Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 13 August 2026

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	FFV	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[8]	Northern Victoria	ON
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 Dec 2023
[2] Lib from 26 Nov 2022 until 28 Mar 2023;
IndLib from 28 Mar 2023 until 27 Dec 2024;
Lib from 27 Dec 2024 until 28 Jul 2026;
Ind from 28 Jul 2026 until 6 Sep 2026
[3] Appointed 14 Nov 2024
[4] LDP until 26 Jul 2023
[5] Resigned 8 Nov 2024
[6] DLP until 25 Mar 2024
[7] Appointed 7 Feb 2024
[8] PHON until 3 Aug 2026

Party abbreviations

AJP – Animal Justice Party; ALP – Australian Labor Party; DLP – Democratic Labour Party;
FFV – Family First Victoria; 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; ON – One Nation Victoria;
PHON – Pauline Hanson's One Nation; SFFP – Shooters, Fishers and Farmers Party

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Thursday 13 August 2026

The PRESIDENT (Shaun Leane) took the chair at 9:32 am, read the prayer and made an Acknowledgement of Country.

Committees

Integrity and Oversight Committee

The Independent Performance Audits of the Independent Broad-based Anti-corruption Commission and Integrity Oversight Victoria

Ryan BATCHELOR (Southern Metropolitan) (09:33): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table a report on the independent performance audits of the Independent Broad-based Anti-corruption Commission and Integrity Oversight Victoria, including appendices, from the Integrity and Oversight Committee. I move:

That the report be published.

Motion agreed to.

Ryan BATCHELOR: I move:

That the Council take note of the report.

The Integrity and Oversight Committee is a joint committee of the Parliament established under the Parliamentary Committees Act to oversight the performance of Victoria's integrity agencies. One of the statutory obligations that the committee has is to cause an independent performance audit of each of those integrity agencies every four years. This year the IOC engaged an independent performance auditor to monitor and report to the Parliament on the performance of IBAC and Integrity Oversight Victoria. Earlier in the term, on the recommendation of the IOC, the Parliament appointed O'Connor Marsden to undertake the audits. These are the second independent performance audits of IBAC and IOV since the inaugural audits in 2022. The purpose of the audits is to consider whether IBAC and Integrity Oversight Victoria are achieving the objectives of their respective governing legislation effectively, economically and efficiently and to ensure that they are complying with the legislation.

Overall the performance audit reports conclude that both IBAC and IOV are achieving the objectives set out in their governing legislation. Of the 37 indicators of performance for IBAC and the 39 indicators of performance for IOV, it is pleasing that the auditors found that the agencies were not failing to meet any of their performance objectives. The auditors did, however, find that there are areas for improvement. O'Connor Marsden made 18 recommendations to IBAC and 13 recommendations to the IOV, and it is pleasing that both agencies are accepting all of the recommendations made to them.

On behalf of the committee, I express our appreciation to IBAC and Integrity Oversight Victoria for their assistance in undertaking the performance audits and their cooperation in informing and responding to the auditor's requests. I want to thank O'Connor Marsden & Associates for the conduct of the audits and Ms Julianna Demetrius for providing independent technical advice to the committee. I want to thank the other members of the IOC for their work on this; it was done in an incredibly collegiate manner. I particularly want to thank the work of the committee secretariat, particularly Sean Coley, the committee manager; Tom Hvala, the research officer; and Chloë Duncan, Whitny Kapa, Emma Daniel, Maria Marasco and Bernadette Pendergast for their administrative support.

In its covering report to the Parliament the IOC has made a recommendation for some legislative change to clarify some of the information-gathering powers that independent performance auditors have. There have been some competing interpretations of provisions of the act with respect to the provision of information to the independent performance auditors. The committee believes that the

powers of these independent auditors should be sufficient to enable them to do their job and has made some recommendations to the government to ensure that those matters are clarified.

Motion agreed to.

Performance of the Victorian Integrity Agencies 2023/24 and 2024/25

Ryan BATCHELOR (Southern Metropolitan) (09:38): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table a report on the performance of the Victorian integrity agencies 2023–24 and 2024–25, including an appendix, from the Integrity and Oversight Committee, and I present the transcripts of evidence. I move:

That the transcripts of evidence be tabled and the report be published.

Motion agreed to.

Ryan BATCHELOR: I move:

That the Council take note of the report.

This is a report from the Integrity and Oversight Committee on the performance of Victorian integrity agencies in 2023–24 and 2024–25. The last one was an independent performance audit; this is an annual report of the committee on the performance of the integrity agencies. It is the main vehicle through which this Parliament has annual oversight of the performance of these integrity agencies, in a similar way that the Public Accounts and Estimates Committee oversights the work of government departments. The report is a culmination of a comprehensive review by the committee of the performance of the agencies during the two financial years that I have mentioned. The committee has made seven recommendations directed to three of the five agencies that the committee reviews, aimed at improving the effectiveness, accountability and transparency of Victoria's integrity framework, including IBAC, the Office of the Victorian Information Commissioner and the Ombudsman. Overall the committee found the agencies have generally performed their statutory functions effectively and have been doing so in the face of more complex matters and significant technological changes.

There are some issues that are evident in the performance report that I think are worthy of note. There are some ongoing issues with the way that IBAC is reporting its performance, particularly on complex cases. The committee has repeatedly made some recommendations on the need for IBAC to develop better performance indicators for case complexity and to report those publicly. There have been some issues with the timeliness of some of the performance of IBAC's functions. The committee has made some recommendations about how the Office of the Victorian Information Commissioner is funded; currently it is funded through appropriation through a department. The committee has recommended it be brought into line with other integrity agencies, with direct funding through parliamentary appropriation. The other is that the Victorian Ombudsman raised some significant concerns that the volume of required investigations under the public interest disclosure framework and as a result of parliamentary referrals has meant that it has largely been unable to undertake its own-motion investigations in the last two years. Particularly in one of the financial years it was unable to take any investigations of its own motion because of the operation of the Public Interest Disclosures Act 2012 and of referrals from the Parliament. The Ombudsman has requested, and the committee agrees, that the Parliament should provide it with some greater flexibility in dealing with public interest disclosure complaints so that it can ensure that it is dealing with matters that are raised from the general public as well, which is the fundamental of its work.

The other thing I will just mention briefly is that during the course of our hearings this year IBAC took quite an extraordinary step of apologising for some of its past conduct, particularly with respect to the conduct highlighted by what is now known as Integrity Oversight Victoria with respect to the handling of Emma's case, the second special report ever tabled by IOV into IBAC – the handling of complaints made by a victim-survivor of police-perpetrated family violence. Dr Jana Katerinskaja at a public hearing outed herself as Emma and detailed the significant threats to her own personal safety due to

the failings of the handling of her case by IBAC and by Victoria Police. The Chief Integrity Inspector found that there were serious failings in the case, and upon reflection the current Commissioner also found IBAC's response at the time to have serious failings.

It was put to the committee by the former IBAC Commissioner that the committee did not have jurisdiction to hear these complaints. This report I think quite plainly makes it clear that the committee does have the power to investigate reports from Integrity Oversight Victoria, and that is one of its statutory functions. The former Commissioner also expressed his view to the committee that the apology should not have been allowed to take place. The committee has put on record through this report its view that it was entirely appropriate for IBAC to apologise for its prior errors and in fact it is in keeping with the best practice guide recommended by the Victorian Ombudsman in terms of the way that apologies should be used to redress errors in the past. No-one is above accountability and no-one is above their actions being scrutinised, and I think it was a big step for IBAC to admit that it got it wrong and to make the public apology that it did earlier this year. It was important for the committee to pursue these issues, and I know that all members of the committee were very supportive of that. What it demonstrates is that everyone is subject to oversight and accountability in the state of Victoria.

David DAVIS (Southern Metropolitan) (09:45): *(By leave)* This report, *Performance of the Victorian Integrity Agencies 2023/24 and 2024/25*, is an important report. I am not sure that it all gets to grips with some of the key structural problems that are there for the Independent Broad-based Anti-corruption Commission. I welcome its focus on timeliness. Certainly I have found, when I have made referrals to IBAC, that the process has been very slow indeed. But that is in part because of resourcing, and I think there is a genuine resourcing issue for IBAC and the Ombudsman. I think it is important here to also pick out – and I am conscious I only have a minute or two – the Victorian information commissioner section and recommendation 4:

> That the Victorian Government directly fund the Office of the Victorian Information Commissioner through Parliament's appropriation, similar to the funding arrangements for the Independent Broad-based Anti-corruption Commission, Integrity Oversight Victoria …

I think there is a strong argument for that, and I think the information commissioner has been progressively starved by this government because it wants to block the release of information.

Just returning to the point about public interest disclosures and the speed with which they are dealt with, that is a challenge. I do not think the committee, with respect, has got a full grip on the need of IBAC to have proper and adequate resourcing to achieve that –

Ryan Batchelor interjected.

David DAVIS: No, no. I think there are a number of points that are made that are worthy in the report. I am not criticising the report per se; I am just saying that there is also a context there. This just shows very clearly why the opposition was calling for a royal commission on the deep corruption in the state. That deep corruption needs a royal commission to get to the bottom of it. There is no chance that IBAC could get to the bottom of it, and the royal commission will be needed. It has got to have proper terms of reference – *(Time expired)*

Motion agreed to.

Business of the house

Notices

Notices of motion given.

Members statements

Felicitations

The PRESIDENT (09:55): I seek leave from the chamber to make a members statement from the chair.

Leave granted.

The PRESIDENT: That is very kind of you. Today I want to pay tribute to the staff of the Department of the Legislative Council – or the people I like to call my friends at work. I thank the clerks – the uber-intelligent boffins Robert McDonald, Keir Delaney, Richard Willis and the magnificent and caring Anne Sargent; their people Linda, Brittany and Chrissy; the formidable but also very funny Sally West, the Usher of the Black Rod and her squad Michael, Chris, Philip, Theo, Kidist, Greg and Peter; the superstars in the papers office Annemarie, Vivienne, Juliana, Tom, Savannah, Tash and Kirra; Andres Lomp and his community engagement team, who are also magnificent; and all the committee staff. A special shout-out to Nat Tyler – I do not think I have worked with anyone so efficient and so organised. She always has my back, and she has an amazing crystal ball because she organises meetings for me when I do not even know I need that meeting before I have to do it. I thank Bridget Noonan and all her squad in the Assembly, and Trish Burrows and all her squad in the Department of Parliamentary Services, who do very important work to help us be the best representatives of the people we represent.

Ilinden

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (09:57): Well said, President. I recently had the pleasure of joining my colleagues the member for Mill Park, the member for St Albans and the member for Thomastown in the other place at the Macedonian Australian Community Organisation's annual Ilinden celebration in Sunshine. Ilinden is the Macedonian national day, a day to honour the history of a community who have enriched Victoria's social and cultural life. For more than a century Macedonian Australians have contributed greatly to Victoria's social and cultural fabric through their art and sports, through thriving businesses and community groups and through the values of supporting one another and giving back to the whole community through service. Their contribution lives on in the communities they have built, the institutions that they have sustained and the generations they have raised here who now call Victoria home. In Victoria our diversity is one of our greatest strengths, and it is something that the Carroll Labor government will always champion. As Macedonian Australians celebrate Ilinden, I acknowledge the enduring contribution that the Macedonian community have made to our state, of course including Melbourne's west.

Alexandra 'Lal' Mann

Bev McARTHUR (Western Victoria) (09:58): Alexandra Margaret Mann, known as 'Lal', entered our world on 8 November 1982, and she left our world on 5 July 2026. Lal was wife to Charlie and a devoted mother to Edward, Stirling and Alexander. Lal was diagnosed with stage 4 breast cancer while breastfeeding Alexander, aged one. She stoically fought the fatal disease for 7½ years, offering her body to every potential new cure despite sometimes enduring horrendous side effects. At no time did she ever complain or did she ever not smile, always caring about the welfare of those around her and the wider community. It was noted at a celebration of her life that she was a beautiful person inside and out. Lal was an inspiration to everyone who had the privilege of knowing her, and we all embrace with love and sympathy Charlie and her beloved three boys. She was also a scholar, an amazing contributor academically. Rest in peace, Lal. I say to all those suffering from this dreaded disease or who have sadly left us: we care about you, and we wish that there be minimal deaths going forward.

Data centres

Aiv PUGLIELLI (North-Eastern Metropolitan) (10:00): I have a statement today. It is an important statement. That statement is: stop AI data centres.

Centre of Excellence in Disability Inclusion

Gayle TIERNEY (Western Victoria) (10:01): Geelong people have big hearts, but we are also very pragmatic. We like to see good ideas turned into positive and practical action. When it comes to creating better employment opportunities for people with disability, Geelong is in a unique position. We have a great TAFE in the Gordon, a major health network headed by Barwon Health and we are home to the headquarters of the TAC, WorkSafe Victoria and the National Disability Insurance Agency. That was part of the thinking behind our Victorian Labor government's $36 million investment in the Gordon's Centre of Excellence in Disability Inclusion, bringing together education, industry, government and, importantly, people with lived experience to improve the journey from training into employment. Last week I joined Christine Couzens MP, member for Geelong, at the Gordon as these organisations signed the new Geelong inclusive employment compact. The signing was much more than symbolic. It means embedding disability inclusion into recruitment, job design, workplace support, a pathway through training and work experience into real jobs. That is real inclusion in practical terms, and I am very proud that Geelong is leading the way. I am also proud of our Labor government, who developed this project and, in working closely with locals, are delivering a groundbreaking disability skills employment ecosystem.

Kasr Sweets

Evan MULHOLLAND (Northern Metropolitan) (10:02): It was my pleasure to attend the grand reopening of Kasr Sweets in Roxburgh Park with Jim Overend, Hume councillor and Liberal candidate for Greenvale; Bernadette Khoury, the Liberal candidate for Northern Metropolitan; and Ghada Noune, the Liberal candidate for Laverton. The senseless firebombing of the beloved Roxburgh Park institution left a great big hole in our hearts and in our stomachs, and I am overwhelmed with pride and admiration for the resilience of this family and their staff and community for rallying together at the great time of rebuilding. I mentioned their plight in this chamber almost two years ago, and they have since rebuilt. I would like to thank Hussein and Alex Dirani and the Dirani family for hosting me. I look forward to visiting again soon.

Assyrian Church of the East

Evan MULHOLLAND (Northern Metropolitan) (10:03): It was an honour to attend and speak at the Assyrian Church of the East Martyrs Day commemoration at St Abdisho's Cathedral in Coolaroo, alongside His Grace Mar Benjamin Elya. Thank you to the members of the resilient Assyrian community. You are not just survivors, you are stewards of a legacy and a nation that must never be silenced.

Bendigo African Festival

Evan MULHOLLAND (Northern Metropolitan) (10:04): I had a great time in Bendigo recently attending the first-ever regional African music and cultural festival with my colleague Gaelle Broad and Andrew Lethlean, the Nationals candidate for Bendigo East.

Bendigo Interfaith Council

Evan MULHOLLAND (Northern Metropolitan) (10:04): I also had the opportunity to meet with the Bendigo Interfaith Council and learn more about the important work they are doing.

Japan trade

David LIMBRICK (South-Eastern Metropolitan) (10:04): To the Japanese, the crown melon is not merely a piece of fruit, it is a symbol of beauty, excellence and perfection. As a gift to Australia it also holds deeper significance. Earlier this year these melons passed Australia's strict biosecurity

protocols for trade. Japan is Australia's second-largest trading partner, and our opening trade relationship stands in stark contrast to the United States, whose tariffs have harmed both Japan and Australia. Apparently this significance was lost on our Prime Minister. His embarrassing comments are now being reported widely in Japanese media and have undermined those of us who seek to strengthen our friendship with Japan. His words do not reflect the fondness that Australians have for the Japanese people. His foolishness is in serious danger of triggering an anti-Australian backlash, which could be a disaster for Australian farmers. Japanese diplomats may have let things slide, but the Japanese consumer may not. Prime Minister Albanese must immediately apologise to Prime Minister Takaichi and prove our friendship to the Japanese people.

State election

Melina BATH (Eastern Victoria) (10:05): Victorians have had enough of a tired, wasteful and inept government, and the Nationals have a plan. Under a Wilson–O'Brien government our 10-year plan in terms of the economy will return the budget to a cash surplus by 2032. We will save $2 billion on a hiring freeze on back office roles, guaranteeing essential services. No public servant will be sacked. We will raise the payroll tax threshold to $1.2 million, freeing up 2 million small businesses from that tax burden. We will reduce debt and interest burdens. We will cap excessive public service executive salaries, saving $20 million over a decade. We will repeal Labor's treaty, saving $1 billion, and replace it with First Nations Victoria. We will exempt homebuyers from stamp duty up to $1 million. We will stop the waste, we will end the corruption and we will deliver a fair share for regional Victorians.

Regional public transport

Tom McINTOSH (Eastern Victoria) (10:06): Labor backs country towns, and we do that by investing in the services people rely on, like V/Line. V/Line is the lifeblood of country Victoria. The Nationals ripped out the train lines. We built them back, and we are adding more services every weekday across Gippsland for Yarram, Leongatha, Marlo, Orbost and Bairnsdale. Yarram passengers get a new weekday morning coach. That is part of 11 extra services a week for Yarram and Leongatha. The weekday Marlow to Bairnsdale coach now extends through to Sale and Traralgon, linking up with the train to Melbourne, so all of East Gippsland has an additional weekday service to Melbourne when it is needed in the morning. Labor has rebuilt V/Line and cut prices so that country Victorians pay the same as city travellers, saving passengers millions. Now we are adding more and more services, because we fundamentally believe in public transport in the country. It was the Nationals sucking up to Jeff Kennett who shut down the Bairnsdale line and privatised V/Line, and now hand in hand with One Nation that is exactly what they will do again. Right across country Victoria we are adding more bus services, whether that is in Leongatha, whether that is in Yarram, whether that is in Marlo or whether that is in Orbost. Right across the state we are enabling more people to get on a local bus service.

Wilsons Promontory National Park

Tom McINTOSH (Eastern Victoria) (10:07): I just want to mention that I had the privilege and the joy of going to Wilsons Promontory the other day. The new tourism centre is open, so get down to the Prom. We have got incredible wildlife, with emus and wombats – you name it, it is all there – our beaches, the mountains and the walking tracks. All Victorians should get out and enjoy the Prom.

Speechley Brothers Kokoda Scholarship

Gaelle BROAD (Northern Victoria) (10:08): I rise to congratulate Bendigo Senior Secondary College student Max Liddy on completing the Kokoda Trail as this year's recipient of the Speechley Brothers Kokoda Scholarship. Max carried a special responsibility on this journey, walking in honour of two local soldiers, brothers George and Leslie Speechley, who both made the ultimate sacrifice in the Kokoda campaign in 1942. Leslie was just 20 years old and his brother George 24 when they were killed in action just one month apart. Max has honoured their memory and represented their family with great courage and respect. I acknowledge David and Jill Speechley for keeping the memory of

George and Leslie alive and for supporting this important scholarship. I also thank the Bendigo District RSL for its generous support in funding the scholarship, helping give young people the opportunity to learn about our local wartime history firsthand. The Speechley Brothers Kokoda Scholarship ensures the next generation understands the extraordinary sacrifices made by local service men and women to protect the freedoms we enjoy today. Congratulations, Max, on this remarkable achievement and on carrying the story of the Speechley brothers along the Kokoda Trail.

Colin Gerrard OAM

Joe McCRACKEN (Western Victoria) (10:09): Ballarat City Council held a recognition ceremony last week for the Order of Australia recipients. I want to particularly acknowledge Colin Gerrard OAM. He has been recognised for his dedicated service to Beaufort and surrounds and for his extraordinary commitment to protecting the community in times of strife again and again and again through his service to the CFA. Colin and his family are well known to the community and have volunteered in a number of different capacities, including school boards, and I would hate to think of how many sausages they have flipped over the years. They are dedicated community people. Well done and congratulations on their recognition.

CatholicCare Victoria

Joe McCRACKEN (Western Victoria) (10:10): I also want to recognise CatholicCare Victoria. I met with CEO Agnes Sheehan along with Liberal candidate for Eureka Emma Muir, and we had a wonderful conversation about the various programs and the supports that CatholicCare Victoria provide to locals in the Ballarat area. There is a whole wraparound service that is provided to vulnerable Victorians, and quite often it is at cost parity, if not cheaper sometimes, with what the state can do. I was really impressed with the passion, the dedication and the commitment from CatholicCare Victoria, and I look forward to ongoing conversations with them as we consider how we can best support vulnerable Victorians.

Child sexual abuse

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:11): Last sitting week we gathered in the other place to formally apologise to victims and survivors of historical child sexual abuse in Victorian government schools. I would like to take this opportunity to say to victims and survivors that I too am very sorry for what you were forced to live through. This should never have happened to you. The fact that it occurred is a serious and systemic failure. We have a lot to learn. Unfortunately, the recent abuse in childcare centres, continued child sexual abuse in schools and rumours of ongoing sexual abuse of minors in residential care homes will definitely show us in further inquiries that there is still more work to be done. Just last year – and this is something I have tremendous difficulty in trying to get over – we had 2000 babies and toddlers between the ages of six months and two years that had to be tested for sexually transmitted diseases because of one childcare worker. Meanwhile, we have an unknown number of teachers who are undetected predators of child sexual violence transferring between schools. How many students are being put in harm's way? The inquiries we need to have in the future are ongoing, because it should not have ended with just 1994.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (10:12): I move:

> That the consideration of notices of motion, government business, 278 to 1559, be postponed until later this day.

Motion agreed to.

Bills

Corrections Amendment Bill 2026

Second reading

Debate resumed on motion of Lizzie Blandthorn:

That the bill be now read a second time.

Rachel PAYNE (South-Eastern Metropolitan) (10:13): I rise to speak on the Corrections Amendment Bill 2026 on behalf of Legalise Cannabis Victoria. This bill is deeply troubling, not only because of what it says about the way this government responds when the Supreme Court finds that the state has acted unlawfully but really it is a breach of the human rights of Victorians who are incarcerated, a breach of international treaties that we are all signatory to and, most of all, a breach of treaty and our commitment to First Peoples. This bill forces us to confront an uncomfortable question today: what kind of Parliament do we want to be when it comes to human rights? This is not simply a bill about prison yards. It is a bill about what happens when a court tells the government that a person's rights have been breached and the government's response is not to fix the breach but to change the law so that the breach can happen again. That should concern every member of this Parliament in this chamber.

The Supreme Court's decision on George Marrogi's case was clear. The court found that denying a prisoner just 1 hour of open air each day breached the Corrections Act 1986 and violated the fundamental right to humane treatment protected by Victoria's charter of human rights. Twenty years ago Victoria made history by becoming the first Australian state to enact a human rights charter. It was a declaration that human dignity does not disappear at the prison gate. We can proudly proclaim that Victoria is a human rights jurisdiction where those rights are respected only when they are easy, cheap and operationally convenient! The government was faced with a choice in this case: whether we uphold that commitment or whether we weaken it when it becomes inconvenient. A prison sentence should never become a licence to deprive a person of their basic human dignity. The right to humane treatment must be something, particularly for those who have the least power to defend themselves; it should be to ensure that Victorians in our prisons are treated lawfully.

