actually really important for the functioning of government to be protected. But that is timely – it takes time – and that is where we have got a bit of a problem in people saying that they want documents. As we have indicated, we do not actually object to any of those requests, but they are causing a bit of a backlog. There are some requests that are just so voluminous that actually the advice is that you would have to recruit 20 new people just to do one of the requests. I will not go on too much about the concerns that I have already previously put on the public record. I do think that the Procedure Committee is a good opportunity to flesh some of this out. We have got the ability for clerks to give us advice on some other jurisdictions and the like. It is something that we have been looking at just from my office as well. So I think it would be a good opportunity to have those conversations.

I do just want to put something on the record about executive privilege. It is often thrown around as though it is something that we use as a shield. There have been instances where we have got advice about executive privilege for documents that it would have been helpful and in the interests of government, from a political perspective, to release, and we have got advice that said it was executive privilege and we could not. So I put that in the context of it not being something that is just applied because we want it to be applied; it is actually the advice we get from the departments. I do not sit there and do the initial run-through of the documents; that is not my job. It is the advice of the departments through DPC to give us that advice, and that is very often what happens in these instances. Documents that contain confidential information which reveals directly or indirectly the deliberative processes of cabinet are very often appropriate to be withheld or indeed redacted. Documents that contain confidential information which reveal high-level confidential deliberative processes of the executive government whose release would be contrary to the public interest is another often important principle that we cannot just throw out the door. But I do acknowledge that we are trying to balance that with accountability and transparency.

There is a conflict in the way that this chamber is trying to deal with documents, because we have got competing interests that do not necessarily have to be competing. I think there are ways to make sure that we can respond in a more timely manner, because we can get to the crux of what people are actually after. Therefore I would prefer not to be accused of being secret. That is not what is happening here. It is literally a process and procedure that, without creating an entire new department that deals with documents, is just not, in my view, in the taxpayers interest to continue along.

I do look forward to productive discussions around the topic. As I said, I am a member of that committee, and I think there are a lot of people in the chamber that have got views on this. There are obviously a limited amount of members on the committee, but I think for those that wish to have some input we should consider a way of potentially having that brought through. I think there is a vacancy on the crossbench. I am sure that that will be fought out between – no, I think you have already nominated someone. There we go. So I think there will be an opportunity that interested opposition members can funnel their ideas through. I think, Mr Davis, you are a member – are you a member?

David Davis: I'm not, but I will be.

Jaclyn SYMES: Okay. Mr Davis is coming on. In all honesty –

David Davis: I have been on it many times over the years.

Jaclyn SYMES: I know. That is why I thought you were on it, because we have been on the same committee. With respect, Mr Davis has got more experience than a lot of people in this space in terms of FOI and documents and tenure, so I think the contribution that Mr Davis will have will be valuable in that committee. I actually think we can be quite collaborative here. Will everyone get what they want? That is probably unlikely, but I think we are going to be in a much better position than we currently are.

David DAVIS (Southern Metropolitan) (15:04): I just want to pick up where the Leader of the Government finished. We will support this referral and work sensibly and collaboratively on this matter. I do want to begin, though, by saying that many points that are raised by the Leader of the Government on this matter are tangential to some of the main issues. The main issues are that the government does not provide the information in a timely way. Sometimes requests are large – I accept that – and that can be a problem. I do not deny that for one second. Some are tiny – single documents – and can be provided and are not, and the time period is huge. So the first thing is: sure, there are issues here, and sure, the chamber can engage in a dialogue with the Department of Premier and Cabinet and we can have some reform there. I do not disagree with that. But the fact is that the government has not provided many documents when they could have.

Ms Lovell gave a very good example in the chamber yesterday of New South Wales – Albury–Wodonga documents, health service documents, a joint health service between the states administered by Victoria. There was a New South Wales Legislative Council documents motion, and they gave them the documents, but here they did not. And you are asking: how does that work? The standing orders here are modelled on New South Wales, so one of the things the committee could do is actually go to New South Wales, to the Legislative Council, and have a good talk to the clerks, have a good talk to the arbiter and have a good talk to the MPs on both sides. It was a Liberal government there until relatively recently, and they provided documents and allowed arbiters to administer decisions on documents for a number of years. My point here is: it is fair enough what the Leader of the Government is saying, but it is tangential to the real problem we have got here. There is a failure to allow some arbitration of these matters by an independent, esteemed person, and we would leave that to the clerks to pick someone – a former judge, whatever. So it is tangential. I would say lots of reform can happen, but the central thing is the government needs to actually provide the documents.

I am going to point to some things the leader said about advice. Bureaucrats inherently are conservative in their advice on these matters. There are some good things in that, but when it comes to transparency and accountability, that can be problematic. There is advice coming from bureaucrats, and I accept

that sometimes that advice says, 'Don't release it.' But actually government can make a different decision on many occasions – a thoughtful, different decision. I just think the shield of 'It's advice from bureaucrats' is not quite enough. In the end it is a government decision, and it is a government decision to, in most cases here, block the information.

I am going to use again the most recent example of documents that were provided in part, the Hastings offshore wind documents sought through the chamber in February 2024. We got them just a couple of weeks ago. One big tranche of documents contained a few redactions; I do not have any quibbles with that. But my question is: why did it take that long? There were 38 documents or something. It was just not a huge number of documents. And then there is another tranche that we cannot have. We look at that, and I can see that some may well be cabinet documents. I am not unalive to the issue of cabinet and other executive privilege. I think that is –

Jaclyn Symes: But to get to the 38 they had to weed out so many more. It is not as though it is just the 38.

David DAVIS: Well, no, there is a list of ones that were released, about 38, but there is another list that was not released.

Jaclyn Symes: That is why it took so long, because of all the ones that had to be on the list. That is the problem.

David DAVIS: I do not think that is right. No, there are two lists. One list was provided. It just could not have taken that long to provide those documents – it just could not, in any realistic world. The decision to withhold another tranche of documents is another debate, and I would argue that executive privilege –

Jaclyn Symes: It was the one documents request.

David DAVIS: It is, but it is split in half because you have treated one lot of documents – you have said you can have it, but –

Jaclyn Symes: We are going to pick this up in the Procedure Committee.

David DAVIS: 'Yes, you can have it,' the government has said –

The ACTING PRESIDENT (Gaelle Broad): Order! I just remind the members to go through the Chair. It is not a conversation.

David DAVIS: The response from the Leader of the Government in this case was, 'You can have one tranche of these documents, but you cannot have the other one because of executive privilege.' There are two questions: how you treat the executive privilege ones – the claims – some of which will no doubt be reasonable and some of which, in my view, are patently not. But then there is the tranche that they released. My question is: from February last year through to about a month ago, how is that possible? These are documents you have released, so I just cannot see that it takes that long. We can do it more quickly, I think, honestly. Time, obstruction, failure to arbitrate – these are the issues. I accept there is advice from bureaucrats. I do not know that we can always take bureaucrats as gospel. New South Wales does it better. My advice to the committee is that we go and have a look at New South Wales.

David LIMBRICK (South-Eastern Metropolitan) (15:10): The Libertarians will also be supporting this referral. I would like to correct a couple of things, though. Maybe she forgot our conversation, but the minister has been saying that no-one had a conversation with her about these scope things. Maybe she does not recall that I had a rather informal conversation with Minister Symes saying that I was very supportive of any mechanism to change the scope of a documents order.

But there are actually a couple of issues here, and they are both being conflated a lot. There is the first issue, which is around scope, and I am confident we can come up with a solution there. I think that

this approach will help solve that problem. The other problem is around claims of executive privilege. I, like everyone else I think, acknowledge that executive privilege is a real thing and is not always used to shield the government from accountability or transparency, but the range of things on which executive privilege has been claimed – in particular the example that was brought up yesterday, which is probably the best example, which was in relation to the Commonwealth Games documents motion –

David Davis: 353.

David LIMBRICK: Yes. The documents were identified, and executive privilege was claimed on pretty much everything. I do not accept that that is the case, and I would have challenged that. We did not get the opportunity to challenge that because the government is not following the standing orders of Parliament and giving it to the arbiter and going through that process. What they are meant to do is hand it over to the Clerk, who then gives it to the mover of the motion. Then they can decide whether or not they want to challenge it. Actually the tensions in that process I think are rather good, because the mover of the motion does not want to challenge the claims of executive privilege and go through an arbiter unnecessarily, because they will look like a bit of a clown I think if they do that. So actually there are natural tensions in that process, and as has been pointed out, that process works quite well in New South Wales. I was ready and willing to go through that arbiter process on the Commonwealth Games thing, and I am disappointed that the government did not follow those rules. But this referral will not really address that at all, so I think that is still a problem that many here see as an issue.

On the issue of scope as well, there have been some documents motions which, as Mr Davis pointed out, were for single documents or obviously very small amounts. The most comical example of that was when I used a short-form documents motion to request a report by Better Regulation Victoria about tobacco regulation. Rather foolishly of me I did not realise that that report had already been leaked to a newspaper and had been published and was in the public domain already. And yet I still got a letter saying that it had taken awhile to put together, and they never gave it to me. As it turns out, I did not need the government to give it to me. I just went to the *Age* website and downloaded it myself and read it. That is a sort of comical example, but clearly that single document would not have taken a lot of manpower in the public service to produce. Clearly the government just did not want to produce it for whatever reason. I do not know; I cannot read the government's mind, but it is hard to take it seriously when you get examples like that.

I also do have some sympathy for the idea from the government's point of view that some of these things are a waste of resources if they are very large amounts – the scope negotiation will fix that. But I would also say that part of that is on the government, because when you do these documents motions and you know that you are just going to get a letter saying 'It's taking a while' and then that is the last you hear of it, you do not really take the scope that seriously and zero in on exactly what you want, because you sort of think that the government is not going to do anything anyway. I think if the government had been more diligent in producing these documents, then people moving these motions probably would take more care in narrowly targeting what they are asking for rather than going for this big trawler-net sort of approach. Those are my views on it. I will be supporting this referral, and I hope that the Procedure Committee does some good work here.

Sarah MANSFIELD (Western Victoria) (15:15): The Greens will be supporting this motion as well, and we welcome it. As I said yesterday, I think we are very open to having a discussion around some of these issues that have been raised a number of times by the government as being barriers to producing documents, in particular the scope and timing. So if we need a formalised process – something outlined specifically in the sessional or standing orders that outlines the steps that the government can go through to have a negotiation about the scope and timing – so be it. I feel like ideally we could do that anyway, but if we need that spelt out, we are very willing to have a discussion about that.

We recognise, as Mr Limbrick has said and as Mr Davis said, that some of the requests do result, for whatever reason, in very large volumes of documents – and they are not actually the documents we

want either. We do not want every email and every minor little detail on something. There are usually some key documents that we are after with these requests, and having a process where we can have that dialogue to work out how we get exactly what we want and keep that as narrow as necessary is very welcome. So we are happy to resolve that. The government has repeatedly cited this as the key barrier to producing documents, so I would hope that if we resolve this, we will make some progress on seeing documents.

I think I share some of the concerns that have been raised by my colleagues, though, about a number of instances where the scope and timing I very much doubt are the issue. Sometimes it is a single document or a document that may have been sitting around for years, so we know that it exists. It is sitting there and it is one document, so addressing scope and timing is not always the barrier, I think. But let us go through this process.

Further, and this touches on some comments that were made yesterday in this chamber by government members, there were some assertions that the Greens and those on the crossbench and potentially the opposition do not believe in claims of executive privilege. As Mr Limbrick has very well outlined, that is absolutely not the case. We support the government's right to claim executive privilege. That has never been something we have disputed. There are questions sometimes about whether the application is always appropriate, but we have never been able to test it, and that is the bit that is missing. The government have every right to claim privilege on whatever they like based on whatever advice they want. That is absolutely their prerogative; we have never argued with that. What we do argue with is the failure to follow the standing orders.

Standing order 10.03 has a very well outlined process: if privilege is claimed, those documents go to the mover of the motion. If they wish to contest that claim of privilege based on what they have seen, an independent legal arbiter is appointed and a decision is made about whether privilege applies or not. As has been said a number of times, that is the process that is followed in New South Wales. On numerous occasions the arbiter decides that, no, privilege does not actually apply, and documents are released. On the contrary, at other times that claim of privilege is upheld. It is a process that seems to work well. I think, again, maybe if we address this issue around scope and timing, there will be fewer documents that we have to deal with through this process. Maybe that will go some way to dealing with the government's concerns around following those steps. I do not actually think the Procedure Committee needs to deal with that issue, because the standing orders are fine on that. The standing orders themselves are not the problem, it is the failure to follow them on that issue, and I do not think there is anything the Procedure Committee can do about that. We just need to see those steps followed.

But hopefully if we address this issue around scope and timing and we can all get in a room and have a proper discussion about it – and I agree with Minister Symes about this – having a discussion outside of the chamber so we can work through it in a collaborative way is the best way to deal with some of these issues. I really look forward to being able to resolve them and come up with a process that everyone can agree on, and that will hopefully mean I will not have to give many more speeches on this subject for the rest of the term.

David ETTERSHANK (Western Metropolitan) (15:19): I will keep my comments very brief, other than to endorse the comments from Mr Limbrick. I think he sums it up very well that there is a mechanism – there is a scope, if you like – and then there is, for want of a better term, goodwill and a commitment to transparency. We welcome this initiative from the Treasurer. We think it is terrific. Let us give it a go, and we will just see whether the spirit of transparency travels with the change to the standing orders. We commend it, and we will be supporting the bill.

Motion agreed to.

Bills

Local Jobs First Amendment Bill 2025

Debate resumed on motion of Harriet Shing:

That the bill be now read a second time.

Richard WELCH (North-Eastern Metropolitan) (15:21): I am pleased to rise and speak on the Local Jobs First Amendment Bill 2025. The Local Jobs First program dates back to 2003 and requires contractors on government-funded projects to actively support local businesses, workers, apprentices and trainees. It has two key components: the Victorian industry participation policy and the major projects skills guarantee. The VIPP applies to government projects valued at $1 million or more in regional Victoria or $3 million or more in metropolitan Melbourne or on statewide tenders. It requires companies who are tendering for work to include a local industry development plan and also embeds a 10 per cent weighting in tender evaluations for industry development. The MPSG applies to any publicly funded construction project valued at over $20 million and requires contractors to ensure that at least 10 per cent of total labour hours are performed by Victorian-registered apprentices, trainees or cadets. In 2018 the office of the Local Jobs First commissioner was established to oversee and promote compliance with the requirements under the VIPP and the MPSG. At the outset, the Liberals and the Nationals support the concept and purpose behind the Local Jobs First program and its intended outcomes. It is a good goal. Whatever Victorians' cold comfort in paying the level of tax we do, part of it is at least knowing that some of it has gone to local businesses and local jobs and local industry participation. Victoria is in such a poor economic state that supporting local supply chains and employment is not just right but actually necessary.

But that is what makes this bill so curious, because it is not really about the objective; it dances around the topic of local jobs, productivity and economic growth, all economic components that are deeply interrelated – inseparable, actually – and it does not qualify or quantify any of its provisions in those terms. It is clearly not an economic policy, it is clearly not a productivity policy and it is actually not even a local jobs policy; it is simply about how the government wants to conduct enforcement on local businesses. It is about introducing harsher penalties, stricter rules and sweeping new compliance mandates over businesses. It goes absolutely nowhere in terms of helping industry to create jobs. It adds punitive blame and punishment when government targets are not magically met. It is one thing to set a goal of more local content and apprentices on projects, a goal we wholeheartedly support, but it is another to unleash a raft of new compliance measures and penalties without clear justification, definition and quantification of the problem or analysis of the cause and effect that leads to a remedy or a solution in law. Those are not unreasonable criteria to expect to be met. The coalition is concerned that this bill's approach is heavy handed and potentially harmful to Victorian businesses, especially small businesses. It is light on evidence and lacks transparency when it comes to costs. We stand for local jobs and common sense for the businesses who deliver them, and these two things are not mutually exclusive; unfortunately, this bill fails that test because it represents neither, and it risks undermining the very outcomes we all want to see. It does not make any underlying connection between compliance, regulation and outcomes – it just observes them.

The bill hands the Local Jobs First commissioner a set of new powers and penalties, and I will give a brief overview from the bill. First, it empowers the commissioner with additional investigative and enforcement authority, including the power to conduct onsite inspections of projects and to issue formal reports on noncompliance. It establishes a deprioritisation scheme, essentially a form of social credit, essentially a potential blacklist for future government tenders. If a company is deemed to be noncompliant on one project, the commissioner can issue a deprioritisation notice that will count against them the next time they bid for government work. In practice this means the business could be marked down or effectively disqualified from future projects if, for example, they do not submit their compliance paperwork within 90 days of project completion or if that paperwork shows they missed one of their local content targets.

There are new civil penalties allowing the commissioner to take a supplier before the courts and seek fines for failing to meet Local Job First requirements. The fines proposed are a maximum up to roughly $20,000 for an individual and $100,000 for a business, and that is a very significant hit by any measure. And they require suppliers on government projects to meet every local industry development plan quota as an enforceable obligation. These are drastic measures. The bill is effectively creating a local jobs compliance police force with the ability to inspect worksites, audit records, haul companies into court and destroy the company's chances of winning future business. All of that requires people, inspectors. There is no indication of how many or how long each of these investigations will happen or what happens in the meantime. It is a very heavy hammer to swing.

The logical question business asks – the same businesses doing the actual employing – is: what is the evidence that this is needed? What is the problem so dire that warrants this kind of regulatory intrusion into the operation of businesses? It is a fair question, because if there was clear evidence that a substantial number of companies are materially failing in their local employment targets and covering it up somehow, then you might actually see the point. However, up to now the government has failed to provide any convincing evidence of a systemic problem in the current scheme. They have not given us one example – not one – of a company blatantly flouting their local content obligations under existing rules. They have not shown that projects are routinely failing to meet local industry participation targets. They have not presented any data demonstrating that Victorian apprentices are being denied opportunities en masse or that local subcontractors are being shut out in favour of interstate or overseas suppliers. We have no case studies, no examples, no hard evidence of widespread noncompliance or abuse that would justify what is an intrusive, punitive and very expensive crackdown.

This creates an unhelpful impression that this is change for the sake of appearances rather than change based on actual need or towards a genuine outcome. It is as if the government is saying, 'We're going to get tough on business. Even though we can't point to what they're doing wrong, we're going to do it anyway.' The absence of a clear rationale, I think, is frustrating – frustrating to us, frustrating to the taxpayer and certainly frustrating to business. If such failures of the program existed, the minister would be articulating them to make the case for the bill. But no, instead we have this curious mindset that more compliance is better, without proof that the current compliance is even insufficient. It feels like an expensive distraction – window dressing to cover up deeper issues that this government has failed to address.

The truth is you cannot legislate jobs, far less prosperity, into existence. You cannot just impose tougher rules and expect them to magically create jobs, improve productivity or improve local job outcomes. Improving local job outcomes requires tackling fundamentals – things like training, education, economic competitiveness, infrastructure and lowering the cost of business. But addressing those fundamentals is hard work, and this government has shown little capacity or understanding for it. Instead they reach for the same old playbook – more regulations, more penalties, more bureaucracy, a classic compliance-heavy, 'compliance can fix it' mindset. It smacks of a government that cannot deliver real economic growth or job creation, so in the style of all socialist governments, they resort to forcing it. They will not treat the root causes of why jobs may not be created in the first place. They will just legislate the desired outcome and hope that does the trick. It is a belief you can dream something into existence by the stroke of a pen or the slam of the state's hammer. If Victoria is not creating enough jobs, Labor's answer is not to ask why or how we can help but to simply mandate it and punish anyone who does not comply to that mandate. We have seen this story before.

The government thinks a glossy announcement of a new law is a substitute for actual delivery. But as we have found time and time again with their lofty housing targets that never get met; with their promises on social housing that have not come close to matching the press release edict, so we have less capacity, a billion dollars to build 40-odd houses; with elective surgery waitlists that despite the 'record investment' are the longest in the country and 30,000 surgeries behind where they were announced to be; with electricity bills that keep going up despite the government's spin; with tough-on-crime bail laws that are still weaker than when they started announcing reform and have not

prevented daily tragic outcomes in our news headlines; and even with this new gimmick of the so-called machete amnesty bins that cost $345,000 each to make, you cannot put out a press release and expect results.

Reality does not bend to wishful legislation or PR stunts. You actually have to do the work to address the real issues. But instead of doing the real work, the bill shows the government once again is opting for the blunt instrument approach – comply or else. And make no mistake, the message that this bill sends to business is 'Comply or you are out. Comply or we'll make sure you are in some sense blacklisted from future work. Comply or you'll get slugged with massive fines. Just comply.' It is a message delivered with a clenched fist rather than an open helping hand. It is a heavy-handed approach that is simply not justified by any evidence the government has put forward. It is all stick and no carrot, and it is aimed at the very people we rely on to build our infrastructure and employ our workers. The government is asking us to endorse a significant expansion of state power over businesses without making a convincing case for why it is necessary, and that is not good governance. It is legislation based on a hunch and a headline, not on facts and outcomes. If we truly want more local jobs, we need solutions that address real-world problems. Enforcement for enforcement's sake is no good. Good governments usually seek to repeal two regulations for every one they apply. This does the opposite.

Consider what these changes would mean on the ground for businesses, large and small. The feedback the coalition has received from industry stakeholders is unequivocal. These are punitive measures that will hurt businesses, especially smaller local operators, and may even backfire in the goal of job creation. We have spoken with contractors and suppliers across various sectors. Time and again we have heard that when local content requirements are achievable, businesses do meet them. They understand the importance of hiring local and supporting apprentices. In fact many take great pride in it, and I do not think anyone would dispute that fact. Businesses take pride in their local hiring. When it is feasible they are already doing it. However, there are situations where meeting these targets is simply not possible, no matter how much effort or ingenuity a company puts into it, and those are situations that this bill fails to fairly account for.

In regional Victoria a builder might be required to ensure 10 per cent of all labour hours on a project are performed by Victorian apprentices, trainees or cadets – a laudable goal – but what if there just are not enough qualified apprentices available in that remote area? What if the businesses have already hired all the apprentices in the town and still come up short on the 10 per cent target? What is the company supposed to do then? The reality on the ground is that skill shortages are real, especially in regional areas and in specialised trades. We cannot conjure skilled workers out of thin air. As one regional contractor said to me, 'We can't find apprentices who don't exist in our town, and we can't magically create experienced local tradies overnight.' Only a completely blinkered, business-ignorant government assumes that every contractor can always hit all quotas, at all times, in all situations, on all projects, regardless of their idiosyncrasies, in all sectors, in all locations. Businesses operate in the real world, and the real world is just not as simple as our technocrats wish it to be for their convenience. God forbid the government actually did some intellectual labour on this. But I think more to the point, it is a very real case of the government not knowing what it does not know and not being intellectually curious enough or being too exhausted as a government to bother to find out or think about it too hard.

Industries vary widely in their needs. An IT project has a very different workforce requirement to a civil engineering project. In cutting-edge fields like digital technology, artificial intelligence or advanced manufacturing, the specific skills may not even exist in Victoria at the scale needed, and we might need to bring in some expertise from outside to get the project done. And those who have any experience in actually running an industry know that doing so can help build local capability in the long run through training and knowledge transfer. Anyone in business knows that punitive quotas and compliance act as a massive disincentive to new entrants. So what this bill effectively does through its bias to enforcement and permanent punishment rather than economic enablement is, firstly, to narrow the pool of eligible, preferred, at-all-times-compliant suppliers on one hand and reduce the capacity of new businesses to enter the pool on the other. Then, to top it off, you will have companies with the

talent, skills, track records and resources to deliver backing off from projects and sectors where they could add value because the risk of incurring a black mark creates a risk to the rest of their business.

If the supplier base shrinks, what do you think happens to project cost competitiveness and innovation? I think it is obvious: it costs more. But this bill does not seem to care about those basics – that is, the outcomes. It really does have the worst hallmarks of bureaucratic logic and ignorant desktop theory, filled out like a template by someone who has never run a business, does not understand the motivators, the levers, the triggers, the consequences and the attitudes. It really does; it has some truly headshaking elements. I would love to know what business experience the authors of this bill actually have. Here we are, threatening to penalise companies even if the reasons for falling short are completely out of their control, and those reasons can be very much day-to-day life-of-a-business matters.

There is a fundamental fairness issue here. It is not just a matter of commitment; it is often a matter of availability. Businesses tell us that wherever they can hire local, they absolutely do. And when they cannot, it is not for lack of effort or imagination, it is because the local skills or suppliers are not there at that moment. There is not a shred of evidence to contradict this – they do not have it; they have just asserted it. Penalising a company in those circumstances is fundamentally unfair and wrong. It is punishing someone for a situation they tried to avoid and could not change, essentially punishing them for not performing a miracle.

What do you think will happen if we enforce this rigidly? And if you are not going to enforce it rigidly, why do it at all? A company gets hit with a fine or a deprioritisation notice because it could not find an apprentice electrician in a small country town or because the only supplier of a specialised component was interstate, or maybe it is because, in a spurt of business growth due to their good performance, there is a period where they dip below the quota while they scramble to keep up. That company might well decide, 'You know what? It's not worth the risk or hassle to bid on government projects anymore.' Small and medium-sized businesses find the problem all the more acute. They do not have big legal departments or compliance teams to navigate this minefield. They do not have the deep pockets to absorb a $100,000 fine or the loss of future work because of a black mark from the commissioner. We have to remember, SMEs are the backbone of local economies and of many government supply chains. If they pull back from public projects, who fills the gap? Well, actually, large multinational companies who can afford compliance departments and can spread their costs, that is who. And is that what we want, fewer local players in the game because we scared them off with overly bureaucratic and overly rigid rules?