Yesterday I attended the rally on this bill and heard the lived experiences of Kelly, Zara, Alicia, Michael and Matt. Their stories brought home the very real and deeply personal consequences that this bill could have for Victorians who are incarcerated. These are not abstract legal arguments. My first amendment to this bill is simple: to ensure that considerations are given to any medical, psychiatric or psychological condition of a prisoner that may be adversely affected by the denial of access to open air. I ask that that amendment be circulated now, please. Yesterday at the rally we heard the stories of both Michael and Matt, who suffer from acquired brain injuries, and how the lack of access to open air was detrimental to their health and to their wellbeing. Why is this proposed amendment unreasonable? Why should a person's physical or mental health become an afterthought simply because they are in prison? People in custody remain human beings. They remain entitled to dignity, to humane treatment and to a basic quality of life. Access to fresh air and open space is not a luxury. It is a basic part of human wellbeing. For someone living in a highly controlled and confined environment, that access can be particularly important for physical health, mental health, sensory wellbeing and simply the ability to experience something beyond four walls. For prisoners living with existing medical, psychiatric or psychological conditions, the consequences of being denied access to the open air may be even more significant.

Behind every provision in this bill are real people, real lives and real human beings who remain entitled to their rights even while serving a sentence. We should not be weakening those protections for Victorians who are incarcerated. It should be to ensure that Corrections Victoria complies with the rights and protections that Parliament itself has legislated. Instead, the government has chosen to ignore it. Rather than changing the practices, this bill seeks to change the law itself. It seeks to remove

the legal requirement to provide prisoners with access to fresh air and replace that basic entitlement with something that can be subject to so-called operational considerations. This is not simply about 1 hour outside, it is about the inhumane treatment of Victorians who are incarcerated. A person does not lose their humanity when they enter a prison, and they should not lose their right to humane treatment. They certainly should not lose the right to see the sky and breathe fresh air.

The United Nations standard minimum rules for the treatment of prisoners, known as the Mandela rules, recognise the importance of access to outdoor exercise. The rules provide that every prisoner who is not employed in outdoor work should have at least 1 hour of suitable exercise in the open air every day, weather permitting. If Victoria removes this basic protection, we risk putting ourselves in breach not only of our charter of human rights but also of those internationally recognised standards. There is a reason these protections exist.

There is an even deeper problem here. We know that our prisons disproportionately hold some of the most marginalised and vulnerable people in our communities, and we know that this burden falls most heavily on First Peoples, who continue to experience incarceration at rates that are deeply disproportionate and completely unacceptable. First Peoples continue to die in custody at deeply concerning rates, and every death in custody represents a family, a community and a life that has been lost. This history matters when we consider this bill. This bill is clearly not aligned with the spirit or intent of treaty. This raises serious questions on the government's commitment to treaty. It undermines the very purpose of treaty and risks causing disproportionate harm to First Peoples in custody. I want to acknowledge that yesterday marked the first time the First Peoples' Assembly has exercised its power under the Statewide Treaty Act 2025 and made a submission to the Carroll government to immediately withdraw this bill.

This bill also stands in contrast to the findings and recommendations of the Yoorrook Justice Commission. Yoorrook was clear that Victoria cannot meaningfully address the legacy of colonisation, systemic injustice and the over-representation of Aboriginal people in the criminal justice system without confronting the structures and laws that continue to produce those outcomes. Yet this bill moves in the opposite direction. Rather than responding to the evidence and recommendations of Yoorrook, including the need for greater Aboriginal self-determination, stronger protection of cultural rights and fundamental reform of the justice system, this bill risks further entrenching a system in which Aboriginal people are disproportionately impacted by decisions made without adequate regard to their culture, circumstances or rights. I propose an amendment that is quite simple to ensure that the First Peoples' rights are protected, which is that regard must be had to a prisoner who is an Aboriginal person and any issues that arise due to the person's Aboriginality. I circulate that amendment now.

This amendment was simply to reflect what we have under section 3A of the Bail Act 1977, where a Victorian bail decision-maker must explicitly consider issues arising from an applicant's Aboriginality. This provision was put in place to address the systemic over-representation of First Nations people in custody, the distinct trauma risks of detention and the vital importance of family and cultural ties. At a time when we should be listening to the voices of First Peoples and strengthening protections for some of our most vulnerable people in our prisons, this bill takes us in the opposite direction. We simply cannot allow this to happen.

It is believed that several days of lockdowns preceded Ms Golightly's death. Whatever the circumstances, we must face one truth: when people are in our custody the state has a heightened responsibility for their safety, their wellbeing and their lives. Tarsha is not alone. Too many people have died in custody. Too many families have been left to grieve while asking questions about what happened to their loved ones and whether more could be done. We cannot allow these deaths to become statistics or footnotes in parliamentary debates. These are human lives. They are mothers, fathers, sons, daughters and loved ones. We owe it to Tarsha, to her family and to every person who has died in custody to do better as members of Parliament. On behalf of Legalise Cannabis Victoria, I strongly oppose this bill.

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:24): I also rise to speak on the Corrections Amendment Bill 2026 and in doing so recognise and thank Ms Payne for her contribution. It is important to remember that we are talking about people's lives, but we are talking about a whole society as well. I will start by saying from the onset that I do feel uncomfortable when we are looking at legislation that will take away or violate what have been proposed as basic human rights. However, I also can see the big picture here and the complications that we have in that there are a number of victims and victims' families who also feel that they have been violated by the compensations that have taken place and that that is a violation of their sense of safety and humanity and the rights and justice that they expected for loved ones that have lost their lives or whose lives have been completely destroyed.

We find ourselves in this situation because of what took place under this Labor government, with one of its former premiers – all still part of the same regime of course – Premier Daniel Andrews and those horrific lockdowns that have left, in some families and some individuals, tremendous scars that will potentially be ongoing for some of them for the rest of their lives. It was an unprecedented sense of lack of freedom for everybody. I do feel for the fact that those who were incarcerated did not have the opportunity to have fresh air, but I also see the incredible importance of having to look at legislation that prevents ongoing prisoners from being able to have their sentences stripped because of an incompetent government and its incompetent ways of providing care to its community and to its community members.

I want to say from the outset that we are in this situation because it started with one person taking this whole situation into court. As we know, over two years Melbourne suffered through the longest COVID-19 lockdowns. As a result, there were thousands of prisoners who received time off their sentences, the equivalent, as I understand it, of a thousand years of jail time. How do you get your head around that? It is an extraordinary amount. I want to give some statistics to the chamber that they have not yet heard or considered. Some of these you will know a little bit of, but I want to give them to you in a long string so that we can actually put things into context. More than 830,000 days – that is 2270 years – has been stripped from Victorian jail terms over a four-year period due to COVID-19. Figures released under the Freedom of Information Act 1982 show that 352,078 days, almost a thousand years, were wiped off sentences in 2020; 191,786 days – that is 525 years – in 2021; 249,564 days – that is 684 years – in 2022. Prisoners can receive up to four emergency management days for every day there is an emergency or disruption in jail.

I want to thank my colleague Dr Heath for her contribution. She was very detailed in this. She has done a lot of research and has also taken the time to meet with victims and victims' families. A single prisoner received a 450-day reduction – that is 15 months – from their sentence. Prisoners were placed in 14-day protection quarantine upon reception into prison as part of the COVID-19 response, which in many instances resulted in prisoners being held in their cells for 23 to 24 hours a day. There is a lot of research on what that can do to a person, and that is not a comforting thought. They use solitary confinement as an extreme punishment in situations where prisoners need to be taught, allegedly, an additional lesson. To think that you might be held in your cell for 23 to 24 hours a day, that would be extremely difficult. Let us remember that the whole of Melbourne was locked down in their homes. I found it incredibly frustrating that we were only given, as free citizens, 1 hour of exercise time, and then we were not even allowed to walk as a family but had to go in pairs. So in my case, having four children, I had to actually break up my own family for safety and protection to walk out. So everybody had a loss of freedom in this time. It did inconvenience all Victorians, some more than others. There were those who found this time refreshing, getting off the treadmill and staying at home, but there were plenty of others whose lives were completely upheaved. There was no compensation given to us.

There were approximately 885 Aboriginal and Torres Strait Islander people in Victorian prisons as of mid-2025, according to data from Corrections Victoria. 885 people – I am going to guess that number has gone up, because, as I said, this is about a year ago. This is year-old data. That is a lot of people in prison, and First Nations people make up around 13 per cent of Victoria's total prison population

despite representing about 1 per cent of the overall state population. That is why, I imagine, those involved in the treaty have put in a letter saying that they are completely against this particular bill. When there are so many Aboriginal people incarcerated, you can understand why they feel this very strongly. Of course, there has been a lot of compensation taking place, but this is an over-representation of our population. Definitely there is something going wrong here.

Aboriginal and Torres Strait Islander prisoners increased in Victoria by 26 per cent – that is an increase from 186 prisoners to 915 – between 2024 and 2025, compared to an 11 per cent increase in total prisoners. That is from Australian Bureau of Statistics stats. On top of that, there are other representations that are just off the charts. African, predominantly South Sudanese, youth comprise at least 19 per cent of young people in custody, despite being less than 0.5 per cent of Victoria's youth population, and that is from the African Australian Advocacy Centre. A total, however, of 10,990 emergency management days were awarded to 3221 prisoners at five prisons – Ravenhall, Hopkins Correctional Centre, Langi Kal Kal, Barwon and Fulham – and Loddon after they were all placed into lockdown on 21 July when a prison officer tested positive for COVID. All lockdowns were lifted on 23 July, with the exception of Ravenhall, which remained in lockdown until 25 July. That was from the PAEC inquiry in 2020. These are interesting statistics, but what does this actually mean in terms of this bill? One of the things is that this whole bill shows –

Katherine Copsey: On a point of order, Acting President, it appears that the member is trying to tie these matters back to the subject of the bill now, but I was just going to raise the point of relevance. This is not about public health orders. This is about actual conditions in Victoria's prisons.

The ACTING PRESIDENT (Gaelle Broad): I ask Mrs Hermans to return to the topic of the bill.

Ann-Marie HERMANS: I was about to tie all of these stats in. In terms of this bill, as I have said, it comes back to this situation where this government has voted for treaty, as did the crossbench and the Greens, who just interrupted what I had to say. They voted for treaty, and they said they were going to listen to the Aboriginal community. But that has also shown itself to be a bit of a token gesture here, because now the government is saying, 'We're just going to ram this through,' and these are the communities in particular that will be largely impacted, but they are not everybody.

The reality is that we live in a society where crime and consequences have to be considered. People who are not doing the wrong thing should not be penalised by people who are doing the wrong thing. In other words we have to be considering the victims as well as the fact that, yes, the people who are put into prison are people, but the people who have been wronged in community are also people. What we are seeing is that this compensation that is taking place has allowed many people in society to feel that they or their families have become victims once again because of shortened sentences. When you reduce sentences because of systemic failures in a government, because of the way that it operates or what it lacks in operation, then it becomes unjust for everybody within the community. Reducing the sentences of these prisoners because of this little provision in there that allows prisoners to have additional time taken off their sentences as a result of COVID lockdowns does not feel just for the everyday person in public. We were all locked down.

I read out the different representations in prison because it is relevant. There are communities that are hurting and that feel they are victimised in prison. The statistics are massive: the Aboriginal community represents about 1 per cent of the population and yet at least 13 per cent of prisoners are Aboriginal people. I am just trying to reconcile how this government could put together a treaty and then not listen to their so-called treaty that is going to be the first point of call and then put this together. I guess what I am trying to wrestle with here is that nothing seems to make sense. We had to get to this point where we have had a lack of justice for violent criminals. Sure they were locked up, but what about the people whose families suffered as a result of these violent criminals? Reducing their sentences because the government did not give them fresh air does not pass the pub test for people in the community.

There has to be a balance in how we go forward with things. It is extremely difficult. We will not be opposing this bill, but we can see that it has its flaws and that there are issues in terms of the humanitarian practices that take place in prisons. Clearly our prison systems are failing not only our communities but those who are incarcerated. I cannot imagine what it would be like to never have fresh air and not be able to see the sky, and I hope that I never have to. I will say that the closest thing I came to it was under this government with the COVID-19 lockdowns. That was the most horrendous experience, to not have the freedom to go out on a walk with my family where we could walk together.

It turned out in retrospect that all of these fears that were placed on us were not even legitimate. I think that is what makes people so angry. To think that we now have violent criminals having their time reduced because of a bunch of furphies that this government decided to act on is extremely difficult for the public to reconcile. I am going to wrap up at this point, but there is so much more that could be said. Clearly our prison system is failing us. This is a situation that is quite diabolical. Having sentences reduced to such an extreme level is just not helpful for the public to gain trust in this government, but at the same time taking away human rights does not sit well with me as an individual.

Katherine COPSEY (Southern Metropolitan) (10:38): I rise to speak on the Corrections Amendment Bill 2026 on behalf of the Greens and to say unequivocally that we will be opposing this bill. This is a horrendous bill. This is a shameful bill that this government is bringing before the Parliament today. I would like to say I am surprised, but at this point I am not. This government has shown consistent disregard for human rights when it comes to its justice policy. This is just the latest failure from the Andrews–Allan–Carroll Labor government, who have decided that they do not care about evidence-based justice responses. As a community we are all paying the price for that failure of courage, political will and sense. This bill raises a very simple but appalling question: can a government pursue a mass incarceration agenda, drive more people into prison and on to remand and then respond to the pressure it has created itself by taking away basic human rights? The Greens say no.

Section 47 of the Corrections Act 1986 currently provides that a person in prison who is not ordinarily engaged in outdoor work has the right to spend at least 1 hour each day in the open air, weather permitting. This is known as the Mandela principles. It is a fundamental tenet of humane incarceration of people accepted globally. This bill attempts to make that right conditional. Rights are not conditional. Rights exist. This bill attempts to strip that right away from people incarcerated in Victorian jails depending on whether it is 'reasonably practicable having regard to operational considerations'. Those considerations are very broad. They include management, good order and security of a prison and the safety and welfare of prisoners. But it is not an exhaustive list, either. The government's own explanatory memorandum to this bill makes clear that this power is intended to operate not just in short-term emergencies but 'on an ongoing basis or for extended periods of time'. So to be very clear about what this Labor government is putting before the Parliament today, we are being asked to weaken the right of people in prison to get a measly 1 hour a day in the open air. Being able to see the sky and to breathe fresh air is not a luxury or some special privilege. It is one of the most basic, minimum conditions of humane treatment.

The historical context here also is quite extraordinary. I have mentioned that this bill falls foul of established international practice in relation to guaranteeing minimum standards for human rights. It also takes us back in Victorian history. The National Trust's history of Old Melbourne Gaol describes the brutal conditions of 19th-century model prison systems. People could be locked alone in tiny cells for up to 23 hours a day, and they wore silence masks when they left their cells. But even prisoners in solitary confinement in Victorian-era prisons were allowed 1 hour of exercise each day in the fresh air. Nearly two centuries later this Labor government is asking Parliament to remove that right. We should be moving away from the cruelty of Victorian-era imprisonment, not finding fresh legal mechanisms to reproduce it in 2026.

Prisons do have genuine operational needs. They need to manage genuine emergencies, security incidents and immediate risks to safety. Of course the state needs to do that, and it needs to do that in a humane and legal fashion. If it takes the extraordinary measure of depriving people of their liberty

and sentencing them to carceral sentences, the responsibility that goes with that is to design a corrections system that can function without breaching people's rights on the regular – on the daily. That is what is happening under Victoria's Labor government as we speak.

This bill expressly contemplates denying open-air access for extended and ongoing periods because of this Labor government's failures in the corrections system and because of ongoing operational constraints that they know about and that they have allowed to fester. The broader context here also really matters. This government has spent the past two years weakening and messing up Victoria's bail laws, undoing progressive reforms that it embarked on in the first period of the Parliament and making it more difficult for people to remain in the community with access to support systems, to family networks and to education and work opportunities while they are awaiting trial. Subsequently they have increased, with their own policies, pressure on our prisons, pressure on our police stations and cells and pressure on the remand system. And we know that these policy choices that this Labor government has made will disproportionately affect and are disproportionately affecting First Nations people, women, children, people with disability, people who are experiencing poverty and people with mental illness.

The answer to this overcrowded, under-resourced, inadequately functional prison system cannot be to lower the standard of human rights. You cannot make political choices that put more people behind bars and then tell those people that the state can no longer guarantee the most basic conditions of humane detention. A person does not lose their rights because they are in prison. They do not lose their dignity because they are on remand. And I have been really disturbed by some of the statements in the chamber today, which indicate just a fundamental misunderstanding of the nature of incarceration. Comparing it to public health orders trivialises the gravity of what the state does in sentencing people. We should also remember that many people who are being held, particularly on remand, are held by the state before they have been sentenced. They are detained and held and experience deprivations on occasion in justified circumstances because of external factors that mean they can be held before sentencing. But there are people in the system who are not yet convicted, and there has been real glossing over and conflation of those two situations by some of the contributions that I have heard in this debate today. People are innocent until they are convicted of crimes.

The Victorian Aboriginal Legal Service has been really unequivocal about what the operational considerations referred to in this bill mean in practice. They are an experienced stakeholder and they are trying to support people who are being sucked into and criminalised by Victoria's justice policies day in, day out. VALS told my office that for more than 18 months Corrections Victoria has used operational considerations as an excuse to impose rolling lockdowns which are actually to do with staffing shortages. VALS has clients that have reported extended confinement in cells and disrupted access to beneficial support programs; visits with external people, including medical and legal appointments; cultural support; and social and emotional wellbeing and mental health services. VALS has reported that this current practice by the corrections department under this Labor government has led to an alarming increase in self-harm incidents and suicide attempts during these lockdowns, and we have seen deaths in custody continue under this government – deaths in custody that this government was warned were an ongoing risk and a direct risk and consequence of their policy choices.

What does the government do to try and correct this situation? Well, it does not try and improve the system and the treatment of people within it. Now the government actually wants to put those same words, 'operational considerations', into legislation as a legitimate basis for limiting people's access to open air – to fresh air – for 1 hour a day. VALS warns us:

> The right to open air, often only granted for 1 hour a day, can be lifesaving. It is unconscionable to strip that away.

This warning needs to be taken extremely seriously. Fresh air and sunlight are not luxuries. They are necessary things for humans to function well, and if we are serious about the rehabilitative intent of our sentencing practices, they are fundamental. You cannot expect people to thrive and to recover and

to move towards positive life outcomes if you are torturing them in jail. You cannot expect people to thrive in that circumstance. VALS is warning us that you cannot expect people to survive in that circumstance, and that is what this Labor government is putting before the chamber with this bill.

The bill is precipitated by the Supreme Court's decision in Marrogi. The court found that certain enclosed rear courtyards attached to cells in high-security and management units at the Metropolitan Remand Centre and Barwon Prison did not satisfy the statutory requirement that prisoners have access to the open air. The proper response to a court finding like this would be to admit the fault, to recognise the inhumane conditions that your government has created in detention and to act to rectify those. But that is not what this Labor government does. They are not here to take responsibility for the situation they have created. Shamefully, they have turned around and are trying to strip away people's human rights and change the law in a manner that will probably affect large numbers if not every incarcerated person in the state. And worse, the bill retrospectively tries to protect the state from monetary liability for its past failures to meet the open-air entitlement. That will apply even when legal proceedings have already commenced, provided they have not been finally determined when this provision, should it pass the Parliament, comes into operation. This government is telling people: 'The law gives you this right, our charter guarantees you this right' – the Charter of Human Rights and Responsibilities that the Victorian government is so proud of, which is celebrating its 20th anniversary this week, I might add – 'We're going to take that right away from you. We're going to change the rules. You went to court to enforce it while it was legally enforceable, but we've changed the rules on you and the consequences retrospectively so you can't receive justice and you can't receive damages.'

Parliament should always, as a principle, be very cautious about retrospective legislation, but especially, I would argue, where it is designed to protect the state from the consequences of its own failures. The caution, I would add, should be even greater where the people who are affected are prisoners. Often people in this situation may not be sympathetic targets of public empathy and sympathy, but they are in a profoundly unequal relationship with the state. They are in one of the most unequal relationships with the state that a citizen of Victoria can find themselves. The government is seeking to hit people while they are down and take away the most fundamental, meagre rights that they should be entitled to.

The bill also contains a second retrospective measure buried in there, which was added in the Assembly, validating actions that were taken by Department of Justice and Community Safety advanced practitioners between April 2024 and May 2026, when some actions were taken without the required delegations being in place. This is less serious than the substantive content of the bill, but it is another administrative failure by the state that is being sought to be repaired retrospectively through the legislation.

The government's own statement of compatibility on this bill says that this bill is in part incompatible with human rights. It identifies the protections that are violated as the protection against cruel, inhuman or degrading treatment and the right to humane treatment when deprived of liberty among rights that are being limited. Normally you would think that that would make the government stop and ask if it is got the balance right. But instead, this bill expressly excludes the relevant provisions of the charter, and then it goes further than an ordinary charter override in fact; the explanatory memorandum confirms that the usual five-year expiry on this override does not apply. So the government is, with this bill, seeking to grant this exemption to operate indefinitely, and that is extraordinary. I think it is particularly important in that context that Ms Payne's amendment relating to a statutory review be accepted today. The Greens will be supporting the amendments brought forward by Legalise Cannabis, and I think that this facet of the bill makes that an extremely important amendment.

The charter in Victoria exists precisely because governments under pressure do have to limit people's rights through legislation. The charter sets out what those rights should be and the calculus that we should apply when seeking to limit those rights. Governments under pressure can make choices of administrative convenience – and political convenience, I would add – over the rights of marginalised people. Rights matter most when respecting them is difficult or politically inconvenient, actually.

There are few groups it is politically easier to disregard, particularly in this state's media environment – I acknowledge that – than people in prison.

There is another egregious aspect of this bill that I want to turn to now, and that is what this bill does to the state's newly proclaimed relationship with treaty, the First Peoples' Assembly of Gellung Warl. The government's own statement of treaty compatibility acknowledges that Aboriginal people may be disproportionately affected by this bill, particularly Aboriginal people held in separation in custody, and it accepts that restricting open-air access may compound the unacceptable disadvantage experienced by Aboriginal people. It concludes that aspects of this bill are incompatible with treaty objectives of addressing the ongoing injustices of colonisation and ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples. Remarkably, that treaty statement also admits that Gellung Warl was not given the opportunity to advise on the open-air provisions before this legislation was introduced. The government says there was simply not time. It is bad enough that that work was not done before this bill was brought to this place. Gellung Warl has now spoken. For the first time, the First Peoples' Assembly has exercised its powers under the Statewide Treaty Act 2025 to make a formal submission to the government on this legislation, and its message cannot be clearer. It says 'withdraw the bill'. Gellung Warl says the bill is 'inconsistent with the spirit and intent of Statewide Treaty' and it will disproportionately affect First Nations peoples. Co-chair Djaran Murray-Jackson said:

> This Bill is not in the spirit of Treaty nor is it compatible with the Statewide Treaty Act.

The assembly has also pointed directly to the Yoorrook Justice Commission's recommendations that Victoria implement the United Nations minimum standards on solitary confinement and properly fund and operate prisons so that prolonged lockdowns for administrative or management reasons are ended. This bill just takes us in the opposite direction of that. It tries to paper over and excuse the failures of the state rather than fix them. Gellung Warl says that this bill would move in precisely the opposite direction. It entrenches those practices under the language of 'operational considerations'.

This is a real test of what these new treaty powers mean in practice. This is a test of the government's words versus its actions. Under section 83 of the Statewide Treaty Act the Minister for Corrections must respond to Gellung Warl's submission within 60 days, and I would argue that that is a perfectly reasonable thing. It is something that the state should have factored into the timeframe for bringing this bill to Parliament, and it is something that is still within the state's power to action. Pause this bill, take the time to engage with Gellung Warl and give them the response that they are entitled to. But instead of pausing the debate, considering this first formal intervention and responding in good faith, the government has pressed ahead today with the bill. The statement was delivered in the last 48 hours, but the government pressed ahead, started debate on this bill last night and is pressing ahead today, in the same week that it is pulling its own signature legislation for work from home. It is completely within the government's power to pause this bill. In fact they are doing that with another thing that they said that they were committed to, but they have had industry pressure and they have had business group pressure on the Equal Opportunity Amendment (Work from Home) Bill 2026, so they are choosing to pause that.