I think there is some risk that this bill – a bill supposed to promote Local Jobs First – could end up discouraging local businesses from participating in public projects. We are also concerned about the compliance cost this bill will impose, particularly on small operators. Larger firms might be able to carry the burden of more paperwork and more reporting and potentially fighting off penalty proceedings; they will just hire another compliance officer or charge a bit more on the project. Not so for small businesses. Several small business owners have told us they feel this bill is effectively stacking the deck in favour of larger companies who can afford to navigate these complex regulations. This is how you end up consolidating the industry towards big players at the expense of the little guys, and surely that is not what anyone in this Parliament wants.

Another area of concern to us is the complete lack of transparency around the costs associated with this bill and the new measures. It is all very well and good for the government to trumpet that they are beefing up compliance and enforcement, but who is paying for it, and how much? As with so many things this government do, they do not seem to have done their homework on the financial side, or if they have, they are refusing to share it. During the briefing on this bill coalition members specifically asked department officials about what the expected budget impact of these changes would be – after all, if you are going to have more site inspections, more investigations, potential court proceedings and overall heightened monitoring, it stands to reason you will need more resources. You should be modelling what your expected number of cases would be per year, how long those cases will take, how many will go to court, more staff for the commissioner's office, more administrative support,

maybe more new IT systems to track compliance, perhaps even money to educate and guide business on the new requirements. Astonishingly, the officials were unable or unwilling to provide any estimate – not even a ballpark figure. We were essentially told nothing. Either they genuinely did not know, which is concerning, or they chose not to tell us, which is galling.

Think of the irony here: this is a government that has baked into the bill the idea of holding businesses strictly accountable for the meeting of commitments down to the last jot, yet the government itself cannot tell us the cost of its own commitment in this bill. They want to wield a big stick in one hand, but they are keeping the price tag hidden behind their back. This is the government that cannot tell us what it is going to cost to build the Suburban Rail Loop, cannot tell us how it is going to fund the SRL, has blown out on costs on every project it runs by tens of billions of dollars and habitually runs its budgets out by an average of $14 billion a year telling businesses it knows what it takes to run a business better than they do. To put that into perspective, we will be paying $10 billion in interest on that debt in coming years – that is roughly $28.9 million every single day, or about $1.2 million every hour – just in interest payments. This is the hole that has been dug, a hole that means every dollar in the budget is precious and every new initiative should be justified when it comes to costs.

If the government were a business, they would be in administration, because they are a tired, worn-down, lack-of-ideas kind of government. This explains why you are spending time on a bill like this, a bill that tells businesses 'Do it our way' rather than actually creating an environment where that would not even be necessary. In this climate introducing a bill that likely expands the bureaucracy and ramps up enforcement activity without a clear budget outline is simply unacceptable. We are going to be hiring dozens of new inspectors for the commissioner's office – well, are we? We do not know. Maybe they are. Maybe they will just, I do not know, fill out a form or follow a QR code. How many dollars are we talking about to implement the deprioritisation scheme and chase people through the courts for penalties? The government has gone silent on these questions. Perhaps the government thinks the cost will be minor, but if so, why not say so? Or perhaps, as is often the case, they have not actually done the work to calculate it and do not care because, after all, it is someone else's money. Or worse, they know it is significant but fear admitting the price would undermine the political optics of being tough on noncompliance from businesses. I am not raising this as a triviality. The fact is that every added element of compliance adds to the cost of business and adds to the cost to the taxpayers, and that cost should have an ROI. It should have a return on investment. Is it going to increase the local economy? Is it going to increase costs to business? They cannot tell us. The Victorian public deserves to know how much of their money will be spent on this heightened compliance regime, especially when that money could be going to something that was actually creating jobs and training apprentices rather than funding bureaucratic oversight. It should not be this one-way street, and there has been a lack of straight answers. Good intentions do not equate to good financial management.

A final problematic aspect of this bill is how much discretion and power it places in the hands of the Local Jobs First commissioner when it comes to enforcement, and this might be an appropriate time to circulate the amendments that we are proposing. Under the bill, a company that falls short on a target or makes a paperwork misstep will essentially be at the mercy of the commissioner's judgement. The bill says the commissioner may consider mitigating circumstances before issuing a penalty or de-prioritisation notice but provides very little detail on what those mitigating factors might be or how they are to be weighted. There are no clear, robust criteria or safeguards spelt out. I do not like it. It means that a business owner could be left pleading their case, saying 'Look, we tried our best, and here's why we could not meet the target' and just hoping the commissioner is in a forgiving mood that day. Perhaps one commissioner will be understanding and another will not, but that is not good law or a good environment in which businesses can be expected to take working-capital risks or subject themselves to stretch goals. We should ensure fairness and consistency up-front, not just cross our fingers that the regulator uses common sense. The way the bill is written effectively says, 'Trust us; the commissioner will do the right thing.' That is a very poor basis to operate on when people's livelihoods are on the line.

Business owners, directors, managers, boards, suppliers, creditors, stakeholders, subcontractors and employees are entitled to clarity, guardrails and clear definitions of what is conditional compliance and what is not, and perhaps there should be an appeals process or review mechanism so that businesses have some recourse before they are slapped with a penalty or banished from future contracts. There is a very genuine risk here that without such protections, this becomes a system of 'guilty until proven innocent' for contractors. It would be deeply unfair to mark a business as a bad actor, effectively tarnishing their reputation and prospects, when the so-called failure was simply due to circumstances beyond their control. We have to remember that very few shortfalls, in the absence of evidence to the contrary, are the result of wilful neglect or lack of commitment to Victoria; sometimes it is just the reality of the market. For all the reasons I have outlined, the coalition cannot support this bill in its current form, but we are willing to consider a smarter path, and we believe these two amendments are a small measure to address the flaws in this very flawed bill. I will leave my contribution there.

Sonja TERPSTRA (North-Eastern Metropolitan) (15:50): I rise to also make a contribution on the Local Jobs First Amendment Bill 2025, and in doing so I just want to perhaps set the correct context for this bill. This bill is an amendment bill. It is not a new concept around local jobs. In fact, if you have a look at the history of the original act, the Local Jobs First Act 2003 was formerly known as the Victorian Industry Participation Policy Act 2003 and was delivered under the Bracks Labor government – so quite some time ago. If you were listening to the contribution of Mr Welch over there, you would think that this was a whole new introduction of policy that we were debating today. But in fact, no, we are debating an amendment bill to the originating act.

I am pleased to say that the original act is actually Australia's longest standing industry participation legislation and has been supporting Victorian businesses and workers for over 20 years, something our government is incredibly proud of. Also, Victoria is party to the Australian Industry Participation National Framework 2001, which defines 'local' as Australia and New Zealand. So there is a trans-Tasman partnership there, and with our proud partners across the ditch, we are very proud to be able to offer them an entree into our market.

What perhaps was not really highlighted by Mr Welch in his contribution is that the Victorian government is actually the largest procurer of goods, services and construction works in the state. We use our purchasing power to help develop local industries and create jobs and boost economic activity across Victoria. So we use our social licence. Obviously we have been democratically elected by the majority of Victorians to run government, and of course we get on and build many things. We create many industries by creating jobs and undertake many aspects which boost economic activity across Victoria. What we determine as significantly important is creating jobs that can create real meaning and economic prosperity for Victorians. Like I said, we have a partnership with not only Victorians but also our local partners across the ditch in New Zealand.

Who would not want to participate in a bit of economic prosperity for your own business or perhaps even start a new business and offer your products and services as something that you could do to help the Victorian government build our many big construction projects as part of the Big Build. I know that in my region, the North-Eastern Metropolitan Region, there are many local tradies who are absolutely loving working on the North East Link Program. I see them all the time working on the project. I go up and down the roads quite frequently, and I see many, many local tradies who are benefiting from those projects. As I said, government has used its procurement power to in fact do that. The purpose of the originating act, as I said, is to encourage Victorian businesses and workers in our government procurement processes, and it sets minimum requirements to do so. It is about encouraging job creation locally and making sure that Victorians and our trans-Tasman partners can actually participate in that and provide goods, services and businesses.

Now I will get to the nub of what the amendment act is, which is about amending the original act. There are a few things in the act that needed some clarification. For example, we needed to clarify the commissioner's powers. Of course this also delivers on our 2022 election commitment to

strengthening the Local Jobs First Act, to strengthening that local jobs code, because there was some clarity needed around the commissioner's powers, but certainly it also further unlocks opportunities for Victorian jobs and businesses who want to work on government projects and clarifies the content requirements to meet contemporary expectations and what that might mean.

Like I said, this act has been in operation for quite some time now – it is not a new piece of legislation – and as time goes on there needs to be some clarification around how the act might operate but also the intentions of government around that. As I said, there is a commitment to clarifying in the act that individual commitments in local industry development plans are enforceable by the commissioner. That is about clarifying the commissioner's powers. And of course all bids for Local Jobs First projects are required to provide a local industry development plan, or LIDP – and I thank whoever put that in my speaking points, to actually spell out what an LIDP is, because I hate acronyms. It is good for people who might be watching at home to actually know what I am talking about; it is good to have that spelt out.

So as I said, all bids would have a local industry development plan, which would clearly identify local content job commitments, including opportunities for apprentices, trainees and cadets within the project. That is very important because we know there is a skills shortage, and we absolutely desperately need more skilled tradespeople. I am the very proud parent of two children who are training in the trades area. I love the fact that they are tradies, and I can tell you right now, they are very well paid as apprentices for what they do, they are in very secure and unionised jobs and I know they will have a great future as skilled tradespeople and will always have plenty of work. Whilst none of them are working on government projects, I might add, nevertheless they are still working in industries that are booming. I am particularly happy about that. As I said, we need more apprentices and more trainees. We need more young people and even older people who might want to become adult apprentices. There are opportunities for them to train and retrain there, and why not use our social licence to do that? Why not create opportunities for Victorians to be able to work in skilled trades? That is a very important part of our processes here.

The amendments in the bill also clarify that suppliers are required to comply with their commitments around local content and jobs and the major projects skills guarantee that at least 10 per cent of labour hours on large projects are completed by apprentices, trainees or cadets. Again, not only do we want to make sure we provide job opportunities for apprentices, trainees and cadets, but at least 10 per cent of those labour hours must be undertaken by that cohort. That resolves a current ambiguity in the act and will support the strengthened compliance and enforcement measures that are contained in the amendment bill.

Also, there will be a commitment to introducing new penalties for the commissioner, allowing site inspections, the conducting of investigations and reports on compliance. The bill clarifies the commissioner's role, it clarifies their investigative powers, it formalises their role in managing complaints and it enhances their ability to report on any Local Jobs First issue to the responsible minister. That is a welcome change and a welcome clarification. We received feedback from stakeholders that that clarification was needed. The bill also introduces a new power for the commissioner to conduct site inspections with three days notice. So if there is a concern on a particular job site, the commissioner can in fact do that with notice and have that inspection undertaken within three days. That is, of course, to support the commissioner's jobs compliance and monitoring functions, which were conferred upon it under the originating act.

There is also a commitment to strengthening consequences for noncompliance where this is discovered and that this will lead to the potential for deprioritisation of an organisation. If someone has given a commitment to local content, local jobs, and that has been put in their plan and it has been found that has not happened, that organisation might be deprioritised for future government tenders or financial penalties might be required, because of course we want to make sure that a commitment that is given by a business is actually fulfilled and is not just an on-paper commitment. It is important that any entity that is making a commitment to the government is able to fulfil that commitment. And

because this matters to Victorians, we have given a very strong commitment around jobs and local procurement to the Victorian people, and we want to make sure that we are able to fulfil that. So of course, as I said, there could be a deprioritisation of businesses who fail to comply or fulfil their obligations, but also they could be required to fulfil any local content commitments before receiving any final payment of the contract as well. These are contractual matters, and again that is just a clarification of powers that were provided under the act. It also allows the commissioner to apply to the court for a civil penalty order if a supplier fails to comply with an information notice or an inspection notice. The bill also introduces a requirement for government agencies at their discretion to include contractual clauses that make payment conditional on the fulfilment of Local Jobs First deliverables, including local content commitments when it is appropriate and feasible to do so.

It is important that where there is a problem that has been identified there can be notice given and businesses can be given an opportunity to rectify any concerns that may have eventuated – it gives people the opportunity and time to work together to resolve that. But again it signals to the Victorian community and Victorian businesses that when government made these election commitments around Local Jobs First and local content, we were serious in that, and of course the Victorian public and the Victorian community expect us to do nothing less than deliver on our election commitments, and that is what we are doing.

I talked about a deprioritisation scheme. If a supplier, for example, does not deliver on the local content requirements of that agreed plan – the local industry development plan – and cannot provide a satisfactory reason why, the commissioner may then deprioritise that work. It is not a blacklist – that is not how this works – but it aims to disincentivise noncompliance with suppliers' local industry development plan commitments and provides agencies with information on suppliers' poor past performance on Local Jobs First applicable projects. Again, it is about government making sure, because, as I said, we as the government have market power and we are quite within our rights to determine how we have that work carried out and by whom. Like I said earlier, we like to use our social licence to make sure that we are also tipping benefits back into the community by generating jobs for local people. There are local jobs procurement targets, and we know that they are making real differences to Victorian businesses, apprentices and young people who want to work on our projects. So we cannot be criticised at all for any of that.

As with anybody who purchases something from a business, if you are paying good money for something, you certainly expect to receive what you were promised, and if some business promised to deliver on local content or local jobs through their local development plan and they do not do that, we are quite within our rights to question that. As we are using taxpayers money to do so, it is quite appropriate. So I am quite bemused by those opposite, and their approach to this bill is quite interesting. Nevertheless the bill will give effect to the commitment by introducing an explicit power under the act to allow the responsible minister to set requirements to use a specified amount of locally produced uniform and personal protective equipment, or PPE, on strategic projects as well. Strategic projects are designated as Victorian government projects valued at $50 million or more and other projects as declared by the responsible minister.

Further amendments within this bill also include increasing opportunities for Aboriginal and regional businesses. We want to make sure that wherever large-scale projects are being offered, we are reaching into those Indigenous communities and regional businesses so they can also get their fair share of this. It is important because whilst we can grow businesses and opportunities in the metropolitan region, we also take the opportunity to grow businesses and offer those opportunities to regional businesses. This has been incredibly popular with regional businesses.

A lengthy consultation process was undertaken during 2023 and 2024 on the reforms in the bill before us today, and key industry associations, contractors, unions, bodies and government departments and agencies have participated in those consultations as well.

The clock is against me – I have got just about 30 seconds left on the clock – but I can say again that this bill just expands and delivers on our election commitments that we made in 2022. As I said, the original scheme has been around for some 20-plus years now, and this amending bill amends the original act. It is to just clarify some matters that I have touched on in my remarks today. I will leave my contribution there and commend the bill to the house.

Renee HEATH (Eastern Victoria) (16:04): I rise to speak today on the Local Jobs First Amendment Bill 2025. This government stands before us today claiming the Local Jobs First Amendment Bill will strengthen Victorian manufacturing and secure local jobs. Minister for Industry and Advanced Manufacturing Colin Brooks said the legislation reinforces the government's determination to keep the economic benefits of public projects within Australia. He said:

> Victorian Government contracts and projects should benefit Victorian workers and businesses. This Bill puts our state and our people first. It makes sure more money spent in Victoria, stays in Victoria.

It sounds pretty good, doesn't it? However, the evidence tells a completely different story. This bill is not what it promises to be. It is a punitive regime that will punish Victorian businesses while the real causes of job losses remain untouched. The opposition absolutely supports, in principle, Local Jobs First – we absolutely do. We want to build Victorian capability and secure local jobs, but this bill prioritises punishment over performance and bureaucracy over outcomes and leaves the back door wide open for offshore content on major projects.

Let us address something that Ms Terpstra raised. Under this government's definition local content includes New Zealand industry. It primarily refers to goods produced, services supplied or construction activities carried out by Australian or New Zealand industry. This seems to dilute the benefit for Victorian manufacturers and trades, allowing New Zealand firms to undercut locals while meeting the policy requirements on paper. The situation is becoming more acute as New Zealand's economic downturn drives record migration to Australia. There was a net migration loss of 30,000 people from New Zealand to Australia in the year to December 2024, with 72,000 New Zealand citizens leaving their country in 2024 – that is a calendar year high. New Zealand's economy contracted by 0.5 per cent in 2024, driving this exodus. The migration trend is largely driven by economic hurdles and rising living costs, prompting many to seek better prospects overseas, especially here in Australia.

This bill tightens enforcement without fixing this fundamental definition problem. It is like installing a stronger lock on a door but leaving it wide open. This is on top of the deteriorating situation that has been accelerated in the last decade. Our generous immigration visas and lopsided free trade agreements have benefited foreign nations and offshore labour instead of ours locally here. We can see this problem happening right now across the massive state-backed renewables rollout.

I am going to take the opportunity now to quote Peter Walsh from the other place, because he laid it out, I believe, very well. He said:

> … there is no compulsion on those projects to actually employ local people … no compulsion on those projects to have Australian procurement …

He said solar panels are made in China, there is no manufacturer of wind towers in Australia and three-quarters of large batteries are made in China. They are creating jobs in China and Europe.

This was confirmed by the McKell Institute. Its research warns that thousands of manufacturing jobs in Australia are at risk, particularly in local areas like the one I represent. Their chief executive said:

> In the short-term, China's geoeconomic strategy is designed to onshore as much global heavy industrial capacity as possible.

This is Labor's track record: solar panels made in China, batteries imported from China and wind towers manufactured overseas, all while the government claims to champion local jobs. Peter Walsh went on to say:

> … in regional communities the commercial builders very rarely get an opportunity to bid … The best that the locals can get is some accommodation and meals …

I agree with him.

This is not the first time we have seen this pattern. Back in 2015, when similar frameworks under the banner of free trade were being introduced, Labor's own traditional allies, the unions, warned exactly what would happen. The then ACTU president Ged Kearney said:

> Workers from China can come under temporary work visas just about in any category and will not be subject to labour market testing … If you can bring an entire workforce in to build that building from another country then you immediately lock out Australian workers.

The Australian Manufacturing Workers' Union was equally clear when they said:

> … thousands of workers will miss out on jobs …
>
> …
>
> … they will become cash cows for overseas Chinese investors …

Australian Industry Group's Innes Willox warned that with a lack of real consultation:

> … it's only after the agreement has been signed that we can see the real fallout.

These are Labor's own allies sounding the alarm, yet here we are a decade later watching the same mistakes being repeated and amplified. So let us examine Labor's real track record over the past decade. The CFMEU, merged in 2018 as the state's most powerful construction and manufacturing union, has shown no backbone in securing local industry and jobs; it has only shown self-interest. Every sector they represent, from construction to forestry and fishing, has been in terminal decline under their watch with the government's official rubberstamping. We have seen the incredible impacts of this, particularly in my region, the Eastern Victoria Region. Our world-leading fishing industry has been left to rot. Many of the small and independent generational fishing communities have seen our oceans and waterways turn into what can only be described as an illegal fishers paradise as fisheries officers jobs are slashed and our oceans become a playground for recreational fishers and international offshore wind farms. Meanwhile our commercial fishers, employing the world's most sustainable practices, are being shut down for supposed ecological concerns.

The hypocrisy I think reached fever pitch with the closure of the native timber industry. This government callously destroyed thousands of jobs and entire communities when they shut down Victoria's sustainable timber industry several years ahead of their promised deadline. This is one that I have spoken about so many times in this place, because when you destroy an industry, you destroy the community that relies on it, and that has been seen time and time again in the Eastern Victoria Region. Workers and related industries were suddenly abandoned, their incomes and communities absolutely destroyed. But here is the stunning contradiction: even now tonnes of windblown sawlogs salvaged from the Wombat forest are being left to split and decay despite urgent calls from Victoria's remaining timber mills to repurpose the wood for high-value products such as flooring and stair treads. Instead the government now imports timber from nations with some of the most unsustainable logging practices, including timber linked to Russian criminal organisations and also from some countries with the most horrific and appalling environmental records. This continues to be what feeds and builds our nation now. They destroyed our sustainable world-class industries and replaced them with imports from dubious foreign nations. This is Labor's idea of environmental responsibility and local jobs.

Victoria is now one of Australia's poorest states. We have got more debt and we pay more tax than anywhere else in this nation. Its jobs and industries are in terminal decline after a decade of Labor's

policies. Recent data indicates that over 129,000 businesses closed in Victoria during 2024, including small enterprises.

Jacinta Ermacora: How many opened?

Renee HEATH: I just am going to pick up on the interjection from Ms Ermacora here. I am talking about, on average, 530 closures of businesses per day.

Jacinta Ermacora: Well, what's your reference? 'Recent data' isn't a reference.

Renee HEATH: 'Using data isn't a reference,' she just said. That is literally what Ms Ermacora just said. 'Quoting data isn't a reference' – okay.

More than 3000 Victorian businesses have relocated interstate. Just last week I was in businesses in the Pakenham electorate. I spoke to three major employers that are considering packing up and moving interstate because the environment is just not right here to have businesses. A few months ago we heard that a 169-year-old glass manufacturer based in Dandenong South collapsed after warning of the impact of cheap imports being dumped here in Australia. The reason was clear, and Honi Walker from SEMMA, the South East Melbourne Manufacturers Alliance, did not mince words. She said:

> We simply can't compete on price from China and other Asian countries.

The loss of sovereign capability on an essential product would cause homes to cost more and take longer to build with unsafe overseas glass, she said:

> What our governments have completely ignored is safety. Imported steel from China does not meet Australian Standards and was the reason the new stand at GMBH Stadium collapsed in 2023 and the Kew Recreational Centre's roof caved in.

The same pattern was found in the deadly apartment cladding disasters. Unions and this government have overseen the destruction of local, sustainable and world-class industries while importing from nations with a track record of unsuitable practices and have handed energy assets to foreign owners and then claimed to champion local jobs. Where is the security for local jobs in this?

This bill creates a deprioritisation regime and civil penalties scheme that will disproportionately impact small and medium enterprises. Small and medium enterprises are the lifeblood of our state. Fines of approximately $20,000 for individuals and $101,000 for corporations, combined with a tender ranking handicap, will crush SMEs that lack compliance teams, especially when labour shortages make targets impossible to achieve. Master Builders Victoria described it perfectly as 'all stick and no carrot' and likely to create more burden than benefit for many small and medium builders. They said some requirements are not possible to comply with in regions with smaller transient workforces.

I am going to quote Brad Rowswell, my colleague from the other place, who said:

> … this bill is not about whether we support the Local Jobs First program; this bill is about whether we support punitive action being taken against businesses who are not able to meet their industry development targets.

Fines of approximately $20,000 for individuals and $101,000 for corporations, combined with tender ranking handicaps, will crush small and medium enterprises that lack compliance teams, even where labour shortages make targets impossible to achieve.

In the last minute – I might just skip to the ending because I always write too much – this bill is not what it promises to be. The evidence shows it will punish Victorian businesses, while the structural cause of job leakage, broad definitions that include overseas contacts and lack of binding mandates on major projects remain untouched. Labor heard the warnings from its own unions in 2015 and ignored them. They are now doubling down on a system that serves foreign manufacturers and overseas workforces first and Victorian workers last. The opposition cannot support this legislation because it destroys what small and medium businesses remain while failing to address the real cause of job losses. This bill is a costly fix to a problem that the government has not been able to demonstrate exists, and

it will make the solution worse and not better. We call on the government to actually come up with some practical solutions that really do put Victorian workers first.

David LIMBRICK (South-Eastern Metropolitan) (16:19): This bill makes me despair. The economic ignorance required to continue the belief that this somehow benefits Victorians is astounding, and the bill itself has measures in it to try and combat the crime and corruption that are incentivised by the government's own policies. It is absolutely astounding. Firstly, on the economic ignorance, this idea that the government can create jobs – the government cannot create jobs. Every time the government buys something, they say, 'We're going to do something first.' They say, 'Look at all this money we're spending. Look at how we're helping this local business' – totally ignoring the fact that they need to take the same amount or more from somewhere else, which destroys something. For everything that they create, something equal or greater has to be destroyed, and they destroy it through taxes. That is how they do it. Every time they create something they are destroying something else through taxes. There is no net gain here. This is a zero-sum game. The government is not creating anything except media releases. What they should be doing is repealing the Local Jobs First Act 2003, not modifying it.

Secondly, on the incentives for corruption, they are out of control in Victoria with these procurement policies. They incentivise corruption. The government knows this, because they have got all these new powers in here to make sure that they are not getting conned by people. We have seen it with labour hire services, which provide services to fill the government's procurement policy wishes for Aboriginal workers or for male or female workers and all these sorts of things. We have seen how corruption works there. In fact it has got to the point where organised crime is involved. The government is foreseeing more corruption and potentially organised crime involvement through businesses pretending that they are sourcing things locally when they are not, so in order to try and combat that – spoiler alert: they will not combat it – they are building in these draconian new powers so they can issue fines to people who are pretending to sell something that is made in Victoria when it is actually not.

The best policy, the most economically sound policy that will benefit Victorians, when we are procuring things – well, firstly, we should stop procuring so many things. But if we do have to procure things, we should do something radically different, which everyone in the business world knows is the right thing to do: buy the best product or service for the best price from a reputable supplier. What a radical suggestion. If they do that, they will be minimising the amount of taxpayers money that they spend – in other words, the things that they have to destroy in order to buy things – and they will also be making sure that they get a good-quality product.