Georgie Purcell interjected.

Katherine COPSEY: Thank you, Ms Purcell. You can work from home, but you cannot breathe air. You can respond to business group pressure, but you will not respond to Gellung Warl asking you to withdraw this bill. It says everything about the continuing priorities of this Labor government. At an absolute minimum we would have expected the government to delay debate while it considered Gellung Warl's call. Treaty cannot be something that this government celebrates ceremonially and then disregards when First Peoples turn around and use the powers that it gave them in good faith. VALS CEO Nerita Waight has said that this state desperately needs to confront systemic overpolicing, racial discrimination, Aboriginal deaths in custody and the shamefully high incarceration of Aboriginal people. VALS says that the government must authentically engage with Gellung Warl

through treaty, and the Greens wholeheartedly support this call. We will not be supporting this bill should the government press ahead with it, and I echo and endorse the comments of Gellung Warl that the government should withdraw it. This bill should not proceed.

If the government is concerned about pressure on the prison system, there are actually answers available, and it is the failure of the government to seriously engage with these policy solutions that is reprehensible. They should be reversing their punitive bail agenda. They should implement Poccum's law. The Greens have steadfastly sought to amend the regressive bail laws that this government has brought. There should be a single unacceptable risk test for bail. We should get rid of the bail offences that are funnelling people into the system where they will now be routinely dehumanised and tortured for low-level offences – offences that may not even result in a carceral sentence. We need to invest in housing and in health care. We need to properly back our community legal centres. We need to invest in drug and alcohol support, we need to invest in mental health support and we need to properly back First Nations-led justice responses. Each year I have put in budget submissions begging for the government to invest in the proven work that VALS is doing. These services work. They are there; they are ready to scale up. But the government chooses to funnel money, billions of dollars, into prisons and into policing, rather than doing what works, and then they cannot even manage the systems that they create.

We need to properly staff prisons. If you are going to pursue this agenda, then you need to recognise the consequences that come with that: the burdens on the courts, police and our corrections system. The Greens would say you need to expand genuine alternatives to custody that give people access to better pathways rather than institutionalising and further criminalising people. We need desperately to reduce the huge number of people being warehoused on remand in this state. We are going backwards on this. We are going backwards under a Labor government. The government should not create greater pressure within the corrections system and then try to legislate away the rights that become inconvenient for them to deliver as a result.

The state has an obligation to run prisons safely. It also has an obligation to run them humanely. I would say it is something that the state should be proud to do. This bill is a marker of whether or not we are actually a civilised society. Under Labor, the answer is no. One hour in the open air – it is an extraordinarily low bar, and they cannot get over it. This Parliament should not let them get away with it. We should not let them lower the bar further. The Greens oppose this bill, and I have put some amendments to colleagues that we will seek to add to this bill today. I ask that they be circulated now, and I will briefly speak to them.

These amendments relate to another ongoing travesty under the Andrews–Allan–Carroll Labor government, which is the practice of decanting. My amendments take the opportunity to address this other serious human rights problem which is persisting in Victoria's corrections system. That is the prolonged detention of people in police cells, in police jails. Earlier this year the Greens introduced the Corrections Amendment (Stop the Legal Loophole – Better Rights in Police Custody) Bill 2026. That bill sought to stop the practice known as decanting and to strengthen basic protections for people who are being held routinely in police cells as a result of the overcrowding and under-resourcing of Victoria's justice system under Labor.

These amendments are narrower than what was introduced in that bill. They take two important elements of it. The first is that these establish in legislation an upper limit of 14 days for a person to be detained in a police jail, except in circumstances of extraordinary emergency. It is my understanding that individual jails may have a lower maximum time that is gazetted. This amendment is not intended to make all of them automatically 14; it sets an upper limit of 14 days maximum in police jails. The Greens would like to see that lowered, actually. We do not think that police cells are designed to hold people for prolonged periods, and we do not think that 14 days is a good time for someone to spend in one of these facilities. But we want to legislate an upper limit because we find that, in practice, even that generous timeframe is being exceeded in Victoria regularly.

The second part of these amendments makes it clear that transferring a person from one police jail to another will not reset the 14-day time period. Time already spent in police jails counts towards the overall 14-day limit. Together with police and other stakeholders, we would like to actually see in practice a lower limit. We have advocated for seven days previously as the upper limit. We are putting 14 days before the Parliament. We think that in most circumstances, that is probably one that is already sought to be met and tried to be met by various actors in the justice system, and it should not go longer than that. This is, again, a low bar.

Police cells are designed for short-term detention; they are not prisons, they are not correctional facilities, and they do not have the facilities, staffing or services necessary to hold people safely for weeks at a time. It matters because people are currently being moved between police stations, sometimes over enormous distances. Let us be crystal clear: moving someone from one inadequate police cell to another does not solve the problem, it just resets an administrative clock.

People held in police jails can spend 23 hours a day in a cell and maybe after today that will be 24. They have poorer access to health care, lawyers and visits from family, and they do not have programs and supports that are available in regular correctional facilities. People have been transported hundreds of kilometres from their families, communities and legal support teams. Some people have even served entire terms in police cells. Duty solicitors tell my team that they are regularly losing people in the police cells system. Neither the person's family nor solicitors know where the person is being held at a particular time. Therefore they cannot drop off essential medicines and basic things like a change of clothes or change of underwear for someone being detained by the state. They cannot have necessary legal appointments, and they tell us it is only a matter of time before these conditions lead to a death.

For Aboriginal people in particular, this is extraordinarily dangerous. VALS represented a Gunaikurnai man earlier this year who had spent 26 days in police custody in these inadequate conditions. He had been moved between police stations, at one point around 200 kilometres away from his family and community. VALS reported that during this period he experienced serious medical problems requiring five ambulance attendances and four hospitalisations, and access to his family and medication was restricted. Decanting is being used to extend detention beyond existing gazetted 14-day limits, and VALS has called for this practice to end.

Victoria Police has itself acknowledged that police cells are inappropriate for prolonged detention and previously sought agreement with Corrections Victoria to reduce the transfer period from 14 days to seven. Police should be doing police work. They should not be required to operate an overflow default prison system because this government changed the bail laws without ensuring that the corrections system could cope with the entirely predictable increase in people on remand. I asked the government about what modelling they had done when we were doing the bail bills. They should have seen this coming.

Our amendments are modest. They do not pretend that it will solve this broader crisis or guarantee all of the rights that people should have in custody, but they do put a real limit into the law and they close this loophole that is allowing the limit to be circumvented by moving a person from station to station. We think that these amendments simply bring into practice what the rules should be. These amendments, I note, require an instruction motion, and I would ask all members of the chamber, when we come to consider this in committee, that they support the instruction motion, regardless of their position on the amendments. I will have more to say in committee, and I will leave my comments there.

Georgie PURCELL (Northern Victoria) (11:08): I rise to also briefly contribute to this bill, and like my colleagues on the crossbench in the chamber, I will be opposing it. I wanted to pick up on some of the comments that Ms Copsey and Ms Payne have made in relation to just how shocking it is to see this bill here before us in Parliament after the extraordinary and historic measure that was made yesterday where we saw the co-chairs of Gellung Warl do what they were authorised to do and write to the government and say when legislation coming through this place will disproportionately impact First Nations people in our state. We always said in the treaty debate – in fact it was said in here

constantly at the time – that we can do this now, but what we do next matters the most after we pass our historic treaty – the first in the country – and it seems that is not a whole lot. We all had hope that this would really be the pathway forward to not only healing but reconciliation and acknowledging the hurt and pain of colonisation which can never be undone. We cannot change the past, but we certainly can change the future, and that is what we all agreed here in that moment in the chamber where there were cheers and tears and joy. I know from the many communities I spoke to just how much that meant. To see the first action of this authority doing what it was designed to do and for this to not even be pulled off the notice paper for a conversation, to sit down with the co-chairs for consideration – this bill has instead been prioritised.

I naively thought that perhaps when the Premier changed, things would be different, that we would see decisions that were being made genuinely reconsidered. I mean, we have just watched the dreadful amendments to the Outdoor Recreation Victoria Bill 2026 go through the lower house – we were hopeful that that would be reconsidered. We were hopeful that this would at least be put forward for a conversation with the people that it impacts the most, people who will be harmed because of this, people who will have their rights taken away – and not only that but people will have their rights taken away and many of them will not even receive a conviction on the other side of it.

It has been an absolute race to the bottom when it comes to corrections legislation in this place throughout the entire term. Every single time I have stood here speaking on a corrections bill I have thought, 'Well, it can't possibly get worse than this.' I have spoken many times with Rob Hulls, who obviously was in here a long time ago and who has publicly supported some of my animal protection work. I know one of his proudest moments all those years ago was our charter of human rights that we have in Victoria. We do not have a federal charter of human rights. We have one here in Victoria, and we have that for a reason: to ensure that every piece of legislation that comes through this place is compatible with it and that we will not be depriving people of their liberties no matter who they are or where they come from or what circumstance they are in. To know that this bill is not just incompatible with human rights, but not compatible with our treaty act, a new criteria that we have, and a decision is still being made to put it through this place is absolutely galling and makes me really lose a lot of faith that anything could possibly change in terms of where I feel this government is going.

When decisions are made by courts like the Supreme Court, the expectation would be to accommodate those decisions and to acknowledge that perhaps a framework was not working, not to change the legislation to allow that thing to occur under certain circumstances or to not allow people who have already gone through this to seek justice and compensation and acknowledgement of the suffering that they have been through. I know, working with many advocates with lived experience and in the victim-survivor space, that such a fundamental part of ending retraumatisation and moving towards healing is having acknowledgement that something bad happened to them and they did have a right taken away and there was a breach of their safety.

I know that there will be many people watching this debate, whether they be First Nations people or community legal centres or advocates for liberty and human rights, that will be pretty appalled that we are standing here on Thursday morning after Wednesday's measure knowing that this is going to have really concerning impacts on the eve of an election. I do not have faith that if there is a change in government and that comes forward, if we no longer have a Labor government in this state, there is going to even be an ability to address that. I think it is an incredibly irresponsible decision. We have a number of weeks left in here. This bill is already in the upper house. I just do not see any justification or reason not to take a breath and take a moment and think about the impacts of what this will do.

I have spoken about the impacts this will have on First Nations people and Aboriginal people and Torres Strait Islanders in our state because we know the huge rates of incarceration among those communities, often because of other forms of harm, because of systemic racism, because of a lack of understanding of culture and communities, all of the many things that we spoke about in the treaty debate here, but this will impact other people in prison. I say 'people in prison', and I said this yesterday at the rally, because they are people first and foremost. A lot of people have been saying 'prisoners'.

That is intentional language. That takes away the human aspect. This is a small change in language that removes that othering and that demonisation. That is intentional, to make people believe that this bill is justified.

We know that this will impact women. We know that it will impact women who have experienced family violence, who have perhaps been misidentified. We know that this will impact trans and gender-diverse people. We know this will impact people with a disability. The amount of people who are in our prison system who have an acquired brain injury is incredibly high. We know that they could be not only in solitary confinement but deprived of the sun and the sky and access to open air. The impacts of that deprivation are long running and lifelong and ironically will very likely result in them reconnecting with the justice system again.

Every time we have this debate there is a conversation around how instead of doing all of these things that result in more people locked up, costing taxpayers more money, which ironically, obviously, is what they are trying to avoid in having to pay compensation, a whole lot more money could be saved if we just did the things that stop people having interactions with the justice system – education and the evidence-based change that is not particularly politically sexy. The government is fearful of doing it because they know what they are going to get from the other side. But the ultimate outcome is that people are paying the price with their lives. It felt as if we had reached a point in our state where that was acknowledged. Over the past four years we have just continued to wind back rights and wonder why crime is increasing and jailing is increasing. It is because we have not done all of the many things that we know we need to do to ensure that the people who are vulnerable, who are most likely to end up in these situations, are supported and have wraparounds – whether that be things that are as simple as community support, education, housing or family violence services. At the same time as we have seen funding absolutely pumped into our prisons, we have seen funding into those things pulled back – and they wonder why there is a problem here before us. When that problem comes to an absolute boiling point, as it has now, the solution is to just make their lives worse, which, as I have said, is only going to exacerbate the very situation that we are in right now.

Many people have already spoken about the reasoning for this decision, and I am not going to go through the detail of it again. But we know that the idea of so-called operational requirements is just a front for not having to address the reality right now in our prison systems for so many people. We have seen the ongoing impacts at Dame Phyllis Frost Centre, where a young woman recently died during the time that this legislation was between the two houses of Parliament. We know that the scapegoating wording is just being used in order to not make any changes to accommodate this Supreme Court ruling.

I have had a bit of a funny week in here this week. A lot of us, I think, felt somewhat optimistic over the past few weeks that a change in Premier, even though it was at the last minute, might have been a change in direction on some of the many things that all of us on the crossbench have been talking about for some time, but it has not. There is the ability to just go back to the drawing board and think about how we deal with these issues. I do not think any of us here deny that certainly there is a mentality that Victorians are feeling unsafe and that crime needs to be addressed, but we actually need to look at the reasons for that and what we can do to ensure that people do not find themselves in these situations of desperation, feeling like they have no other choice, which results in them having contact over and over again with police and the justice system and prison. Whether that be for a short period of time or an extended period of time, certainly at the very least we can ensure that their human rights will not be stripped away from them in that process. I have spoken briefly about who this affects, but the statistics also show that over 60 per cent of the youth justice population is currently unsentenced, and 40 per cent of the adult population. That means right now these people could be without access to open air under this legislation and ultimately not be found guilty of any crime at the end of that. That is certainly not to say anyone should be deprived of their human rights, but I have heard from a range of people that this is about the bad guys so why do I care about them, when the statistics show that often these will be innocent people who will suffer the effects of this legislation.

Among Victoria's existing prison population, 33 per cent of women and 42 per cent of men have an acquired brain injury. That means they need more support, not less. That means that they need services wrapped around them, and deprivation is only going to make the impacts of that acquired brain injury worse. Aboriginal Victorians are over 10 times more likely to be imprisoned than non-Aboriginal Victorians, and we know the reasons for that. It is racism, it is a lack of understanding in our communities and it is problems within the police. Knowing that this bill is going forward and we still do not have any independent oversight of our police in this state and the impacts that this could have as a result of that, there is no accountability for anything that could come as an adverse impact of this legislation. We already know there are going to be adverse impacts. I mean, people are not going to have access to open air, but there is so much worse that could come as a result of it.

The operational considerations – Victoria's corrections system is obviously a complex task, but it is not so complex that the government cannot guarantee the most basic of human rights. This is a problem of the government's own making, and it is a problem that we have continuously warned about through many debates in this place until the early hours of the morning. The operational considerations referred to in the bill have undoubtedly worsened due to this tough-on-crime approach. No-one is denying that. It has seen incarceration skyrocket and our prisons overflowing, and the use of these operational considerations as a limitation is so concerning given the recent impacts of these considerations. I touched on Dame Phyllis Frost earlier. Staffing shortages have led to the use of rolling lockdowns in that prison and other prisons in Victoria. Often we do not know about these things because as a result of those lockdowns there is limited ability to share the impacts of what is happening in there with the outside world. Last week an 18-year-old woman, as I said, died in custody. I think many people are unaware of that because we see people in these systems as others, and that results in legislation like this. That woman had a family and people who loved her and people who cared for her, and she has become yet another statistic of someone who has died in custody in our state, and there is a link between those lockdowns and that death.

The concern that I have is future legislation will come, just like this bill, as a result of the government's failure to properly run the corrections system and the impacts on the corrections system as a result of their policy. Who knows what the future holds? This is hopefully the last corrections bill that we will see here in this term, but we really do all need to consider the consequences of what is before us today and how it came before us and whether or not it is the right thing to do, particularly given that the people who were advised to tell us when something we were doing was wrong are telling us it is wrong and we are still not listening.

I know there will be amendments from my colleagues in the Greens, from Ms Copsey, and from Ms Payne. I will be supporting those amendments, and I am hopeful at the very least that they can be considered. A lot of us are often trying to make bad bills less bad or to put some accountability and transparency over them, and certainly when the crossbench does that work we are hopeful that the government and the opposition will at least consider it if the pathway they are going to take is ultimately supporting the piece of legislation.

I want to send my deepest thoughts and apologies to the people who I know are devastated about this bill and people in our First Nations communities across the state who stood in this place and celebrated not that long ago, only to see this before it now. Treaty cannot just be symbolic. It needs to actually do what it was designed to do. As someone who was very proud to support that piece of legislation, it is pretty devastating to be here today only a few months later. I will have more to say in the committee stage of the bill. But as I said, this is a bad piece of legislation, and we are about to move to committee on another bill, and there is still time for the Premier to reconsider this decision and to listen to the advice of the people who know it best.

Lee TARLAMIS (South-Eastern Metropolitan) (11:26): I move:

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

Motion agreed to and debate adjourned until later this day.

Firearms Amendment Bill 2026

Second reading

Debate resumed on motion of Lizzie Blandthorn:

That the bill be now read a second time.

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (11:27): I thank the speakers on this bill. We adjourned this off quite late on Tuesday night to return to it today. There is a lot of discussion for committee, so rather than provide a summing-up, I think it would be a better use of time to go through the questions and amendments in the committee stage.

Motion agreed to.

Read second time.

Instruction to committee

The ACTING PRESIDENT (Gaelle Broad) (11:28): I have considered the amendments on sheet KC82C circulated by Ms Copsey, and in my view the amendments are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 14.11 is required. I remind the house that an instruction to committee is a procedural motion.

Katherine COPSEY (Southern Metropolitan) (11:28): I move:

That it be an instruction to the committee that they have the power to consider amendments and new clauses to amend the Firearms Act 1996 to restrict the number of firearms that a licence-holder may possess, carry or use and to abolish junior licences.

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (11:29): Just a few brief remarks. My views on out-of-scope instruction motions are well known. I believe that it is a misuse of the parliamentary process, which is consistent with David Davis's comments when he was a member of the government, but he subsequently changed his view from the position of opposition. We are well aware that out-of-scope motions are regularly supported by non-government members, but I do not support the precedent. I do not support the instruction motion, but I will not be causing a division, in the interests of time.

Melina BATH (Eastern Victoria) (11:29): As has been the practice in this house for the 60th Parliament, on principle we do not oppose or obstruct instruction motions. We do oppose the actual motion and its intent, but we will not be opposing if a division is called here.

Katherine COPSEY (Southern Metropolitan) (11:30): Just to contribute to debate on this motion, I will note that has been a change of practice by the government – they did not oppose instruction motions, I understand, in previous terms. There has been a shift. We always, I would say – from whatever part of the chamber we sit in – bring in good faith attempts to scrutinise and improve government legislation. I will just note that in response to Ms Symes's comments. I am not suggesting that Ms Symes has personally changed her position, but there has been a change in practice from the government from previous terms, I understand.

Jeff BOURMAN (Eastern Victoria) (11:31): Whilst I think the Greens amendments are rubbish, I do like the opportunity to have a go at them, so I will support the instruction motion.

Motion agreed to.

The ACTING PRESIDENT (Gaelle Broad) (11:31): I have considered the amendments on sheet JB109C circulated by Mr Bourman, and in my view amendments 1 to 4, 7 and 8 are not within the

scope of this bill. Therefore an instruction motion pursuant to standing order 14.11 is required. I remind the house that an instruction to committee is a procedural motion.

Jeff BOURMAN (Eastern Victoria) (11:32): I move:

> That it be an instruction to the committee that they have the power to consider amendments and new clauses to amend the Firearms Act 1996 in relation to reporting requirements for approved handgun target shooting clubs and the exemption for a non-prohibited person who is carrying or using a general category handgun at an approved shooting range and is receiving instruction in the use of a general category handgun.

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (11:32): This is more a response to Ms Copsey's remarks because I could not do it on the previous procedural motion. Ms Copsey, my position has been consistent. My view is that out-of-scope amendments can be considered if they are extraordinary, urgent and it is reasonable for them to hitch a ride on an existing piece of legislation. What I express concern about is that it should always not just be a right to move any amendment to a bill that is before the Parliament, because just using it as a vessel to prosecute positions that are tenuous to the bill disrupts the purpose of the piece of legislation. There are other avenues for members to bring in amendments via private members bills. There are instances where it is appropriate, particularly at this point in time of the cycle when I acknowledge there is not the capacity for private members bills and the like to be considered, but I do want to continue to be consistent and make sure that I am on record that they should be scrutinised. You should not be able to put up an out-of-scope amendment to any piece of legislation, because it undermines the parliamentary process in my view. But similarly to my non-formal opposition to the previous instruction motion, I will not be causing a division on Mr Bourman's motion either.

Jeff BOURMAN (Eastern Victoria) (11:34): If I may, I might make the comment that even for the Greens – there are only four of them – as individual members here, we have limited opportunity to do things. It is my understanding that in the last 30-odd years private members bills have not passed this institution. So whilst we have limited opportunities, whether I agree with the Greens or not, there are times when we have to take what comes before us, and this is one of those.

Katherine COPSEY (Southern Metropolitan) (11:34): Just to confirm, the Greens will be supporting the procedural motion to consider Mr Bourman's amendments. I understand Ms Symes's position. All I would say is that it has been the reflexive position of the government to refuse consideration of out-of-scope amendments. I think it should be considered, as Ms Symes said, on a case-by-case basis. I would argue that in this chamber today Mr Bourman and I are not attempting to bring wildly unrelated matters. They are directly related to the substance of the bill, though they seek to create new provisions. I just wanted to respond in that regard.

Melina BATH (Eastern Victoria) (11:35): The Liberals and the Nationals will not be opposing the instruction motion, as has been the practice. We want to see these come through and debated on the floor.

Motion agreed to.

Committed.

Committee

Clause 1 (11:37)

Melina BATH: I would just like to put on record some feedback we received. The Liberals and Nationals received significant feedback from a number of stakeholders, and the questioning that I will

be centring on is nicely encapsulated in some of these comments. This was from Field & Game Australia's Victorian branch, and it goes:

> FGA supports tougher action on illegal firearms, trafficking and people who breach FPOs (Firearm Prohibition Orders). We have no interest in defending unlawful use, unsafe behaviour or people who should not have access to firearms.
>
> If FPOs are to continue beyond the original sunset period, there should be proper review, transparent reporting and oversight …
>
> Firearm re-categorisation –

they believe –

> should not occur by regulation … without evidence, consultation and parliamentary scrutiny …
>
> Any re-categorisation should include fair transitional arrangements for … lawful licence holders …
>
> Background checks should be focused on genuine risk, including terrorism, serious organised crime and unlawful firearms use. We support proper checking, but we are concerned about any process that removes meaningful review …

or when people do not have the ability to correct errors that have originated from the system.

> Parts 6 and 7 should not commence until the Commonwealth AusCheck arrangements are fully tested and the Victorian administration is ready …

That is, post the Commonwealth arrangements. Minister, as I have just mentioned, Field & Game are not the only stakeholder, but they have been quite active, very considered and I think very responsible. In relation to Field & Game, they have advised that the published delay before new firearm licence applications begin being processed increased this year from 112 days in mid-May to 146 days as at 10 August. Can the minister confirm those figures and explain why the delay has increased by 34 days in less than three months?