Here is the other economic ignorance thing, and I think a few other speakers have touched on this: the idea that Victoria is the best place to do everything. Of course some places are better places to do things than others. This is a basic rule of economics where you have comparative advantage in certain things. Victoria is better at doing some things and it is not better at doing others. But in order to force this idea that Victoria can do everything, the government pumps in and effectively subsidises things that would not exist through normal comparative advantage and says, 'Well, it's made in Victoria, so we're going to pump money into it.' That is how we end up with all these sorts of problems.

As I said, what we should be doing here is actually repealing the act and starting from scratch. Imagine if we did that. All of that crime and corruption that are based on gaming the government's procurement policies would disappear just like that. It would be gone. We could get rid of it overnight. But the government does not want to get rid of it, because they like announcing that they are going to give this money to this person or they are going to give it to someone that they like or give it to a union that they like or whatever it is. We should just be buying the best product or service at the best price from a reputable supplier, regardless of what their policies are on workforce diversity or where it is made and all those sorts of things. It should be the best product or service at the best price from a reputable supplier.

Jacinta ERMACORA (Western Victoria) (16:24): I am pleased to have an opportunity to speak on this bill and also to make some comments on some contributions already made. The Local Jobs First Amendment Bill 2025 delivers on the government's 2022 election commitment to strengthen the Local Jobs First Act 2003, and the aim is to ensure that the Local Jobs First scheme continues to create maximum opportunities for local jobs and businesses, supporting a stronger workforce, local industry and Victorian economy. It remains fit for purpose and aligned with contemporary expectations, and the bill reforms focus on improving compliance and enforcement of local industry development plans. They also enhance the powers and functions of the Local Jobs First commissioner.

Just to clarify, Local Jobs First is focused on promoting employment and business growth by expanding market opportunities for local industry and providing for industry development on Victorian government projects. There are a whole range of categories that trigger the involvement of this act. It depends on the size of the project – $3 million, or $1 million in regional communities. Then if it is a strategic project of more than $50 million, that can be declared as well. The tool used to ensure that this happens is an industry development plan, and in the industry development plans, businesses are required to identify the local content. I know that sounds pretty vague, but really local content is: how many local people are you going to be employing for this project, and what local products, like furniture et cetera, are you going to be using?

I just want to counter some of the one-dimensional notions from those opposite, particularly Dr Heath. If we took what Dr Heath argued to the absolute nth degree, we would end up with a ban on importing products, and that is ridiculous. That is almost Trump-like, actually. That would completely demolish any kind of marketplace. The whole idea of this is to enhance local employment and enhance local products. But if you flip it around the other way, it is also there to prevent the prioritisation of foreign materials and even foreign workers. What it does is strengthen local communities either way. It does so by delicately putting in a framework that does not cut across the free marketplace in any kind of damaging way and certainly does not cut across the national laws as well. You could say that we should be going further, which was the implication from Dr Heath, and I am disappointed that she is not here to hear my counterargument.

What we are doing is encouraging local businesses. It had an incredibly positive outcome in Horsham, where the bill was used for local jobs in a public transport project. Victoria's bus infrastructure began an overhaul through Local Jobs First, undertaking works on the design, supply, installation and maintenance of bus infrastructure across the state, and in Horsham that had a really terrific impact by ensuring that local people were employed and that local products were used where possible and where available. If something is not actually made in our country, then of course you can import it. It is ridiculous to imply this is a zero-sum game and say that we are banning things when we are not doing that at all. I am not sure what the argument really is from the other side. I support this bill, and I support the Local Jobs First legislation and the intent of it. It is particularly good for regional communities. I will leave my contribution there.

Gaelle BROAD (Northern Victoria) (16:29): I am pleased to have the opportunity to speak about this Local Jobs First Amendment Bill 2025. What we see with this bill are new powers, further bureaucracy and fines for business. The commissioner currently has limited ability to penalise suppliers for noncompliance under the commissioner's information-gathering powers, but this bill introduces a civil penalty mechanism to enable the commissioner to apply to court for a civil penalty order in relation to a supplier's noncompliance notice. The bill proposes a maximum penalty of 100 penalty units or 500 penalty units for an organisation. That is approximately a $20,000 fine and a $100,000 fine respectively. It is quite extraordinary what we are seeing in this bill.

The bill introduces new powers and functions for the commissioner, including additional investigation and reporting powers, a new power to conduct site inspections with notice and an explicit role to provide advice and support to contracting parties. The bill gives the commissioner an explicit function to conduct investigations and the ability to receive and investigate complaints. Mr Welch, I do thank you for your explanation of the concerns that we have with this bill about the potential financial impact

on Victorian businesses, particularly smaller operators in regional and rural areas. The penalty schemes could unfairly penalise businesses that are unable to meet the local content requirements due to industry circumstances beyond their control. A further concern that has been highlighted in this debate is: what is the cost? What is the cost of administering this scheme and these extra powers? It does stand to reason that the increased auditing, compliance and enforcement activities would require greater resources for the office of the Local Jobs First commissioner, particularly in terms of a headcount. Labor has refused to acknowledge this fact or provide any modelling around what these measures will cost to implement, and that is of concern.

So what is life like for business under an Allan Labor government? I can tell you: as I talk to people, it is clear that it is pretty tough. The Business Council of Australia found high property taxes and other red tape. Their survey has once again confirmed that under the Allan Labor government Victoria is the worst place in Australia to start, operate and grow a business. Their survey marked Victoria last for overall business settings and found that with a low ranking for its property taxes and charges, payroll taxes and business licensing requirements, the state has much room for improvement if it is to attract and generate business-driven growth. Across specific areas impacting business conditions, the survey ranked Victoria very poorly for overall taxation, regulatory costs and trading regulations, and Victoria's property tax settings were found to be the least competitive nationally. It also rated poorly for overall licensing, administrative burden and compliance, and this is certainly what we are seeing in this bill. Victoria rated very poorly for the cost of workers compensation schemes, with premiums above the national average, and also poorly for planning and building permit systems.

I know that my Nationals colleague Annabelle Cleeland has raised concerns about the closures that we have seen, particularly in her electorate. There have been very large businesses closing, and that has seen hundreds of job losses in the region. It is putting incredible pressure on towns, and I am seeing that right across the electorate. Victoria has recorded a staggering 48 per cent increase in business insolvencies in the last financial year alone. That is incredible. More than 4200 Victorian businesses closed in the last year. Local manufacturers, farmers, service providers and retailers are being pushed to the brink by skyrocketing energy bills, unaffordable insurance, out-of-control WorkCover premiums, layers of red tape and a very punishing tax burden. And we certainly know why: when you look at the net state debt in Victoria, it is astounding. We are heading towards $194 billion, and that is nearly $29 million every single day in interest.

After a decade of financial mismanagement we see Labor continue to increase taxes – just taxing and taxing, ever-increasing taxing – pushing businesses, investment and economic opportunities interstate. I was speaking to people just recently who live on the border, and they were talking about the number of housing developments that are moving into the other state because people are trying to avoid the incredible burden of tax that we now face in Victoria. I know the *Herald Sun* did an editorial this year, and they reported that Victoria is actually the high-taxing state. The Premier has acknowledged that Victoria relies heavily on payroll and property for our primary taxation sources, but these are taxes on productivity and investment. Stamp duty accounts for about $10 billion of our state revenue; land taxes account for about $9.8 billion of revenue. The *Herald Sun* highlighted in that editorial that increasing property taxes means more tax revenue. When I thought about it, I thought we should not be shocked when the state government continue to add costs and raise the bar for property owners with more regulations and requirements, because that is seeing people forced to sell their homes, and when they are forced to sell their homes it means a lot of properties are sold, and if a property is bought, then you are paying stamp duty, and stamp duty is money in the government coffers. So it is in their interests for people to lose their homes, because that is, in a way, how they make money.

I spoke to a developer recently who talked about the lack of building and the lack of investment happening. Also with councils – we have spoken to them recently, and they talked about the burden of taxes impacting regional Victoria. This burden is seeing thousands of homes going elsewhere. But if the government was concerned about local jobs, then they would be looking at the costs on business, not just with the taxes that I have been talking about but also with the energy costs. We are seeing a

huge escalation in the costs, and I know just with VNI West we had the report recently from the Australian Energy Market Operator that talked about a huge increase in the cost of that transmission line. Again, that is all going to appear on our energy bills. The upper limit of that is more like $11 billion, so far higher than the $3.6 billion, I think it was, that they estimated early on.

Another impact that we are seeing on local jobs is WorkCover premium increases despite no claims. I have spoken to businesses that have really had that hit home. Just to give you some figures, in Seymour Annabelle Cleeland raised concerns about a concreting business; their WorkCover had doubled from $6000 to $13,000 in three years despite no claims or incidents. Tim Bull, who is in another part of the state, not in northern Victoria, has talked about the impact on some fishing operators and their industry. Their bill in 2022–23 was $4178; in 2025–26 it is now $24,078. That is despite a reduction in marine safety concerns and in the fishing sector. This is a huge issue and a huge burden on so many businesses in Victoria.

If the government is concerned about local jobs, then perhaps instead of looking for other ways to fine business and make more revenue they could look at ways of reducing costs on business. The Allan Labor government should be taking action to cut red tape and incentivise investment to ensure Australia is an attractive place to do business. If you care about local jobs and providing opportunities for apprentices, for regional businesses and for tradespeople, then stop wasting money and stop introducing new taxes that are crushing our state, crushing businesses and crushing jobs.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (16:39): I am very pleased to rise to sum up and make a contribution briefly on the Local Jobs First Amendment Bill 2025. I think it is important at the outset to just remind people of the scope of the bill that is before us today, and in doing so I want to reiterate that the Allan Labor government is on the side of workers. This bill is about prioritising Victorian jobs and the use of Victorian content across government projects, so let us just keep that in mind as we debate this bill.

Originally introduced as the Victorian Industry Participation Policy Act 2003 under the Bracks Labor government, the Local Jobs First Act 2003 boosts local employment opportunities by enhancing market access for local businesses and supporting the growth and development of Victorian industry. It has been Australia's longest standing industry participation legislation for over 20 years, and as you would expect, it has evolved over time to meet contemporary needs. In 2022 we made a commitment to further building on our flagship legislation to ensure that Local Jobs First continues to maximise opportunities for apprentices, trainees, cadets and businesses and supports the Victorian economy.

The bill delivers on our election commitment in the following ways. We are clarifying and strengthening the frameworks that support compliance with enforcement of suppliers' Local Jobs First commitments. We are providing the commissioner with additional investigation and reporting powers, including the power to conduct site inspections. We are introducing stronger consequences for noncompliance with Local Jobs First commitments and the act, including a deprioritisation scheme, civil penalties for noncompliance with the commissioner's information-gathering powers and contingent payment mechanisms for agencies to include in appropriate contracts. We are expanding on the Local Jobs First policy objectives – and this is important – including more opportunities for Aboriginal businesses and regional small and medium-sized enterprises to participate in Local Jobs First projects. And we are also allowing the minister to set requirements to use a specified amount of uniform and PPE on strategic projects, which reinforces the government's support for the local textile, clothing and footwear industry. The bill has been informed by extensive consultation which balanced a diverse range of views, and once implemented it will ensure that the economic benefits delivered by Local Jobs First are maximised.

Despite some of the negativity that we have heard today, these statistics are pretty powerful: since 2014 Local Jobs First has been applied to more than 3200 projects worth over $197 billion in government investment, ensuring that Victorian businesses and workers benefit from Victorian government procurement. Local Jobs First content requirements have been set on 396 strategic

projects, and they have supported more than 60,000 jobs, enabling local companies to compete for both large and small government contracts on Victoria's largest projects. These stats show that we are using our purchasing power to prioritise local jobs and local businesses for the benefit of Victorians across the suite of our future-shaping projects like level crossing removals, the Suburban Rail Loop, next-generation trams, new schools, kinders, new hospitals and on it goes.

I also wish to briefly address some of the points that the opposition have made about the bill during this debate. The opposition have claimed that the bill disproportionately impacts smaller Victorian businesses, particularly those operating in rural and regional areas. This concern overlooks the fact that Local Jobs First has supported regional businesses over the last 20 years. Since 2014 there have been more than 1300 Local Jobs First projects in regional Victoria. Regional businesses are also important contributors to many regional, statewide and metropolitan Local Jobs First projects. The major projects skills guarantee requirement helps to support opportunities for workers in regional areas on regional and statewide Local Jobs First projects, and it is helping to grow the next generation of skilled workers in Victoria by providing opportunities for Victorian apprentices, trainees and cadets to work on high-value construction projects. To further encourage participation and to create more opportunities for regional small and medium-sized enterprises on Local Jobs First projects, the bill introduces a specific new objective designed to support regional SMEs.

The opposition claimed that under the bill suppliers can be fined for failing to deliver their local content commitments, and this is a misunderstanding; it is incorrect. The commissioner cannot commence civil penalty proceedings if suppliers do not meet their local content commitments. The commissioner can only commence civil penalty proceedings if a person does not comply with an information notice or an inspection notice. Further, the process around the deprioritisation scheme has been designed to ensure procedural fairness for suppliers and that they are not unduly penalised for factors outside of their control. It is a shame that Mr Welch is busy talking to Mr Davis, because this is right to the point. The second-reading speech does make that clear, where the minister pointed out that this is not about a punitive approach but about ensuring that there is procedural fairness for suppliers and that they are not unduly penalised for factors outside of their control.

The commissioner is currently responsible for 299 strategic projects, and we want to make sure that these projects and future projects stay on track, that those businesses have every opportunity to participate through their supply chains and that their workers have well-paying and secure jobs. These reforms assist businesses in participating and benefiting from government procurement of goods and services. In fact the bill provides the commissioner with a broader suite of tools for – and this is another point that I know the opposition are going to want to go to – a graduated approach to compliance and enforcement. The commissioner's expanded compliance powers, far from being punitive, have been carefully designed to incentivise compliance.

The opposition has also claimed that there has been no genuine industry consultation. That could not be further from the truth. There were a number of different rounds of consultation, including targeted consultation with departments and agencies, industry associations, contractors and unions in 2023 and 2024. This includes targeted consultation with Master Builders Victoria.

Finally, the opposition have made claims on budget impacts of the measures contained in the bill. There is funding through the budget of $6.3 million that has been allocated over the next year for the administration and delivery of Local Jobs First. It is intended that this bill will commence in two stages, with some reforms starting the day after royal assent and the majority of reforms, including the commissioner's expanded powers and functions, commencing on 1 July 2026. Therefore there will be, as you would expect, government budget considerations for the 2026–27 financial year and what is required for the office of the Local Jobs First commissioner.

I note that there have been some amendments put forward by the opposition, which will be addressed in committee. However, I would like to indicate that the government will not be supporting these amendments. The amendments have the potential to undermine the Local Jobs First commissioner's

ability to consider all relevant circumstances in relation to a noncompliance matter, thereby weakening the Local Jobs First scheme and its objectives.

The bill strengthens the compliance and enforcement framework while maintaining the appropriate flexibility for agencies and suppliers to manage Local Jobs First projects. Through this bill we are making sure that suppliers tendering for government contracts understand and deliver on their Local Jobs First obligations and that they are aware of possible consequences for breaching their obligations. I am sure we will get into the detail of that in committee, and I commend the bill to the house.

Council divided on motion:

Ayes (18): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Sheena Watt

Noes (12): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Rikkie-Lee Tyrrell, Richard Welch

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (16:56)

Richard WELCH: Thank you, Minister, for your very good summary, because it actually covered nine-tenths of my questions, even though I was not paying proper attention. But I did hear the numbers coming in. The first question is: how did you calibrate the fines of $20,000 and $100,000? What was the logic behind them being those specific numbers?

Ingrid STITT: In ordinary circumstances, Mr Welch, the penalty units are upon advice from our departments and proportionate to other like legislation and penalty units across different acts.

Richard WELCH: So they are not scaled to the scale of the projects themselves? They are not proportionate in that respect?

Ingrid STITT: In terms of the civil penalties, they are matters that are determined by the courts. The commissioner in certain circumstances may apply to a court for a civil penalty, but the actual awarding of any penalty would be a matter for the courts.

Richard WELCH: I apologise if you did actually say this in your summing-up and I missed it. I heard that there were I think 169 schemes or so that had run. Did you quote the number of how many companies are currently or would be monitored by the scheme?

Ingrid STITT: I can just recap what I said in my summing-up, Mr Welch, which was that since 2014 there have been more than 3200 projects that have participated in the Local Jobs First scheme, and that is worth over $197 billion. I also indicated that the Local Jobs First local content requirements have been set on 396 strategic projects. But as you know, there are different thresholds depending on what type of project it is.

Richard WELCH: I think maybe I did not say the question right. It is the number of projects, but are you saying the number of projects is the same as the number of companies scrutinised, or is there a number of actual companies scrutinised?

Ingrid STITT: Those figures were the number of projects. I am just trying to find reference to how many companies have benefited. Can you just bear with me for one sec.

We cannot give you a specific number because, as you will appreciate, there are hundreds of companies within a supply chain.

Clause agreed to; clauses 2 to 12 agreed to.

Clause 13 (17:00)

Richard WELCH: I move:

1. Clause 13, after line 15 insert –

'(1A) After section 28(2) of the Principal Act **insert** –

"(2A) The Commissioner must not make a determination under subsection (2) if the Commissioner is satisfied that the person's failure to comply with an information notice, the Local Jobs First Policy or a Local Industry Development Plan is due to circumstances outside the control of that person or any person employed or engaged by them.".'.

Whilst we could disagree about a lot in the bill, I would hope that we probably could agree around here that a bit of rigour around the commissioner's discretion would put the onus on them to actually demonstrate that it was not beyond their control. So effectively the amendment says the commissioner needs to consider whether it was beyond their control before making a determination.

Ingrid STITT: I need to indicate at the outset that the government will not be supporting this amendment. We think it is a misreading of the amendments in the bill, because it would actually have the effect of undermining the commissioner's independent discretionary powers to support the enforcement of Local Jobs First to protect Victorian jobs and it would risk normalising noncompliance, so we do not think it is an effective or appropriate mechanism. The act already includes procedural fairness and review mechanisms which enable the commissioner to consider reasons for noncompliance before a final decision and require the commissioner to act reasonably in exercising their decision-making powers. This obviously is important because it ensures that suppliers are not unduly penalised if there are circumstances outside their control regarding noncompliance with the Local Jobs First commitments. A key part of the bill is empowering the commissioner with those additional enforcement powers to ensure compliance with Local Jobs First at the supplier level, and it introduces new consequences as a deterrent for noncompliance with the Local Jobs First commitments. I am not sure if you heard it, but I pointed to the second-reading speech of the minister in this regard, where he made it clear that we do not want people to be penalised for things that are outside their control, and that is why the amendments have been developed in the way they have. So we will not be supporting that amendment.

Aiv PUGLIELLI: Similar to what has already been covered by the minister, my colleagues and I are satisfied that the process already exists whereby the commission can work with suppliers to support them if they are coming up with issues which may make them noncompliant. Really it needs to be an ongoing conversation where suppliers and the commission can work together to address any concerns and support each other to meet the requirements of their agreements that encourage Victorian jobs.

Council divided on amendment:

Ayes (11): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Rikkie-Lee Tyrrell, Richard Welch

Noes (18): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Sheena Watt

Amendment negatived.

Clause agreed to; clauses 14 to 18 agreed to.

Clause 19 (17:09)

Richard WELCH: I move:

2. Clause 19, page 22, after line 25 insert –

"(3A) The Commissioner must not issue a deprioritisation notice to a supplier if, in the case of a supplier who is alleged to have failed to comply with a commitment specified in a Local Industry Development Plan for a standard project or a strategic project, the Commissioner is satisfied that the failure is due to circumstances outside the control of the supplier or any person employed or engaged by the supplier.".

It is on the same basis as the previous one – that the consideration of circumstances beyond their control should be a matter of rigour and should not be optional at the discretion of the commissioner.

Ingrid STITT: For similar reasons, the government will not be supporting this amendment. The amendment risks undermining the commissioner's independent discretionary powers to support the enforcement of Local Jobs First to protect Victorian jobs, and it also risks normalising noncompliance. I will just note that the act already includes procedural fairness and review mechanisms which enable the commissioner to consider reasons for noncompliance before a final decision and require the commissioner to act reasonably in the exercise of their decision-making powers. The deprioritisation process has been designed to ensure a fair go for suppliers and that they are not unduly penalised for factors outside of their control regarding noncompliance with Local Jobs First commitments and the deprioritisation, noting that it is the last step in a gradual process whereby if a supplier is facing challenges meeting their Local Jobs First commitments the commissioner engages with the supplier to exhaust all supportive options to find a resolution.

Aiv PUGLIELLI: As has already been covered, the minister has provided an assurance via the second-reading speech that when it comes to deprioritisation the supplier will be provided with procedural fairness and, as we are hearing again today, will not be unduly penalised for factors outside their control. This is an assurance that my colleagues and I accept, and we do not therefore see a requirement to further amend the legislation. So we will not be supporting this amendment today.

Council divided on amendment:

Ayes (11): Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Rikkie-Lee Tyrrell, Richard Welch

Noes (18): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Ingrid Stitt, Lee Tarlamis, Sonja Terpstra, Sheena Watt

Amendment negatived.

Clause agreed to; clauses 20 to 48 agreed to.

Reported to house without amendment.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (17:15): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (17:15): 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, a message will be sent to the Assembly that the bill has passed the Legislative Council without amendment.

Financial Management Legislation Amendment Bill 2025

Council's amendments

The PRESIDENT (17:15): I have received a message from the Assembly:

The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to amend the **Financial Management Act 1994**, the **Constitution Act 1975** and the **Local Government Act 1989** and for other purposes' the amendments made by the Council have been agreed to.

Bail Further Amendment Bill 2025

Introduction and first reading

The PRESIDENT (17:16): I have received a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Bail Act 1977** and the **Summary Offences Act 1966** and for other purposes.'

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:17): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:17): 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 Bail Further Amendment Bill 2025.

In my opinion, the Bail Further Amendment Bill 2025, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The purpose of the Bail Further Amendment Bill 2025 (the Bill) is to deliver on the Government's commitment to introduce a second tranche of changes to bail laws in addition to the reforms made by the *Bail Amendment Act 2025*, to strengthen the response to repeat high harm offending and repeat indictable

offending that endangers community safety and wellbeing. This is achieved through amendments to the *Bail Act 1977* (the Bail Act) to:

a. introduce a new 'high degree of probability' test for people charged with certain repeat, serious offences in Schedule 1 of the Bail Act alleged to have been committed while on bail for one of those specified Schedule 1 offences;

b. uplift the bail test for those accused of indictable offences while already on bail for indictable offences, subject to appropriate safeguards to ensure proportionality;

c. provide that where the Bail Act requires surrounding circumstances to be taken into account, this includes the accused being pregnant or having caring responsibilities;

d. prohibit electronic monitoring of bail conditions by private companies, subject to certain exceptions; and

e. make other consequential and technical changes to improve the operation of bail laws.

Human Rights Issues

The human rights protected by the Charter that are relevant to the Bill and the operation of the Bill, and the Bail Act more broadly, are:

- Right to liberty and security of the person (section 21), including the right not to be automatically detained (section 21(6));
- Right to be presumed innocent until proved guilty according to law (section 25(1));
- Right to recognition and equality before the law (section 8);
- Children in the criminal process (sections 23 and 25(3));
- Protection of families and children (section 17); and
- Rights impacted as a result of detention, namely:
    - Freedom of movement (section 12)
    - The right to privacy (section 13(a))
    - The rights to practice religion and enjoy cultural rights (sections 14(1)(b) and 19)
    - Freedom of expression (section 15(2))
    - Peaceful assembly and freedom of association (section 16)
    - The protection of families (section 17), and
    - Property rights (section 20).

The operation of the Bail Act does limit Charter rights, and will continue to do so after these reforms, but in my opinion, these are reasonable limitations that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom taking into account relevant factors as outlined in section 7(2) of the Charter.

In Victoria, there is a presumption that a person accused of an offence who is held in custody shall be granted bail. This reflects section 25(1) of the Charter which states that a person has the right to be presumed innocent until proven guilty and supports an accused person to remain in the community pending the determination of charges. This presumption of bail is subject to a number of exceptions, directed at ensuring that an accused person does not commit offences while on bail, is not a danger to the public, does not obstruct the course of justice in any way, and appears at subsequent criminal hearings including their trial.

While matters relating to remand principally engage the right to liberty, the very nature of being remanded in custody necessarily involves the limitation of other rights, including freedom of movement (section 12), the right to privacy (section 13(a)), the rights to practice religion and enjoy cultural rights (sections 14(1)(b) and 19), freedom of expression (section 15(2)), right to peaceful assembly and freedom of association (section 16), the protection of families and children (section 17) and the right to property (section 20). This is the result of the deprivation of liberty and the powers held by police officers and officers in charge of custodial facilities that are necessary to maintain good order and security of the facilities and the welfare of detained persons. The family unit will also be affected when a family member is remanded. Therefore, the discussion in this statement of the rights affected by the Bill's impact on the right to liberty also encompasses the bundle of rights that are necessarily affected by the deprivation of liberty.

Right to liberty and security of the person

Section 21(1) of the Charter protects the right of every person to liberty and security. Section 21(3) provides that a person must not be deprived of their liberty except on grounds, and in accordance with procedures,

established by law. Section 21(2) provides that a person must not be subject to arbitrary detention. Together, the effect of sub-sections 21(2) and (3) is that the right to liberty may legitimately be constrained only in circumstances where the deprivation of liberty by detention is both lawful, in that it is specifically authorised by law, and not arbitrary. In order for an interference not to be arbitrary, it must be predictable, just, and reasonable in the sense of being proportionate to a legitimate aim. In the context of bail reform, the right to liberty needs to be balanced with the right to security, specifically, the community's right to safety and security, which includes protection from being subject to criminal offending. Section 21(6) provides that a person awaiting trial must not be automatically detained in custody.

Right to be presumed innocent until proved guilty according to law

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

Rights of children in the criminal process

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. This recognises the particular vulnerability of children due to their age and confers additional rights on them.

Section 23 of the Charter builds on the rights of the child protected by section 17(2) by specifying additional protections that are necessary for the humane treatment of a child who is detained or involved in a criminal process. These include that an accused child who is detained, or a child detained without charge, must be segregated from all detained adults (section 23(1)) and that an accused child must be brought to trial as quickly as possible (section 23(2)). Section 25(3) provides that a child charged with a criminal offence has the right to a procedure that takes account of that child's age and the desirability of promoting the child's rehabilitation. This recognises the need for special procedures for children charged with criminal offences.

Recognition and equality before the law

Section 8(3) of the Charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination. The purpose of the right to equality is to ensure that all laws and policies are applied equally, without a discriminatory effect.

Section 3(1) of the Charter adopts the definition of 'discrimination' in the *Equal Opportunity Act 2010*, which includes both direct and indirect discrimination on the basis of a protected attribute, including race, sex, disability, age, pregnancy and parental/caregiver status. Under section 9 of that Act, indirect discrimination occurs where a person imposes a requirement, condition or practice that is unreasonable and has, or is likely to have, the effect of disadvantaging persons with a protected attribute.

Protection of families and children

Section 17(1) of the Charter recognises that families are the fundamental group unit of society and are entitled to be protected by society and the State. The right is principally concerned with unity of family. 'Family' in this context has a broad meaning that encompasses the diversity of families living within Victoria, not only those recognised by formal marriage or cohabitation. This right is related to section 13(a) of the Charter, which relevantly provides that every person has the right not to be subject to unlawful or arbitrary interferences with their family.

Introducing a new 'high degree of probability' bail test for repeat high-harm offending

The Bail Act provides a general presumption in favour of granting bail. However, the most serious offences, as listed in Schedule 1 of the Bail Act, attract the most stringent 'reverse-onus' bail test. For people accused of these offences, bail must not be granted unless:

- exceptional circumstances exist justifying the granting of bail ('exceptional circumstances' test), and
- there is no 'unacceptable risk' of the person: committing a Schedule 1 or Schedule 2 offence; otherwise endangering the safety or welfare of another person; interfering with a witness or otherwise obstructing the course of justice; or failing to surrender into custody ('unacceptable risk' test).

Where a person is already on bail for a Schedule 1 offence and is accused of committing another Schedule 1 offence while on bail, they continue to face the same two-step bail test – a more onerous test does not apply despite the alleged serious, repeat offending.

To better address the risks to community safety caused by repeat, serious offending, clause 5 of the Bill introduces new section 4F into the Bail Act which is a new 'high degree of probability' bail test (HDOP test)

for people accused of committing certain specified Schedule 1 offences (a 'specified Schedule 1 offence') while on bail for another specified Schedule 1 offence.

New section 4F(1) outlines the six offences that will attract the HDOP test (specified Schedule 1 offences) if alleged to have been committed while on bail for one of these offences. These are:

(a) aggravated home invasion (section 77B of the *Crimes Act 1958* ('Crimes Act'))

(b) aggravated carjacking (section 79A of the Crimes Act)

(c) armed robbery (section 75A of the Crimes Act)

(d) aggravated burglary (section 77 of the Crimes Act)

(e) home invasion (section 77A of the Crimes Act), and

(f) carjacking (section 79 of the Crimes Act).

The offences listed in (a)–(b) above are already contained in Schedule 1, while those listed in (c)–(f) above will become Schedule 1 offences when the relevant amendments in the *Bail Amendment Act 2025* commence, which will occur by default on 29 September 2025, or earlier by proclamation.

The new HDOP test will form part of the existing unacceptable risk test in the Bail Act. An accused will present an 'unacceptable risk' and be refused bail (even if the bail decision maker is satisfied exceptional circumstances exist) unless the bail decision maker is satisfied there is a high degree of probability that the accused would not commit a specified Schedule 1 offence while on bail.

The Bill will not alter any other part of the 'unacceptable risk' test for the HDOP test cohort. This means that even if the bail decision maker finds there is a low probability the offender will commit a Schedule 1 or Schedule 2 offence on bail (such that the HDOP threshold has been met because the bail decision maker is satisfied there is a high degree of probability that the accused would not commit a specified Schedule 1 offence if released on bail), the gravity of that risk may lead to the conclusion that the risk is unacceptable and warrant the refusal of bail. Likewise, the bail decision maker may still be satisfied by the prosecution that another risk enumerated in section 4E(1)(a) is an unacceptable risk, and refuse bail.

The offences that will be subject to the HDOP test have been selected to address the heightened risks to community safety posed by this type of reoffending while on bail, given:

- these offences are more likely than other Schedule 1 offences to be charged while the accused is on bail
- these offences are charged in higher volumes than other Schedule 1 offences, and
- victims of these offences tend to be randomly targeted, meaning other legislative, policy and programmatic approaches to managing risks are limited.

Right to liberty and security of the person

The right to liberty, in particular the right not to be automatically detained in section 21(6) of the Charter, is engaged because the HDOP test increases the likelihood that an accused person will be remanded in custody. That is, an accused person may be an unacceptable risk of Schedule 1 or Schedule 2 reoffending due to the bail decision maker not being satisfied there is a high degree of probability that the accused would not commit a specified Schedule 1 offence if released on bail, where prior to the introduction of the HDOP test, they may have satisfied the unacceptable risk threshold. This represents a further limitation on the right to liberty.

The right to liberty under section 21 is a right of fundamental importance, but it is not absolute. It may be constrained legitimately in circumstances where the deprivation by detention is both lawful and not arbitrary. In order for an interference not to be arbitrary, it must be predictable, just, and reasonable in the sense of being proportionate to a legitimate aim.

The pressing and substantial purpose of the HDOP test is to protect the community from an identified risk of serious harm to the community's safety or welfare. Having regard to that purpose, I consider the amendments are justified for the reasons outlined below.

The HDOP test will only apply to accused who are charged with a serious specified Schedule 1 offence that is alleged to have been committed while on bail for another serious specified Schedule 1 offence. The six specified Schedule 1 offences that attract the HDOP test have not been arbitrarily selected. They are all of a serious, high-harm nature which may cause serious risk to the safety of the community.

The selection of the specified Schedule 1 offences is informed by data indicating that accused persons are more likely to be charged with these offences while on bail than other Schedule 1 offences. Further, the data shows that these offences are more likely to be committed in a high volume as compared with other Schedule 1 offences. Finally, these offences often involve the targeting of random victims, usually where there is no pre-existing relationship between the accused and victim. This results in victims, and law

enforcement, being unable to predict offending or increase precautions that may prevent offending. The random nature of these offences means there are limited other legislative, policy and programmatic approaches to managing risks attached to these offences.

Accordingly, the limitation is rationally connected and carefully designed to achieve the purpose of protecting the community from an identified risk of serious harm. Importantly, the HDOP test does not displace existing tests in the Bail Act, automatically deem certain offending to be an 'unacceptable risk', or automatically preclude the provision of bail.

One factor that guards against the HDOP test resulting in automatic detention, and which contributes to the proportionality of the HDOP test, is that it will only be applied by a court. This is because section 13(3)(a) of the Bail Act sets out that only a court may grant bail to a person accused of a Schedule 1 offence. In applying the HDOP test as part of the unacceptable risk test in section 4E of the Bail Act, the court must consider whether there are any conditions (or combination of conditions) available that will reduce the accused's risk profile to the extent that there is a high degree of probability that the accused will not engage in serious reoffending if released on bail.

In accordance with section 3AAA of the Bail Act, the court must also take into account all the surrounding circumstances that are relevant to the risk-based HDOP assessment. The narrow focus of the HDOP test on the probability of specified Schedule 1 serious reoffending means that certain circumstances in section 3AAA which may otherwise shift the balance towards a grant of bail, such as the likely sentence to be imposed if the accused is found guilty, may not be relevant to this determination.

When deciding whether to grant bail to an Aboriginal person or a child, the court must take into account the cohort-specific considerations in sections 3A and 3B of the Bail Act. This Bill and the HDOP test do not change the obligation on bail decision makers to consider the matters in these sections. While judicial officers continue to have discretion in respect of the relevance of these factors to each individual case, they will be required to apply the HDOP test, with its focus on the probability of serious reoffending. This may result in some of the cohort-specific factors being less relevant to the overall bail determination, but will be a matter for courts to consider on a case-by-case basis.

Further, the inclusion of the HDOP test does not affect a person's ability to respond to the allegations made against them, to advocate for why they should be released into the community, to make subsequent applications for bail or to have their matters determined consistently with criminal procedure. The HDOP test will not result in automatic or pre-determined denial of bail.

For the reasons outlined above, I consider that section 21(6) of the Charter which requires that a person awaiting trial must not automatically be detained is not limited. The limitations on a person's right to liberty in section 21 more generally – where they are assessed as presenting an unacceptable risk to community safety – are reasonable, when balanced against the right to security for members of the public. Consequently, it is my opinion that the HDOP test is an appropriately targeted and reasonably proportionate means to further the legitimate non-punitive purposes of these amendments, in particular the safety and security of the community.

Right to be presumed innocent

Bail is an ancillary criminal process and therefore is not directly relevant to a determination of guilt. However, the presumption of bail in the Bail Act reflects section 25(1) of the Charter by supporting an accused person to remain in the community pending the determination of charges. Therefore, the presumption of innocence may be described as the starting point for bail applications.

The inclusion of the HDOP test in the Bail Act will expose people accused of committing a specified Schedule 1 offence while on bail for another specified Schedule 1 offence to a more stringent test within the 'unacceptable risk' test. The new HDOP test is intended to make it easier for the prosecution to make out an unacceptable risk in relation to the accused, which would result in the denial of bail. This could be viewed as undermining the right to be presumed innocent.

It is my opinion that any additional limitation on the presumption of innocence due to the inclusion of the HDOP test in the unacceptable risk test is justified. As outlined in the discussion on the right to liberty and security, the limitation on section 25(1) of the Charter is justified based on the proportionality of the HDOP test, being that it is tailored to specified Schedule 1 offences that have been selected based on evidence relevant to the frequency of that type of reoffending while on bail and the known harm that it causes. It is also justified based on the purpose of the limitation, being the protection of the community from the significant risk of harm that the specified Schedule 1 offences pose, based on the repeated and randomised nature of that offending.

Furthermore, the Bill does not change the existing guiding principle in section 1B of the Bail Act which recognises the importance of the presumption of innocence (together with the right to liberty). Bail decision

makers will continue to have regard to the significance of the presumption of innocence when determining bail applications.

Right to recognition and equality

The HDOP test is applicable to all accused, if they are alleged to have engaged in repeat offending of the specified Schedule 1 offences while on bail. Nevertheless, the HDOP test may indirectly limit the right to equality under section 8 of the Charter, if its application results in people with a protected attribute – such as children, Aboriginal people, persons with a disability or those who are pregnant or caregivers – being remanded in disproportionate numbers. As some cohorts with protected attributes are over-represented in the justice system, it is acknowledged that there may be disproportionate impacts of this reform.

Sections 3A and 3B of the Bail Act were introduced in 2018 to mitigate the over-representation of these cohorts. As previously noted, section 3A of the Bail Act requires a bail decision maker to consider specified factors in making a bail determination for an Aboriginal person and aims to acknowledge the unique circumstances for an Aboriginal person, including the historical and ongoing discriminatory systemic factors that have resulted in Aboriginal people being over-represented in the criminal justice system. Section 3B of the Bail Act requires a bail decision maker to consider specified factors in making a bail determination for a child, and was likewise introduced by this government in 2018. Section 3AAA does not relate specifically to one cohort, but requires a bail decision maker to consider special vulnerabilities of an accused including whether they have a disability.

It is noted that in the context of the HDOP test and its focus on an assessment of the risk of serious reoffending, not all of the factors in section 3AAA of the Bail Act will be relevant to assessing the accused person's reoffending risk. Further, while sections 3A and 3B must still be considered and applied (where appropriate), such consideration will only be relevant to the extent that it has a bearing on reoffending risk. This means that the mitigatory impacts of sections 3A and 3B will be reduced in the context of the HDOP test. Nevertheless, the HDOP test will not change the express obligation on a bail decision maker to incorporate the section 3AAA surrounding circumstances, and the cohort-specific considerations in sections 3A and 3B, into a bail decision relating to certain people, such as a person with a disability, an Aboriginal person or a child.

The application of the HDOP test to carefully selected, clearly specified, high-harm repeat offending is rationally connected and proportionate to achieve the purpose of protecting the community from an identified risk of serious harm. Consequently, any limitation on the right to equality is proportionate and justified in accordance with section 7(2) of the Charter.

Rights of children in the criminal process

The HDOP test will apply to both adults and children charged with repeat, specified Schedule 1 offences committed while on bail for a specified Schedule 1 offence. It is therefore likely that the rights of children in the criminal process will be limited by the HDOP test, given children are accused of the specified Schedule 1 offences to which the HDOP test will apply.

Section 25(3) of the Charter requires that a child charged with a criminal offence has the right to a procedure that takes account of the child's age and the desirability of promoting the child's rehabilitation. The HDOP test may increase the likelihood that children accused of specified Schedule 1 offences committed while on bail for a specified Schedule 1 offence will be remanded due to its focus on assessing the risk of serious reoffending. As noted in respect of the right to equality, while section 3B continues to require consideration of factors otherwise generally relevant to the unique vulnerabilities of children (including the child's age, maturity and stage of development, and the importance of supporting the child to live at home or in safe, stable accommodation), such consideration will only be relevant to the extent it has a bearing on reoffending risk. While this may result in some of the child-specific factors being less relevant to the overall bail determination, their relevance to each individual case will be a matter for judicial discretion.

Where the reforms result in children being remanded as a result of the HDOP test, it is my view that any limitation on the rights of children in the criminal process is justified having regard to the purpose of the limitation being the need to protect the community from harm. This is also in view of the serious nature of the specified offences and the repeated and randomly targeted nature of the specified Schedule 1 offending. The limitation is mitigated by the requirement to consider child specific considerations in section 3B, to the extent they are relevant to reoffending risk in a particular case.

Rights impacted as a result of detention

Additional rights under the Charter will necessarily be limited when a person is detained. These include the rights to freedom of movement (section 12), the right to privacy (section 13(a)), the right to practice religion and enjoy cultural rights (sections 14(1)(b) and 19), the freedom of expression (section 15(2)), peaceful assembly and freedom of association (section 16), the protection of families (section 17) and property rights (section 20).

The application of the HDOP test increases the overall likelihood that a person who engages in the specified Schedule 1 offending while on bail for a specified Schedule 1 offence is remanded. Nevertheless, I do not consider that the HDOP test limits the rights impacted as a result of detention. This is because the HDOP test does not impose any new limitations or interfere with the existing consequences that flow from a person being remanded.

Uplifting those accused of an indictable offence while on bail for another indictable offence to a higher bail test

The Bill will apply a more stringent bail test when a person is accused of committing an indictable offence while on bail for another indictable offence by imposing the reverse-onus 'show compelling reason' test (a process referred to as 'uplift'). This uplift will be subject to exceptions so that lower-level or non-violent offending is excluded, particularly as these types of offending (such as theft of low-value items) occur in higher volumes and are often linked to vulnerability and disadvantage. This is intended to mitigate the impact on overrepresented and disadvantaged cohorts.

Reforms in the *Bail Amendment Act 2025* re-introduced the offence of 'committing an indictable offence while on bail for another indictable offence'. The offence, however, is subject to the standard 'unacceptable risk' test and not a stricter bail test, despite the fact that an accused is alleged to have engaged in further indictable offending on bail. Data indicates a significant amount of indictable offending occurs while on bail – this has a detrimental impact on community safety.

'Uplift' is a term used to describe situations where an accused becomes subject to a more stringent bail test due to the circumstances of their alleged offending. The uplift reform in the Bill (inserted by Division 2, Part 2) provides that a person accused of committing an indictable offence while on bail for another indictable offence will not be granted bail unless:

- a compelling reason exists to justify bail, and
- there is no unacceptable risk of the person committing a further Schedule 1 or Schedule 2 offence, otherwise endangering the safety or welfare of another person, interfering with the course of justice, or failing to surrender into custody ('unacceptable risk' test).

The uplift will apply to indictable offences allegedly committed while on bail for an indictable offence, and subject to numerous indictable offences being exempt or 'carved out' from the uplift. Schedules 4 and 5 of the Bill (inserted by clause 12) contain offences that are exempt or 'carved-out' from the uplift – Schedule 4 lists the indictable offences excluded from the uplift in their entirety, while Schedule 5 lists the offences excluded from uplift if specified threshold or quantities are not exceeded. These offences have been selected to be excluded from uplift because they are often higher-volume, lower-level indictable offences that are commonly associated with disadvantage, or non-violent offences. Examples of these offences include low-value theft and lower-level drug possession.

In selecting offences for inclusion in Schedules 4 and 5, consideration was given first to those indictable offences that are charged at higher volumes in relation to people on bail, according to available data. Consideration of the inherent nature of the offences (e.g. elements of violence or other serious harm) along with information from the Sentencing Advisory Council (about the type of disposition and/or sentence length these offences typically attract) and available demographic data informed an overall assessment about the seriousness of these offences and their suitability for exclusion from uplift.

Other offences exempted from uplift were selected on the basis that they do not contain an element of force or violence and so pose a less direct threat to community safety. The offences excluded by reason of Schedules 4 and 5 therefore also capture many dishonesty or property offences, such as obtaining property by deception, handling stolen goods and giving false or misleading information.

This is to ensure the uplift is targeted to more serious offending and operates in a way that is proportionate to respond to the risk of harm to the safety and welfare of the community. Key offences that occur at greater rates than other offences, and which will be subject to the new uplift provisions include:

- burglary
- motor vehicle theft
- assaults
- robbery
- riot and affray
- firearms and controlled weapons offences
- theft, where the value of items are above $2,500, and

- criminal damage, where the value of damage is above $5,000, or where damage is caused by fire.

The carve-outs are an essential element of this reform, to ensure the uplift targets offending that most endangers community safety, while reducing the risk of people being remanded due to alleged lower-level offending associated with disadvantage. The scope of the uplift reform is also confined to people who are alleged to have reoffended while on bail (not those who are subject to other forms of conditional liberty).

Right to liberty

The uplift reform engages the right to liberty protected by section 21 of the Charter, as it expands the offences for which the presumption of bail is reversed and an accused person is required to satisfy a reverse-onus bail test such that they must satisfy the bail decision maker that a compelling reason exists to be granted bail. By expanding the reversal of the presumption of bail, the uplift reforms also engage section 21(6) of the Charter, which requires that a person awaiting trial must not be automatically detained.

The purpose of these reforms is to protect the community from repeat offending on bail that poses a risk to community safety and welfare. Subjecting people accused of this kind of repeat offending to a more stringent bail test makes it more likely that they will be refused bail, protecting the community from further potential harm.

Whilst noting the importance of community safety, significant consideration has been given to ensuring lower-level offending that does not have a direct and significant impact on community safety is excluded from the uplift reforms. This reduces the likelihood that the reform will constitute an unjustifiable limit on the right to liberty. To this end, only alleged indictable offending while on bail for previous indictable offending is captured: as set out in new sections 4AA(4A), (4B) and (4C) and inserted by clause 9, all summary offences (which carry lesser penalties) are excluded from these reforms, as well as certain indictable offending that is commonly associated with vulnerability and disadvantage.

The Victorian statute book contains many indictable offences, and there are many Commonwealth indictable offences. The approach taken to excluding indictable offences from the uplift reforms has been to focus on indictable offence types that are committed at a higher volume, whilst also being assessed as having a less significant impact on the safety and welfare of the community. Further, there are known correlations between many of the excluded offences and poverty, homelessness, vulnerability and disadvantage. Thresholds have been applied to the offences of theft, criminal damage and drug possession listed in new Schedule 5 (inserted by clause 12). This will mean that the reforms will apply only to higher-level offending and reduce the likelihood of vulnerable and disadvantaged cohorts being disproportionately impacted by the reforms. This approach has been taken because identifying and 'carving out' higher-volume, lower-level offences from the uplift is expected to have the greatest protective impact.

The development of the uplift reform has also been mindful of the unintended consequence of uplifting minor offending to the most onerous 'exceptional circumstances' test, as resulted from the 'double uplift' effected by the 2018 bail reforms, which was criticised in the findings of the coronial inquest into the passing of proud Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman Veronica Nelson. The Bill avoids the 'double uplift' because the uplift will operate so that the accused person will face the 'show compelling reason' test, rather than the most onerous 'exceptional circumstances' test as occurred under the 2018 bail reforms. It will be less difficult for an accused person to satisfy a bail decision maker that there are compelling reasons justifying the granting of bail than it would be if the accused was required to show exceptional circumstances.

Following the unintended impact of the 2018 reforms, the uplift of the previous 'commit indictable offence whist on bail' offence to the most onerous 'exceptional circumstances' test was removed from the Bail Act in 2023. Unfortunately, despite changes which came into effect in late 2024 to strengthen consideration of community safety in decisions relating to bail revocation, repeat serious offending remains a serious problem. This reform is necessary to ensure bail decision making is calibrated to reflect the seriousness of this kind of repeat indictable offending, while avoiding the disproportionate impacts of previous bail settings.

A key tenet of the Bail Act is tailored and individualised consideration of an accused's circumstances. The existing tests in the Bail Act, such as the unacceptable risk test, will continue to operate as they currently do, as will the existing (and enhanced) safeguards. One such safeguard is the requirement in section 3AAA of the Bail Act for the bail decision maker to consider all 'surrounding circumstances' relevant to a bail decision, such as the nature and seriousness of the alleged offending, including whether it is a serious example of the offence, and the likely sentence to be imposed should the accused be found guilty. While all indictable offending on bail will be included in these reforms unless specifically carved out, the tailored nature of bail decision making means that less serious conduct is more likely to meet the 'show compelling reason' test, providing a pathway for bail to be granted in appropriate circumstances (if such offending is not already carved out by operation of clause 9 of the Bill).

The list of surrounding circumstances in section 3AAA of the Bail Act also directs a bail decision maker to consider surrounding circumstances, including particular vulnerabilities, such as mental illness or disability. The Bill strengthens this list of considerations by adding a requirement for bail decision makers to expressly consider whether an accused is pregnant or has caring responsibilities. As discussed in the section on signposting pregnancy and caring responsibilities, previous bail decisions have considered pregnancy and caring responsibilities as important factors in favour of granting bail. Where relevant to an accused, bail decision makers will also continue to be required to consider Aboriginal-specific and child-specific factors set out in section 3A and 3B of the Bail Act respectively.

Additional safeguards include the requirement for a bail decision maker to take into account the guiding principles of the Act, including the importance of the presumption of innocence and right to liberty, and the need for bail decision makers to impose conditions that may mitigate the risk and probability of reoffending.

Noting the previous unintended and disproportionate impact of the 2018 uplift reforms, these uplift reforms (alongside other reforms in the Bill) will be subject to a statutory review in 2027 (clause 18 of the Bill). Importantly, the Bill requires that the statutory review specifically examine the impact of relevant reforms on Aboriginal people and Torres Strait Islanders, without limiting the broader scope of the review.

These factors, in particular limiting the uplift of an accused to face the 'show compelling reason' test rather than the most onerous 'exceptional circumstances' test, contribute to my assessment that less restrictive means are not reasonably available to achieve the purpose of community safety that this reform is targeting. The Bill is clear as to which types of indictable offending are captured, and provides that certain types of offending are to be excluded from the uplift. This allows me to conclude that it does not infringe on the right of a person not to be subjected to arbitrary detention protected by section 21(2) of the Charter.

The extent of the limitation on the right to liberty is uplifting an accused to face the 'show compelling reason' test, in circumstances where the accused is alleged to have committed further, higher-harm indictable offending while on bail for indictable offending. The protection of the community in the face of repeat indictable offending that threatens community safety and welfare is pressing and substantial. As discussed above, the safeguards in the Bail Act mean that the reforms will not result in pre-determined detention contrary to section 21(6) of the Charter, because the accused will continue to have the right to present compelling reasons for their release on bail, with regard to the nature and seriousness of the alleged offending and their individual circumstances.

As outlined in relation to the HDOP test, while the right to liberty is of fundamental importance, it is not absolute and may be legitimately constrained if a deprivation of liberty is lawful and not arbitrary. In my view, the features of the uplift reform I have outlined demonstrate that any deprivation of an accused person's liberty will be predictable and reasonable in the sense of being proportionate to a legitimate aim. Accordingly, while the reform engages the right to liberty, I consider that the purpose and extent of the limitation on the right are demonstrably justified in accordance with section 7(2) of the Charter.

Right to be presumed innocent

As noted in the discussion of the HDOP test, the presumption of innocence may be described as the starting point for bail applications. In uplifting more cases to face a reverse-onus test, where the accused bears the onus of demonstrating compelling reasons to justify a grant of bail, the reforms have the effect of creating a presumption against bail and thus limiting section 25(1) of the Charter.