Jaclyn SYMES: I am advised that effectively there has been an increase in the volume of applications for firearms, weapons and private security in particular. Incomplete applications have led to the addition of a lot of time. There have been a high number of new security personnel looking to enter the workforce. All of the figures are publicly available on Victoria Police's firearm licensing website, and my advice is that they are updated regularly.

Melina BATH: Minister, can you inform the house how many firearm applications are currently awaiting processing with the Victorian licensing and regulation division?

Jaclyn SYMES: I understand the interest in this figure. However, the information is held by Victoria Police, and due to their independence from government, I do not have that figure.

Melina BATH: I may receive the same comment, but clearly in relation to additional processing that is occurring, licence renewal applicants, firearm owners – current as well as new – want to understand the processing time. Often what happens is if there is a renewal, somebody has provided a paper copy to say, 'Your licence renewal is pending,' and it can be quite concerning if that delay is lengthening and lengthening. Do you have an idea of the current average processing time for new applications and renewals?

Jaclyn SYMES: It will depend on the period of time that you are referring to, but I do not have the figures on me. I am told that wait times do fluctuate depending on volume, but the wait times are publicly available and they are updated regularly. Indeed they were updated just on 10 August.

Melina BATH: When you have conversations with people, whether they be farmers, pest controllers, clay target shooters or hunters, they are understanding of the resources of Victoria Police, but they do get frustrated with the licensing and regulation division sometimes with these slowdowns. I am interested to understand how many full-time staff are currently employed within the LRD, specifically on firearm licensing, and how this compares with the two previous years.

Jaclyn SYMES: Government does not hold information relating to the specific team vacancies inside Victoria Police; these are operational matters for VicPol. What I can say is that there is no specific group that just administers firearm licences; they also do private security personnel licensing as well as the prohibited weapons approvals.

Melina BATH: Considering that these are some significant changes to the firearms legislation, is it government policy to consider supporting Victoria Police to make sure that this backlog or even an increasing backlog does not occur, which genuinely is not in the interests of either firearms owners or public safety, with the even further delays that could well occur? Is it government policy to work with Vic Police to increase those FTEs if requested?

Jaclyn SYMES: Well, in short, Ms Bath, there are constant conversations with Victoria Police and the government in relation to their resources, but in relation to staff allocations, they are by and large operational matters.

Jeff BOURMAN: Minister, following down the rabbit hole of LRD wait times, I can understand everyone's consternation on this. I put in an application for my H-category licence in February. It is now August, and I have not seen or heard a thing about it. There is a little bit of self-interest in bringing it up, but also if I have not heard about it, then a lot of other people have not heard about it. Whilst it is not within the minister's right I think under section 10 of the Victoria Police Act 2013 to direct the police what to do with their resources, would the minister commit to trying to work with Victoria Police to get more resources so that at least it is in a reasonable timeframe? I do not feel six months is a reasonable timeframe, but I also appreciate that LRD as an organisation are doing the best they can.

Jaclyn SYMES: Mr Bourman, I would put to you that it is outside the scope of the bill, particularly in the responses that I gave Ms Bath in relation to the provision of operational resources. As I said, there are always ongoing conversations with Victoria Police and the Victorian government. They are the highest-funded police force in the country. There have been new announcements today in relation to additional resources that have gone to Victoria Police. Of course those conversations are always ongoing, and I think rather than me committing on the terms of what you have asked, I commit to ensuring that people have read this exchange.

Melina BATH: The AusCheck system is upstream. It has been introduced by the federal government. It is being worked through and processed and is certainly not up and running at the moment. In terms of Victoria Police IT, can you give an understanding as to how, when AusCheck is coming through from the federal government – it is not yet ready and operational, and it will come through into VicPol and LRD will be part of that processing; that is my understanding, and please correct me if I am wrong – you can ensure that LRD and the Victorian IT system is ready for a system that has not been operational and is still in its formation?

Jaclyn SYMES: Again, Ms Bath, I think similar to my response to Mr Bourman, it is not within the scope of the bill in relation to those operational matters and the implementation of these changes. However, I would say that these changes are going to take some time. It would be my view that there is adequate time to address some of the concerns that you have raised.

Melina BATH: In terms of licensing delays, what assessment has the government undertaken on the impact of these licensing delays and, with AusCheck coming in, in terms of additional background requirements and potential additional costs on farmers and pest controllers and other regional Victorians or all regional Victorians? Has the government made any assessment on the impact of licensing delays?

Jaclyn SYMES: Similar to the response I gave you earlier, as you are aware, there is a significant amount of time for these changes to be implemented. There will be a regulatory impact statement, so there are a lot of implementation processes to be undertaken, and I think obviously some of the issues you have raised will be addressed through those.

Melina BATH: Because there are lots of question marks in this, I just want to tease out and get the government on record about a commitment and an understanding that there are many questions that need to be answered along the way. In terms of AusCheck and the firearm background check, what criteria will determine that information identified through AusCheck is sufficiently relevant and serious to result in a refusal or mandatory cancellation of a firearm licence, and how will the government be involved in considering those criteria?

Jaclyn SYMES: I understand the reason for your questions, Ms Bath, but this bill is really about the architecture for the changes in the new system. The issues that you raise are obviously valid, but this bill is responding to the national agreement to make changes to accommodate all of those things that have been agreed to, particularly at national cabinet, so the issues you raise are part of the process to come.

Melina BATH: I appreciate that. I also appreciate that because there are a lot of questions out there, people are seeking an understanding.

Jaclyn SYMES: If I may, just picking up on your request for commitments, I think what I can say is that my understanding from the questions I have asked about this process is that, yes, there are a lot of questions, but there is a commitment to involve people in a regulatory impact statement, so this is architecture that sets up an implementation process that will address the issues that you have raised. I do not have answers to them yet, because obviously we do not want to have the answers yet; we want to actually engage people that are participating in this process or running this process. So there is a commitment that there will be people engaged in the development of the regulations and the RIS. This again I would describe as the architecture to enable those conversations and those processes to commence.

Melina BATH: I appreciate that, Minister. I guess the point that the Liberals and Nationals are raising in terms of our amendment to delay the implementation of AusCheck and the requirements in this bill is there because there are so many questions to be answered and so many people to engage with. We are really putting the cart before the horse, hence our amendments that will be coming up.

Be that as it may, while we are on the topic of consultation, and without making an exhaustive list, can the minister commit to or acknowledge, noting that you are not the minister in charge, what the government will do in terms of that consultation? How will that look, and what groups, if any, are on or off the list? Will Field & Game be consulted? Will the Sporting Shooters' Association of Australia be consulted? Will the Australian Deer Association be consulted? Will clay target shooting organisations that I have not mentioned be consulted? Could the minister give me an understanding – will the Victorian Farmers Federation be consulted? People like Landcare are really important too, and all of those other areas where pest control is very important. Could you give the house an understanding of that consultation process, and who –

Jaclyn SYMES: There is an existing firearms consultative committee, which will be quite useful and engaged in any of these processes. It is intended to be extensive engagement that is open to all interested parties, and I think the benefit of having a RIS is that anyone is able to participate in that process.

Melina BATH: I appreciate that, and that was one of my questions about a regulatory impact statement, so you have answered that. The importance of getting this right is there and is critical, and so I would just like to understand that the government will not be seeking to ignore certain sectors or favour others in a regulatory impact statement and that there is the opportunity for those groups to actually be at the table. I think it is really important to get it right.

Jaclyn SYMES: As I said, there will be the opportunity for people to participate in the development of regulations and be involved in the regulatory impact processes. I think just coming back, though, I know a lot of your concerns are around AusCheck. These are often very much related to adverse outcomes based on ASIO or ASIC intel and the like. There will be an opportunity for people to talk

about the operation of the system, but a lot of those other things – what is relevant, what is not – will be a matter for the Commonwealth and those bodies that I mentioned. Again, this will all become very clear as the process unfolds.

Melina BATH: Many constituents, and not only constituents but responders to my request for assessment and consultation, have gone on record – they could well be a farmer of 40 years or whatever – about their licence renewal. They will go through the whole process of AusCheck. That is my understanding. In particular clause 40 requires the Chief Commissioner of Police to immediately cancel a licence on becoming aware that the holder does not satisfy the firearms background check requirement. But computers and people make mistakes. So if we have got our 40-year farmer who is shooting rabbits on her farm, what opportunity does that licence-holder have to understand and correct inaccurate information underlying an AusCheck outcome before the licence is cancelled? Clearly everybody, I am assuming, in this room wants to catch criminals and people that would do wrong. The system should not be set up to not be able to give the opportunity to law-abiding firearms owners when there has been an inaccuracy or where there has been a mistake to retain a licence.

Jaclyn SYMES: Ms Bath, as always it is difficult to respond to a particular example. However, it is likely in the scenario that you have presented, unless there is an adverse finding from ASIO or the like, that we would not anticipate that that would trigger any changes in relation to any sort of administrative errors or the like. Again, there would be opportunities for review, and if somebody was not satisfied with an outcome, then the Federal Court would be an avenue. But in the scenario you have provided, it would not be something that we would be anticipating.

Melina BATH: I know that is in an ideal world. The reality is that computers make mistakes, people do make mistakes, and if there is adverse information that concerns a wrong person or that is demonstrably inaccurate, what is the process? If there is a handing down from AusCheck in relation to a person's licence, does the commissioner have to cancel that licence or is the error investigated in any way?

Jaclyn SYMES: Ms Bath, my advice is that the chief commissioner effectively has a decision around whether there is an adverse finding or there is not an adverse finding. If there is an adverse finding, it must act on that, but if there has been something provided in error, then there can be an internal review. But if you want to review whether the adverse findings should or not disqualify you, that process would be through the Federal Court.

Business interrupted pursuant to standing orders.

Questions without notice and ministers statements

Government procurement

Evan MULHOLLAND (Northern Metropolitan) (12:00): (1413) My question is to the Minister for Government Services, Mr Erdogan. According to the Victorian Government Purchasing Board, the principles that underpin the procurement policy in Victoria are value for money, accountability, probity and scalability. How does Rail Projects Victoria spending almost $1.6 million hiring and maintaining pot plants for its offices represent value for money?

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (12:01): I thank Mr Mulholland for his question in relation to this matter. As minister, I can say I expect every taxpayer dollar to be spent responsibly, transparently and with a clear focus on value for money with taxpayer dollars. I was clear from the first day I got into the office that that was the message. The message was that my focus will be on disciplined fiscal management and on delivering value for taxpayers. In relation to the government's position on this matter, I think the Premier – in a view that I agree with – has been clear. This spending was not a good use of taxpayer money, and he has asked for it to end. As the Minister for Government Services, let me be clear also that we do set the frameworks for government

procurement and making sure we get value, but individual departments and agencies make those judgement calls. In relation to this call, they have clearly got it wrong. The Premier has outlined that, and I support Premier Carroll's position.

Evan MULHOLLAND (Northern Metropolitan) (12:02): Minister, as you have stated in your answer and as has been confirmed by the Premier, this is not a good use of taxpayer money, and it has ended. The Premier confirmed following question time yesterday that he asked his department to end this. Minister, can you confirm that there is nothing to end and the $1.6 million has actually already been spent?

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (12:02): I thank Mr Mulholland for his supplementary question. As I stated in my substantive, as the Minister for Government Services we do set a procurement framework about extracting the best value for taxpayer dollars. In relation to the specifics of that incident, I think the Premier has addressed that. He has made clear the government's position. I am not going to get into the workings of the rail projects body, an agency. Nonetheless I believe that figure is incorrect. But what I will say is we have been clear. I have made it clear to my department that the expectations in relation to spending such as this are that it should not be occurring.

Evan Mulholland: On a point of order, President, on relevance, my question went to whether that amount has been spent.

The PRESIDENT: I did think the minister did refer to the figure mentioned.

Enver ERDOGAN: As I was saying, as you would appreciate, individual expenditure items are decisions for those departments and agencies. We set the framework, but they make the decisions. But clearly, in relation to this decision the Premier has been clear: the spending was not a good use of taxpayer money.

Kangaroo control

Georgie PURCELL (Northern Victoria) (12:03): (1414) My question is for the new Minister for Environment. On Tuesday Anthony Albanese shook hands with the president of Vietnam to announce the recommencement of a kangaroo meat deal. This is despite growing international opposition to the commercial killing of kangaroos. California has banned the import and sale of kangaroo products, alongside Russia and China. Belgium has moved to do the same, with more of the European Union expected to follow, and legislation has been introduced in the United States to ban kangaroo products nationally. The collapse of this industry has come from international horror that our government allows the shooting of our national icon and the bludgeoning of their joeys, as per the code of practice. While the federal government oversees the national framework for the killing of kangaroos and trade deals, the states run the day-to-day program. Can the minister confirm whether the kangaroos slaughtered here in Victoria will be exported to Vietnam?

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (12:04): Thank you, Ms Purcell, for your question. Whilst I am not familiar with the issue you have asked about, my initial reaction to that would be, yes, you have acknowledged that it is a federal matter and then gone on to say there is some state management of that issue. I will double-check, but I would consider that it would be a matter for the Minister for Agriculture and the minister for trade, not the Minister for Environment. But given that I am not familiar with the issue, I am more than happy to have a look and see if there is any information that would be of use to your question.

Georgie PURCELL (Northern Victoria) (12:05): Thank you, Minister. Of course there is a crossover of portfolios when it comes to the kangaroo harvest program, so any clarity would be great. We get them passed around constantly. Kangaroo shooters themselves admit that there is vanishing international market demand, major corporate boycotts and a collapsing workforce, resulting in many

of them leaving the commercial industry. This federal government announcement comes despite constant opposition to commercial kangaroo killing, including in my own electorate. The Yarra Ranges council have unanimously called for their removal from the kangaroo harvest management plan, especially as they are the only metropolitan municipality remaining in the program. Will the minister commit to removing Yarra Ranges from the plan, or will the government continue to prioritise the commercial program ahead of the wishes of the local community and the council that represents them?

The PRESIDENT: Given the minister's substantive answer, I am sure she can respond, but she will answer as she sees fit.

Georgie Purcell: On a point of order, President, could I just give some clarity on this. When I asked the ag minister about this, I got passed to environment. In fact I have many questions on notice doing exactly this. I am happy for it to be referred on; it is just that they pass them back and forth constantly. That is why I have asked the Minister for Environment, because they both oversee the program.

The PRESIDENT: I am not sure that is a point of order.

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (12:06): Ms Purcell, when I was agriculture minister, kangaroo harvesting was all under the agriculture portfolio. As I have committed to you, I will check. My invitation has always stood in this place that if you have any confusion about which minister you would like to direct a question to, if you want to speak to me before you ask the question, then I can provide that clarity in advance. As I have agreed to have a look at the information in your first question through the environment portfolio, for your supplementary I will do the same.

Ministers statements: renewable energy workforce

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (12:07): I rise today to update the house on how Labor will grow Victoria's energy workforce by 50 per cent by 2040 and how we cannot do this without women coming forward, training up and taking part in these great jobs. The *Victorian Energy Jobs Plan* demonstrates that Victoria will need approximately 68,000 energy jobs by 2040, with 37 per cent of those jobs needed in regional Victoria. That is more than $18 billion in wages by 2040 delivered to workers' pockets throughout Victoria's regional communities. I am advised that this will include $1.94 billion in Ballarat, $1.2 billion in Bendigo, $2.4 billion in Geelong, $2.3 billion in the south-west, $2.5 billion in the north-west, $4.6 billion in Gippsland, $2.1 billion in Hume and $1.1 billion in Shepparton and the Goulburn Valley.

The shift to renewable energy is not just about technology, it is about workers. Whether you are a linesman in Bendigo, a plumber in Geelong or a customer service worker in Morwell, there are opportunities right across the state. Through Labor's women in energy strategy, we are bringing government, industry, and education and training providers together to ensure women's full and equitable participation in training and employment opportunities in Victoria's growing renewable energy sector. Only Labor will maintain the lowest electricity prices in the country, deliver the replacement energy infrastructure needed to keep the lights on and put regional jobs first.

Health system

Georgie CROZIER (Southern Metropolitan) (12:09): (1415) My question is to the Minister for Health. Minister, some health services who are poor performers and in deficit are getting positive transition grants to improve their budget bottom line, whereas other health services who are good performers are receiving negative transition grants. Why are good-performing health services being punished by your government and asked to prop up health services that are struggling to meet budgets and provide services?

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (12:09): I thank Ms Crozier for that question. I certainly do not accept the premise of the question. My department works closely with all health services when it comes to developing model budgets and statements of expectation, and I would like to remind the house that our government will remain absolutely committed to making sure that our –

Georgie Crozier: On a point of order, President, I would like some clarity, if I may: does the minister actually understand my question?

The PRESIDENT: That is not a point of order.

Ingrid STITT: As I was saying, there is a thorough process that is not just around budget time in terms of model budgets for health services but is in fact work that continues all year round with health services around the supports that they need to provide the care that Victorians expect. In this year's budget alone we have record health funding of over $32 billion. Our hospitals are at the heart of that work. Hospitals Victoria, which is a division within the department, works closely with our health services. I want to thank the CEOs and the board chairs for the way in which they are working so well with the department when it comes to making sure that our hospitals have certainty and clarity around the activity that they will be delivering to patients this year and beyond. There is an additional $1.6 billion in this year's budget for sustainability. I am sure if Ms Crozier takes the time to look at the budget papers and the 2026–27 budget announcements our government has made she will find it very hard to argue that we are not absolutely steadfast in our commitment to our hospitals and our health services right across the state, with $32 billion in this year's budget alone.

Georgie CROZIER (Southern Metropolitan) (12:12): My supplementary: Minister, how many hospitals are currently in deficit and as a result are having to cut services?

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (12:12): Again, I think that, Ms Crozier, it is important to understand that there are discussions going on right now with hospitals and health services about arriving at their budgets. That includes carefully analysing the services that will be delivered in each region and in each health service. That work is ongoing, and the department –

Georgie Crozier: On a point of order, President, I would ask you to bring the minister back to my very specific question: how many hospitals are currently in deficit and as a result are having to cut services? It is a very specific question. I would ask you to ask the minister to respond to it accordingly.

The PRESIDENT: I believe the minister is being relevant.

Ingrid STITT: As I was saying, on this side of the house we will continue to invest in health services because we know that Victorians deserve to have world-class care continue to be delivered, no matter where they live. And I reiterate: $32 billion in investment –

Georgie Crozier: On a point of order, President, with 10 seconds to go, I know the minister is trying to spin her way out of this. I would ask you to bring her back to the question: how many health services are currently in deficit and cutting services as a result? That is my question, and I ask you to bring the minister back to respond to it and answer the question.

The PRESIDENT: I think the minister understood the question.

Ingrid STITT: It is clear from that interjection that Ms Crozier does not actually understand how health budgets are arrived at. We will keep focused on supporting our hospital and health services to deliver world-class care.

Georgie CROZIER (Southern Metropolitan) (12:14): I move:

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

Motion agreed to.

Data centres

Sarah MANSFIELD (Western Victoria) (12:14): (1416) My question is for the Minister for Energy and Resources: has the government received any modelling regarding the potential impact of energy demand and prices from existing and proposed data centres?

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (12:14): I thank Dr Mansfield for her question. As I said yesterday, Victoria currently has around 54 data centres, which use approximately 3 per cent of our state energy supply. We know that the number of data centres will grow rapidly over the next decade, but your question asks about whether we have modelled the future ones.

Because I have not got a number of what those would look like, that is not something that can be modelled. However, in relation to the federal government's announcements in relation to ensuring that new data centres have particular requirements around bringing their own energy, that modelling would obviously be impacted by those developments, which I have got to say have been welcomed and supported by the data centre industry.

Sarah MANSFIELD (Western Victoria) (12:15): I appreciate that response. I will take it that you are not aware of any modelling that has been done about potential future impacts on the energy grid and prices. In Ireland, annual household electricity bills have increased by hundreds of euros, and that has been directly attributable to the growth in data centres there over the past five to 10 years. Data centres now use around a quarter of that country's energy. The proposals in Victoria are for hyperscale data centres, which use vastly greater amounts of energy than the existing ones. Can you rule out a similar increase in power prices for Victorians as a result of increased data centre electricity demand over the next five years?

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (12:16): Dr Mansfield, as I indicated in my response to your substantive question, the federal government's announcements, consistent with the principles here in Victoria of data centres bringing their own energy and indeed producing energy, is where the technology is headed. It is where the conversation is. So your question is a hypothetical question, which is something that everybody is committed to avoiding in relation to an impost on energy prices for Victorians.

Ministers statements: women's health

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (12:17): I rise to update the house on how the Allan – the Carroll Labor government is committed to improving access to affordable, high-quality health care for women across our state. Last week I had the pleasure –

Members interjecting.

The PRESIDENT: Order! Reset the clock. Minister Stitt, from the top, please.

Ingrid STITT: I wish to update the house on how the Carroll Labor government is committed to improving access to affordable, high-quality health care for Victorians and particularly for women, as have previous premiers been absolutely committed to this across the state. Last week I had the pleasure of visiting the Royal Women's Hospital and meeting with the incredible workforce who are there delivering high-quality care to women from across Victoria every single day. At the Women's I had the opportunity to meet with nurses, including the incredible Marie, who has been working there for many, many years in the women's health clinic, and to listen and learn from them about how their work is underpinned by helping women understand that their pain and health concerns do not have to be endured quietly.

For too long we know that women's health issues have been overlooked, underdiagnosed and often go untreated. That is why this government held the inquiry into women's pain, which heard from more than 13,000 women, girls, carers and clinicians, highlighting the scale of this issue. The inquiry found that bias, stigma and a lack of understanding of sex and gender differences in health settings have let many people down without appropriate care, with 90 per cent of respondents experiencing pain for more than a year and 54 per cent living with pain every day. To support our commitment to address these inequalities, we are delivering a $154 million package, a record investment in women's health in Victoria, to change the way that women's health issues are treated in this state, including investing in 20 new women's health clinics across the state, a mobile women's health clinic, Aboriginal-led clinics, virtual women's health clinics and expanding the sexual and reproductive health hubs. Through our sustained investment and commitment to reform, Victoria is setting a new standard in women's health care, addressing entrenched medical misogyny and building a health system that works better for everyone.

Mildura Base Public Hospital

Georgie CROZIER (Southern Metropolitan) (12:20): (1417) My question is again to the Minister for Health. Minister, staff at the Mildura hospital have been told that there will be no locums for six months. What impact will that have on the delivery of frontline care, such as surgery and other medical care, to the Sunraysia community?

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (12:20): I thank Ms Crozier for her question. The provision of care for every Victorian, including those that are in regional and rural areas, is incredibly important. Earlier, in answer to your previous question, I outlined the record funding that our government has provided to our health services, including our hospitals, right across the state. When it comes to specific initiatives in our hospitals, I want to just talk about the additional investments that we have made, including a $1.6 billion uplift to Victorian hospitals to continue to deliver that world-class care. These investments are delivering $284 million over five years to support and expand hospitals in growing communities, $240.5 million over four years to support –

Georgie Crozier: On a point of order, President, I know the minister is trying to pad for time, but my question is very specific. It is about the impact on the delivery of frontline services given there are no locums, and I would ask you to bring the minister back to answering this question, please – not what she is wanting to spruik – answering the question that is very important to this community.

The PRESIDENT: The minister is giving some background. She has got 2 minutes to address the question.