In my opinion, the limitation on the right to be presumed innocent is justified. The uplift reforms do not make existing reverse-onus tests more difficult to satisfy, and do not preclude an accused from making submissions in support of their innocence or providing compelling reasons for why they should be released on bail. Furthermore, where an accused is charged with a threshold offence (listed in Schedule 5), the onus is on the prosecution to satisfy the bail decision maker that the threshold has been met and the uplift therefore applies. The Bill does not change the existing guiding principle in section 1B of the Bail Act which recognises the importance of the presumption of innocence, and bail decision makers will continue to have regard to the significance of the presumption of innocence when determining bail applications. As a result, the extent of the limitation caused by the reforms on this right is low. Having regard to this, in conjunction with the purpose of the limitation – to protect the community from repeat offending that poses a risk to its safety and welfare – I am satisfied that this reform is compatible with section 25(1) of the Charter.

Right to recognition and equality

The purpose of the right to recognition and equality in section 8 of the Charter is to ensure that all laws and policies are applied equally, without a discriminatory effect. The uplift reforms may indirectly engage the right to equality, given cohorts with a protected attribute such as children, Aboriginal people or persons with a disability are over-represented in the criminal justice system.

The uplift reforms specifically contemplate how to reduce the potential disproportionate impact on such cohorts. The reforms seek to achieve this outcome by excluding some offences from the application of uplift – in selecting these offences, consideration has been given to selecting offences commonly linked to offending by vulnerable and disadvantaged cohorts. Schedules 4 and 5 set out these offences in full, being primarily offences for low-value theft and criminal damage, non-violent deception offences and lower-level drug possession.

Section 3AAA of the Bail Act directs a bail decision maker to consider whether a person has any special vulnerability, including being an Aboriginal person, child, or having a disability. Where Aboriginal people and children are subject to the uplift, the cohort specific considerations in sections 3A and 3B of the Bail Act will apply. An accused who is pregnant or has caring responsibilities will also have these protected attributes considered by a bail decision maker, due to reforms introduced by this Bill. While it will be up to the bail decision maker to determine how much weight to give these factors, the express requirement for bail decision makers to consider these attributes will ensure they receive thorough consideration and go towards mitigating unintended consequences of the uplift reforms on these cohorts.

As such, it is my view that if the right to equality is engaged, there are sufficient mitigating features to justify any limitation.

Signposting pregnancy and caring responsibilities in bail applications

Section 3AAA of the Bail Act sets out a list of 'surrounding circumstances' that must be taken into account by the bail decision maker if they are relevant to the bail determination. Clause 17 of the Bill expands the list of surrounding circumstances, to include express consideration of whether an accused is pregnant or has caring responsibilities.

While bail decision makers must consider *all* relevant circumstances – not just those listed in the Bail Act – explicitly signposting pregnancy and caring responsibilities in the list of 'surrounding circumstances' will encourage bail decision makers to give particular consideration to these factors, if appropriate. Their inclusion in the legislation will also ensure that bail decision makers receive education and training on these specific factors, allowing them to increase their understanding of these factors and their salience in bail decisions, and to give thorough consideration to them.

Protection of families and children

The express inclusion of pregnancy and caring responsibilities promotes the protection of families and children in section 17 of the Charter.

While the consideration of these factors is not determinative of whether an accused will be granted bail, their inclusion highlights the known impact of remand on children, families and individuals who are pregnant. For instance, bail decisions such as *Re Ngo* [2024] VSC 474 and the *Application for bail by SP* [2022] VSC 626 have considered pregnancy and caring responsibilities including for the impending birth of a child, respectively, as important factors in favour of granting bail.

Right to recognition and equality

Section 8 of the Charter protects the right to enjoyment of human rights without discrimination, and the entitlement to equal protection of the law without discrimination.

Section 3(1) of the Charter adopts the definition of 'discrimination' in the *Equal Opportunity Act 2010*, thereby protecting the attributes of breastfeeding, pregnancy and a person's parental status or status as a carer. Under the Charter, discrimination includes direct discrimination, which occurs if a person treats a person with a protected attribute unfavourably because of that attribute, and indirect discrimination, which occurs if a person imposes, or proposes to impose, a requirement, condition or practice that is not reasonable and that disadvantages people with a protected attribute.

Given the inclusion of pregnancy and caring responsibilities as factors a bail decision maker must consider in making a bail decision will not result in unfavourable treatment for people with the attributes listed above, I do not consider that this reform engages the right to equality. Nor do I consider that this reform would constitute discrimination against people not holding the attributes listed above, given pregnancy and caring responsibilities are among a non-exhaustive list of circumstances that bail decision makers must take into account.

Prohibiting privately provided electronic monitoring as a condition of bail

The Bill will ban bail decision makers from imposing privately provided electronic monitoring as a condition of bail. Once new sections 5AAA(7) and (8) (inserted by clause 14) commence, bail decision makers will be prohibited from imposing electronic monitoring conditions on bail orders, unless expressly permitted. The permitted reasons are where the monitoring is facilitated by a prescribed entity, or in accordance with the government-led trial of electronic monitoring of children on bail provided for in Part 2A of the Bail Act ('child

EM trial'). The prohibition in new section 5AAA(7) will apply prospectively, leaving existing electronic monitoring conditions unaffected.

Currently, apart from the child EM trial, section 5AAA of the Bail Act gives bail decision makers the power to impose electronic monitoring in the same way as they may impose any other condition of bail, in order to mitigate risks an accused person may pose. Applicants for bail may obtain privately funded electronic monitoring services as a measure to increase a bail decision maker's confidence that the applicant will comply with other bail conditions.

The prohibition on privately provided electronically monitored bail follows the collapse of a private company, BailSafe Health Group Pty Ltd (BailSafe), which had offered electronic monitoring services to people on bail. As a result of BailSafe's failure, any person on bail subject to a bail condition that they be monitored by BailSafe was no longer monitored. While Victoria's prosecuting agencies took immediate steps to appropriately respond to the collapse of BailSafe to manage risks and promote community safety, this model lacks the rigorous oversight expected in the justice system. Prohibiting the use of electronic monitoring conditions, unless there is appropriate oversight of the provider, is required to promote the safety of the community.

Right to liberty

The right to liberty in section 21 of the Charter may be engaged by this reform, as the unavailability of an electronic monitoring condition (other than as part of the child EM trial) may result in a small number of persons being remanded, when they would otherwise have been granted bail.

In my view, the right under section 21 is not limited by the reform. Section 21(6) provides that a person awaiting trial must not be automatically detained in custody, but that person's release may be subject to guarantees to attend for trial or other stages of the proceeding. The Supreme Court's decision in *Woods v DPP (Vic)* [2014] VSC 1 noted that '[u]nder the *Bail Act*, there is no automatic detention'. Prohibiting a certain class of conduct condition does not affect that conclusion.

Prohibiting the use of private electronic monitoring conditions for bail does not oblige bail decision makers to consider factors that they are not already considering (for example, the non-exhaustive list of 'surrounding circumstances' in section 3AAA of the Bail Act), although the absence of the ability to attach a private electronic monitoring condition may result in bail decision makers having one less tool to mitigate the risks that an accused person may pose if released on bail.

The risk to community safety that arose from the failure of a private company providing electronic monitoring services for a fee was unacceptable and requires that private, unregulated electronic monitoring be prohibited. If the right to liberty is engaged, my view is that any limitation on the right is demonstrably justified.

Firstly, the amendment gives effect to a clear purpose of the Bail Act, namely the guiding principle in section 1B(1AA) regarding the overarching importance of maximising, to the greatest extent possible, the safety of the community and persons affected by crime. The community is safest when bail decision makers assess risk and impose conditions that they consider will mitigate risks posed by an accused person on bail. Electronic monitoring that is unregulated and not subject to quality assurance is not able to provide the additional assurance about compliance with bail conditions that a bail decision maker may expect.

Secondly, the extent of the limitation is a marginally higher risk of remand for persons who would not be granted bail except for the imposition of an electronic monitoring condition. It is proportionate to the legitimate aim of promoting community safety, and there are no less restrictive means reasonably available to respond to this identified risk.

The reforms do not operate retrospectively and permit existing electronic monitoring conditions of bail to continue. This provides protection to accused persons who are subject to private electronic monitoring conditions at the time these changes come into effect, as they will not face an increased risk of remand as a result of the banning of private electronic monitoring.

The reforms acknowledge the potential of electronic monitoring of bail provided there is adequate oversight. This is why the prohibition excludes the child EM trial, which commenced on 22 April 2025. In addition, the amendment allows flexibility for the future use of electronic monitoring conditions in the event government prescribes one or more entities to do so. This would allow for mechanisms to be developed to support a different approach in future, potentially to permit electronic monitoring by reputable and reliable private companies subject to appropriate regulatory oversight, while ensuring that what happened with BailSafe does not occur again.

For the reasons outlined above, in my view, the amendments to prohibit electronic monitoring of people on bail do not engage, nor are they incompatible with, any of the rights enshrined in the Charter.

Conclusion

In my opinion the Bill does not unreasonably limit any Charter rights. The amendments to the Bail Act achieve a proportionate balance between the rights protected under the Charter and the protection of the community.

I consider the Bill to be compatible with the Charter.

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

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:17): I move:

That the bill be now read a second time.

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

The Bail Further Amendment Bill 2025 (Bill) will amend the *Bail Act 1977* (Bail Act) to further protect community safety from the risk posed by repeat, serious offending while on bail.

This Bill builds upon the bail reforms passed by Parliament on 21 March 2025 in the *Bail Amendment Act 2025* (Tranche 1). This first tranche of reforms bolstered community safety by prioritising community safety in all bail decisions; strengthening bail tests for several serious crimes; reintroducing bail offences; and removing the principle of remand as a last resort for children. These changes followed earlier reforms in December 2024 which strengthened consideration of community safety in decisions around revoking bail.

Tranche 1 reforms – which will soon commence in full – were designed to jolt the system and send an unambiguous message: bail must be respected. The evidence shows that Tranche 1 is already having its intended effect. As of May 2025, there are 465 more people on remand in Victoria's prisons and 39 more young people on remand in Youth Justice, compared to April last year.

This Bill delivers on the Government's commitments to:

- introduce a new 'high degree of probability' test for people charged with certain repeat, serious offences in Schedule 1 of the Bail Act
- uplift the bail test for those accused of an indictable offence while already on bail for an indictable offence to the reverse-onus 'show compelling reasons' test, subject to safeguards to ensure proportionality
- prohibit privately-provided electronic monitoring as a condition of bail, subject to further regulation.

I will now explain the key features of the reforms in further detail.

Introducing a new 'high degree of probability' bail test for specified repeat, serious offending

The Bill introduces a new 'high degree of probability' bail test (HDOP test) that will apply to people accused of specified repeat, serious offences committed while they are on bail. The new HDOP test will be extremely hard to pass.

The Bail Act provides a general presumption in favour of granting bail. However, where somebody is charged with a serious offence listed in Schedule 1 or 2 to the Bail Act, more stringent 'reverse-onus' bail tests apply. These tests require the accused to satisfy the bail decision maker (BDM) they should be granted bail.

The most serious offences are listed in Schedule 1 of the Bail Act and attract the most onerous bail test. A person charged with a Schedule 1 offence must not be granted bail unless:

- exceptional circumstances exist justifying the granting of bail, and
- there is no 'unacceptable risk' of the accused committing a Schedule 1 or 2 offence; otherwise endangering the safety or welfare of another person; interfering with a witness or otherwise obstructing the course of justice; or failing to surrender into custody if they are released on bail.

Where a person is already on bail for a Schedule 1 offence and is accused of committing another Schedule 1 offence, they continue to face the same two-step bail test – no more onerous test applies despite the alleged repeat offending.

To better address the risks to community safety caused by repeat, serious offending, the Bill will introduce the stringent HDOP test for people accused of committing a specified Schedule 1 offence while already on

bail for another specified Schedule 1 offence. The specified Schedule 1 offences that will be subject to the new HDOP test are:

- aggravated home invasion
- aggravated carjacking
- armed robbery
- aggravated burglary
- home invasion, and
- carjacking

The HDOP test has been targeted towards these six Schedule 1 offences to address the heightened risks to community safety posed by this type of reoffending while on bail, given these offences:

- are more likely than other Schedule 1 offences to be allegedly committed on bail
- are committed in higher volumes compared to other Schedule 1 offences, and
- tend to be randomly targeted, meaning other legislative, policy and programmatic approaches to managing risks are limited.

The new HDOP test will form part of the existing unacceptable risk test in the Bail Act. An accused will present an 'unacceptable risk' and be refused bail unless the BDM is satisfied there is a high degree of probability that the accused would not commit a specified Schedule 1 offence while on bail. As with the existing unacceptable risk test, the onus of establishing the HDOP test will rest with the prosecution.

The HDOP test will operate in a similar way as the 'high degree of confidence' test in NSW, but unlike NSW, the HDOP test will apply to both adults and children, will apply to a broader range of offending, and will not be subject to a sunset clause (but will instead be subject to statutory review).

The other ways in which an 'unacceptable risk' can be established will still apply to the HDOP test cohort. For example, even if a person 'passes' the HDOP test, they could still be refused bail if they pose an unacceptable risk of interfering with a witness.

Importantly, when applying the HDOP provisions, BDMs will still be required to consider existing factors in the Bail Act which ensure a risk-based, proportionate application of bail tests. These include consideration of whether there are any available bail conditions that may mitigate the risk of re-offending. BDMs will also still be required to consider any surrounding circumstances relevant to the risk-based focus of the HDOP test. Certain surrounding circumstances that do not go to risk of re-offending, such as the likely sentence if the accused were found guilty, will however be less relevant to determining the HDOP test. Aboriginal-specific and child-specific considerations will also continue to apply and inform the BDM's assessment of whether bail should be granted. However, some of the specific considerations are again likely to be less relevant. The HDOP test will be difficult to pass, but, it will be possible where re-offending risks can be appropriately mitigated and managed. This may be through the imposition of bail conditions, including conditions (or a combination of conditions) that had not previously been imposed on the accused person.

Uplifting the bail test for individuals accused of repeat indictable offending

The Bill will also uplift the bail test for people accused of committing an indictable offence while already on bail for an indictable offence, subject to safeguards to ensure proportionality.

The Tranche 1 reforms re-introduced the offence of committing an indictable offence while on bail.

To further protect the community from the risk of harm caused by repeat indictable offending, the Bill will 'uplift' the bail test – that is, those accused of committing an indictable offence while on bail for another indictable offence will face the reverse-onus 'show compelling reasons' bail test.

While the uplift will apply to a broad range of indictable offences – such as burglary, stalking, assaults and conduct endangering life or persons – a range of indictable offences will be exempt or 'carved out' from the uplift, to ensure proportionality.

Previous uplift reforms highlight the critical importance of these carve-outs in managing impacts on vulnerable and overrepresented cohorts in the criminal justice system. For example, 2018 reforms that resulted in a 'double-uplift' effect had disproportionate and detrimental impacts on Aboriginal people and women. The 'double-uplift' resulted in people accused of even minor repeat indictable offences – that are largely driven by disadvantage and do not have a significant impact on community safety – having to face the most onerous 'exceptional circumstances' bail test.

To avoid detrimental and unintended consequences of previous reforms, the Bill will 'carve-out' a range of lower-level indictable offences from the uplift. Key carve-outs include low-value theft and criminal damage;

non-violent property and deception offences; and lower-level drug possession – offences that are often linked to disadvantage, homelessness, and other underlying factors.

The approach to what is included in the uplift and what is carved out is ultimately guided by which offences pose the biggest risk to community safety and welfare. Offences which are more likely to cause harm to the community, particularly when repeatedly engaged in, have been targeted. Conversely, offences that have been carved out of the uplift include those that are often driven by disadvantage, as well as other non-violent or low-level offences.

Importantly, the 'double-uplift' effect will also not be possible under the proposed reforms.

While carve-outs are the most important factor ensuring proportionality in the uplift, existing mechanisms in the Bail Act will provide an additional level of safeguarding. These include requirements for BDMs to consider circumstances surrounding a person's alleged offending, as well as Aboriginal-specific and child-specific factors where relevant. Consideration of these factors was bolstered through 2023 bail reforms and will be further strengthened through the Bill (see below).

Existing bail tests will also help ensure a proportionate, risk-based approach to bail decisions. For example, where an accused is charged with a minor indictable offence that is not captured by the uplift, the 'unacceptable risk' test will continue to apply. Where offences are captured by the uplift, the 'show compelling reason' test, in conjunction with the surrounding circumstances and Aboriginal and child-specific factors in the Bail Act, will also promote proportionality. Less serious alleged conduct is more likely to satisfy the 'show compelling reason' test, providing an opportunity for the granting of bail in appropriate circumstances.

Signposting pregnancy and caring responsibilities in bail applications

The Bill will specifically list pregnancy and caring responsibilities as 'surrounding circumstances' to be considered in bail decisions.

Section 3AAA of the Bail Act lists a broad range of circumstances that BDMs need to consider in every bail decision. While BDMs must consider all relevant circumstances – not just those listed in the Bail Act – signposting factors in legislation can encourage thorough consideration by BDMs and ensures BDMs receive education and training on each of them.

For these reasons, the Bill will add pregnancy and caring responsibilities into the list of surrounding circumstances. More thorough and well-informed consideration of these factors will in turn help mitigate unintended consequences of reforms on people who are pregnant or have caring responsibilities.

The amendments will be particularly helpful in mitigating any disproportionate and detrimental impacts of the uplift on women and children. While the scope of uplift carve-outs is the most critical factor for managing these risks, the reforms to surrounding circumstances will provide an additional level of safeguarding.

To support implementation of the Bill, government will ensure affected stakeholders – such as Victoria Police, the Courts and Office of Public Prosecutions – are provided with training on key elements such as the HDOP test and uplift.

Statutory review of Bail Act amendments

Importantly, the Bill will also amend the existing statutory review provision in the Bail Act to specifically require that review to examine the impact of bail reform on Aboriginal and Torres Straits Islander people. The Department of Justice and Community Safety will work with Aboriginal Justice Caucus on the design of the statutory review, which must start no later than two years after the commencement of the *Bail Amendment Act 2025*. I have also asked my Department to engage with Aboriginal Justice Caucus and relevant agencies on training and related materials, particularly around the surrounding circumstances and related factors BDMs must take into account.

Prohibiting the use of electronic monitoring as a condition of bail

The Bill will prohibit BDMs from imposing electronic monitoring as a bail condition – including any electronic monitoring by private companies – unless the service is provided by an entity prescribed in regulations.

This reform responds to community safety concerns that arise where the viability of private companies providing electronic monitoring of bail (EM) cannot be assured. While the Bill will ban such private electronic monitoring of bail, the reform provides flexibility for EM to be delivered by reliable, reputable organisations if government prescribes them in regulations. This ability to prescribe providers recognises that a regulatory approach to private EM could in future be an effective way to manage risks of releasing an accused on bail.

Other changes to improve the operation of bail laws

The Bill will include further amendments to improve the operation of bail laws, including:

- ensuring individuals released on bail pending family violence intervention order proceedings can be charged with contravening their bail conditions, and
- providing for reforms in the Bill to be captured in the scheduled statutory review of the Bail Act.

Conclusion

Tranche 1 reforms passed earlier this year have ensured community safety is at the centre of bail laws in line with Victorians' expectations. The Bill will bolster community safety further, by targeting repeat serious offending and repeat indictable offending. However, learning from past bail reforms, the Bill will also include critical safeguards, to help minimise any unintended consequences on vulnerable and overrepresented cohorts.

Importantly, enduring community safety requires more than bail reform. That is why the government is investing in bail support and interventions alongside the Bill, and has a range of policy settings to tackle the underlying causes of crime.

This complementary work recognises that the best outcome is for people to avoid contact with the criminal justice system altogether and, when people do engage with the system, to provide timely and effective supports to get their lives back on track.

I commend the Bill to the House.

David DAVIS (Southern Metropolitan) (17:17): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Domestic Building Contracts Amendment Bill 2025

Introduction and first reading

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

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Domestic Building Contracts Act 1995**, the **Building Act 1993**, the **Australian Consumer Law and Fair Trading Act 2012** and the **Building Legislation Amendment (Buyer Protections) Act 2025** and for other purposes.'

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:18): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:18): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Domestic Building Contracts Amendment Bill 2025 (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 *Domestic Building Contracts Act 1995* (Domestic Building Contracts Act), the *Building Act 1993* (Building Act) the *Australian Consumer Law and Fair Trading Act 2012* (ACLFTA) and the *Building Legislation Amendment (Buyer Protections) Act 2025* to improve consumer protections in relation to domestic building contracts and transfer certain functions of the Director of Consumer Affairs Victoria (Director CAV) to the Victorian Building Authority (VBA) as well as resolve minor technical, regulatory and consequential matters as appropriate.

In particular, the Bill will amend the Domestic Building Contracts Act to implement the following reforms:

- extend current contract content requirements to apply to all domestic building contracts;
- improve the rights of building owners to withdraw from or end a major domestic building contract,
- exempting certain rights and requirements in the Act from applying to domestic building contracts between developers and builders,
- implement a consistent variation process across all major domestic building contracts,
- prescribe deposit limits, progress payment stages and progress payment limits to be prescribed in regulations, with any payments for work completed subject to a general proportionality requirement for all MDBC and any exemptions,
- allow cost escalation clauses in domestic building contracts with additional consumer protections,
- modernise the statutory warranties in the Act so they are consistent in expression with the consumer guarantees under the Australian Consumer Law,
- ensure that dispute resolution orders are easier to issue and more effective in the resolution of disputes,
- the transfer of functions of the Director CAV under the Domestic Building Contracts Act to the VBA, which enable the VBA to carry out education, provide information and advice, undertake compliance and enforcement functions and exercise powers in relation to the operation or potential contravention of the Act and regulations, and
- other minor miscellaneous matters.

Human Rights Issues

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

- Recognition and equality before the law (section 8)
- Freedom from forced work (section 11)
- Privacy (section 13)
- Freedom of expression (section 15)
- Cultural rights (section 19)
- Property rights (section 20)
- Fair hearing (section 24)
- Rights in criminal proceedings (section 25)

Recognition and equality before the law (section 8)

Section 8 of the Charter provides that every person has the right to enjoy their human rights without discrimination, is equal before the law, is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

The term 'discrimination' referred to in section 8(3) of the Charter is defined as: discrimination (within the meaning of the *Equal Opportunity Act 2010*) on the basis of an attribute set out in section 6 of that Act.

Removal of gendered language

The Bill promotes the right to recognition and equality before the law by amending the Domestic Building Contracts Act to replace gendered terms within that Act with references to responsible office holders. The amendments have been made in accordance with contemporary drafting practices and promote the right to recognition and equality before the law under the Charter by ensuring that the language of the statute does not discriminate against a person's gender identity, a protected attribute set out in section 6 of the *Equal Opportunity Act 2010*.

Contracts are written in English and readily legible

Clause 9 of the Bill inserts new section 7A(b) into the Domestic Building Contracts Act which creates an offence for a builder to enter into a domestic building contract unless the contract is written in English and readily legible. Clause 17 of the Bill substitutes section 37 of the Domestic Building Contracts Act to also require that agreed variations to plans or specifications set out in a major domestic building contract are written in English and readily legible. The purpose of these clauses is to provide greater consumer protection by creating a clearer and more accessible record of contractual agreements for domestic building work made between parties.

The introduction of these clauses may engage the right to equality before the law due to the requirement that a domestic building contract and any variation to plans or specifications set out in a major domestic building contract must be written in English and be readily legible. The requirement for a contract to be written in English does not remove the ability for a translation of a contract to be prepared to ensure accessibility for the parties involved in the contract. To the extent that the Bill may limit the right to recognition and equality before the law, the limitation is reasonable and justifiable. The Bill ensures that parties to a domestic building contract are afforded greater consumer protections by promoting greater understanding for parties of the contracts entered as well as improving accessibility and readability of contracts. The legal system of Australia has its roots in English origins that underpins the interpretation of contracts in the courts. Requiring contracts to be written in English and readily legible ensures that the terms of the contract are clearly identifiable and that contractual disputes can be resolved understanding the full intended context and meaning of the contract.

Builder's enforcement of contractual rights and entitlements

Clause 15(3) of the Bill may limit the right to equality before the law by substituting section 31(2) of the Domestic Building Contracts Act to provide that where a major domestic building contract has not been signed by the parties, the builder has no contractual rights or entitlements under the contract, while the contractual rights and entitlements of the building owner may be enforced by the building owner. The builder may recover money from a building owner where the Victorian Civil and Administrative Tribunal (VCAT) is satisfied that there are exceptional circumstances and that it would not be unfair for the builder to obtain the money. The purpose of this clause is to ensure that consumers who make a verbal or unsigned agreement for domestic building work that exceeds the major domestic building contract threshold are not placed in an unjust position due to that agreement. This includes ensuring that consumers have access to statutory warranties regardless of how the contract is entered into.

To the extent that the Bill may limit the right to equality before the law by restricting a builder from accessing their contractual rights or entitlements under a major domestic building contract that is not signed by the parties, I am of the view that the clause is precise and appropriately prescribed, is not arbitrary and is in accordance with the law. A builder will otherwise have the right to access their rights and entitlements under a contract where it is clear from signature that both parties have agreed to the terms of the contract. The clause promotes consumer protections by protecting potentially vulnerable building owners from non-performance of an agreed major domestic building contract. The clause encourages agreements for domestic building work that exceeds the major domestic building contract threshold to be transparent and clear to the parties involved by discouraging verbal or unsigned written major domestic building contracts.

Accordingly, I consider that these clauses under the Bill are compatible with the right to recognition and equality before the law under section 8 of the Charter.

Freedom from forced work (section 11)

Section 11 of the Charter provides that a person must not be made to perform forced work or compulsory labour. 'Forced or compulsory labour' relevantly does not include work or service that forms part of normal civil obligations. While the Charter does not define 'normal civil obligations', comparative case law has considered that to qualify as a normal civil obligation, the work or service required must be provided for by law, must be imposed for a legitimate purpose, must not be exceptional and must not have any punitive purpose or effect (Faure v Australia (Human Rights Committee Communication No 1036/2001)). This has extended to obligations to undertake work in order to maintain compliance with regulatory standards.

Injunction or order requiring the carrying out of work

Clause 52 of the Bill may engage the right to freedom from forced work by inserting section 68ZE into the Domestic Building Contracts Act that allows the court to, upon application and where the statutory tests are satisfied, grant an injunction that requires a person to carry out building work, plumbing work or other work. Clause 52 of the Bill may engage the right to freedom from forced work by inserting section 68ZB(4) into the Domestic Building Contracts Act empowering a court to, where a person has not complied with a term of an undertaking, make an order directing a person to carry out building work, protection work (work required to

protect an adjoining property from potential damage) or plumbing work in relation to the term of the undertaking.

Clause 38(3) of the Bill may engage the right to freedom from forced work by inserting section 49C(1)(bb) into the Domestic Building Contracts Act to provide that a dispute resolution order may require a builder to refund a building owner where there have been significant delays to the commencement or completion of domestic building work under the contract.

I am of the view that work required under an order or injunction to complete or rectify works would form part of a normal civil obligation, and as such, would not constitute a limit on this right. An order requiring the carrying out of works is provided for in accordance with the law as introduced in this Bill and is confined in its impact, including that a builder or developer can only be compelled to complete building work as opposed to being required to commence an entirely new building project. The Bill protects builders by requiring that the court may only issue an injunction where the court is satisfied that the person has engaged or is proposing to engage in conduct including the contravention of a provision of the Act or regulations. These provisions together work to ensure that the court order scheme will not operate arbitrarily.

Further, an order is imposed for the legitimate non-punitive purpose of ensuring that builders and developers deliver buildings of an appropriate standard, ultimately protecting both the health and safety of any persons who enter the building, as well as guarding against any financial loss which may be incurred by purchasers of a defective building.

Accordingly, I consider that these clauses under the Bill are compatible with the right to freedom from forced work under section 11 of the Charter.

Privacy (section 13)

Section 13 of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with and the right not to have their reputation unlawfully attacked.

Providing of name and address

Clause 7 of the Bill engages the right to privacy by inserting new section 31(3)(c) into the Domestic Building Contracts Act that restricts a builder from entering into a domestic building contract with a developer unless, where a registered building practitioner has entered into the contract on behalf of a partnership, the contract states the names and addresses of each member of the partnership as well as the registration numbers of registered building practitioners in the partnership. Further, Clause 9 of the Bill engages the right to privacy by inserting new section 7A into the Domestic Building Contracts Act that restricts a builder from entering a domestic building contract unless the names and addresses of all parties are included in the contract. Currently, section 31(1)(e) of the Domestic Building Contracts Act requires a major domestic building contract to include each party's name and address. The Bill extends this requirement to all domestic building contracts covered by the Act.

Clause 52 of the Bill engages the right to privacy by inserting section 68ZD into the Domestic Building Contracts Act, which requires the register of undertakings maintained by the VBA to include names and addresses of the persons who gave the undertaking. This mirrors existing powers under the ACLFTA requiring the Director to maintain a register of undertakings given relating to contraventions under the Domestic Building Contracts Act and is part of the integration of the VBA's functions.

To the extent that the right to privacy is engaged, I consider that each clause in relation to providing a person's name and address is precise and appropriately prescribed, is not arbitrary and is permitted by law through the Bill. Although clauses 7, 9 and 52 of the Bill regulate the sharing or storing of personal information, the clauses require names and addresses to provide greater consumer protections for all domestic building contracts. Clauses 7 and 9 of the Bill ensure that parties to an agreed domestic building contract are clearly documented, while clause 52 ensures that the VBA can continue to appropriately monitor the use of and compliance with notices of undertakings. Further, the requirement to provide names and addresses do not require public disclosure and therefore the clauses of the Bill are not arbitrary in their application.

Powers of entry

Clause 52 of the Bill engages the right to privacy by inserting new section 68F of the Domestic Building Contracts Act to provide an authorised person with the power of entry for the purposes of determining whether the Act or regulations are being complied with. An authorised person who exercises their powers of entry may undertake an inspection of the building or land, take photographs or sketches and require a person to provide documents relating to work to the extent reasonably necessary to determine compliance with the Act or regulations. An authorised person may make copies or take extracts of documents provided. The powers of entry also include powers for the authorised person to seize or take a sample of a thing.

Clause 52 of the Bill engages the right to privacy by inserting new 68K of the Domestic Building Contracts Act which allow an authorised person who has been issued with a search warrant under section 68J(2) of the Act to enter a particular building or land and enact powers including inspection and seizure of property. A magistrate may issue a search warrant where the magistrate is satisfied on reasonable grounds that the building or land contains or will contain in the next 72 hours evidence of a contravention of the Act or regulations or that digital or electronic evidence of a contravention of the Act or regulation is accessible from that building or land.

To the extent that the right to privacy is engaged, I consider that each clause in relation to the power of entry is precise and appropriately prescribed, is not arbitrary and is permitted by law through the Bill. The powers of entry under the new Division 3 of Part 5A of the Bill are targeted to ensuring compliance with the Act and regulations and are appropriately circumscribed. The Bill provides appropriate safeguards to the exercise of the entry powers through the requirement for an authorised person to notify a person of an intended use of entry and search powers for monitoring purposes and obtain permission of the building or landowner on a residential property for entry at an agreed time, unless an exemption applies. The Bill also requires a search warrant to be issued by a magistrate to enter a building or land where an authorised person suspects on reasonable grounds that evidence of a contravention of the Act or regulations may be at the building or land. I consider these powers to be proportionate to the legitimate aim of ensuring that requirements for domestic building under the Act are being complied with.

Power to request information

Clause 32 of the Bill engages the right to privacy by amending section 48F(1) of the Domestic Building Contracts Act to expand the powers of an assessor to require production of documents or information as is reasonably necessary upon entry to a building site to include for the purpose of making a determination of whether damage was caused in the carrying out of the work or by the work of the builder. The purpose of the clause is to provide an assessor with adequate access to information to determine whether damage to a building site was caused in carrying out of work, or by the work, of the builder engaged in the domestic building contract.

Clause 52 of the Bill engages the right to privacy by inserting section 68B into the Domestic Building Contracts Act which provides the power for an authorised officer to notify a person in writing that they require information or documents where the authorised person has reasonable grounds to suspect that an offence has been committed under the Acts or regulations. The authorised person can also require a person to provide information or documents as part of the authorised person's determination on whether the Act or regulations are being complied with. The authorised person may take copies or extracts of any documents produced and also retain possession of the document provided for the purposes of this Division.

Clause 52 of the Bill engages the right to privacy by introducing section 68C into the Domestic Building Contracts Act to allows an authorised person, where they reasonably believe that a person has contravened the Act or regulations, to apply to the Magistrates' Court for an order that requires a person to, in relation to the alleged contravention, any questions or supply information or produce specified documents or documents of a particular class. If the order under section 68C is made, the authorised may inspect documents, make copies or extracts of documents, seize and secure documents.

To the extent that the powers to request information engages the right to privacy, the acquisition of information will be lawful and not undertaken in arbitrary circumstances. The power to request and obtain information serves the legitimate purpose of ensuring that requirements in relation to the requirements under the act in relation to domestic building work, including the standard of those work, are being complied with.

Confidentiality and information sharing

Clause 67 of the Bill engages the right to privacy by substituting section 52I of the Domestic Building Contracts Act to allow a conciliation officer, an assessor or employees of the VBA who are assisting members of the Domestic Building Dispute Resolution Victoria (DBDRV) to carry out their functions under Part 4 of the Domestic Building Contracts Act to disclose information in the circumstances listed in the Bill.

Clause 52 of the Bill engages the right to privacy by inserting section 68X into the Domestic Building Contracts Act to create an offence for an authorised person to give any person information in the exercising of their powers as an authorised person. The Bill only allows an authorised person to provide information in specified circumstances, including to carry out their functions under the Act or in administration or enforcement of the Act and where an authorised person is permitted or required to provide information under any other Act. Information can also be provided in relation to legal proceedings under the Act or with the consent of the Minister.

Clause 52 of the Bill engages the right to privacy by inserting section 68ZS of the Domestic Building Contracts Act to allow the VBA to enter into an information sharing arrangement with a relevant agency, as

defined for the purposes of the clause, to share or exchange information. The VBA and a relevant agency are authorised to request and receive information held by the other party and disclose information to the other party, subject to the requirement that the information exchanged is reasonably necessary to assist in the performance of the VBA's functions under this Act or the functions of the relevant agency. Information that is shared between relevant parties may include personal or sensitive information subject to the restrictions on the sharing of information included in the Bill.

The intent of the new confidentiality and information sharing provisions is to enable information sharing within 'DBDRV', meaning those persons constituting the DBDRV, as well as staff of the VBA that assist those persons pursuant to the VBA's new function to that effect. The provisions ensure that the DBDRV continue to be able to carry out their functions under the Domestic Building Contracts Act and also allows staff of the VBA assisting DBDRV to effectively support them in carrying out their functions. Confidentiality provisions in the Domestic Building Contracts Act will continue to apply to DBDRV and staff of the VBA under this Bill.

To the extent that the Bill engages the right to privacy by allowing information sharing between specified entities, it is my view that the confidentiality and information sharing clauses in the Bill are appropriately circumscribed so as not to authorise any arbitrary interferences with privacy. I consider that the confidentiality and information sharing clauses of the Bill serve the legitimate purpose of ensuring that the DBDRV and staff of the VBA are able to carry out their functions, duties or powers under the Domestic Building Contracts Act and allow the Act to operate effectively to regulate domestic building contracts. The purposes for which information can be shared under an agreement or arrangement are prescribed narrowly in the Bill and confidentiality provisions will apply to parties to ensure that information is shared only as necessary for carrying out the functions and powers of the Domestic Building Contracts Act. Information that is shared between parties will not be made public.

Accordingly, I consider that these provisions under the Bill are compatible with the right to privacy under section 13 of the Charter.

Cultural rights (section 19)

Section 19 of the Charter protects the cultural rights of all persons with a particular cultural, religious, racial or linguistic background, and acknowledges that Aboriginal persons hold distinct cultural rights that should be protected.

Clause 9 of the Bill may engage with cultural rights by inserting new section 7A into the Domestic Building Contracts Act which restricts a builder from entering into a domestic building contract unless the contract conforms to a number of requirements listed in clause 9, including that the contract is written in English and readily legible. Clause 17 of the Bill substitutes section 37 of the Domestic Building Contracts Act to also require variations to plans or specifications set out in a major domestic building contract to be written in English and readily legible. Currently, section 31(1)(m) of the Domestic Building Contracts Act requires that a major domestic building contract be in English and readily legible, the Bill extends this requirement to all domestic building contracts covered by the Act. The purpose of these clauses is to provide greater consumer protection by creating a clearer and more accessible record of contractual agreements for domestic building work made between parties.

To the extent that the Bill may limit cultural rights, the limitation is reasonable and justifiable. The Bill ensures that parties to a domestic building contract are afforded greater consumer protections by promoting greater understanding for parties of the contracts entered as well as improving accessibility and readability of contracts. The legal system of Australia has its roots in English origins that underpins the interpretation of contracts in the courts. Requiring contracts to be written in English and readily legible ensures that the terms of the contract are clearly identifiable and that contractual disputes can be resolved understanding the full intended context and meaning of the contract.

Accordingly, I consider that these provisions under the Bill are compatible with cultural rights under section 19 of the Charter.

Property rights (section 20)

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

While the Charter does not define 'property', case law indicate that the term should be interpreted 'liberally and beneficially to encompass economic interests'. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely. Existing authority also suggests that the

laws that permit or require a deprivation of property should not operate arbitrarily. Accordingly, an assessment of compatibility will depend upon the extent to which a deprivation of property does not operate arbitrarily, and is sufficiently clear and certain to be considered 'in accordance with the law'.

Powers of entry including seizure powers

Clause 52 of the Bill engages and may limit a person's right not be deprived of property by introducing new powers of entry for authorised persons by inserting Division 3 of Part 5A into the Domestic Building Contracts Act. Under new section 68F of the Domestic Building Contracts Act, an authorised person may enter a building or land for the purposes of carrying out an inspection authorised by the Act or regulations; however, they must obtain written consent of the building or land occupier unless an exception applies. An authorised person who exercises their powers of entry may undertake an inspection of the building or land, take photographs or sketches and require a person to provide documents relating to work to the extent reasonably necessary to determine compliance with the Domestic Building Contracts Act or regulations made under that Act. An authorised person may make copies or take extracts of documents provided. The powers of entry also include powers for the authorised person to seize or take a sample of a thing.

Clause 52 of the Bill introduces section 68J into the Domestic Building Contracts Act to allow an authorised person to apply to a magistrate to issue a search warrant for a particular building or land where the authorised person suspects on reasonable grounds that the building or land contains or will contain in the next 72 hours evidence of a contravention of the Act or regulations or that digital or electronic evidence of a contravention of the Act or regulation is accessible from that building or land.

The powers of entry in this Bill engage and may limit a person's right not be deprived of their property, by permitting access and allowing for powers of seizure of private property by authorised persons. However, I consider that these powers are compatible with the right to privacy and reputation because the powers of entry under the new Division 3 of Part 5A of the Bill are targeted to ensuring compliance with the Domestic Building Contracts Act and are appropriately circumscribed. The Bill provides appropriate safeguards to the exercise of the entry powers through the requirement for an authorised person to notify a person of an intended use of entry and search powers for monitoring purposes and obtain permission of the building or landowner on a residential property for entry at an agreed time, unless an exemption applies. The Bill also requires a search warrant to be issued by a magistrate in order to enter a building or land where an authorised person suspects on reasonable grounds that evidence of a contravention of the Act or regulations may be at the building or land and items can only be seized under the search warrant. I consider these powers to be proportionate to the legitimate aim of ensuring that requirements for domestic building under the Domestic Building Contracts Act are being complied with.

Requirements for the payment of money

Clause 38 of the Bill engages the right to not be deprived of property by amending section 49C(1) of the Domestic Building Contracts Act to expand the circumstances where a dispute resolution order can require the builder to pay an amount of money to the building owner or a building owner is required to pay an amount of money to the builder.

The Bill expands the circumstances where a dispute resolution order can require the builder to pay an amount of money to the building owner for the following situations:

- To rectify defective building work;
- To rectify any damage caused in the carrying out of the domestic building work or by any defective domestic building work;
- To refund an amount of money paid by the building owner to the builder if the builder accepted payment without obtaining insurance as required under the Building Act or there have been significant delays in the commencement or completion of domestic building work under a contract;
- To refund an amount of money paid by the building owner to the builder where it is found that the builder had no claim or entitlement to the money under the domestic building contract.

The Bill expands the circumstances where a dispute resolution order can require a building owner to pay an amount of money to the builder for the following situations:

- On rectification of defective building work by the builder;
- On rectification by the builder of damage caused in the process of undertaking domestic building work under the domestic building contract or caused by defective building work;
- For a claim or entitlement arising under the domestic building contract.

To the extent that clause 38 of the Bill engages the right not to be deprived of property by expanding the situations in relation to domestic building work where a dispute resolution order can require the transfer of

money, it is my view that the clause in relation to dispute resolution orders is appropriately prescribed, is not arbitrary and is in accordance with the law through the Bill. A dispute resolution order may only be issued if the requirements listed under section 49 of the Domestic Building Contracts Act have been satisfied. Further, the order must clearly state what the order requires of a builder or building owner and parties may apply to VCAT for a review of the decision to issue or amend a dispute resolution order consistent with section 63 of the Domestic Building Contracts Act. I consider these powers to be proportionate to the legitimate aim of resolving domestic building work disputes and ensuring that parties are fairly remunerated for works connected to a domestic building contract.

Limits on money recoverable by a builder

Clause 23 of the Bill may limit the right to property by substituting section 11(1) of the Domestic Building Contracts Act to impose a limit on the deposit that can be sought by a builder for a domestic building contract to not be more than an amount prescribed in regulations. The intention of this clause is to enshrine consumer protections for upfront payments for domestic building contracts.

Clause 25 of the Bill may limit the right to property by substituting section 40(1) of the Domestic Building Contracts Act to enforce limits on the progress payments a builder may recover under a contract specified at section 40(2) of the Act. Further, clause 25 may limit the right to property by substituting section 40(4) of the Domestic Building Contracts Act to enforce limits on the amount a builder may recover for completed building work under building contracts not specified in the Bill.

This may limit the right to property by restricting the money a builder may receive up front or for performance of completed work throughout the lifetime of the domestic building contract. I consider that any such limitation to the right to property would be reasonable, justified and for a legitimate purpose as restrictions on amounts of payments under a domestic building contract ensure that building owners cannot be required to provide disproportionate remuneration compared to the work that has been undertaken by the builder for building work agreed to under a domestic building contract.

Cost escalation clauses

Clause 11(2) of the Bill may limit the right to property by substituting section 15(2) of the Domestic Building Contracts Act to create an offence for a builder to enter a contract that includes a cost escalation clause if the contract price is either less than 1 million dollars or a higher amount prescribed in regulations. A maximum penalty of 100 penalty units applies to the contravention of the offence. The clause also substitutes section 15(2) of the Domestic Building Contracts Act to create an offence where a builder imposes a cost increase under the contract of more than 5 per cent of the total contract price or an amount prescribed in the regulations. A maximum penalty of 100 penalty units applies to the contravention of the offence. Further clause 11(2) of the Bill substitutes section 15(3) of the Domestic Building Contracts Act to restrict a builder from recovering any money under a cost escalation clause unless the builder has complied with section 15 of the Act.

The framework for cost escalation clauses introduced by the Bill clarifies the existing governance of cost escalation clauses and the ability for builders to request the price of a contract be increased due to circumstances outside of their control. The Bill seeks to balance the needs of builders who may encounter increased costs in the process of undertaking work under a domestic building contract with protections for consumers who may be at risk of financial harm as a result of additional payments beyond the initial agreed terms of the contract.

To the extent that the right to property is engaged, I am of the view that the clause in relation to cost escalation clauses is precise and appropriately prescribed, is not arbitrary and in accordance with the law. Clause 11(2) of the Bill operates to provide both a clearly defined scope for builders to recover increased costs in relation to works outside of their control and also protect consumers from unreasonable unforeseen financial impacts as a result of a domestic building contract. The Bill provides appropriate consumer protections by including an implied statutory warranty that a builder will calculate a cost increase with reasonable care and skill. Further, a copy of any invoice, receipt or document prescribed in the regulations that is provided to a builder that forms the basis of the builder seeking an increase in costs must be provided to the building owner. I consider the cost escalation clause to be proportionate to the legitimate aim of ensuring builders can retrieve reasonable costs to them for completing works under a domestic building contract and ensuring building owners cannot be subject to unreasonable additional costs.

Enforcement of contractual rights and entitlements

Clause 15(3) of the Bill may limit the right to property by substituting section 31(2) of the Domestic Building Contracts Act to provide that where a major domestic building contract has not been signed by the parties, the builder has no contractual rights or entitlements under the contract, while the contractual rights and entitlements of the building owner may be enforced by the building owner. The builder may recover money

from a builder owner where the Victorian Civil and Administrative Tribunal (VCAT) is satisfied that there are exceptional circumstances and that it would not be unfair for the builder to obtain the money.

To the extent that the Bill may limit the right to property by restricting a builder from accessing their contractual rights or entitlements under a major domestic building contract that has not been signed by the parties to the contract, I am of the view that the clause is precise and appropriately prescribed, is not arbitrary and in accordance with the law. A builder will otherwise have the right to access their rights and entitlements on a contract where it is clear from signature that both parties have agreed to the terms of the contract. The clause promotes consumer protection by protecting potentially vulnerable building owners from non-performance of an agreed contract. The clause encourages agreements for domestic building work that exceeds the major domestic building contract threshold to be transparent and clear to the parties involved by discouraging verbal or unsigned written major domestic building contracts.

Clause 17 of the Bill may limit the right to property by substituting section 37(4) of the Domestic Building Contracts Act to provide that a builder will be unable to recover money in respect of the domestic building work given effect by the variation if the prescribed information that is required to be included in a variation agreement under section 37(2) of the Domestic Building Contracts Act is not included in the variation agreement. A builder may not recover money in respect to a variation agreement that does not comply with section 37(2) of the Domestic Building Contracts Act unless VCAT is satisfied of exceptional circumstances or that the builder would experience significant or exceptional hardship and that it would not be unfair to the building owner for the builder to recover money for the work undertaken.

To the extent that the Bill may limit the right to property by restricting a builder's right to financial compensation for works undertaken under a variation to plans and specifications set out in a major domestic building contract, I am of the view that the clause is precise and appropriately prescribed, is not arbitrary and in accordance with the law. The situations where a builder may recover money in respect to work undertaken as part of a variation to plans or specifications set out in a major domestic building contract is clearly outlined in the Bill and builders who comply with requirements in the Bill for variation contracts will be able to recover money for works undertaken by them. Further, the Bill provides consumer protections by ensuring that building owners are able to enforce their rights and obligations under verbal and written agreements for domestic building work.

Termination of domestic building contract

Clause 16 of the Bill may engage the right to property by substituting section 34(4) of the Domestic Building Contracts Act to expand the ground on which a building owner may end a major domestic building contract within 5 days of the contract being signed without penalty by removing the restriction against a building owner receiving independent advice from an Australian legal practitioner about the contract before the contract is entered into.

To the extent that the clause may engage a builder's right to property by depriving them of rights under a major domestic building contract in expanded situations, I view that the right is not limited by the clause. The situations in which a building owner may withdraw from a major domestic building contract with a builder will be clearly outlined in accordance with a publicly accessible law and the amendment is confined to ensuring building owners have extra consumer protections in relation to their property by being able to seek professional legal advice on any contract they may intend to act on.

Clause 19(2) of the Bill may limit the right to property by substituting section 41(1) of the Domestic Building Contracts Act to allow a building owner to end a major domestic building contract without being required to determine whether a builder could have reasonably foreseen the reason for the blow out in cost or time taken to complete the works in a major domestic building contract. The intention of the clause is to remove a barrier to building owners exercising their statutory right to terminate a major domestic building contract.

To the extent that the Bill limits the right to property by creating a broader right to a building owner to terminate the rights of the parties under a major domestic building contract, I am of the view that the clause is precise and appropriately prescribed, is not arbitrary and in accordance with the law. The purpose of the clause of the Bill is to strengthen consumer protections, and the Bill otherwise clearly prescribes the requirements for terminating a major domestic building contract.

Court orders

Clause 52 of the Bill may limit the right to property by inserting section 68ZK into the Domestic Building Contracts Act which allows a court to make an order that it consider fair in any proceedings or contravention of the Act. The orders available to the court under this clause includes voiding the whole or part of a contract, render provisions of the contract non enforceable, vary a contract, order redress for money or property transferred through the contract.

To the extent that the Bill limits the right to property by allowing the court to void, vary or render a contract unenforceable, I am of the view that the clause in relation to court orders are precise and appropriately prescribed, is not arbitrary and in accordance with the law. An order under clause 52 can only be made by a court where an accused has been found to have contravened a provision against the Act and another person has suffered loss or damage as a result of the contravention. An order can only be made in accordance with the law as prescribed in the Bill.

Clause 52 of the Bill may limit the right to property by inserting section 68ZJ into the Domestic Building Contracts Act to allow the court in the course of certain proceedings against a person to order that a person is prohibited from the payment of money or transferring of property, with the clause introducing an offence for not complying with the order of the court.

To the extent that the Bill limits the right to property by allowing the court to prohibit the transfer of money or property, I am of the view that the clauses are precise and appropriately prescribed, are not arbitrary and in accordance with the law. An order to deny the transfer of money or property is restricted to proceedings for an offence against the Domestic Building Contracts Act which have been bought before a court and where an accused can put their case before the court. The Bill ensures that there is appropriate judicial oversight before any limitation of property rights occur and protects the interests of justice by ensuring that the courts are not obstructed from issuing appropriate remedies for contraventions of the Domestic Building Contracts Act.

Accordingly, I consider that these provisions under the Bill are compatible with the right to property under section 20 of the Charter.

Fair hearing (section 24)

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

The term 'civil proceeding' in section 24(1) has been interpreted as encompassing proceedings that are determinative of private rights and interests in a broad sense, including some administrative proceedings. It is well recognised that judicial determination of a person's civil rights and liabilities is a crucial element of the fair hearing right. This right will be engaged where a person is prevented from having their civil rights or liabilities in a proceeding considered by a court. However, this right does not prevent the State from amending the substantive law to alter the content of those civil rights.

Applications for injunctions may be made ex parte

Clause 52 which inserts new Part 5A into the Domestic Building Contracts Act, may limit the right a fair hearing by inserting new section 68ZE(3) into the Act. The clause provides for a court to grant an injunction restraining a person from engaging in conduct, based on an application made ex parte. The conduct that may be restrained includes a contravention of a provision of the Domestic Building Contracts Act or regulations made under that Act, or of a notice, direction, order or determination issued or made under that Act or regulations, as well as attempts to contravene, procuring the contravention and conspiring to contravene that Act or regulations.