Ingrid STITT: As I was in the process of explaining, we have given a significant uplift to hospitals in this year's budget, and of course we also have taken steps to support the workforce both in terms of the existing workforce but also the attraction and retention of workers, including frontline GPs, in our hospital system across the state. When it comes to individual local arrangements for locums and their local health services, often those arrangements are the subject of local agreements. If Ms Crozier is happy to provide me with the actual details of –

Georgie Crozier: On a point of order, President, I am getting concerned that the minister is not across her brief. If she does not understand the impact of locums and the impact to the delivery of care and surgery – I mean, we have not even got the VAHI data. Where is that? There is no transparency.

The PRESIDENT: It is not a point of order.

Georgie Crozier: President, I would ask you to bring the minister back to answering the specific question that I asked.

The PRESIDENT: I believe the minister was getting to the specific –

Members interjecting.

The PRESIDENT: I have ruled on the point of order.

Ingrid STITT: Ms Crozier, I was actually about to offer that if you would like me to seek some further advice from my department about the specific circumstances at the Mildura hospital, I would be more than happy to provide those to you outside of the standing orders, although I predict that you may not take me up on that offer. But of course if there are issues in any of our health services, whether they are in relation to individuals or operational matters, that you wish me to look into, I have always said that I will take that on notice and provide those details back to you or to any member in this chamber or indeed in the other place.

Georgie CROZIER (Southern Metropolitan) (12:24): What a woeful answer. Minister, this is question time, and I will continue to ask questions of you. My supplementary is: Minister, isn't it a fact that Mildura's budget cannot pay for capital improvements such as IT upgrades and therefore the hospital has had to resort to cutting funding for locum services?

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (12:25): I completely reject the premise of your question, Ms Crozier, because the way in which health service budgets are struck is a process where the department works closely with each health service, including hospitals, and there are very clear statements of expectation and priorities that are set out that hospitals must deliver. Frontline provision of health care is an absolute priority. If there are specific issues that that health service have in relation to other operational matters, they should be raising that directly with the department. I will certainly be going back to the department to seek some more information about this.

Members interjecting.

Ingrid STITT: We do not cut hospitals. We have built 12. You close them.

Georgie CROZIER (Southern Metropolitan) (12:26): I move:

That the minister's responses be taken into consideration on the next day of meeting.

Motion agreed to.

Hydrogen Energy Supply Chain

David LIMBRICK (South-Eastern Metropolitan) (12:26): (1418) My question is for the minister for energy. The Hydrogen Energy Supply Chain is a visionary energy project proposed by the Japanese consortium of J-POWER and Sumitomo Corporation. It leverages the unique advantages in Victoria of large brown coal deposits, an empty gas well and proximity to a port to propose a system that uses the otherwise stranded resource of Victorian brown coal to produce hydrogen and capture and store the carbon emissions. The production and export process has been through a pilot and testing phase, which was successful. The very first sea transport of hydrogen at scale in the world came from Victoria to Kobe, Japan, via the ship *Suiso Frontier*. Unfortunately, this project seems to have stalled, and I fear the Victorian government is to blame. My question is: what is the new energy minister doing to progress this huge opportunity for Victoria?

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (12:27): I thank Mr Limbrick for his question about the HESC project. I am familiar with the project from my former time as minister for resources, and indeed I did visit the site and met with J-POWER in relation to the proposal and the pilot, and obviously I am back in the portfolio now so it is my intention to be briefed in greater detail about the pilot. But my advice is that the pilot process did have some successes. It certainly injected a lot of economic activity into the Gippsland region. There was millions of dollars of investment that created hundreds of jobs, and it did establish Victoria as an emerging player in this multitrillion-dollar industry. I am advised that the project partners are currently considering the

information that was obtained from that extensive pilot and are continuing to undertake further assessments which balance domestic and international policy as well as market settings and the commercial viability of next steps. As you would expect, the Victorian government is also undertaking its due diligence, which is what I have not yet been briefed on in great detail. But obviously the questions that I would be asking are around whether any future stages of the project would be feasible. We also have to consider issues such as water, energy and emissions policies in balancing the economic benefits to the state and the people of Gippsland. One of the issues that constantly comes up in relation to this project is carbon storage, and there are a lot of things to consider in relation to that policy and how it might play out for the future of such industry.

David LIMBRICK (South-Eastern Metropolitan) (12:29): I thank the minister for her answer. My understanding is that hydrogen production is a very high priority for Japan. Despite many successful Japanese investments in Victoria, there have also been some large-scale failures recently, such as the paper mill. It is vital for Victoria to maintain investor confidence for foreign investors, including Japan. Has the minister met with the consortium recently or does the minister plan to meet with the consortium soon to discuss this project?

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (12:29): As I said in my answer to your substantive question, Mr Limbrick, I have met previously, not in recent times – when I last had the portfolio of resources I did meet with proponents of this and indeed partners that were involved. I do not even know if they are the same individuals now. I have not received an invitation directly from them. There are a lot of invites that have come into my inbox in the last week, as you would appreciate. I am endeavouring to work through those and meet as many people in the industry as possible. When it comes to creating jobs in regional Victoria and indeed creating commercial opportunities for regional Victoria, regardless of what portfolio I am in that has always been a high priority of mine. If indeed there is opportunity to attract more investment into regional Victoria and create jobs, I always try to do my best to meet with those people.

Ministers statements: communications infrastructure

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (12:30): I rise to update the house on another important milestone delivered by the Carroll Labor government: the Connecting Victoria program. In partnership with Opticomm, our government has delivered more than 150 kilometres of new fibre infrastructure across Clyde, Cardinia, Devon Meadows, Curlewis and Wallington. I am happy to report that more than 2100 homes and businesses can now access faster and more reliable broadband services, with more than 500 premises already connected. Eligible premises now have access to download speeds of up to 1000 megabits per second and upload speeds of 400 megabits per second, with even faster services to be trialled in the months ahead. But this investment is more than just fast internet speeds. It means regional families can work, study and stay connected with confidence. It gives local businesses the digital capability they need to grow, innovate and compete. And in a climate where bushfires, floods and storms remain an ever-present risk, stronger telecommunications infrastructure helps ensure communities can receive timely emergency information when it matters most. Telecommunications are primarily the responsibility of the Commonwealth. However, this government has refused to stand by while regional communities were left behind. Connecting Victoria is the largest investment in mobile and broadband infrastructure ever undertaken by a state jurisdiction in our nation's history. That is what Labor governments do. We do not leave anyone behind. We invest in infrastructure that keeps communities connected, strengthens regional economies and ensures every Victorian has the opportunity to participate in the modern digital economy, regardless of where they live.

Illicit tobacco

Melina BATH (Eastern Victoria) (12:32): (1419) My question is to the Minister for Casino, Gaming and Liquor Regulation. Minister, when launching Victoria's tobacco licensing scheme, you promised to 'smoke out tobacco crime lords'. Victorian residents, in particular my Latrobe Valley residents, are reeling from increased incidents of alleged extortion and intimidation. Just days ago a man was abducted in broad daylight after a tobacco store owner refused to hand control of the business to a criminal gang. The victim was reportedly forced into a vehicle on Princes Drive in Morwell, taken to another location and assaulted with a knife before being abandoned. Minister, why is organised crime still expanding its influence in the Latrobe Valley despite the promises that you made when your scheme was introduced?

The PRESIDENT: I would have thought that would be directed to the Minister for Police rather than this minister. I will call the minister, but I am just digesting. I always get this advice in my left ear, and I am wondering if I appreciate it or not.

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (12:33): I thank Ms Bath for her question, which would be better directed to the Minister for Police in the other place. I do want to express my deep sympathies to your constituent who was affected by crime. We know crime hurts communities, and that is why in this chamber the Carroll Labor government is getting on. A number of our bills today are about improving community safety: the firearms bill, the corrections legislation and the consumer affairs legislation. For our government, community safety is not something we take for granted. Each and every day we will focus on community safety. But the specifics of your question would be better directed to the Minister for Police in the other place. I will take some guidance from the President in relation to that.

Melina BATH (Eastern Victoria) (12:34): Your government said tobacco licences would only be granted to fit and proper people and the scheme would disrupt organised crime. These are your terms. Given the alleged abduction and also ramming and firebombing in nearby Warragul, while new suspected illicit tobacco stores continue to emerge in Moe, is the problem a failure of your fit and proper person test, or is it a failure of enforcement?

The PRESIDENT: Given the minister's answer, he can answer this one as he sees fit.

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (12:35): I thank Ms Bath for her supplementary question. Ms Bath, we have implemented Victoria's first-ever tobacco licensing scheme, backed by an over $59 million investment in Tobacco Licensing Victoria. Just yesterday we were part of a national disruption group where Tobacco Licensing Victoria, Victoria Police and federal agencies conducted operations on over 100 service stations – one of the largest operations in the nation's history. We are getting on with the job. Since the Victorian regulator has been on the beat, over 5 million cigarette sticks have been taken off our streets. There is of course more work to do, and we are going to do that together in partnership with the Commonwealth.

Deer control

Jeff BOURMAN (Eastern Victoria) (12:35): (1420) My question is for the environment minister. Overabundant sambar deer are damaging important cultural assets around Walhalla, including assets relevant to the town's inclusion in the UNESCO Victorian goldfields World Heritage bid. Last year the state government assisted SSAA Victoria to conduct a thermal drone survey of the deer there – and I have got to say thermal drone surveys are pretty cool. SSAA have now proposed a trial using volunteer hunters to control deer around Walhalla, with suitable harvested venison processed and donated through charities. Will you commit to working with SSAA Victoria and the relevant agencies to get this trial underway?

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (12:36): I thank Mr Bourman for his question and also my now interest in thermal drone surveys. It is an important issue. The impacts of an increasing deer population are felt, I know, in your region. It is certainly felt in my region, and many members of this chamber have spoken about it before. It is why the Victorian government developed the *Victorian Deer Control Strategy* in 2020, and I know that there is also, for the purposes of your region, the east Victoria deer control plan, which is the government's plan to reduce the impact of deer across eastern Victoria, including the areas that you have referred to. Obviously the plan aims to create a consistent framework to guide investment and on-ground actions for greater biodiversity benefit, which reduces impacts of deer across all land but particularly valuable land. The government has committed $4.4 million of ongoing annual funding to enable Parks Victoria, the Victorian Deer Control Community Network, traditional owner groups and the Australian Deer Association to work collaboratively to manage and reduce the impacts of deer populations. I am certainly happy to have ongoing conversations with the representative groups that you are familiar with. There are people in my office that I can get them in contact with. Certainly it is an interest of mine and something that we are happy to work with you on, Mr Bourman.

Jeff BOURMAN (Eastern Victoria) (12:38): I thank the minister for her now interest. Minister, various green-aligned groups have been generating plenty of headlines about deer, including at Walhalla, whilst also calling for deer to be declared a pest species. Can the minister advise the house: what kills more deer in Victoria each year – recreational deer hunters or newspaper headlines?

The PRESIDENT: I think that is asking for an opinion. We will give that a pass.

Ministers statements: child protection

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:38): I rise to update the house on how the Carroll Labor government continues to back residential care workers and the young people that they support. Last week I attended ResiROCKS, the annual residential care forum organised by the Centre for Excellence in Child and Family Welfare. I was thrilled to present the Residential Care Awards with the centre's new CEO Jamie Crosby to carers who go above and beyond in their work with young people, like Michael Cameron from Child and Family Services Ballarat, who received the Hall of Fame Award. Michael has made a lasting and positive impact over more than 12 years working in residential care. His consistent work has strengthened therapeutic and relationship-based approaches, particularly for young people experiencing high levels of vulnerability and disengagement. Michael's contribution reflects a career dedicated to connection, dignity and better outcomes for young people who have experienced significant adversity. Residential carers like Michael are crucial in our work to support young people in care to thrive.

The Carroll Labor government values the role of residential care workers. In our time in government we have committed record investment to ensure a therapeutic model of care across all residential care homes. We have invested in ongoing funding for more two- and three-bed therapeutic residential care homes. We have expanded the department's sexual exploitation practice leads across the state to prevent and address child sexual exploitation. We are funding comprehensive health assessments and plans for when young people enter care, and when young people in care are struggling with school we have invested in one-on-one tutoring support. We are also delivering HousingFirst housing and wraparound support for young people who are leaving residential care.

We value and celebrate the dedicated frontline workers who support Victoria's most at-risk children each and every day in our residential care settings. While residential care may not always be our first care preference – we do preference kinship care first, and indeed we have the highest kinship care and the lowest residential care in the country – it is a necessary and integral part of our system. What those opposite need to explain – I certainly did not see them at the ResiROCKS celebration of these critical workers – is how their $40 billion in cuts will impact on child safety in residential care.

Constituency questions

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:41): (2500) My constituency question today is to the Minister for Police. How is the Labor government improving community safety in the Southern Metropolitan Region? Labor knows community safety is incredibly important to Victorians, and that is why this government has taken action. From strengthening our bail laws to tougher sentences for violent crime and investing in prevention to help stop crime at its source, Labor makes community safety our priority. Right now across the inner-eastern and inner-southern suburbs there are more police out in our streets keeping us safe because the government is recruiting police reservists to undertake administrative tasks, freeing up police from behind the desks to put them out on the street. Among the first wave of police reservist recruits, I am delighted that several are being posted at stations across Southern Metro, including at Caulfield, Moorabbin and Oakleigh. We know there is more to do, but crime is coming down across the region, and Labor is keeping Victorians safe.

Western Metropolitan Region

Trung LUU (Western Metropolitan) (12:42): (2501) My constituency question is for the Minister for Roads and Road Safety and concerns the inaction around the absence of street lighting on the Calder Freeway on-ramp from Airport West. Despite reporting this matter to VicRoads under case number 503209590 by my constituents, no action has been taken to restore the lighting for approximately two years. This section of road remains dangerously dark at night and during poor weather conditions, creating a significant safety risk to motorists. Can the minister please advise my constituents when the street lighting on this section of the road – the Calder Freeway on-ramp – will be restored, and what action will be taken to address this ongoing safety concern?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:43): (2502) My question is for the Minister for Mental Health. The recently commenced trial of GP ADHD assessment and prescribing allowed for 150 training places for GPs. GPs in the Geelong region have reached out to me, because despite being the second-largest city in Victoria and having significant local need for and access barriers to ADHD care, very few GPs have been selected to participate. Some of the GPs who applied are already actually providing training to other GPs to do this work, yet they were not included in the trial. Can the minister please provide data on how many GPs in the Greater Geelong region were selected to take part in the ADHD trial and outline how any under-representation could be addressed?

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:44): (2503) My question is to the Minister for Health. Minister, how is the Victorian government ensuring that every Victorian can age in place safely with the highest quality care wherever they are in the state? Indeed that place in the state may even be in Eastern Victoria. It was great to be out at Orbost recently celebrating the opening of the new aged care facility there, Snowy River Views. We have got people in Orbost ageing in place with line of sight to the new Orbost Community College – they can see their grandkids over there. It is a fantastic facility for the staff that are working there and for the people that are living there. We are investing in aged care in Orbost, in Maffra – right around the state. We are ensuring that in rural towns people can age in place with their family, with their loved ones. That is something I am proud of and something we know that the Liberals and the Nationals would not do. It is critical that we support people to age in place with their loved ones, and we are building the aged care facilities to enable them to do that.

Western Victoria Region

Joe McCRACKEN (Western Victoria) (12:45): (2504) My question is to Minister for Public Transport. Ballarat V/Line trains have hit their monthly punctuality targets just twice in the last two years – that is twice in 24 months. Forty-five services were cancelled and more than 25 delayed just

in July. That is beyond hopeless. A train is considered punctual if it arrives in under 6 minutes, and that was met 85.3 per cent of the time in July, well below the 92 per cent target. In Switzerland they achieved a 94.1 per cent punctuality rate in 2025, and punctuality over there is considered anything under 3 minutes. In Japan delays are measured in seconds, with almost 100 per cent punctuality; if trains are 20 seconds late, the company can almost deliver an apology. But of course the Japanese must laugh at Victoria; it is like comparing apples and melons – and we know that your mate over there, Albo, loves talking about melons. So my question to the minister is: what are you going to do to fix the poor punctuality on the Ballarat line?

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:46): (2505) My constituency question is for the Minister for Planning. My constituents ask: why has community-gifted land been included in a development facilitation program, and will the minister investigate whether its current use and proposed development are consistent with the original intent of the gift? My constituents are concerned about land at 11–35 East Street, Kilmore, which was gifted to the community for public and recreational purposes and to remain part of the Kilmore equine precinct. In 1983 the land was gifted for the use of tenants, the racecourse and other purposes of public recreation and for the broader community. However, in 2004 the trustees transferred the land for $1 to the Kilmore Racing Club without consultation with other tenants or the broader community. The land has now been included in the development facilitation program under the unlocking strategic sites fast-track initiative. My constituents want to know why and ask the minister to investigate whether its current use and proposed development are consistent with the original intent of the gift.

South-Eastern Metropolitan Region

Michael GALEA (South-Eastern Metropolitan) (12:47): (2506) I am very delighted today to see a significant announcement by Minister for Police Paul Edbrooke and Premier Ben Carroll for the continued expansion of PSOs right across Victoria. Indeed it is particularly good, having seen the success of Operation Pulse with extra PSOs and Victoria Police members in Fountain Gate and Bayside shopping centres, to see that extended for at least another year. This is a government that is focused on community safety, responding to the genuine concerns of the community and providing safety and assurance as well as stronger new legislation, such as we will be debating next sitting week in this place. So my question is for the Minister for Police, and I ask what difference the PSO program and Operation Pulse continuing in Fountain Gate and Bayside shopping centres will make to the south-east of Melbourne.

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (12:48): (2507) My constituency question is for the Minister for Public Transport. The Blackburn Bowls Club has been granted $80,000 from the SRL Community Projects Fund to resurface its bowling green, with works due to begin shortly, having co-funded that $80,000 figure with money that they have raised studiously themselves. But to date the funding has not arrived as scheduled, and the club is now rightfully questioning whether it will receive it at all, given the Premier's review of the SRL. The bowls club cannot hedge the government's second thoughts, and it has volunteers, a green in need of resurfacing and a contractors start date, so it needs the funding now. My question to the minister is this: will the grants already committed under the SRL Communities Project Fund, including the $80,000 for Blackburn Bowls Club, be paid in full, and when?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:49): (2508) My question is for the Minister for Roads and Road Safety. The 2025 Victorian parliamentary inquiry into wildlife road strike made 18 recommendations to address wildlife vehicle collisions, including improving data collection and trialling more effective road strike mitigation measures. Macedon Ranges Shire Council has identified wildlife road strike as a critical public safety and wildlife protection issue, with the region recording

the highest rate of wildlife road strike in Victoria by a significant margin. The council has developed a half-a-million-dollar wildlife road strike reduction project to identify wildlife road strike hotspots and trial targeted interventions, including dynamic signage, wildlife recognition cameras and wildlife crossings in partnership with wildlife organisations and road managers. Will the minister commit to working with Macedon Ranges Shire Council to support and fund its wildlife road strike reduction report and progress the recommendations of the parliamentary inquiry into wildlife road strike?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:50): (2509) My constituency question is to the Minister for Roads and Road Safety Pothole Paul, and it concerns the VicRoads collaboration with Moonee Valley council to reduce speed limits within the Union Road precinct in Ascot Vale. A recent Moonee Valley council meeting considered recommendations of reduced speed limits from 50 kilometres to 40 kilometres and even 30 kilometres within the precinct. Residents in Ascot Vale and surrounding suburbs want to be able to get to places safely but efficiently, without unnecessarily slow speed limits. We have also seen that 46 per cent of respondents to the draft traffic management plan online survey were opposed to the plan, with only 30 per cent being in favour. Our amazing Liberal candidate for Essendon Tommy Le Deux understands this and continues to fight on behalf of his residents to be heard. My question to the minister is: will you intervene with VicRoads to reverse this disruptive change for the people of Ascot Vale?

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:51): (2510) My question today is to the Minister for Environment. Kangaroos in the Nillumbik shire and right across my electorate are well loved by many out there in the community, and it was an important win for them that these local creatures finally have been excluded from the cruel commercial harvesting scheme following a strong community campaign. However, in this area kangaroos do still end up in areas where they should not be: they get too close to main roads, risking vehicle strike; they get landlocked by developments or fences; and there are certainly areas which are just not suitable for them to reside where we find them. Minister, there is a new ethical wildlife management tool called Cherrp, which has been used to gently move parrots to safe areas of sanctuary. The technology is relocating tens of thousands of corellas from an area of cropping that had incurred significant losses to a well-planned sanctuary location. There are plans for this trial to be used to assist kangaroos. Minister, will you meet with the project team to discuss state government support for this scheme?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:52): (2511) My question is to the Minister for Emergency Services. The Skye CFA brigade plays a critical role in keeping the community safe, but it is being forced to respond with dangerously unsafe and outdated tankers and equipment. In a recent visit with our wonderful Liberal candidate for Carrum Jeff Shelley, we sat outside on the back of a tanker and we saw that firefighters have tankers that are more than 24 years old, very slow, lacking basic equipment and producing large amounts of diesel fumes, which firefighters breathe in while sitting in the open-air cabins, with only a noncompliant seatbelt for their protection. These unsafe tankers were designed for rural towns more than two decades ago, with 20 to 30 fire call-outs a year. Skye is on track to respond to 280 calls this year and is the closest fire station to major housing estates being built, like that on Wedge Road, Skye, with further factories being built in this rapidly growing area. Minister, you promised new trucks and tankers, but where are they and when are you going to provide Skye fire brigade with new tankers and updated equipment so the brigade can continue its critical work in protecting the community?

South-Eastern Metropolitan Region

David LIMBRICK (South-Eastern Metropolitan) (12:54): (2512) My constituency question is for the Minister for Environment. I have raised the issue of illegal dumping occurring in South-Eastern

Metro in this place many times before. Glasscocks Road in the city of Dandenong has become a service centre for criminals to dispose of various forms of waste and burnt-out joy-ride cars at the expense of Dandenong ratepayers. About once a month a vehicle from the city of Dandenong does the rounds along the dirt track to assess how many flatbeds they will need to rent to remove the unsightly garbage lining both sides of the road. This has created an incentive for illegal dumping to continue on this road. Warning signs about surveillance and increasing fine amounts for illegal dumping are clearly not putting the brakes on this issue at all. My question therefore is: what is the government doing to discourage the ongoing problem of illegal dumping besides offering a complimentary clean-up service?

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:54): (2513) An elected Liberal and Nationals government will invest $5 billion into repairing and rebuilding Victoria's roads. We will eliminate 1 million potholes and re-establish a proper planned system of preventative road maintenance. When Ben Carroll was the Minister for Roads and Road Safety, he cut the budget for road maintenance by $214 million, really paving the way for the disasters of our roads today. On Monday about 30 vehicles suffered pothole damage in Bunyip on the Princes Highway, just near Hope Street. About 15 kilometres after, there were cars pulled over to the side with damaged rims. Somebody said, 'This highway has just fallen apart.' My colleague Wayne Farnham has raised this particular area of road in the other place many times. My question for the Premier is: you were the one that cut the road maintenance funding. Why should the people of Eastern Victoria Region trust you to fix it?

Eastern Victoria Region

Jeff BOURMAN (Eastern Victoria) (12:56): (2514) My question is for the Minister for Health. Minister, my constituent is the mother of a child with special needs and a sole trader. She has been hospitalised four times in recent years with kidney issues, with each hospitalisation affecting not only her health but her ability to work and care for her family. She has now been referred urgently to a urologist and was initially told by the hospital that she would be seen within 30 days. However, a subsequent letter from Monash Health confirms that her referral is classified as urgent, while also advising that nine out of 10 patients in that category are seen within 543 days. Minister, 543 days does not sound particularly urgent. Will you work with my constituent and Monash Health to ensure that she receives the urgent specialist appointment her doctors say she needs?