This may limit the right to a fair hearing, because the person subject to the injunction will not have an opportunity to respond to the application for the injunction. I consider that any such limitation of the right to a fair hearing would be reasonable, justified and for a legitimate purpose, as an application for an injunction on an ex parte basis may be necessary to ensure that action is taken to prevent, minimise or remedy any material risks to consumers and builders alike that the contravention may cause.

Accordingly, to the extent that the Bill limits the right to a fair hearing under section 24(1) of the Charter, I am satisfied that any limitations are justified on the basis that they are reasonable and have a legitimate purpose. I am therefore satisfied that the right to a fair hearing is not limited by this provision.

Rights in criminal proceedings (section 25)

Right to be presumed innocent

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. The High Court has described this right as incorporating the fundamental requirement that 'the prosecution in a criminal case has the burden of proving guilt', that is, that a conviction can follow only where every element of an offence has been proved by the prosecution beyond reasonable doubt.

Clause 52 of the Bill introduces a new section 68ZB into the Domestic Building Contracts Act, which provides that where a body corporate has been found by a court to have failed to have complied with an undertaking, any officer who permitted or authorised the failure is also found to have failed to comply with the undertaking and may be subject to an order from the court.

While this clause may engage the right to be presumed innocent, this offence does not limit the right because a body corporate may only act through its officers and employees and therefore acts attributed to the body corporate can also be attributed to those officers or employees. The Bill clearly sets out the mental elements where a person may be found guilty of an offence and also confines the scope of the clause to persons who knowingly authorised or permitted the offence, which ensures only higher level members of the body corporate can be found guilty under the clause.

Minimum guarantees in criminal proceedings

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

Clause 52 of the Bill may limit the protection against self-incrimination by inserting section 68V(2) into the Domestic Building Contracts Act which does not excuse a person from refusing or failing to provide documents required under the proposed Division 4 of Part 5A of the Domestic Building Contracts Act if the document or information would tend to self-incriminate. Proposed section 68V(3) of the Bill does not excuse a person from refusing or failing to provide information required under section 68U of the Domestic Building Contracts Act if the document or information would tend to self-incriminate.

While Clause 52 of the Bill may limit the protection against self-incrimination to the extent that the Bill does not excuse a person from disclosing information that may incriminate them, I am of the opinion that any limitation is reasonable and justified under the Charter. The protection against self-incrimination operates as part of a comprehensive framework in relation to powers of requiring information and documents for authorised persons exercising their right of entry under the proposed Division 4 of Part 5A of the Domestic Building Contracts Act and includes a reasonable excuse protection at section 68V(1) of the Domestic Building Contracts Act for a person requested to provide information requested under the Division where that information would tend to self-incriminate. Any limitation of the protection against self-incrimination is justified to ensure that an authorised person can effectively monitor compliance with and investigate potential contraventions of the Act and regulations.

Further, I note that at common law, the High Court has held that the protection accorded to pre-existing documents is considerably weaker than that accorded to oral testimony or to documents that are brought into existence to comply with a request for information. In particular, this assists the argument that there is a weaker level of engagement with the right against self-incrimination for section 68V(2) of the Domestic Building Contracts Act to be inserted by the Bill.

Accordingly, I consider that these provisions under the Bill are compatible with the rights in criminal proceedings under section 25 of the Charter.

I consider that the Bill is compatible with the Charter because it does not limit any rights under the Charter or, to the extent that the Bill may limit any rights under the Charter, the limitations are not arbitrary and are reasonable and justified.

Hon Harriet Shing MP
Minister for the Suburban Rail Loop
Minister for Housing and Building
Minister for Development Victoria and Precincts

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:18): I move:

That the bill be now read a second time.

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

For many families, their home is the single largest investment they will make in their lifetimes – it is the foundation of their future. That's why it is critical that the regulatory framework for domestic building contracts be clear, effective and modernised to protect the interests of consumers and meet the needs of a dynamic building industry that continues to innovate and adopt new construction methods, including modern methods of construction, to deliver more housing for Victorians.

Following the collapse of Porter Davis Homes, the Government committed to a review of the *Domestic Building Contracts Act 1995* (the Act) to ensure it was fit for purpose and to strengthen protections for building owners while supporting the needs of the building industry.

Informed by the outcomes of the review, this Bill will better protect Victorians building or renovating their homes by amending the Act to:

a) strengthen requirements and protections for domestic building contracts and major domestic building contracts (MDBC),

b) authorise deposit limits, progress payment stages and progress payment limits to be prescribed in regulations, with any payments for work completed subject to a general proportionality requirement for all MDBC and any exemptions,

c) support contract flexibility by allowing the use of cost escalation clauses in Victoria for MDBC with a contract price of $1 million or higher, with a 5 per cent ceiling on price increases and additional consumer protections,

d) omit the development of plans and specifications and bills of quantity from the definition of 'domestic building work' so that agreements for such work can be entered into by builders and building owners outside of the framework of the Act,

e) provide for the transfer of compliance monitoring and enforcement functions from the Director Consumer Affairs Victoria to the Victorian Building Authority,

f) make a range of additional reforms to the clarify contractual requirements and strengthen consumer protections across the Act, and

g) make other minor amendments to the *Australian Consumer Law and Fair Trading Act 2012* (ACLFTA), the *Building Act 1993* (Building Act), and the *Building Legislation Amendment (Buyer Protections) Act 2025* (Buyer Protections Act).

Contemporary and flexible Payment Timing requirements

The rules around when and how builders get paid under a MDBC have not been updated since 1995 and have fallen out of step with changes in industry practice. To enable a contemporary payment framework to be established, the Bill will amend the Act to insert a new regulatory head of power that will enable regulations to prescribe deposit limits, progress payment stages and limits specific to different types of contracts. This will provide government with the flexibility to update payment requirements to respond to differing circumstances, such as the extent to which a build utilises modern methods of construction, and to adjust requirements as building methods continue to evolve.

To prevent consumers being charged for work that has not been completed, amendments carried by the Bill also provide that a builder will not be permitted to demand or receive any amount or instalment of the contract price that is not directly related to the progress of work actually completed under the contract.

Balanced reforms to enable use of Cost Escalation Clauses with strong consumer protections

Building materials, labour costs and uncertainty around supply of materials have increased for the building industry in recent years. In response, builders have advocated for the ability to use cost escalation clauses to enable the price of a MDBC to be increased to reflect unexpected increases in the costs of materials or labour as well as unforeseen delays. However, these clauses can pose a significant financial risk to consumers, who are not well placed to anticipate or wear the impacts of changes in market supply and pricing.

To address these concerns, the Bill takes a balanced approach by allowing cost escalation clauses to be used but only in contracts where the contract price is $1 million or more and in conjunction with new strict consumer protections. In addition, cost escalation clauses must not be used to increase the price of a contract by more than five per cent in total. A builder who breaches either of these requirements will commit an offence and be subject to a penalty.

For a cost escalation clause to be valid, a warning notice must be given by the builder to the building owner before the contract is entered into explaining the effect of the clause, and the building owner must place their signature, seal or initials next to the clause in the contract.

Builders will also be required to warrant that any increased costs are calculated with due care and skill, considering all reasonable information, and to provide the building owner with a copy of any invoice, receipt, or other prescribed document that evidences the increased cost.

A builder who fails to comply with any of these requirements will not be entitled to recover any money using a cost escalation clause.

Reforms to facilitate preliminary works and agreements

Some building projects require substantial work to be undertaken to enable a builder and building owner to understand the work that will be required and agree on the detail of what will be built prior to entering a domestic building contract.

Some of these preliminary works, such as architectural designs or soil testing, have rightly been excluded from the definition of domestic building work and are not subject to the protections under the Act. Many of those preliminary works remain subject to other standards for their proper completion and may also be subject to the consumer guarantees provided under the Australian Consumer Law (Victoria).

However, the preparation of plans and specifications and bills of quantity are currently caught by the definition of domestic building work under the Act. This means that, unlike other Australian jurisdictions, builders cannot enter into an agreement to undertake these preparatory works without following all the requirements of the Act.

The Bill will align Victoria's laws with other jurisdictions by removing the preparation of plans, specifications and bills of quantity from the definition of domestic building work, and the scope of the Act.

The reforms in the Bill will ensure that physical work completed under a MDBC continues to remain insurable and that existing requirements under section 31 of the Act will operate to require plans and specifications to be provided as part of, and incorporated into, any MDBC. Existing warranties at section 8 of the Act will also require builders to carry out domestic building work in accordance with its relevant plans and specifications.

Additional Reforms to clarify contractual requirements and strengthen consumer protections

The Bill will also make a range of additional reforms to the clarify contractual requirements and strengthen protections across the Act. Amendments carried by the Bill will:

a) clarify that if a building owner and builder enter multiple domestic building contracts that could be the subject of a single contract (which would be a MDBC), they are to be taken together to be a single MDBC. This clarification addresses the practice of 'contract splitting' engaged in by some builders, including Porter Davis Homes, to avoid MDBC protections,

b) extend requirements that currently only apply to a MDBC to all domestic building contracts to provide clarity on the rights, responsibilities, and expectations of all parties and reduce misunderstandings and disputes. Key reforms include that all contracts are to be in writing and legible, state the name and address of the contracting parties, describe the work to be carried out, and include the price and date of the contract,

c) enable building owners to end contracts under the Act if the agreed completion time for the work blows out by more than 50 per cent or the contract price increases by more than 15 per cent, without being required to determine whether the builder could have reasonably foreseen the cost increase,

d) extend access to statutory warranties to building owners under contracts that are verbal, unsigned, or where the work is poorly defined in a written contract,

e) provide a single, clear contract variation process for MDBC, regardless of whether a variation is initiated by a building owner or a builder. Exemptions will apply for circumstances that require an urgent variation (for example, where there may be a hazard to health and safety or a risk of damage to a property if the variation were not made),

f) enable consumer protection information products to be published in the Government Gazette by the VBA which will allow these products to be updated more easily over time to reflect new information or changing market conditions,

g) remove consumer protections designed and intended for private homeowners from commercial arrangements between developers and builders,

h) modernise the statutory warranties in the Act so they are consistent in expression with the consumer guarantees under the Australian Consumer Law,

i) support the Building Reform Program by transferring the powers and functions of the Director Consumer Affairs Victoria to the VBA as a key step in the establishment of the Building and Plumbing Commission as a single integrated building regulator in Victoria,

j) improve the effectiveness of the Dispute Resolution Order framework to provide greater clarity for consumers and builders,

k) update the confidentiality and information sharing provisions in the Act and in the Building Act to support the operation of the dispute resolution functions to be transferred to the VBA; and

l) establish new regulatory heads of power to enable regulations to be made under the Act and the Building Act to give effect to the reforms in the Bill.

This Bill will deliver a modern fit for purpose regulatory framework for domestic building contracts in Victoria to give consumers greater confidence and security when building or renovating their homes. The Bill also supports growth and innovation in the building industry by flexibility to respond as construction methods continue to adapt and evolve to new building technologies.

Importantly, the reforms in the Bill are about fairness, lifting standards and making sure that Victorians can enter into domestic building contracts with confidence.

I commend the Bill to the house.

David DAVIS (Southern Metropolitan) (17:19): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Wage Theft Amendment Bill 2025

Introduction and first reading

The PRESIDENT (17:19): I have received a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Wage Theft Act 2020** to repeal the wage theft offences, rename the Wage Inspectorate Victoria, confer new functions and change the title of the Act, to consequentially amend other Acts and for other purposes.'

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:19): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:19): 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 Wage Theft Amendment Bill 2025 (the **Bill**).

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

Overview of the Bill

The Bill will amend the *Wage Theft Act 2020* (**Principal Act**) in order to:

- rename the Wage Inspectorate Victoria to the Workforce Inspectorate Victoria and amend the name of the Principal Act to the *Workforce Inspectorate Victoria Act;*
- repeal Victoria's wage theft offences, and the functions and powers connected to the investigation and enforcement of those offences by the former Wage Inspectorate Victoria;
- retain the Workforce Inspectorate Victoria as an independent statutory body with responsibility for administering the *Child Employment Act 2003* (CE Act), *Long Service Leave Act 2018* and *Owner Drivers and Forestry Contractors Act 2005* and as a sector regulator under the *Child Wellbeing and Safety Act 2005*;

- provide a facilitative function for the Workforce Inspectorate Victoria to give advice and information in relation to workplace entitlements and protections that are prescribed; and
- confer a function on the Workforce Inspectorate Victoria to receive and refer complaints and information relating Victorian public construction projects.

Human rights issues

The following rights are relevant to the Bill:

- right to privacy (s 13).

Right to privacy

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

New function to receive and refer complaints, and information sharing

Clause 36 of the Bill inserts new sections 20(1)(ia)–(id) into the Principal Act, and will provide that Workforce Inspectorate Victoria have new functions to receive complaints or matters, and related information, regarding public construction and then refer these on to other government agencies and bodies, including those of the Commonwealth or another State or Territory. Workforce Inspectorate Victoria may then also receive notifications and information from other government agencies and bodies relating to the complaints or matters it has referred on, and may provide advice and report to the Minister on any complaints, matters, notifications or information it receives or refers.

Clause 37 of the Bill then inserts a new Division 2A into Part 5 of the Principal Act, which provides that Workforce Inspectorate Victoria may request notification or information from a government agency or body regarding any investigation or action the agency or body has taken in respect of a complaint or matter that Workforce Inspectorate Victoria has referred to them. The agency or body must then provide the relevant notification or information within a reasonable time. Clause 38 then inserts new section 77(2)(ab) into the Principal Act to enable the disclosure of information when performing a function or exercising a power under the Act in accordance with the Workforce Inspectorate's functions under s 20(1)(ib) or (id), that is in relation to the referral of a complaint or matter regarding public construction to another government agency or body, or in relation to providing advice and reporting to the Minister on any complaints, matters, notifications or information that Workforce Inspectorate Victoria receives or refers.

The receipt and referral of complaints, matters and information, as well as information sharing between bodies and agencies, engages the right to privacy, given this may involve the sharing of personal information of individuals engaged to work on Victorian public construction sites.

I am of the view, however, that clauses 36 to 38 of the Bill do not limit the privacy right, as any disclosure of a person's information would be lawful, in that it would be pursuant to a properly circumscribed law, and is not arbitrary, as any disclosure may only occur in limited and clearly defined circumstances that enable Workforce Inspectorate Victoria to carry out its functions in respect of the receipt and referral of complaints regarding potentially unlawful conduct on Victorian public construction sites.

I note that the purposes of disclosure are consistent with those recognised by the Information Privacy Principles as being consistent with protection of privacy, being where disclosure is a necessary part of investigating unlawful activity or reporting concerns to a relevant authority.

A person acting on behalf of Workforce Inspectorate Victoria is also still subject to strict confidentiality requirements under s77 of the Principal Act, and any disclosure of information that is outside that the current exceptions in s77(2), and new s77(2)(ab) may amount to an offence.

I therefore consider that the Bill is compatible with the right to privacy under s13 of the Charter.

Hon Jaclyn Symes MP
Treasurer
Minister for Industrial Relations
Minister for Regional Development

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:20): I move:

That the bill be now read a second time.

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

Criminal and unlawful behaviour has no place in Victoria's construction industry.

The Formal Review into Victorian Government Bodies' Engagement with Construction Companies and Construction Unions, led by Mr Greg Wilson (Wilson Review), has exposed a rotten culture in the construction sector and the Victorian Government is taking strong action to stamp it out.

That is why I am introducing a Bill to implement the Victorian Government's response to recommendation 1 of the Wilson Review, to establish a complaints referral function within the independent statutory body, Workforce Inspectorate Victoria, to receive and refer complaints relating to public construction.

The Bill will also give effect to the Victorian Government's decision to repeal Victoria's wage theft offences, following commencement of the Commonwealth's offences in the *Fair Work Act 2009* (FW Act) on 1 January 2025. The Commonwealth's offences were drafted to cover the field of criminalising the underpayment of wages and other entitlements.

Background

In July 2024, the Victorian Government commissioned the Wilson Review as part of a range of actions responding to allegations of criminal and other unlawful conduct by the construction division of the Construction, Forestry and Maritime Employees' Union (CFMEU), to examine how Victorian Government bodies interact with construction companies and unions.

The Final Report was delivered to the Victorian Government on 29 November 2024. The review made eight recommendations about how the powers of Victorian Government bodies can be strengthened to better respond to allegations of criminal and other unlawful behaviour. The recommendations emphasise collective action among employers, agencies and law enforcement to encourage complaints, share information and act on misconduct as well as highlighting the need for a multifaceted approach involving cultural, regulatory, legal, policy and contractual changes.

The Government released its response to the final report on 18 December 2024, accepting all recommendations either in-full or in-principle.

The Review found that most relevant interventions sit with the Commonwealth in industrial relations and the CFMEU administration, but that there are a number of actions Victorian Government agencies can take to enhance oversight and management to deter criminal and unlawful activity.

The measures the Victorian Government is adopting aim to complement Commonwealth reforms and CFMEU changes, as well as actions already taken by the Government, which includes passing anti-bikie laws in 2024 that make it easier to prevent certain individuals from associating with each other.

The Bill will amend the *Wage Theft Act 2020* (Act) to repeal Victoria's wage theft offences and associated compliance and enforcement functions and powers as well as re-name the Wage Inspectorate to the Workforce Inspectorate Victoria to better reflect its role and functions going forward.

The Commonwealth Government introduced amendments to the *Fair Work Act 2009* (Cth) in the *Fair Work Legislation Amendment (Closing Loopholes No.2) Act 2024* (Cth), which makes it a criminal offence in Australia to intentionally underpay wages. The Commonwealth wage theft laws commenced on 1 January 2025, and as a result, the Victorian wage theft laws are largely inoperable and can be repealed.

The Bill in detail

People coming forward with critical information about unlawful or intimidatory conduct on worksites deserve to have complaint processes that meet their expectations and the expectations of the Victorian people.

There are multiple state and federal entities with powers to respond to various issues that may arise on any Victorian worksite including Victorian Government construction sites. For example, WorkSafe Victoria has regulatory responsibility for workplace health and safety, the Fair Work Ombudsman (FWO) is responsible for compliance with Australia's workplace laws around pay and conditions, Victoria Police are responsible for the investigation of criminal allegations, while the Independent Broad-based Anti-Corruption Commission investigates complaints about corruption in the public sector.

The number of different complaint handling entities with various regulatory responsibilities can make it challenging for people to find the right place to direct their complaint. Some complaints are also multifaceted and fall under the remit of more than one agency. The Wilson Report identified instances of complaints being passed between agencies without resolution. A central agency with relevant referral functions can provide 'one doorway' to receive and assess complaints and ensure they are referred to the appropriate regulatory body who can assist.

A centralised complaints referral agency will assist to collect and track complaints data, that could detect emerging trends and inform future changes in laws and policies as well as facilitate appropriate referral pathways.

That is why the Victorian Government supported recommendation 1 of the Wilson Report to establish a central agency to receive and refer complaints relating to Victorian Government construction sites to the bodies who can assist.

The Wilson Review recommended establishing the complaints referral function as part of a new standalone entity or administrative office. However, consistent with the Government's commitment in the Economic Growth Statement to halve the number of business regulators, it is proposed that the complaints referral function be set up in the Workforce Inspectorate Victoria. Housing the referral function within an established regulator, with existing operational capability and experience in dealing with allegations of unlawful conduct in workplaces, is a more efficient delivery model that can be rapidly set up.

It is preferred that the complaints referral body be established within the Workforce Inspectorate, given its current legislative remit and existing operational capability to receive information from members of the public, refer matters as needed and experience dealing with allegations of criminal conduct.

The amendments in this Bill will confer on the Workforce Inspectorate the necessary legislative functions for it to undertake the complaints referral function, including receiving information relating to suspected criminal or other unlawful conduct from principal contractors on Victorian Government-funded construction projects, as well as providing appropriate information sharing arrangements with the bodies to which it will be referring complaints.

The Bill also enables the Workforce Inspectorate to follow up on complaints and matters it has referred to other agencies, by facilitating a two-way flow of information. The Bill specifically allows the Workforce Inspectorate to request and receive notifications and information about matters it has referred (subject to any confidentiality or privacy provisions within the referral agency). The Workforce Inspectorate will be able to set up systems to enable it to provide information back to complainants to keep them informed of any responses or updates it receives.

The complaints referral function does not require the Workforce Inspectorate to investigate or resolve complaints directly, but rather, act as a clearing house, ensuring that complaints are received and referred to the appropriate agency. The Workforce Inspectorate will be a central point of communication. It will not have powers to require referred matters to be followed up (as this would interfere with the powers of other independent law enforcement agencies), nor is it given powers to take action itself in relation to a referred matter. As recognised by Mr Greg Wilson in his review report, the responsibility for action belongs to the law enforcement or regulatory agency that has the relevant powers. The Workforce Inspectorate will have operational capacity to monitor status and resolution of complaints over time.

These amendments implement recommendation 1 of the Wilson Review.

Recommendation 7 of the Wilson Report, which the Victorian Government supported in full, recommends that contracts for state projects include new requirements for principal contractors to report and manage criminal or unlawful conduct on Victorian Government- funded work sites. The recommendation also requires principal contractors to report any suspected criminal or other unlawful conduct to the new complaints referral body. Failure of contractors to meet their reporting obligations could constitute a breach of contract, providing clearer grounds for enforcement if issues arise in the future.

In setting up the complaints referral function, the Bill also supports the implementation of Recommendation 7, by empowering the Workforce Inspectorate to receive reports from any person, which includes principal contractors. Where these matters are of a criminal nature, they will need to be handled in accordance with criminal procedure laws.

The Bill includes a definition of 'public construction' to support the new function. The Wilson Report and recommendations only refer to Victorian Government construction projects, not construction more generally.

The Wilson Report estimates that the demand in Victoria could be in the vicinity of 200 complaints per quarter. The Report noted that demand for Victoria's referral function could be less or more, depending on whether or not individuals chose instead to directly make a report to the Fair Work Commission (or other responsible bodies) and levels of awareness of reporting options.

The Wilson Report data was sourced and estimated based on the Fair Work Commission online portal, which opened on 31 July 2024 and received 793 complaints and pieces of intelligence as at 31 October 2024. It assumes that complaints in relation to Victoria represents around 25 per cent, which equates to approximately 200 complaints.

We have announced that the Inspectorate will conduct its new functions in receiving concerns or complaints with a special focus on women's safety.

This Government has a continuing, existing commitment to drive long-term structural and cultural change across the male-dominated construction sector, to increase women's workforce participation through the implementation of the eight year Building Equitable Futures Strategy, together with implementation of the Building Equality Policy. The policy works towards equal representation by taking steps to attract, recruit and retain women in the industry, break down the barriers to women's workforce participation and challenge existing attitudes and norms.

The Victorian Government is committed to evaluating the effectiveness of the action taken to acquit the Wilson Report's recommendations and their impact on managing issues of criminal and unlawful conduct within Victorian Government construction sites two years after the laws commence. The evaluation will also assess whether further reforms may be needed, to make sure our construction industry meets the expectations of the Victorian people.

The Bill will additionally confer a general function on the Workforce Inspectorate to provide information, education and advice in relation to workplace entitlements if prescribed in regulations. This function will allow the Workforce Inspectorate (subject to approval and regulatory prescription) to provide advice and information on workplace matters more broadly, noting its regulatory functions will otherwise be limited to child employment, long service leave, owner drivers/forestry contractors and the new complaints referral function following the repeal of the wage theft offences. The proposed amendment is a facilitative function intended to provide flexibility for the Workforce Inspectorate in the future to provide a broader advice function if deemed appropriate, without acting beyond its statutory remit.

The Bill allows the Workforce Inspectorate to be re-named to better reflect its revised legislative mandate, as well as re-naming the principal Act. The Wage Inspectorate Victoria will be known as the Workforce Inspectorate Victoria and the *Wage Theft Act 2020* will be re-named the *Workforce Inspectorate Act 2025*.

The change of the name of the Act and the Inspectorate will not alter its formal status in any way. The Workforce Inspectorate will continue to be an independent statutory authority led by the Commissioner.

The Bill also makes consequential amendments to the *Child Employment Act 2003, Long Service Leave Act 2018* and *Owner Drivers and Forestry Contractors Act 2005* to reflect the new Act name and references to the Workforce Inspectorate. The legislative reforms also interact with the *Privacy and Data Protection Act 2014* to support the referral of complaints and ensure appropriate privacy protections are in place for the referring entity. They also interact with the recently amended *Criminal Organisations Control Act 2012* and regulations, which prohibit members of prescribed organisations from entering certain areas of Victorian Government worksites.

Commencement date

The provisions that repeal the wage theft laws can commence quickly upon proclamation as they are no longer required in light of the Commonwealth's offences.

The new complaints referral function will commence on a date to be proclaimed to allow time for the function to be fully embedded in the Workforce Inspectorate, including the recruitment and training of staff to appropriately navigate, assess and direct complex complaints within the Commonwealth and Victorian regulatory and integrity landscape as well as set up the necessary ICT systems.

I commend the Bill to the house.

David DAVIS (Southern Metropolitan) (17:20): I move:

That debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (17:20): I move:

That the house do now adjourn.

Early childhood education and care

Sonja TERPSTRA (North-Eastern Metropolitan) (17:20): (1843) My adjournment matter this evening is to the Minister for Children. The action I seek is for the minister to outline how the Allan

Labor government will continue to support the expansion of early childhood education infrastructure in the North-Eastern Metropolitan Region, ensuring more local families can access high-quality kindergarten close to home. I raise this matter following the official opening of the newly upgraded kindergarten room at Heatherdale Preschool in Mitcham, an inspiring example of Labor's commitment to delivering universal access to early education. Thanks to $1.2 million from the 2021–22 Building Blocks capacity building grant, Heatherdale now offers an additional 22 places, bringing total enrolment capacity to 83 places. It was also the first kinder in the area to offer three-year-old kinder many, many years ago. This investment demonstrates the values of a Labor government in action, removing barriers to education, supporting working families and giving every child, regardless of background, the best start in life. The co-location of kindergartens near schools or on school sites eases the transition to primary education and helps busy parents manage the daily juggle of work, care and study. Through our Best Start, Best Life reforms the Allan Labor government is investing not only in bricks and mortar but also in social equity, lifelong opportunity and cost-of-living relief, saving families up to $2600 per child through free kinder. This is a proud achievement for Mitcham, but we know the demand for high-quality early learning continues to grow. I therefore ask the minister to advise how our government will continue this momentum and ensure every child across the North-Eastern Metropolitan Region has the opportunity to thrive through strong early learning infrastructure.

Ambulance services

Georgie CROZIER (Southern Metropolitan) (17:22): (1844) My adjournment matter is for the attention of the Minister for Mental Health. In February I asked the Minister for Health on notice how many ambulances were called to respond to drug overdoses at the Hardmission music festival, which was held on 8 February at Werribee racecourse. The minister responded on 1 April and stated that Ambulance Victoria was engaged to provide services onsite for the duration of the event but was not required to respond with additional resources, yet when I subsequently asked the very same question about three other music festivals – Ultra, Pitch Music and Arts Festival and the Warehouse Project – the minister refused to provide me with an answer to this very important question. These festivals were sites of the government's pill-testing trial in the wake of the Hardmission Festival in 2024, where nine people were hospitalised in a critical condition with hyperthermia after taking MDMA. In the second-reading speech for the legislation one of the aims of the trial is to:

> reduce pressure on frontline services from drug poisonings and other acute episodes …

So reducing demand for ambulance services is clearly something the minister is concerned with when considering the impact of the legislation in practice at these festivals. Minister, I do not expect you to have the answer on hand, and I was not sure if you were going to be at the table. The action I seek is for you, Minister, to provide the answer to the question that the Minister for Health refused to provide to questions on notice 1969, 1970 and 1971, which is: how many ambulances were called to respond to drug overdoses at the Ultra music festival in April, the Pitch Music and Arts Festival in March and the Warehouse Project music festival in April?

Community safety

Aiv PUGLIELLI (North-Eastern Metropolitan) (17:23): (1845) My adjournment matter is for the Premier. The action I seek is for the Labor government to scrap its plans to bring New South Wales style anti-protest laws to our state. Protest is powerful, and it is essential in democracy. I was moved to see the images of hundreds of thousands of people marching across the Sydney Harbour Bridge, marching for Palestine, marching for humanity. I am moved regularly by the images each weekend of thousands of people protesting here in Melbourne each Sunday. When people feel that their leaders are not listening to them, they take to the streets so that they can be seen, so that people in this room see them. Do you see them? Protest is powerful because you do see them. It is right in front of your face. It is impossible to ignore. It is no wonder that the government wants to stop it. Hundreds of thousands marched across the Sydney Harbour Bridge for Palestine and days later we saw the federal

Labor government announce that they will recognise the state of Palestine. Recognition of a Palestinian state has been Labor's national platform for years, yet Labor in government refused to acknowledge Palestine all this time. They even booted out a senator from their party for supporting the Greens' earnest attempts to recognise Palestine previously. Only days after one of the largest protests in this country's history did Labor act. It was a protest that Labor in New South Wales did everything in their power to try and stop, using laws that this government is trying to bring here. The motives are transparent. The desire to make pro-Palestine protesters just go away is well documented. The best way for this government to demonstrate to the people of Victoria that it does care and it will listen is to uphold our right to protest. To anyone who is listening: recognition of Palestine is one step, but the march for humanity was asking for sanctions and an end to the two-way arms trade with Israel, and we will all keep marching.

Economy

Jacinta ERMACORA (Western Victoria) (17:25): (1846) My adjournment matter is for the Treasurer. I seek an update on how the Allan Labor government is supporting ongoing jobs growth, with 75,000 Victorians employed over the last year to 2 May 2025 and a high participation rate reflecting confidence in our economy and the labour market. I look forward to the Treasurer's response.

Main Street, Greensborough, development

Richard WELCH (North-Eastern Metropolitan) (17:26): (1847) My adjournment matter is for the Minister for Planning. In Greensborough the government has approved a 17-storey apartment building of one- and two-bedroom apartments. The planning has allowed for smaller than regulation-sized rooms in those apartments. The building does not have adequate parking for the future residents. It has no open space, has no provisions for families and has been met with shock and horror by the residents of Greensborough, who have responded to me and a petition en masse, such that it is absolutely worthy of a community forum. I have also spoken to the Banyule council, in which Greensborough resides, about their dissatisfaction with the whole process and about how this oversized building would be placed in the middle of Greensborough with no additional social infrastructure when available Crown land and other land for housing is simply laying moribund. It is completely disproportionate in scale and in situ, but it is also inefficient in that there is other readily available land waiting to be developed to address housing issues. The community naturally have a lot of concerns. We already have approaching 200 people registered for the community forum on Monday 8 September. The action I seek is that the minister make herself available to come and talk to residents at that community forum.

Energy policy

Katherine COPSEY (Southern Metropolitan) (17:27): (1848) My adjournment matter is for the Premier. This week there was fresh reporting on Labor's push to fund a carbon capture and storage (CCS) industry along Australia's east coast. Alarmingly, the Victorian government continues to contribute public funds to this folly. The action I seek is for the Premier and Labor to stop throwing good money after bad, stop throwing public funds into carbon capture and storage, stop being champions for the fossil fuel industry. Instead, direct those funds to fully decarbonising Victoria, enabling us to meet our legislated renewable targets, retire coal and gas on schedule and invest in real, proven climate solutions that create long-term, secure jobs without locking communities and the planet into yet another generation of fossil fuel infrastructure.

Let us be clear: carbon capture and storage is not a feasible climate plan. It only extends fossil fuel use, wastes public money and delays the real work of electrifying industry and building renewables. Even its flagship projects underperform. Just a year ago it was reported that Chevron's Gorgon CCS captured only about 30 per cent of the carbon it was supposed to. With costs rising to roughly $222 per tonne, it is hardly a wise use of scarce decarbonisation dollars. If any other initiative reported just a 30 per cent success rate, it would be defunded immediately. Meanwhile, the International Energy Agency has warned repeatedly that carbon capture cannot substitute for deep near-term cuts in fossil fuel use. Using carbon capture and storage as a permission slip to just continue business as usual will

require implausible scale-up, and it will still fail to deliver the emission reductions that we need on the timeline required to avert climate catastrophe.

In Gippsland, CarbonNet's proposal would drive a 100-kilometre CO_2 pipeline from Loy Yang to Golden Beach, with all the land use impacts and community concern that that entails, to again entrench fossil processes rather than to replace them. By contrast, Victoria already has a blueprint for genuine decarbonisation and legislated renewable and storage targets on a path to 95 per cent renewable electricity by 2035, alongside the revived SEC plans to build public renewables generation, transmission and storage. Every public dollar should accelerate that plan: rooftop and community batteries, grid-scale storage, offshore and onshore wind, solar, energy efficiency upgrades, industrial electrification and worker transition programs to support people in the valley and help get us away from fossil fuels, rather than just providing a fig leaf to prop up their continued use. So I say again to Labor and the Premier: end the waste, end the futile subsidies for carbon capture and storage that do not deliver and end the cheerleading for fossil fuels.

School breakfast clubs

Tom McINTOSH (Eastern Victoria) (17:30): (1849) For my adjournment the action I seek is that the Minister for Education update me on the school breakfast clubs program and the benefits for students, schools and communities in Eastern Victoria.

Ballarat West

Joe McCRACKEN (Western Victoria) (17:31): (1850) I am wanting to address my adjournment tonight to the Premier, and it concerns a very important historical document that is from the Labor Party actually in 1999. Now, Mr McIntosh might actually have an interest in this. The document is titled 'Standing Up for Ballarat West'. It is not the seat of Wendouree, Mr McIntosh, but we know you have an interest in that as well. It says that what the Bracks Labor government will do – now, get this – is provide a budget surplus every year, overseen by an independent Auditor-General. How far have the Labor Party stepped away from that? Quite a long way, you would have to say. They are almost unrecognisable, aren't they, really?

The next thing that they wanted to do was to cut class sizes for grades prep, 1 and 2 – well, maybe going by some of the behaviour we have seen, we have got some students from those classes that we can talk to – and also make hospitals cleaner and reduce hospital waiting lists. We know that hospital waiting lists have blown out under you guys. I bet you that Steve Bracks would be so ashamed to see what is going on here.

This one, Mr McIntosh, you are going to love: guarantee reliable supplies of gas and electricity through an essential services commission. And get this one – here is another one that was promised: cut crime by boosting police numbers. What a revelation. But again, we see it not happening. This is one that I think is really, really great that you guys will like. It is: abolish the catchment management tax. You guys are addicted to taxes, but here your predecessors were wanting to abolish a tax.

You guys would be ashamed if the Steve Bracks of 1999 looked forward and saw what was happening right now. But this is the best one. The last one says: listen to the people of Ballarat West. I tell you now, that does not happen from the current member for Wendouree. It is an absolute disgrace. So the action I seek is: I want to know from the Premier how she is going to restore Victoria's reputation, with all these policies that the Labor Party took to the people of Victoria completely and utterly trashed, because under this government Victoria is suffering. How is the Premier going to turn this around?

Ingrid Stitt: On a point of order, President, I know it has been a long week – well, not that long – but I am not sure I am clear on the action that Mr McCracken was seeking there from the Premier.

The PRESIDENT: I think the action was to deliver commitments from a Premier four premiers ago. Was it something like that? You can repeat the action.

Joe McCRACKEN: It was: will the Premier outline how she intends to restore Victoria's reputation, given those things that were promised in the past? I want her to outline how she is going to restore Victoria's reputation.

The PRESIDENT: I just do not think it is an adjournment.

Melina Bath: On a point of order, President, a member for Eastern Victoria Region got up and said, 'Give me an outline, Minister.'

The PRESIDENT: Update, yes.

Melina Bath: Yes, 'The action I seek is an outline.'

The PRESIDENT: Update.

Melina Bath: And this member for Western Victoria Region got up and asked for an explanation about how the Premier would do something – they are virtually the same ingredient.

The PRESIDENT: I think Mr McIntosh asked for an update of a current program from a current minister, where Mr McCracken is calling on the current Premier to fulfil or implement what a Premier four premiers ago –

Members interjecting.

The PRESIDENT: I am sorry. It is this current Premier – 100 per cent you are asking the question of the current Premier about the actions of a previous Premier. Why don't we just review it, and if it is okay, it will go through.

Community pharmacists

Michael GALEA (South-Eastern Metropolitan) (17:36): (1851) If I could perhaps shift the focus of the adjournment debate back into this century – we know the Liberal Party love to dwell in the past. We know they love to take us back to the 1950s and who knows how much earlier. That is just what they do. But I would actually like to talk about something that is happening in this century, Mr McCracken, and that is to do with the innovative ways in which this government is providing healthcare access to Victorians. My adjournment, therefore, is to the Minister for Health in the other place, and the action that I seek is an update on all the very many ways in which we are providing better healthcare services to Victorians where and when they need it.

We know of course about Victoria's virtual emergency department, which is providing great services to people already and providing that additional level of care for people and that additional level of triage as well so that they can be supported either in the VED or in an actual ED if so required. We have had very interesting evidence in the Ambulance Victoria inquiry about this as well, and we look forward to seeing the outcome of that report and the many ways in which that is also supporting Ambulance Victoria.

The particular update I seek information on is the community pharmacy program. It is a wonderful initiative. It has been backed in by pharmacists enthusiastically across the state.

Melina Bath interjected.

Michael GALEA: And Victoria is in fact, Ms Bath, the only state in which this program is being rolled out completely free of charge to those accessing the services. Those appointments in the pharmacies are fully free of charge to access, which is really important in not just providing additional healthcare access – the healthcare access that Victorians need – but doing so in a way that is not hurting the hip pocket. We have seen from the former federal Liberal government a complete assault on bulk billing and on affordable access to health care, and it is great to see the federal Labor government do some steps to return that. We look forward to much more action in that space.

At this level, though, the urgent care clinics were initiated by the state government here in Victoria – and indeed even by the Liberal government in New South Wales, mind you, because even they recognised that the federal Liberals were completely useless. We have done the urgent care clinics. It is a great program. The community pharmacy copilot program – a wonderful initiative. And Mr McGowan, when we go on our bus trip in the south-east we can stop in at all the various pharmacies that have already taken up this wonderful program. In between our stops on that bus trip we can go and see the many ways in which this is working. So the action that I seek is an update on these and any other ways in which this government is providing innovative and modern, 21st-century access to health care for all Victorians.

Infrastructure contributions

Trung LUU (Western Metropolitan) (17:39): (1852) My question is for the Treasurer, concerning the growth areas infrastructure contribution collected by the councils in Melbourne's west. It has come to my attention that the state government is holding onto hundreds of millions of dollars of the growth areas infrastructure collection collected by the councils. I ask the Treasurer to guarantee, moving forward, that all funds collected by the councils in Melbourne's west from the growth areas infrastructure collection be allocated back to them by the state government to deliver essential local infrastructure and services, including recreation spaces, playgrounds, community pools and sports reserves. In Melbourne's west, under this scheme, we are handing over to the Labor government as much as the north and south corridors of Melbourne combined. Pleas from my councils in the west to ensure that much-needed funds are being spent locally have so far been ignored by the Labor government. At the moment the funds are being redistributed to councils at the preference of the Labor government at the expense of booming growth areas like Melton, Wyndham and surrounding areas in my electorate of Western Metropolitan Region, meaning we in the west are missing out and are being treated like second-class citizens.

Melton has just over 51 per cent of the funds it has raised being directed back to local projects, and only half of the funds raised are being allocated back to areas where they need to be implemented. Elsewhere, councils on the other side of Melbourne – yes, under this same scheme – in the eastern suburbs are seeking almost 100 per cent of the funds to be allocated back to local projects. This is unfair and not acceptable when the Allan Labor government cherrypicks projects and does not fully allocate funds back to where they were intended for – that is, to deliver essential local infrastructure and services for the growth areas. As one of Melbourne's fastest growing areas, the west needs more local infrastructure to accommodate population growth, for better roads, for more public transport, more schools and more local services, which means the government needs to ensure that the ongoing funds raised by this project in the west stay in the west and are directly returned back to the west's community for equality and fairness.

Melbourne Fringe Festival

Sheena WATT (Northern Metropolitan) (17:42): (1853) My adjournment matter tonight is for the Minister for Creative Industries in the other place and concerns the Melbourne Fringe Festival. The Melbourne Fringe Festival is hosted at the historic and mighty Trades Hall in Carlton. During Fringe the building comes alive, buzzing with creativity, with multiple performances. It is one of the very best places to be, and it is the energy and the ideas and the passion that makes Melbourne Fringe so special. The action I seek is for the Minister for Creative Industries to provide information about the Allan Labor government and its commitment to supporting independent artists to showcase their talents.

Early childhood education and care

Ann-Marie HERMANS (South-Eastern Metropolitan) (17:42): (1854) My adjournment is to the Minister for Children, and the action I seek is for the minister to immediately address the systemic flaws and failures in child safety in this state. There is a clear disconnect with this government in acknowledging the important work that needs to be done to protect our most vulnerable – our children. Child safety is under-resourced, and although the government articulates its policies, the practical

application highlights that it is all just talk. We only need to look at the over-representation of Aboriginal children within the child protection system and the frequent failures to get these kids and families the safe support that they need to know this is true.

Trauma, particularly experienced in the early stages of a child's life, needs to be dealt with immediately and effectively, and the child needs to know that they are heard and feel safe to report issues around abuse. The policies developed by the government are clearly not working, and there needs to be an independent watchdog with long-term funding to hold the government and the relevant departments accountable. The recent case of the young male working in various childcare centres who was abusing little children is evidence that the system has failed.

There have been repeated warnings and recommendations to fix the system. These have come from as high up as the Ombudsman's office and the Commission for Children and Young People over many years. This Labor government's failure to strengthen working with children checks is a clear example, and that is why the Liberal–National coalition have identified weaknesses such as individuals under active police investigation still being able to obtain checks. Victoria's working with children system is broken. It is broken because it has loopholes that have been exploited and are continuing to be exploited by those who do our kids harm. Those loopholes need to be closed, and they need to be closed now. The recommendations from the Ombudsman laid out a very clear series of changes that need to occur to make sure that those loopholes can be closed. For example, the working with children regulators should not have to wait for a criminal conviction or a disciplinary finding in the workplace in order to suspend, vary or revoke a working with children clearance.

Congestion levy

Bev McARTHUR (Western Victoria) (17:45): (1855) My adjournment is directed to the Treasurer, and the action I seek is that the Treasurer join me in meeting with the many councils that will be affected by the government's proposed congestion levy hike. Welcome to the most taxed state in the nation. In Victoria there is a tax for everything and for everyone: schools and GPs, tourists and home owners, volunteers and farmers. Now there is a massive tax hike that is set to hit commuters right here in Melbourne. It is called the congestion tax, which will increase by nearly 80 per cent. While a bill is yet to be presented to the Parliament, the government announced their intention to raise it late last year and quietly inserted it into the recent state budget. True to form, there was no consultation, no consent and no collaboration with either local government or industry.

Cath Evans of the Property Council of Australia rightly pointed out that this move will:

> … exacerbate the already challenging economic conditions in Victoria, and impose significant financial strain on businesses and property owners, without offering a clear solution to the issue of traffic congestion.

The City of Stonnington mayor said:

> This levy is a tax on our community. It will make parking more expensive, add pressure to local businesses, and could force Council to cut back on the services our residents rely on …

I also acknowledge the work of my colleague in the other place Ms Westaway for her advocacy against this tax hike. Stonnington were forced to increase their parking fees from 1 July to prevent reduced revenue after tax or significantly higher parking fees in the third and fourth quarters of this year. While I deplore Labor and the Greens' anti-car mantra, this is not about reducing congestion or pollution or any seemingly noble effort; it is about raising more money to pay for their budget blowouts, pure and simple. So how much will be ripped from the pockets of those who choose to drive into town? $222 million in the first financial year, increasing to $240 million three years after that. What assurances can the Treasurer give that this revenue will benefit the affected suburbs? Absolutely none.

At a time when Melbourne's CBD has the highest office vacancy rates in the nation, fewer customers will visit our languishing shops, restaurants and cafes, and even fewer office workers will choose to work in town. Those who still decide to commute to the city in their cars will opt to use exempt street parking, which will no doubt increase in price due to heightened demand. So, Treasurer, on behalf of

our businesses, commuters and councils, I call on you to rethink this tax before it unleashes even more damage on our city.

Camping regulation

Melina BATH (Eastern Victoria) (17:48): (1856) My adjournment matter this evening is for the Minister for Environment, and it relates to visitor management and ranger oversight in state forests and camping areas around Coopers Creek, Bruntons Bridge and the surrounding area. This happens to be in the seat of Narracan, and I know my good friend Mr Wayne Farnham has been frustrated like me in working with his community on this also. The action I seek is for the minister to work directly with Mountain Rivers Landcare Group to develop a coordinated approach to visitor management in the Mountain Rivers region, including Walhalla – the beautiful Walhalla – Rawson and Erica and commit to urgent improvements before the next peak holiday season, including infrastructure upgrades, visible and consistent ranger presence and clear signage to support visitor safety and get the balance right of protecting the local environment.

I raise this issue on behalf of the Mountain Rivers Landcare Group and the wider community of Walhalla, Rawson and Erica, who were deeply concerned – and still are – about the pressures on this area. Indeed it is a beautiful spot, and I know many of my local Gippslanders have holidayed there over the summer and Easter periods, and also more and more Melbournites – people from the metropolitan area – are finding this beautiful region to come and spend time in. But one of the serious things that happens of course is that it is not managed properly, it is free and dispersed camping – and we endorse that. It is very important, it is necessary. Particularly in a cost-of-living crisis when people are stressed, they need to be able to get out in the environment, enjoy the environment and commune, but when it is unorganised and uncoordinated and there is a lack of good governance and oversight, there can be strained facilities, unsafe fires, littered bushland and no clear oversight.

This is what happens when there are particularly insufficient rangers on the ground. I worked with this group and I attended some meetings, as did my colleague, over a couple of meetings, and they were really proactive. You had local people going in with their utes and clearing away rubbish. You had wonderful people going in and handing out plastic bags and asking people – there was good communication and goodwill, but we do not need our environment trashed like this. And what is the cause? It is because this government is directing more and more funds away from positive management of our forests and state parks without the oversight. I ask that the minister work with these people. They have an email and they have information they need to get this job done and sorted.

Parentline

Nick McGOWAN (North-Eastern Metropolitan) (17:51): (1857) Seventy-eight days – we have exactly 78 days until Parentline closes, although we hope that will not occur. I say that because we have been here before. I have said it in this place, and I have made a commitment to raise Parentline each and every day that I am in Parliament from now until at least 31 October – but in addition to that, obviously, to work with those of a like mind to try and save Parentline.

For those of you who are not familiar in this place with the work of Parentline, Parentline is a dedicated helpline for parents. It is not just here to assist the young people, as we are familiar with the work of the maternal healthcare line. This line has been in existence for a very long period of time and helps all those parents of children from five to 18. It is a manned – staffed – helpline with experts in their field. It is a team of people who range in their professions from social workers to psychologists to teachers, and their dedication is that they, each and every day from 8 am to midnight, provide professional support to parents when they need it most.

To put that in context, we live in a state, right now here in Victoria, where we have the second-highest number of claimed child abuse reports. I will say that again: we have the second highest number of claimed child abuse reports in the country. Overlay that with the fact that we have perhaps one of the greatest crises in child care and the confidence parents can have in respect to their own children's

safety. Notwithstanding there is a review currently on foot, now is not, I put it to this government, the time to actually do away with this service. This is a service that we know only costs $1.3 million – $1.3 million, 15 part-time dedicated professional staff, one full-time team leader, a service that services over 17,800 phone calls a year, and there is no plan to replace it.

The government's plan is to simply absorb all these other responsibilities into other services which are not specialised, which cannot deal with this problem and the problems that parents increasingly face, whether it is digital, online safety, whether it is claims of child abuse, or whether it is just a question of them handling their own children. My question tonight is for the minister for child safety and the minister for child protection, and it actually relates to clause 11 under the proposed changes. The minister and the government are required to consult, and I would ask the minister to both consult with the union who represents those 15 dedicated workers and the one full-time leader and to change its mind – do what they have done before and abandon its plan to close Parentline.

Wallan rail extension

Wendy LOVELL (Northern Victoria) (17:54): (1858) My adjournment matter is for the Minister for Transport Infrastructure, and the action I seek is for the minister to confirm what, if any, funding the Victorian government has provided for planning work to extend the Upfield and Craigieburn metro lines to Wallan and to confirm whether or not that planning work has begun. Over the last decade the state Labor government has approved the development of tens of thousands of homes in the northern growth suburbs but has completely failed to make the necessary investment in public transport infrastructure for residents living in those areas. My constituents in those rapidly expanding suburbs are already suffering every day from totally inadequate public transport, yet last week the Minister for Planning approved a new mega suburb for 50,000 people in Beveridge North West. Residents in the north are stuck in chronic traffic congestion every day. Bus links to local schools, shops and other services are almost totally absent, and commuters cannot get a seat on the overcrowded V/Line services that pass through Donnybrook.

Emails recently released through a freedom-of-information request show that the Secretary of the Department of Transport and Planning, Paul Younis, had prepared and submitted a report called the *North West Strategic Assessment* in June last year. Mr Younis said:

> The report's key finding is that due to significant population growth in the north and west of Melbourne … there is an urgent need to begin detailed development of rail capacity-boosting projects in the north and west.

Boosting rail capacity for residents in Donnybrook, Beveridge and Wallan means that the Upfield and Craigieburn lines must join and be extended and electrified all the way to Wallan to allow Metro services to run through to the northern growth suburbs with bigger capacity and greater frequency. This will also require new train stations, especially at Beveridge, which is a top priority for the Mitchell Shire Council. Last year when I called for the government to urgently start work on the new station at Beveridge, the minister dodged my question and suggested that Beveridge residents could catch the train at Wallan or Donnybrook – what a joke. Those stations are already overcrowded and will not be able to handle the extra patronage when new housing developments open.

In February this year the Commonwealth committed $7 million towards planning for Melbourne's northern suburbs rail upgrades. Victoria will need to add its own funding and carry out the planning work, but the Allan Labor government is not showing any urgency to do its part. My constituents in the Yan Yean district cannot wait for another decade while Labor drags its feet over urgent upgrades. The minister must confirm what, if any, funding the state government has provided for the planning work to extend and electrify rail services through to Wallan and confirm whether that planning work has actually started or whether Labor is still ignoring the needs of the rapidly expanding northern suburbs.

Responses

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (17:57): There were 16 adjournment matters this evening to 10 separate ministers, and written responses will be sought. There was one to me from Ms Crozier. I will take that on notice and investigate those adjournment numbers that she gave me.

Questions without notice and ministers statements

Written responses

The PRESIDENT (17:58): Just before I adjourn, Ms Crozier asked me to review answers from Minister Blandthorn to determine whether there should be a written response. In checking, I confirmed that, as I said at the time, a written response will not be required.

The house stands adjourned.

House adjourned 5:58 pm.