Sitting suspended 12:57 pm until 2:02 pm.

Bills

Firearms Amendment Bill 2026

Committee

Resumed.

Clause 1 further considered (14:02)

Melina BATH: Minister, just going back and finishing off some questions on the AusCheck section, existing section 46 provides for an immediate cancellation – this is in the bill – following the making of a firearms prohibition order by the Chief Commissioner of Police (CCP). Can the minister explain the policy rationale for applying an immediate cancellation mechanism to an adverse AusCheck outcome, and what safeguards will account for the fact that AusCheck information may originate from external Commonwealth agencies? I am looking at it as a test of what consideration was given for the immediate cancellation mechanism.

Jaclyn SYMES: The rationale is that the chief commissioner is not the one that then would interrogate the information. They get the advice that there is an adverse finding from that body but do not obtain the information necessarily, so there is no way for the chief commissioner to engage in a conversation about the content; they just get adverse findings. So it is an immediate refusal based on

those grounds, and then it can go through another process involving the Federal Court. It can go to the Federal Court.

Melina BATH: I am hovering around the issue where, if there has been an error upstream in AusCheck, for whatever reason – an administrative error, they picked the wrong person – the chief commissioner receives this. This is my understanding, so correct me if I am wrong. The chief commissioner receives a 'must immediately cancel' order – that is, that the renewal or instigation of the licence should not proceed. The only recourse at the moment for that person in Victoria is the fact that they have to go through a court system. That is my understanding of this legislation. The chief commissioner is the instigator of the cancellation, but the only way that a Victorian can deal with it is to go back through the courts – there is no redress or ability to request to have it revised.

Jaclyn SYMES: In this instance the decision to cancel or not approve is based on an adverse finding, right. That is one matter; that is the information. Why you had an adverse finding is unrelated to the fact that you have applied for a licence. It exists in another situation. In this legislation that is a Commonwealth matter. If you have an issue with a finding through ASIO or one of the other bodies, it comes up as an adverse finding, and the chief commissioner says, 'Well, that says that I have to act in this way.' If you have issues with why there is an adverse finding, that is a matter for the Commonwealth and there is a judicial review process or you can engage with those bodies. It is not the state system that you would have that conversation with.

Melina BATH: What happens if there is a typographical or administrative error? What does the resident in Victoria, the firearms owner, do then?

Jaclyn SYMES: That is my point, Ms Bath. That would be a matter for the Commonwealth.

Melina BATH: I thank my colleague Mr Bourman, who is just asking. Clearly there can be mistakes made. There can be a mistake made in that determination. Yes, the whole idea of this is to make sure that recalcitrant criminals with ill intent are caught, and we can all support that. But if there is somehow an administrative error and that person in Victoria has to go and deal with it federally, is there no mechanism for applying through a VCAT system or any other system?

Jaclyn SYMES: The chief commissioner does not get the intel; they will just see the outcome. If the CCP receives an outcome from AusCheck with the wrong name, it is reasonable they could make further inquiries to obtain a correct outcome, for example. In terms of what somebody would do if they discovered that they had an adverse finding, then that is separate to this legislation. They would be able to, if it is an administrative error, make inquiries in a regular sense, but that is outside this system.

Melina BATH: Under the citizenship cancellation provisions a licence-holder is given written notice of 28 days to provide evidence and review a pathway; that is my understanding. Can the minister explain why a different procedural approach has been adopted for an adverse firearms background check outcome under clause 40 – that is, AusCheck – than an equivalent safeguard available to the affected licence-holder?

Jaclyn SYMES: There are two separate requirements here. AusCheck is about whether someone is fit to hold a firearms licence through a background check with national intelligence agencies. This step is about weeding out those bad actors, not law-abiding gun owners, as you would appreciate. It is appropriate for people who may be excluded from having a licence because of citizenship to be afforded the opportunity to provide evidence that they are in fact a citizen.

Melina BATH: If AusCheck has not completed a check but there is no adverse information against an applicant, can Victoria Police issue or renew a licence?

Jaclyn SYMES: If there is no adverse outcome, there is no reason to block or cancel a licence.

Melina BATH: If an adverse result is caused by inaccurate Commonwealth information, which agency will be responsible for correcting that record and ensuring that a Victorian licence decision is reconsidered?

Jaclyn SYMES: I think it goes back to our previous discussion about the fact that there is no ability for the Victorian system to have access to the intel in relation to any of those adverse findings, so it would be similar to the previous discussion.

Melina BATH: With this legislation, do the government, the minister or the chief commissioner have any responsibility if there is an error or an inaccurate piece of information and you are a Victorian citizen and you are an Australian citizen and you work within the new legislation and the new qualifications, and is there any advice you can give about who the licence-holder would contact for a correction and at what time that would apply? Is there anything in this legislation that pertains to that?

Jaclyn SYMES: For a simple administrative error, like a spelling error or something like that, you could go and seek internal information from Victoria Police. But if there is an error in information that VicPol cannot see, then that would be a different pathway.

Melina BATH: Just in terms of a different area of questioning for the moment, Minister, in terms of readiness, what criteria will the government apply before recommending proclamation of part 7, and what assurances can the minister provide to Victorians that the necessary Commonwealth legislative framework – all this back-end stuff, information-sharing arrangements, IT systems and the administrative processes in Victoria – will be operational before commencement? What are the criteria that the Victorian government is using for this?

Jaclyn SYMES: Quite simply, there is no proclamation until all of that is completed.

Melina BATH: How will the minister and the government know that all of that is completed? What will that look like? How will you know that all the information-sharing arrangements are in place or the IT systems are in place? How will that be, and what information will pass between federal and state governments?

Jaclyn SYMES: I am not privy to the ins and outs of the implementation of this legislation. As I have indicated in my previous responses, this is a framework that is in response to a national agreement that will be worked on, and a lot of those issues will form part of the implementation. As I said, the bill does not come into effect until it is proclaimed, and it will not be proclaimed until it can be operationalised.

Melina BATH: In terms of privacy, information sharing and data governance for this, what categories of personal information will Victoria Police provide to the Commonwealth entities for firearm background checks, and what information will be returned to Victoria Police?

Jaclyn SYMES: That will be part of the design, similar to some of the questions you have had about the specifics of how this will operate. That is why there is a regulatory impact assessment (RIS) and that is why there are continuing conversations at the national level, and all states will be sharing information to make sure that we are all on the same page. That is the point.

Melina BATH: How long will information obtained or exchanged through firearm background check processes be retained by Victoria Police and Commonwealth entities, and what retention, disposal or oversight arrangement will apply? Assuming that I may receive a similar answer to the one that you have just given, I am putting on record that these considerations need to be taken thoroughly in terms of that research and preparation.

Jaclyn SYMES: You are correct, Ms Bath, my answer would be the same, but as you have indicated you are asking a lot of these questions on behalf of stakeholders, I can assure you they would be invited to participate in the RIS any other consultation processes in the development of the implementation of this system.

Melina BATH: Has the government considered whether immediate suspension could be used in appropriate cases to secure public safety while the accuracy and seriousness of adverse background check information is urgently assessed before a final cancellation so that somebody could be immediately suspended pending a final cancellation?

Jaclyn SYMES: Again, Ms Bath, we talked about how there is no capacity for the Victorian system to have direct access to the intel that might be held by a federal agency. Again, the points you are making are things that can be explored in the development of the implementation.

Melina BATH: In terms of costs and the Commonwealth contribution, one of the common concerns and discussions when dealing with stakeholders – everyday people – is the cost impost. I just want to drill down: what is the government's estimated total cost of establishment and annual recurrent cost implementing the firearm background check regime as it is implemented in Victoria? Has the Commonwealth committed to any funding in relation to the administration or ongoing costs, and if so, how much?

Jaclyn SYMES: Again, this is legislation that is setting up the architecture for a system that is not going to come into effect for some time. They are matters that can be developed, discussed and sorted prior to the commencement.

Melina BATH: Is it the government's position to keep costs as low as possible for the raft of reasons where firearm owners are entitled and legally allowed to have firearms? There is some concern out in the community that they are going to be significantly raised, and we do have a cost-of-living crisis. Farmers, for example, in pest control and the like, can be doing it very tough. It can be a real danger that they actually cannot afford to renew their licence in order to keep up their very important activities. What is the government's assessment on costs and has there been any preparation or background work that government has been doing on that?

Jaclyn SYMES: Ms Bath, I agree with all of the comments you made in relation to keeping costs down. That is certainly the intention of the government. As I said, no decisions have been made, but that has certainly been something that has been raised, in rooms that I have been in anyway.

Melina BATH: In terms of Australian citizenship, I just want to drill down. It says that you need to be an Australian citizen or a New Zealand citizen – I should have looked up the actual wording of the bill – and then there are exemptions. I would like you to go through it in relation to work. Can you outline, and it might not be exhaustive, some of the exemptions and what they would look like? I will give you an example. I have in my electorate a British citizen, as it turns out. He is working on a farm and has a licence now. He is working on that farm in a variety of capacities; he has a whole range of functions on that farm. Is that something that would be seen as an exemption? If you could you go through that a little bit, I will not jump up all the time.

Jaclyn SYMES: Yes, the example that you have presented is something that is envisaged to be captured by exemptions. Mr Bourman has presented an example as well. I will pre-empt his question just to bring them together. In terms of people that are using a gun as part of their work, whether it be farm work or law enforcement work, it is not envisaged that they would not be able to access a recreational gun licence by virtue of not being an Australian citizen, for example. Both of those examples are what would be envisaged as exemptions under the regulations as they are developed.

David LIMBRICK: I would just like to clarify a statement from the minister there. One of the reasons for having a gun licence, when you apply for it, is that you have a farm. Does that mean that all people who apply for those licences would be exempt from the citizenship test?

Jaclyn SYMES: In terms of the legislation and how it sets up in terms of 'used for the purposes of work', I do not think just owning a farm, like a hobby farm or something, would necessarily apply. It would probably depend on the circumstances.

David LIMBRICK: Yes, a firearm may not necessarily be used for work on a hobby farm, as the minister characterised it, but certainly they are a tool that is used on farms; for example, for euthanizing animals and pest control. These are definitely legitimate uses. Would those be classified as exemptions, allowing someone who owns a farm to have a firearms licence regardless of their citizenship status?

Jaclyn SYMES: Mr Limbrick, I am not in a position to finalise the regulations here in the chamber. Ms Bath asked me to give a bit more of a high-level explanation. In terms of the very specific examples, I could say they are more than likely going to be covered by exemptions. But in terms of each and every farm owner, I am not in a position to write regulations here through the committee stage.

Jeff BOURMAN: Minister, I am going to just pull at a string here. I noticed what I would call a drafting error. It says that if someone needs a firearm for their job, they will be exempt. Is that correct?

Jaclyn SYMES: You have referred to a part of the bill. Do you want to refer to that? You have indicated a section.

Jeff BOURMAN: It is in the exemption.

Jaclyn SYMES: I will need a page reference.

Jeff BOURMAN: While I find that I will move on to something else. With the exemptions for having a firearm or a licence for work, it is kind of important, the distinction. If a security guard is exempt from the citizenship requirements – for the purposes of this argument we will presume they are – and they get a licence, will they be able to have a recreational licence as well?

Jaclyn SYMES: What the legislation is designed to do is not penalise legitimate firearm owners. We all agree with that. It is envisaged that through the RIS and the development of regulations that if you are permitted to use a firearm as part of your work and you have a licence to do so, you would also then be able to get a recreational licence regardless of your status.

Jeff BOURMAN: I guess that begs the question, should you cease your work where you require a firearms licence, say if you are a security guard, what happens to your recreational licence?

Jaclyn SYMES: It is similar to my conversation with Mr Limbrick and Ms Bath in terms of the specifics of how things will work – that is why there will be a RIS, that is why there will be further consultation. That is why I tried to bring it up in terms of the high-level principles of the of the act, but that is a question that I think would be well addressed through the RIS rather than the committee stage.

Jeff BOURMAN: I guess one of the things is that we are trying to put stuff on the record now for the simple reason that we do not know what the regulations will look like in their final form.

Jaclyn SYMES: Just to respond to that comment, that is why it is not possible and it would be ill-advised of me to attempt to indicate exactly what will be the result of a RIS and consultation. I am the responsible minister for this bill. I have demonstrated that this is about the architecture of a framework through a national process. You are welcome to put comments about things that you think should be considered, but my comments should not undermine a RIS process, and so I will not be drawn on answering questions that would be much more appropriately dealt with through a RIS. Perhaps the committee stage might be an opportunity for some more statements, rather than asking me to pre-empt a process when I am not in a position to do so.

Jeff BOURMAN: But the way I see it, Minister, is that it is also good for the government to put its intentions on the record, if not deliberate. Like always, it is up to the government what it responds to. I ask the questions. You give me the answers. I do not have to like the answers. If I ask you for an answer and you say, 'That'll be in the RIS,' then that is the answer I have to accept. But I still feel I get to ask the questions.

Jaclyn SYMES: I understand that, but I think we all know that if you get too specific in your questions, you cannot expect me to respond to something that would be appropriate in a RIS. I will draw you back to the bill if we start to get into the details of something that is not in the bill. This is about architecture, a framework, and the specifics of how it is going to work in many years time is something that is more appropriately dealt with through a formal process. I will not be drawn on those comments, because I would not in any way want to inappropriately influence an outcome by virtue of attempting to be helpful with your questions. Direction? Fine. High level? That is why I have gone there. Specifics? It is just not appropriate. That is also not part of the bill.

Jeff BOURMAN: Perhaps I will just agree to disagree.

Moving back to the AusCheck thing, if VicPol gets an adverse finding, what sort of form are they expecting it to be in? A thumbs up? A thumbs down? I am trying to see, because when we get to the fact that there is an avenue of appeal, going to the Federal Court is not like going to VCAT, where you can do it yourself. You are going to have to engage counsel. I am not in the least bit interested in helping people that should not have a firearms licence get one, but in the event that there is an error, did the government consider an alternative method to assist those wishing to appeal the decision that is ultimately made by the chief commissioner?

Jaclyn SYMES: I have answered this question. Ms Bath asked an identical question. The chief commissioner is only provided with advice that there is an adverse finding. They do not have any intel on what led to that being an adverse finding, so the mechanism for inquiries, reviews et cetera becomes a matter for the individual with the Commonwealth, not the state.

Jeff BOURMAN: I will get into the citizenship stuff here. One of the problems I have, and I will find the exact page for you, is there is a dealers licence cancellation in the event that they hire a non-citizen. I feel that this is a blunt instrument. Does the government expect someone who is hiring someone in a gun shop, whether they handle firearms or not, to provide evidence that they have citizenship – it is clause 29, page 18, 'General discretion of Chief Commissioner to refuse a dealers licence' – to satisfy the citizenship requirement? There is also 'Cancellation of dealers licence – citizenship requirement'. If the chief commissioner reasonably believes that the holder of a dealers licence or responsible person or a person employed in that business does not satisfy the citizenship requirement – this is page 19 – they must give notice and take action. I guess the question is: what is the expectation of a licensed firearms dealer? Are they going to be expected to ask people for proof of citizenship before they employ them?

Jaclyn SYMES: If you go on to read the rest of that section, it is about the invitation of the holder of the licence to provide evidence that the person to whom the notes relate does satisfy the citizenship. That in itself implies the answer to your question, but I might have some more details.

Can a dealer employ a fit and proper person who does not satisfy the citizenship requirement? Yes, if the employee reasonably requires a firearm to earn a livelihood. It is anticipated that a dealer, a responsible person in relation to a dealer's licence and a person employed in the business of a dealer will usually be exempt from the requirement on the basis that the person reasonably requires a firearm to earn a livelihood.

David LIMBRICK: My question for the minister is: how does one prove citizenship? I mean an applicant, by the way.

Jaclyn SYMES: The requirements of the act invite somebody to satisfy the citizenship requirements and that they can provide evidence of such to the chief commissioner. You can provide your certificate of citizenship or your birth certificate or any other evidence that may be required to prove citizenship that is not necessarily set out in this act, because it is requirement of several acts.

David LIMBRICK: This goes to the point of one of my amendments. Can a passport be considered proof of citizenship?

Jaclyn SYMES: In some instances AusCheck would have that information. But it is also why there is a 28-day period to be able to demonstrate it, so that there is adequate time to ensure people can provide the evidence that meets the satisfaction.

David LIMBRICK: My specific question was: would a passport suffice to prove citizenship?

Jaclyn SYMES: This bill is asking you to demonstrate citizenship. Whether a passport does or not would depend on the specific circumstances and if there is any other relevant information, so it could satisfy. As I said, you have just got to satisfy the citizenship requirement. Reasonable evidence must be provided to the chief commissioner. I cannot give you a definitive answer of whether in every case that would be satisfactory or not.

David LIMBRICK: I have a comment on this. It is not my belief that a passport would satisfy citizenship requirements, because of the group that I have actually outlined in my amendment, the British subjects that arrived in Australia before 1984 that are eligible to vote. They are also eligible to obtain Australian passports, is my understanding, but they are not citizens. Therefore a passport could not be accurate proof of citizenship.

Jeff BOURMAN: Minister, there are a number of people that currently hold recreational shooters licences that will possibly not meet the upcoming citizenship test. Is it the intention of the government to grandfather those licences, or is it the intention for them to be cancelled?

Jaclyn SYMES: That is why there is a RIS: to look at a range of matters. But as I said, it is not intended to penalise legitimate firearm owners.

Jeff BOURMAN: I am going to get down to technicalities here. I have been approached by a number of Victoria Police members and some PSOs that under the citizenship test are not going to be able to get recreational licences. There is a provision in this that if you need a firearm for your job – and a firearm licence, presumably – that will be dealt with in the RIS. But the police have their firearms under an exemption, so technically it has got nothing to do with that. What is going to become of them when it comes time for them to get a licence? They do not have a licence and they do not need a licence for their role, because they operate under an exemption.

Jaclyn SYMES: As I have already indicated, it is anticipated that the exemption – after it goes through the RIS et cetera – would connect to a person who reasonably requires a firearm to earn a livelihood. It does not necessarily connect to a licence.

Melina BATH: I think the same people have been writing to all of us, because that was a similar question. In effect a current Victorian police officer or protective services officer who permanently resides in this state or in Australia can satisfy the exemption without necessarily being a citizen?

Jaclyn SYMES: I think this is to my point. It is not a good use of our time to be going through all of these specific questions. There is a power in the regs to prescribe that someone meets the citizenship test as well as a power to exempt classes of people from the test. This is all to be worked through. I acknowledge that you have got people that want answers now. What I can say to those people is that we want to hear from them but not through the committee stage of the bill. It is intended that all of these issues could be picked up through a RIS, which is a lot more detailed and has the ability to go backwards and forwards and have expert advice.

Melina BATH: I appreciate the comment. I am not trying to labour this too much, but there are concerned people. My commentary around that RIS is that Shooting Australia or Victorian shooting associations or individual clubs can all have their impact and commentary and share the wealth of their knowledge in developing the RIS. I will give you a very tiny example. We sometimes have international people. I have got one that lives not far from me, a Peruvian air pistol athlete, and this will be my last example on this. They hold a provisional handgun licence. They want to become an Australian citizen, but their licence may finish before this all takes effect. Minister, these sorts of exemptions – I am not saying today – for athletes and sporting shooters could potentially be teased out

in the RIS as part of this process. Today we are not going to say we will knock them out or we will include them; this can all be workshopped through the RIS.

Jaclyn SYMES: Yes. We will go through a comprehensive public consultation process to make sure that all legitimate licence-holders and firearm users have the chance to inform what exemptions are made. We are not ruling out considering any cohorts of individuals who use firearms legitimately and lawfully.

Melina BATH: I am sure part of that will be the Victorian Firearms Consultative Committee, which certainly has a mix. Let me just make sure we have covered off a question here. In terms of dealer licences – and we spoke about dealers just before – what arrangements will apply to employees of those dealers? I guess my next question is: will the likes of those be available to be worked through in this process as well? There is not a contained level of discussion on exemptions? It will be worked through to the nth degree as required?

Jaclyn SYMES: Yes, it will be part of the RIS, but the conversation I just had with Mr Bourman applies to the question. I think it is the same question. Employees who reasonably require a firearm to earn a livelihood could be picked up in the exemptions.

Katherine COPSEY: The government rejected the first recommendation of Ken Lay's rapid review. What options had been considered in relation to that recommendation prior to its rejection?

Jaclyn SYMES: This is something that has been undertaken with due consideration. I am not at liberty to go through every option that would have been canvassed, but considering it was the government's decision to give due consideration to the report and release publicly our response, of course we have considered a range of responses.

Katherine COPSEY: You do not have insight into whether alternate caps and alignment with other jurisdictions that have adopted caps was considered or not?

Jaclyn SYMES: It is part of internal government processes to consider a range of options. I am not at liberty to go through those, but I am certainly not saying no other options were considered. But in considering the recommendation and considering the fact that this is a national framework, of course lots of things were considered.

Katherine COPSEY: We have a new Premier, Minister, who declared that he is not Daniel Andrews and not Jacinta Allan. Do you know if the Premier has considered revisiting Mr Lay's number one recommendation around adopting gun caps?

Jaclyn SYMES: There is no variation to the cabinet decision.

Katherine COPSEY: So we are implementing Allan Labor government policy today?

Jaclyn SYMES: We are implementing government policy, Ms Copsey.

Katherine COPSEY: Just on the topic of the reclassification powers that this bill broadens, do you have insight into why the commissioner has not used his existing powers to reclassify rapid-action firearms like those that were used at Bondi into the more restricted category C?

Jaclyn SYMES: No, I do not have insight.

Katherine COPSEY: I appreciate, Minister, that you have got carriage of this today. Would you mind checking if there is any information in the development of this bill?

Jaclyn SYMES: Ms Copsey, you and I have had lots of exchanges on bills before. It has been a while – but no, we can talk about the bill. The way government develops its policy and its legislation is not a matter for committee.

Katherine COPSEY: I will put my question in context then. I am seeking to understand why the extended reclassification powers are necessary and whether there was some barrier to action that required legislative change before the commissioner could use reclassification powers for weapons such as those that were used at Bondi.

Jaclyn SYMES: That is why we did the rapid review with Ken Lay.

Katherine COPSEY: Do you suggest that the review and the legislation before us were necessary before the commissioner could act on rapid-action firearms like those used at Bondi?

Jaclyn SYMES: Today's legislation is built off the back of a review that we asked Ken Lay to do following the incident at Bondi and the national conversation and decisions at national cabinet.

Katherine COPSEY: There are a number of remaining recommendations from the Lay review that are not actioned by this bill, such as mandatory minimum standards for training and such as reporting pathways for medical professionals that could enable further intervention during the life cycle of firearms licences if there were risky factors noted by medical professionals. What is the government's timeline to implement the remainder of Ken Lay's recommendations that the government has accepted?

Jaclyn SYMES: My advice is that that they will be done alongside the development of these regulations and the RIS.

Katherine COPSEY: I appreciate we are discussing one bill today. I am interested to understand: of the remaining recommendations is it anticipated that further legislation will be required in order to advance government action on those?

Jaclyn SYMES: I appreciate your interest, Ms Copsey, and indeed if I was the relevant minister I might be able to use the committee stage to have that engagement, but today my focus is just on the legislation at hand. I am more than happy to direct you to the minister to have those conversations outside this bill.

Katherine COPSEY: In relation to the implementation of recommendations alongside the RIS process, could you briefly speak to some of those recommendations that will be advanced, and over what timeframe do you expect the RIS process will be concluded? When will those recommendations be completed?

Jaclyn SYMES: After the bill passes I will get you some information on the timing. But no, again, I cannot talk to you about recommendations that are not picked up in this legislation.

Katherine COPSEY: So just to confirm my understanding, you cannot provide a timeline for implementation of the remaining recommendations from the Lay rapid review today?

Jaclyn SYMES: No, Ms Copsey. Please be very clear. What I have invited you to do is to stick to the legislation at hand. We have a bill that is in a committee stage. You are interested in related areas of policy, and that is fine. My job today is to get through the bill and answer questions on the bill. The minister's office, through my communications, has already offered to meet with you on issues that are outside today's bill.

Katherine COPSEY: In the remainder of this parliamentary term I will be happy to hear what words can be offered. The thrust of my questions today is to understand this. You have said in this committee stage that the bill has been brought as a response to the incidents at Bondi. The rapid review was commissioned in the wake of that, and the legislation responds to that work. I have noted that there are a number of parts of that work that are not complete. Realistically, given the timeframe we have left for legislative solutions in this term of Parliament, I am trying to understand in what way the government can undertake to implement those recommendations when they are not in this bill.

Jaclyn SYMES: As I have outlined, this is infrastructure for important reform going forward. It is not going to be quick. There will be detailed consultation in relation to what is to go with regulations as a result once this bill passes. The proclamation is not anticipated until at least 2028, so there are a number of processes to undertake. You have indicated your interest in the other recommendations. As I have indicated, they will be completed alongside the implementation of this bill.

Jeff BOURMAN: Minister, part 3, clause 7 – and this is going back to what Ms Copsey was actually talking about, the temporary reclassifications – relates to the new powers for the Chief Commissioner of Police to temporarily recategorise firearms to, as the then minister said in his second-reading speech, 'better enable police to respond to emerging firearms technology of concern'. The bill confers a much broader delegated authority – which is kind of the same as the current delegated authority, but anyway – on the chief. Can you confirm that it is the intent of the government that these significant powers are used only for new technologies?

Jaclyn SYMES: Mr Bourman, you asked if it is the government's intention. It is expected that it would apply to new technologies, yes.

Melina BATH: In terms of the recategorisation, Minister, I am seeking some understanding. If there is a recategorisation and there is an existing owner of an existing firearm, as classified, that is now excluded or not allowed, when will things like the minimum time period required, the authority, the disposal of that firearm or otherwise being able to comply – when and where and how will that be worked out? If you say 'the RIS', that is fine, but I just think it is important to put these things on the record. Clearly there will be some people who own firearms that may then be reclassified. They want to make sure that they are being legal and good citizens, but they also do not want to be whacked if this is not really defined and clear for people, and the education around that should also be clear.

Jaclyn SYMES: I am going to do my best here, because I think you guys know a bit more about firearms than me. But just to be clear, and linking in the answer that I gave to Mr Bourman, the reclassification is really to make sure that you can have a temporary classification on something while you work out where it best fits. To your point, you were talking about existing firearms and whether they would be reclassified. That is not necessarily the likely outcome of these changes. The recategorisation of firearms is to provide for more granular and responsive categorisation of firearms, to respond to changes in firearms technology and nationally agreed characterisation of firearms under the National Firearms Agreement. The concern of perhaps some people who have an existing firearm, that all of a sudden it is going to be reclassified, that is not what is envisaged.

Melina BATH: I appreciate that answer. AusCheck is in process. It is a federal government scheme. What happens if it is delayed by some months or even a year or even two years? Can the remainder of this legislation, as it stands now, still operate effectively without that AusCheck, because there are elements of this AusCheck legislation. Could you unpack that? Can it work? The other parts?

Jaclyn SYMES: It can start prior to AusCheck. There is no definitive proclamation date.

Melina BATH: Things like the increased consequences of trafficking of firearms et cetera I think can be considered separate to AusCheck. That was my take on it; I just wanted to get your understanding. There are going to be some quite significant changes through this legislation and public safety outcome is the paramount reason. But I am interested in whether the government has considered as policy a review of this for checking out public safety. When I say 'checking out' I mean to see if public safety has been increased – clearly we do not just want the absence of tragic deaths, but public safety outcomes. But also with this newly implemented system processing times or costs that we have talked about going through the RIS process to be finalised. There is a federal government element there. In terms of an assessment of this, how are you going to check, and are there any considerations around an independent review of these reforms?

Jaclyn SYMES: A lot of the detail, as we have discussed, will be worked out through the RIS. There will be lots of opportunities to have conversations about the operation, but as we have indicated,

because this is a little way off in terms of its implementation I cannot even exactly say what those regs are going to look at. There could be some new technology that emerges in the next little while that would have to be addressed, and it would be good to have a system to be able to do that adequately.

I would just draw you back, I think, to the main aims of this bill. It is about implementing decisions to respond to the Bondi terrorist attack by imposing more stringent restrictions on access to firearms in Victoria. I repeat: it is not designed to make life harder for legitimate gun users. We have not touched on it, but the firearm prohibition orders scheme – ensuring that that is permanent is what this bill does as well. Given we do not even know when this will commence, it would not be appropriate to have a formal review process, but I think, given the commitment to be very consultative and to have a thorough RIS process in the development, it will be able to firm up a little bit clearer and see if there are any remaining issues that we would need to monitor.

Moira DEEMING: The Lay rapid review found that it was extremely rare for licensed gun owners to be responsible for violent gun crime, but it did not publish the exact statistic. Will the minister commit to publishing annual data showing how many licensed gun owners used their licensed guns to commit violent crimes?

Jaclyn SYMES: I am not in a position to give you that commitment, but I will pass on your suggestion to Victoria Police.

Moira DEEMING: My second question is: how does the government propose to objectively measure and prove the efficacy of these regulatory changes?

Jaclyn SYMES: As I said, coming back to the intention of the bill, there will be lots of conversations about how the regs will apply and why they apply, and there will be a lot of people that are interested in how they apply to them, which is the benefit of having a very thorough consultation process which is facilitated by a regulatory impact statement. So some of that will be worked out through that consultation, because I think that is more to the point of what people are concerned about – what they do not quite know yet, how it is going to apply to them. In relation to any further reviews in the future or assessments of this legislation, as I said, we are not entirely sure when this will come into effect. My advice is that it will not be before 2028. A lot can happen in that time.

David LIMBRICK: I have just got a few questions. The first one I think I already know the answer to, but I would like to get it on the record. Will activities that involve firearms but do not currently require a firearms licence be unaffected by this bill? I can give a good example of that. In my electorate we have Springvale rifle range. Lots of people go there. You do not require a firearms licence. You need to follow all their rules and give them ID and all that sort of stuff, but you do not require a firearms licence. Will that type of activity still be fine under this bill?

Jaclyn SYMES: Yes, no change.

David LIMBRICK: I thank the minister for confirming that. My next question is around risk: why does a non-citizen pose a higher risk to safety than a citizen?

Jaclyn SYMES: In the first instance you are perhaps asking me for an opinion. This is a discussion that has come out of national cabinet and is putting in some more rigour around who can have a gun and a firearms licence and who cannot. This is what the national cabinet have decided is the best course of action.

David LIMBRICK: I would counter that: the Lay review did actually give some justification on this, and I would be interested to know if that justification was the justification used by the government, because I disagreed with the justification given in the Lay rapid review.

Jaclyn SYMES: Mr Limbrick, I think this is a little similar to the conversation that I had with Ms Copsey. A lot of matters are considered in the development of policy, and as I said, first of all at the outset in a bill deliberation it is not necessarily appropriate to go through the ins and outs of the

development of a government position, but it certainly was not my piece of legislation, and so I am not in a position to go through the ins and outs of the policy development stages.

David LIMBRICK: I would say this, though: these people who are not citizens but nevertheless have rights in Australia – many of them have very similar rights to Australians; in fact they can get Australian passports – surely deserve to know why they are potentially having their firearms licence taken away. The implication is that they are higher risk. Surely the government must have a way of communicating with those people about why their licences are being taken away. I do not think 'Just because we said so' is good enough, and I do not think that the Victorian public is going to think that is good enough. If you are going to take away the licences of these people that have caused no harm to anyone, they deserve to have a reason given to them.

Jaclyn SYMES: The effect of the national cabinet announcement of the citizenship requirement is that eligibility to hold a firearms licence will be a special privilege of an Australian citizen. The citizenship requirements make a firearms licence a special privilege of a person who owes a permanent allegiance to the Crown in the right of Australia. Citizenship comes with fundamental obligations and privileges, such as voting and an allegiance of loyalty to Australia, its people, its democratic beliefs and the upholding of its laws. It is accordingly appropriate that the privilege and solemn responsibility of firearm possession, ownership and use be reclassed as a special privilege of citizen. As I said, we are working in collaboration with the Commonwealth and other states.

David LIMBRICK: I thank the minister for that answer, but doesn't that answer totally contradict the fact that the bill allows New Zealand citizens to hold firearms licences in Australia?

Jaclyn SYMES: That is outside the scope of the bill, Mr Limbrick, but there are a number of arrangements between Australia and New Zealand that are unique to those two countries as opposed to other countries.

David LIMBRICK: Is the minister referring to intelligence sharing and that type of thing? Is that what we are referring to?

Jaclyn SYMES: Rights of residence.

David LIMBRICK: Okay, sure. Rights of residence. All right. If that is the case, why was consideration not given to the group of people that I identified, British subjects who came to Australia before 1984, who in all respects are Australian, really? They can vote in Australian elections and they can obtain Australian passports, and yet under this bill – if it goes ahead as is and they are not given an exemption – they will lose their right to a firearm licence, or their privilege, as the minister puts it.

Jaclyn SYMES: Just to be clear, at the passing of this legislation, no-one's licence is being taken away; that is not the purpose of this legislation. There is a RIS process. I have already given an indication of my knowledge of the government's intention to have a broad range of exemptions within the regulations, and some of the issues that you have raised would be well dealt with in that process.

David LIMBRICK: Okay. I could maybe accept that if there were no exemptions now in the bill, but there are exemptions – for example, the New Zealand citizens who are not Australian citizens. They may bear allegiance to the Crown like Australians, but it is concerning for these people in these classes. Surely the minister must realise that people who currently use a firearm and who have a firearms licence are going to be concerned that if the RIS process does not go their way, they are going to lose their licence.

Jaclyn SYMES: I take that more as a statement, Mr Limbrick, because I cannot pre-empt the outcome of a RIS. But again I come back to the government's firm intention, which is that this is not designed to penalise legitimate firearm users.

David LIMBRICK: I am glad that is the intention. My concern is the consequence rather than the intention, as I see with many bills through this place. Nevertheless, just for the record, for groups such

as the one I have identified – British subjects that came to Australia before 1984 – is their only pathway for continuing to hold their licence to engage with the RIS process and hope that the RIS process turns out in their favour?

Jaclyn SYMES: No, I would not say that, because, as I said, nobody will lose their licence as a result of the passage of this legislation. The RIS will consider a number of appropriate exemptions, and people are invited to put them up. It does not mean that you might be caught by an exemption by having not participated in the process.

David LIMBRICK: I look forward to participating in the RIS process.

Jaclyn SYMES: Good.

David LIMBRICK: Yes, I shall consult with the Libertarian Party, and I am sure that they will have some views on this.

I will ask a few other questions. When the firearms prohibition order (FPO) scheme was introduced, the then minister's statement of compatibility with the charter openly acknowledged that the powers were partially incompatible with the right to privacy and the rights of children under the charter. The government at the time justified proceeding because of the pressing and substantial threat and specifically relied on the 10-year sunset clause to allow future parliamentary review. Why is the government now removing that sunset and making an admitted rights-incompatible scheme permanent without a fresh, independent assessment of whether less restrictive alternatives exist?

Jaclyn SYMES: Bear with me, Mr Limbrick. We have switched to a completely different part of the bill. Is everyone finished on clause 1 on anything other than FPOs?

David LIMBRICK: I have got a few more questions.

Jaclyn SYMES: All on FPOs?

David LIMBRICK: Mostly.

Jaclyn SYMES: Mr Limbrick, the continuation or permanency of this scheme is predominantly off the back of advice from Victoria Police and their experience in the scheme, particularly as it relates to organised crime.

David LIMBRICK: The point I am trying to make here is that these rights were acknowledged to be limited by the government at the time, but they said there was a pressing need because of events at the time and that is why the sunset clause was put in. It seems concerning that that emergency situation seems to have just been carried on without a review of whether there is a different means of doing this that might be less restrictive of human rights.

Jaclyn SYMES: But, Mr Limbrick, you are assuming that there has not been any consideration of any alternative policy positions, and similar to a conversation with Ms Copsey, we would have sought the views of the police on whether this should be sunsetted or not. They are the types of conversations that government has. That is the type of advice that the Department of Justice and Community Safety would have provided to the Minister for Police, and the conversations with Victoria Police would, as I understand it, have indicated that the system, as it has been working for 10 years, should continue in the way that it does.

David LIMBRICK: On a similar point, the original statement of compatibility for the original firearms prohibition orders conceded that there are likely less restrictive measures that could arguably be adopted. This is why it was partially incompatible in the first place. Has the government tested those less restrictive measures since 2018, or is it simply making this temporary scheme permanent without testing those less restrictive measures?

Jaclyn SYMES: I think it is fair to say, Mr Limbrick, that the current system is considered appropriate. It is also almost nationally consistent. The advice is that stopping it would not be well advised, because the current scheme works.

David LIMBRICK: The Scrutiny of Acts and Regulations Committee has raised concerns that the current statement of compatibility does not clearly state the minister's opinion on the ongoing compatibility of the permanent firearms prohibition order scheme under charter section 28(3). The minister does not appear to have responded to this concern in any currently available SARC report. Can the minister confirm the government's current view on compatibility, particularly regarding warrantless search powers that apply to children aged 14 and over and to shared premises?

Jaclyn SYMES: Mr Limbrick, I am advised that a response to SARC is in the works, but I do not have visibility of that.

David LIMBRICK: I was not aware that that was in progress, and my team will look forward to reading that. Given that the firearms prohibition orders can be issued on very spurious criteria, including the behaviour of the individual, what objective evidence demonstrates that making these civil orders and their associated search powers permanent is necessary and proportionate in 2026 rather than simply a reaction to the recent events in Bondi?

Jaclyn SYMES: It is my understanding that the likely decision for the continuation of FPOs was heading in that direction before Bondi. They are together conveniently – the legislative changes – so it might look like that, but my understanding is it was a separate pathway heading in this direction anyway, predominantly based off the exchange with Victoria Police.

David LIMBRICK: So just for clarity here, we are saying that some of the parts of this bill were based on the recommendations of the rapid review but other parts of the bill were in train anyway and because we are doing a firearms bill we might as well put it all together. Are you saying that the firearms prohibition orders are not actually a reaction to the Bondi attack at all?

Jaclyn SYMES: That is correct. As part of my responsibility as Leader of the House and indeed chair of the legislation committee, we often look for synergy in issues so that they can come in one bill. These could have been two separate bills, but it made sense for them to be one, not to be conflated as responding to the same incident.

David LIMBRICK: I thank the minister for clarifying that. That is actually helpful to know.

The DEPUTY PRESIDENT: I invite Mr Bourman to move his amendment 1, which is a test for his amendments 3 and 7.

Jeff BOURMAN: I move:

1. Clause 1, page 2, before line 1 insert –

"(iia) to streamline reporting requirements for approved handgun target shooting clubs; and".

These are somewhat out of the scope of the intent of this bill, but we have limited opportunities as crossbenchers. My amendments regarding this are to streamline reporting requirements. At the moment a handgun club has to report the attendance or non-attendance of every single individual to the licensing and regulation division, and that takes a lot of time. This is to have only those that do not make the attendance reported. If there are, say, 300 members of the club, instead of sending 300 people that have to be checked to see if they did or did not, they send the three that maybe did not. As it is, Victoria Police still do checks on the clubs, so it is not like we are taking away what I feel is an important part of this. It is really just a streamlining of administration.

Jaclyn SYMES: Mr Bourman, there is a view that there is some merit to your suggestion, but the timing is not appropriate. We would have to work through significant issues with Victoria Police to operationalise it. I would encourage you to continue those conversations with the Minister for Police, but at this point in time we cannot support your amendment.

David LIMBRICK: It seems that the minister was not able to convince me that Mr Bourman's amendment was no good, and therefore I will be supporting his excellent efficiency measure.

Melina BATH: Similarly, in consultation with our shadow minister Mr Brad Battin, he feels that there may be some merit but likewise that this needs some further investigation, and the Liberals and Nationals will not support this today.

Katherine COPSEY: The Greens will not be supporting this amendment today. We feel that clubs will be collecting attendance records, and therefore it is not too burdensome for them to account for that.

Council divided on amendment:

Ayes (4): Jeff Bourman, Moira Deeming, David Limbrick, Rikkie-Lee Tyrrell

Noes (32): Ryan Batchelor, Melina Bath, John Berger, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Amendment negatived.

Jeff BOURMAN: I move:

2. Clause 1, page 2, after line 3 insert –

"(iiia) to make further provision in relation to exemptions; and".

My amendment 2 inserts a line to make further provision in relation to exemptions. The exemptions become my amendment 4 according to the way I read my sheet. I cannot find where in this running sheet my amendment 4 is, so I am presuming that amendment 2 tests the rest of them. The clerks can look at me in this instance and tell me if I am right.

Jaclyn SYMES: For the benefit of the house, Mr Bourman, can we just be very clear on what your amendment is proposing to do.

Jeff BOURMAN: I guess what I am saying –

Jaclyn SYMES: Is it your notice of receiving instruction (NORI) stuff?

Jeff BOURMAN: That is what I would have thought, but it only has amendment 2, not 4. I am going to move along on my amendment sheet, not the running sheet. A notice of receiving instruction is when you go to shoot a handgun at a licensed club under instruction. You fill out a form, which you submit to licensing and regulation, and they put it in their system. After 13 times, on the 14th time if you go back to a club, you become a prohibited person. It does not matter if it is in your lifetime. It does not matter if you have had a licence in between. My amendment basically is that after five years your NORI expires, much like a demerit point. That is basically the guts of it. It just seems unfair.

I will use my own situation. I am not up to 13, but I have had a handgun licence. You need to do a couple of attendances, then you get your licence. Due to COVID I let it go. Now I have got to do a couple more attendances. Pick a reason why I cannot do it for another number of years and I have to go and do a couple more attendances. At some point in time trying to be a law-abiding person has become impossible. This is basically just to allow these things to expire. For instance, we have the pollie shoots from time to time where a lot of people turn up. If you were here for, say, four terms and you turned up at every one, after the 13th one you could not turn up again, ever. This just proposes to change that, so that after five years it expires.

Jaclyn SYMES: Mr Bourman, the government will not be supporting this amendment. A NORI form is a Victoria Police form that must be completed when an unlicensed person intends to receive instruction in the use of a general category handgun. This gives people an opportunity to try out handgun target shooting no more than 13 times in their lifetime. The Firearms Act 1996 provides that a person can try out or receive instruction in the use of general category handguns if they are not a prohibited person, are over the age of 12, do not have a medical condition which could impact on their ability to use a handgun in a manner that is safe to themselves and others and have not exceeded the maximum number of times they can receive instruction without a licence. The person can only receive instruction where this occurs at an approved Victorian handgun target-shooting range, and the person's instructor notifies Victoria Police each time they receive instruction. Adults and juniors can receive instruction on no more than 13 separate occasions in total. The 13 limitation provides a reasonable number of times for a person to try out handgun target shooting. After trying out 13 times, a person is expected to apply for a general category handgun licence and demonstrate their bona fides. The NORI system has been criticised by coroners in a number of jurisdictions as representing a loophole allowing unlicensed people to shoot at ranges and enabling some vulnerable individuals to commit suicide through immediate access to firearms. It would not be desirable to expand the NORI system in the bill.

Jeff BOURMAN: If I may comment on that, I appreciate there was a range in South Australia that was unfortunately beset by an issue there. Whilst we are at it, it represents one of the problems with the current system: you fill out a form, you put it in and then later it gets checked. The whole system is problematic. This change is not making it any easier or any harder for anyone to get one. It is just that after you have got one, five years later it expires. But honestly, there needs to be a real-time check anyway for any opposition to a change to be valid.

David LIMBRICK: The Libertarian Party will be supporting this amendment. I see the upper limit as irrational in the first place. If you are receiving instruction, I do not see a problem with that. Certainly in the example given just then by the minister I do not see how an upper limit would actually affect that situation at all. Therefore this provides a means for that counter to reset. The consequence for someone exceeding 13 periods of instruction of becoming a permanently prohibited person is extremely excessive and severe, considering that they have done no harm to anyone, other than receive instruction in using a handgun. Therefore I will support a means to reset that counter after a reasonable time period, as Mr Bourman suggests.

Melina BATH: In consultation with Mr Battin, the Liberals and Nationals will not be supporting this amendment.

Katherine COPSEY: The Greens will not be supporting this amendment. I echo the minister's comments regarding the importance of the integrity of the NORI system. If someone is repeatedly accessing firearms in an unlicensed state, it is appropriate that there is an end to that. It is important as well, I would say, that if that was to persist over many years, that would be something that police could remain aware of. It is appropriate that there is an upper limit to how often that is done before someone undertakes the necessary work to gain a firearms licence, so the Greens will not be supporting Mr Bourman's amendment today.

Jeff BOURMAN: I might just point out for the purposes of clarification that getting a licence does not reset the counter either. Whilst I am getting a licence, it does not reset. None of the arguments I have heard today are actually valid, but let us get on with the show.

The DEPUTY PRESIDENT: The question is that Mr Bourman's amendment 2, which tests his amendments 4 and 8, be agreed to.

Council divided on amendment:

Ayes (4): Jeff Bourman, Moira Deeming, David Limbrick, Rikkie-Lee Tyrrell

Noes (32): Ryan Batchelor, Melina Bath, John Berger, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Amendment negatived.

David LIMBRICK: I move:

1. Clause 1, page 2, line 4, omit "a citizenship requirement and".

My amendment 1 is around removing the citizenship requirement for obtaining a firearms licence. The Lay review made the recommendation, which is being implemented by the government in this bill, that one must be a citizen or a New Zealand citizen to obtain a licence. The justification given by the Lay review was that a citizen would have more police history that could be checked by Victoria Police and therefore they would be lower risk. I would argue that that is patently untrue. One can obtain citizenship in around four years in Australia, and there are indeed many, many permanent residents who have lived here for far longer than four years – decades in fact – and therefore it is not a rational basis for determining whether there is enough police history to determine whether someone is a good person or not. I would have rather the government did something like have a requirement that someone has lived in Australia for eight years or some period of time. It would have been more rational, but that was not the recommendation of the Lay review. I do not think the removal of the ability of non-citizens to have a licence will actually do anything to help Victoria Police or to reduce gun crime.

Jaclyn SYMES: Mr Limbrick's proposed amendments would depart from the current national model being developed in accordance with the national cabinet's position. I recognise that British citizens particularly, whom Mr Limbrick has referred to, have a special status, in that they are able to vote in federal elections in accordance with the Commonwealth Electoral Act 1918, for example. The bill does permit the making of regulations to prescribe further cohorts that satisfy the citizenship requirements or who are exempt from it. Mr Limbrick, I can give you some assurances that that cohort of people in particular will be given careful consideration during the preparation of the regulations, which will commence next year. This work will be developed in close consultation with the regulator, Victoria Police, firearms stakeholder groups and any other interested parties. The remaking of the regulations requires transparency through the release of a regulatory impact statement and exposure draft also of the regulations for full public consultation before they may be made. The bill does not impose a default commencement date for part 6, being citizenship, or part 7, firearms background checks. This commencement flexibility ensures the government has the time required for the regulations to be prepared and for the renegotiation of the National Firearms Agreement to reach conclusion.

Melina BATH: I do appreciate Mr Limbrick's amendment. We have heard all this afternoon about the fact that there will be a regulatory impact statement and that various stakeholders will be able to feed into that and have input, and one of the elements that I think is key is around the exemptions for citizenship. We have discussed that at length. In accepting this one, it may send a signal that others are therefore not included, and I raise the issue around long-term residents who could be elite sporting shooting athletes, and I could see that there is a rationale for why they could be included if they meet all the other fit and proper persons et cetera tests. So in that spirit, we will not be supporting this amendment because we feel that there may be some other considerations to come into effect, notwithstanding there is certainly an element of sympathy for it.

David LIMBRICK: I believe Ms Bath may actually be making comment on a different amendment that I am proposing. The amendment I am proposing is to remove the citizenship requirement in its entirety. The further amendment, which I will also move, relates to your comments, I believe.

Melina BATH: We support this as it is without the amendment.

Katherine COPSEY: The Greens will not be supporting this requirement. We support stronger regulation of guns in Australia. We accept the conclusion that Mr Lay came to in the rapid review that has led to the inclusion of this. I will note that it would be concerning for Victoria to depart any further than it already has from the federal approach to gun safety in the country, and we believe that this would weaken this bill further. So we will not be supporting Mr Limbrick's amendment today.

The DEPUTY PRESIDENT: The question is that Mr Limbrick's amendment 1 be agreed to.

Council divided on amendment:

Ayes (4): Jeff Bourman, Moira Deeming, David Limbrick, Rikkie-Lee Tyrrell

Noes (32): Ryan Batchelor, Melina Bath, John Berger, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Amendment negatived.

Katherine COPSEY: I move:

1. Clause 1, after line 6 insert –

"(ia) to restrict the number of firearms that a licence holder may possess, carry or use; and".

This amendment relates to instituting a cap on the number of firearms that a person can own in Victoria.

Jaclyn SYMES: The government will not be supporting these amendments. We have made the decision not to impose new limits on the number of firearms that individuals may have. The rapid review of Victoria's firearm laws conducted by Ken Lay recommended imposing caps of four firearms for individual category A or B licence holders with specific exemptions where a compelling need can be demonstrated to hold more than four firearms, specifically for primary producers and sports shooters. The rapid review final report did note that firearms caps are a relatively new regulatory approach and evidence of their long-term effectiveness is still developing. The bill focuses on keeping Victorians safe, which is the Victorian government's number one priority. The response to the rapid review achieves this by toughening sentences for a range of firearm offences, making licensing decisions stricter and giving VicPol more powers to reclassify weapons.

Jeff BOURMAN: I will not be supporting this, which should surprise nobody. I have got to say capping the number of firearms that people can own, legally and safely stored, for no other reason other than you think it is bad is just one of the most fascist things I have heard in my life. I would support anything that I ever thought had a public safety implication – I support licences, I support safe storage. But either you are safe with one firearm or you are safe with none. It is as simple as that. This is just another brain fart. I do not know where Ken Lay came up with this, but it is just appalling.

David LIMBRICK: This was another recommendation of the Lay review which I also thought was irrational and did not agree with. I do not see how having multiple firearms makes one more dangerous than someone who has a single firearm, unless they have many, many arms, which I do not. I will give the government credit where it is due; the government also came to that conclusion by the look of it, so this bill could have been a lot worse than it is. The government made a sensible decision to ignore that recommendation. I wish they had ignored the citizenship recommendation as well, but they did not. Nevertheless we will not support instituting that recommendation from the Lay review, and I commend the government for ignoring that recommendation.

Melina BATH: The Liberals and Nationals oppose this Greens-inspired amendment, and I object. I spoke before the Greens the other day when the Greens arbitrarily decided that three guns are fine but any more are not. It is an interesting concept that that can occur out of somebody's mind. Clearly it shows a lack of knowledge around the use of firearms, whether it be in sporting arenas, in hunting arenas or for killing vermin and pests. These are tools of the trade of farmers and pest exterminators, they are tools of the trade of hunters and of sportspersons, and to arbitrarily say we will be safe in some way by capping them I think is quite inappropriate and offensive.

Georgie PURCELL: I want to put on the record my support for this amendment. I was really disappointed to see it not adopted as part of the legislation. I actually spoke about this in my second-reading debate speech –

Members interjecting.

The DEPUTY PRESIDENT: Can we have some quiet please, Ms Terpstra. I cannot hear Ms Purcell.

Sonja Terpstra: There's no need to be so rude.

The DEPUTY PRESIDENT: Would you like to take 15 minutes?

Sonja Terpstra: You can't kick me out in a division.

The DEPUTY PRESIDENT: We are not in a division.

Sonja Terpstra: We will be soon. I'll just be coming back in.

The DEPUTY PRESIDENT: We are not in a division.

Sonja Terpstra: Maybe if you just spoke nicer to me it would be okay.

The DEPUTY PRESIDENT: Ms Terpstra, 15 minutes.

Sonja Terpstra: When the bells go, I will just be coming straight back in. You don't have to be so rude about it.

The DEPUTY PRESIDENT: You can come back.

Sonja Terpstra: Don't be rude.

The DEPUTY PRESIDENT: You need to be careful or you will be named.

Sonja Terpstra withdrew from chamber.

Georgie PURCELL: I do just briefly want to put on the record my support for this amendment. I was disappointed to see it was not part of the legislation. This is evidence backed by the very fact that we have a significant problem of firearm theft in our state. In fact Victoria has one of the highest rates of the states, if not the highest, of firearm theft. With so many stolen guns out in the community, it is a commonsense measure to cap the amount of firearms that someone can have, to reduce the amount of theft and also to realise when a theft occurs. I want to thank the Greens for moving this amendment.

Katherine COPSEY: I want to respond to a few of the assertions that have been made about our amendment and to correct the record on a few points. Firstly, the justification for this amendment is set out in the Lay review. Mr Lay found that:

> There is a strong and well-established correlation between lower levels of firearm availability in the community and reductions in firearm-related harm.

That is the primary justification for the Greens bringing forward this amendment. We believe that our firearm laws should be based on policy that minimises the risk to the community, and that is the reason that we are bringing forward this amendment.

To speak to the issues that were raised with the number of guns that has been proposed, Mr Lay did propose a four-weapon cap as the default for Victoria. That was based on the observation that that is the average number of guns that a licence-holder holds. For the vast majority of people in Victoria an amendment like this would make absolutely no difference to their weapon-holding habits. The Greens chose to go with three because we – not solely, we have got some friends in this chamber – have a commitment, unlike the government and the opposition, to lowering the number of guns that are circulating in Victoria. That is why we have gone with three for the cap.

I just want to clarify that this amendment was drafted in line with Mr Lay's instructions, so there are exemptions contemplated, as Ken Lay set out, that would allow for people who have workplace requirements and so on and can demonstrate a compelling need. That is contemplated in the Greens' amendment today. We thank the chamber for considering this. We will not give up until we see gun caps instituted in Victoria, in line with emerging best practice in this country.

Council divided on amendment:

Ayes (6): Katherine Copsey, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

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

Amendment negatived.

The DEPUTY PRESIDENT: Ms Copsey, I invite you to move your amendment 2, which tests your amendments 4 to 6 and 8.

Katherine COPSEY: I move:

2. Clause 1, after line 8 insert –

"(iia) to abolish junior licences; and".

This amendment relates to keeping guns out of the hands of children, abolishing junior licences.

Jaclyn SYMES: The proposal to remove junior licences has no policy merit. A child between 12 and 17 can apply for a junior firearm licence in Victoria for the purposes of receiving instruction in the use of firearms or engaging in sport or target-shooting competition. Almost every state and territory of Australia provides for junior licences or permits. A junior licence, importantly, is a supervised licence. The highly regulated system in Victoria promotes participation in a legitimate Olympic sport and teaches firearms responsibility and safety.

Jeff BOURMAN: Again it will not be a surprise that I will not support this. I feel someone from the Greens might want to have a chat with Aislin Jones, who was an Olympic shooter at 16. She was a girl. She had to learn under a junior licence. Having to shoot under a licensed person is a way, when you are not adult, to get experience. It is not a free-for-all; it is not anything like that. I find it strange that a party that wants the voting age lowered to about 16 do not want people to have guns. So they can vote, but – I just do not get it.

Melina BATH: The Liberals and Nationals will not support this. We oppose this. I concur with Mr Bourman. In order to get a junior licence you have to be completely supervised by an adult with all the licences and storage of firearms. Indeed I mentioned I think in a members statement the other day that I attended the Gippsland clay target championship. It was held at the Morwell Gun Club. I have never seen a more disciplined bunch of young people, led by parents and teachers and coaches. They were respectful. This is a sport of a very high nature, and that is just one example of where a

junior can access that sport in a regional setting. It was with state schools and private schools, and it was outstanding. To cap this because of ideology I think is a shame.

David LIMBRICK: The Libertarians will absolutely not be supporting this. I actually think that this is a horrible amendment, because what it would do is make sure that young people in Victoria will never be Olympic sportspeople and will never be in the Commonwealth Games – I do not even want to talk about that. They will never be able to get to that level because they will never be able to have a licence, and I just think that that is so wrong. This is a really wholesome family activity that lots of people do. Fathers go out with their sons; they go to shooting ranges and stuff. I see it all the time when I go to the local shooting range in my area – fathers and sons do it. I tell you what, the Greens ought to go out to one of these shooting ranges, because what they will see are lots of multicultural communities there. You will see lots of people from the Indian community, from the Vietnamese community and from the Chinese community. You will see lots of immigrant communities there that see it as a really important pastime for their families. The Greens want to take that away from them. It is just so wrong – absolutely, no.

Georgie PURCELL: I just want to briefly throw my support behind this amendment. I do not think it is necessarily saying that it is anti-gun. It is ordinary to wait till a certain age to do many things in our country, including drive a car. You cannot have social media, but you can shoot a gun now under the laws that we have. I was on the wetlands when a junior firearm licence holder shot a duck rescuer in the face accidentally. I have seen the impacts of what can occur – and that was an accident. Certainly earlier this year we had allegations that came out about the Game Management Authority encouraging shooters to break rules when it came to children. I think perhaps if we had a stronger regulator as well we would be in a different place. That is certainly not the case, especially after today with the passage of the Outdoor Recreation Victoria Bill 2026 through the lower house. I think this is a really good amendment while we do not have the regulatory framework to support this incredibly big and sometimes dangerous responsibility.

Katherine COPSEY: I think that this is a sensible amendment. I thank Ms Purcell for her comments and her contribution, which I agree with entirely. I just want to point out the hypocrisy of this government, which has been in conniptions about machetes and keeping knives out of the hands of children but is then happy to turn around and not only allow but promote gun use by children. That is what we have seen from this Labor government, unfortunately, over the last two years.

In relation to this being a wholesome family activity and so on, I just want to be very clear: guns are a harmful product. Guns are a harmful product that when they are more prevalent in our society cause more harm. That is what Ken Lay said to this Labor government. They have chosen to disregard the first of his recommendations. The Greens make no apology for seeking to limit the influence of the gun lobby on public policy. We make no apology for seeking to limit the availability of guns, which cause so much havoc and harm in our community. We noted during the second-reading debate that the largest cause of harm from guns is through suicide deaths, so it is also to the community that uses the guns that this harm occurs.

As Ms Purcell said, we limit access by harmful industries to many things that youth interact with, including social media, including gambling, including alcohol and in relation to driving a car, for example, and we think it is entirely appropriate. It is absolutely consistent with Victoria's leading public health approach to limit access for children to guns. Thanks, everyone, for your contributions.

Council divided on amendment:

Ayes (6): Katherine Copsey, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (30): Ryan Batchelor, Melina Bath, John Berger, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe

McCracken, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendment negatived.

Clause agreed to.

Clause 2 (16:11)

Melina BATH: Dr Heath has bestowed on me the honour of moving this amendment. I move:

1. Clause 2, after line 15 insert –

"(3) The Minister must not recommend to the Governor in Council the making of a proclamation in respect of any provision of Part 7 unless –

(a) the Minister is satisfied of the following matters –

(i) that all Commonwealth legislative and regulatory arrangements necessary for the effective operation of the amendments made by that Part are in force;

(ii) that arrangements have been made between the Chief Commissioner of Police and relevant Commonwealth entities for the effective operation of the amendments made by that Part;

(iii) that all information technology systems and administrative processes necessary for the effective operation of the amendments made by that Part have been established;

(iv) that the Chief Commissioner of Police has developed guidance material for the effective administration of the amendments made by that Part; and

(b) the Minister has caused notice of the matters referred to in paragraph (a)(ii), (iii) and (iv) to be published in the Government Gazette or transmitted to each House of the Parliament; and

(c) the Minister has caused notice of the following matters to be published in the Government Gazette –

(i) the estimated initial and ongoing costs associated with the administration of the amendments made by that Part;

(ii) details of any Commonwealth financial contributions provided for the administration of the amendments made by that Part;

(iii) the estimated impact of the amendments made by that Part on fees for applications made under the **Firearms Act 1996**;

(iv) the estimated financial impact of the amendments made by that Part on licence holders under the **Firearms Act 1996**; and

(d) the Minister has caused to be transmitted to each House of the Parliament a statement that sets out the following matters with respect to the amendments made by that Part –

(i) information-sharing arrangements made between the Chief Commissioner of Police and relevant Commonwealth entities;

(ii) privacy protections that apply to information shared between the Chief Commissioner of Police and relevant Commonwealth entities;

(iii) arrangements made between the Chief Commissioner of Police and relevant Commonwealth entities in relation to –

(A) auditing and oversight of information; and

(B) retention and disposal of information; and

(C) management of complaints by affected persons.".

This is in relation to the AusCheck, and we have had a very long discussion on it during committee of the whole. This particular amendment looks at ensuring that the Commonwealth legislation has to be in operation before we begin; that information-sharing arrangements are in place; that IT systems are functioning; that administrative processes are established; that the Victoria Police guidance and procedures are ready; that the costs to government and licence-holders are available and disclosed;

that privacy protections are explained; and that oversight, auditing and complaint systems exist. What we are saying is that Victorians should see how AusCheck will work, what it will cost, how personal information will be protected and how affected licence-holders can seek review. Clearly we believe this improves the bill. Clearly the government is asking Victorians to approve a system that is still being developed. Our amendment ensures that the scheme is fully built, it is tested and it is transparent before it starts affecting lawful firearm owners or deterring criminals, crooks and would-be terrorists. We believe this improves accountability without delaying community safety. We are just making sure it is ready before it is implemented.

Katherine COPSEY: The Greens will not be supporting the amendment. We are concerned about anything that would delay or water down any of the measures that are taken in the government's bill today.

Council divided on amendment:

Ayes (15): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (20): Ryan Batchelor, John Berger, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendment negatived.

Clause agreed to; clauses 3 to 20 agreed to.

Clause 21 (16:20)

Jeff BOURMAN: I move:

5. Clause 21, lines 20 to 27, omit all words and expressions on these lines and insert –

"(a) a citizen or permanent resident of Australia or entitled to that status under Commonwealth law; or

(b) a New Zealand citizen who has a special category visa or is entitled to be granted a special category visa under the Migration Act 1958 of the Commonwealth.".

When this legislation and this whole thing first came up and this whole citizen thing popped up, I looked at the perpetrators of what happened in Bondi, and one of them was born here. This whole thing is now a problem for a lot of people. So I looked in the mirror and I said, 'We need to do something, but how can I be the least racist?' And I said, 'Let's align it with the police and the military.' We trust these people with an Apache gunship – even though Apaches are outdated now – we trust them with an F-35 fighter and we trust them with rocket launchers, machine guns; you name it, we trust them with it, but we will not trust them with a rifle, a .22 to go shooting rabbits. I thought that was just appalling, so my view was to align it with the police and the military. We have got PSOs and police around here. I had a discussion with the minister saying that there is stuff to be done in the regulations: they have the potential to lose their licence, but we trust them to carry a handgun and protect us. This is what this is about. It aligns it with the police and the military, nothing else. What I did find rather funny is that we have support from One Nation, who are supposed to be racist, but do not have support from the Greens. Work this out for yourself.

Jaclyn SYMES: Again I will put on record that no-one loses a licence as a result of this bill passing. The issue that you have raised is legitimate but much better dealt with through the RIS and the development of regulations rather than legislating now.

David LIMBRICK: The Libertarians will be supporting this amendment by Mr Bourman. It is effectively a subset of the amendment that I was proposing earlier. I preferred my original, but this is pretty good too, so I will support it.

Katherine COPSEY: The Greens will not be supporting this amendment, similar to the other. I might just deal with all of the remaining citizenship amendments: we are supportive of the national approach, and we consider that anything that Victoria does to depart from that will further weaken our alignment with the national approach. Victoria has already indicated it is not going to participate in the buyback and rejected key recommendations from the rapid review that the government commissioned, so we will not support anything that further departs from the national approach and weakens the laws further.

Melina BATH: Just in discussion with Mr Battin, our shadow minister, we will not be supporting this amendment.

Council divided on amendment:

Ayes (3): Jeff Bourman, David Limbrick, Rikkie-Lee Tyrrell

Noes (32): Ryan Batchelor, Melina Bath, John Berger, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Amendment negatived.

David LIMBRICK: I move:

1. Clause 21, after line 24 insert –

   "(c) a person referred to in section 93(1)(b)(ii) of the Commonwealth Electoral Act 1918; or".

2. Clause 21, line 25, omit "(c) and insert "(d)".

This is a very specific amendment for a very specific class of people. The only reason I even know about this is because my stepfather is one of these people. My understanding from AEC data is there are about 100,000 of these people nationally, about 25,000 of them in Victoria. These people are British subjects that arrived in Australia before 1984. They can vote in Australian elections – most people do not know that there are non-citizens that can vote in Australian elections, but there are some – and they can obtain an Australian passport. In just about every respect they are Australian. In fact many of them, including my stepfather, do not identify as anything else, but for whatever reason they did not go through the naturalisation ceremony.

When these people came to Australia – many of them were ten-pound Poms – Australia made the promise that they and their families would have the same rights as Australians. We mostly kept that promise. Many of them came after World War II. My stepfather's family came after their father, who was a POW in a Nazi prison camp, came to Australia because he was upset with the way that the British treated veterans. He came with his child, who is now my stepfather. He was told that they would have the same rights as Australians. I declare my self-interest in this, in that my stepfather is one of the people that could potentially lose their firearms licence if this goes ahead.

These people have clearly been in Australia for a very, very long time, since at least 1984. They are British subjects of the Crown. They have Australian passports. They can vote in elections. Anyone that does not support this, I hope that they do not vote for you.

Jaclyn SYMES: We have had this conversation. There is power in the bill to prescribe classes such as you have described. As I said, I think there will be due consideration given to the example that you have provided in the regulation-making process.

Katherine COPSEY: The Greens will not be supporting the amendment.

Melina BATH: I think I answered this question before. This could be considered in the RIS.

Council divided on amendments:

Ayes (3): Jeff Bourman, David Limbrick, Rikkie-Lee Tyrrell

Noes (32): Ryan Batchelor, Melina Bath, John Berger, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Amendments negatived.

Clause agreed to; clauses 22 to 39 agreed to.

Clause 40 (16:36)

Melina BATH: I move:

2. Clause 40, lines 14 to 20, omit all words and expressions on these lines and insert –

'**40 New sections 46D and 46E inserted**

Before section 47 of the Principal Act **insert** –

"**46D Suspension of licence – public safety**

(1) The Chief Commissioner may suspend a licence if the Chief Commissioner is satisfied that it is necessary to do so for public safety.

(2) The Chief Commissioner must give written notice of a suspension under subsection (1) to the person whose licence is suspended.

(3) The Chief Commissioner must ensure that a notice under subsection (2) –

(a) invites the person to provide a statement or evidence as to why the licence should not be cancelled; and

(b) specifies that any statement or evidence must be provided to the Chief Commissioner within 28 days after the notice is given.

(4) The Chief Commissioner must consider any statement or evidence provided by the person within the period specified in subsection (3)(b) before cancelling the licence under section 46E.

(5) The Chief Commissioner is not required to comply with subsection (3) or (4) if the Chief Commissioner is satisfied that doing so would create an unacceptable risk to public safety.

(6) A suspension under this section remains in force until the Chief Commissioner makes a decision to cancel or not to cancel the licence under section 46E.

(7) A person whose licence is suspended under this section is taken not to be the holder of a licence for the period of the suspension.

46E Cancellation of licence – public safety

(1) The Chief Commissioner may cancel a licence that is suspended under section 46D if the Chief Commissioner is satisfied that it is necessary to do so for public safety.

(2) The Chief Commissioner must give written notice of a cancellation under subsection (1) to the person whose licence is cancelled.

(3) A person whose licence is cancelled under subsection (1) may, if the person is a non-prohibited person, apply to the Committee for a review of the decision of the Chief Commissioner to cancel the licence."'.

This relates to the automatic cancellation of a firearms licence if there has been an adverse background check. It is the test for the second one, so it is a firearm licence individually and then a dealer's licence. What happens under this bill is there is an immediate licence cancellation, forthwith – immediate. What we have heard in discussion today – and I have brought some case studies – is that there can be, upstream, back in the Commonwealth sector, a mistake. There can be a typo, there can be an error, and nowhere in this bill is there any consideration of that; there is an immediate cancellation. So our amendment creates a two-step process. If there has been an adverse finding that does not satisfy the firearms check, then the chief commissioner immediately suspends the licence to ensure public safety. Therefore that person is treated as no longer holding a licence, they cannot lawfully exercise the licence privileges, firearm access is to be restricted as per cancellation and public safety is protected. Then the second step is that evidence can be presented in the case of, as I said, a typo or an administrative error in some way. In that case the chief commissioner can then say, 'No. This is a public risk – definite cancellation,' so moving from suspension to cancellation, versus saying, 'We have recognised that there's been some sort of tiny administrative error, so we are not going to cancel somebody who has been an exemplary firearm licence owner' – whatever that be. It is just a process. It ensures that public safety is paramount, but it does enable there to be a second tier to ensure that the right person is captured and that if there are any small administrative errors somebody is not penalised with a cancellation which can cause long-term unavailability to get their licence back.

Jaclyn SYMES: We will not be supporting Ms Bath's amendment. I take issue with the fact that it is described as 'just a process'; it would actually be an unnecessary and highly onerous burden around the scheme. As we know, a failure to satisfy the firearms background check will be due to the outcome of a check being an adverse criminal intelligence assessment or an adverse security assessment. These assessments are from ASIO or from the Australian Criminal Intelligence Commission. The chief commissioner cannot effectively look behind the veil of these adverse assessments; an ASIO and an ACIC adverse assessment is fundamentally different from the chief commissioner's power and ability to look at fit and proper persons et cetera. It is about intelligence and security information; it is not information that is known to the chief commissioner, so adding that extra step would be quite difficult to implement.

Katherine COPSEY: Similar to my previous comments, the Greens regard this as a weakening of the bill and will not be supporting the amendment.

David LIMBRICK: I have a question for the minister on the consequence of the amendment. The minister just spoke about what happens in this process. What sort of security is there for these adverse findings being held confidentially? I am concerned about, if there was a situation, as Ms Bath outlined, where there was an adverse finding against someone and it turned out to be a mistake, what sort of confidentiality protections there are. If someone applies for a firearms licence and ASIO comes back with an adverse assessment to Victoria Police and the person is told that they are not going to get a firearms licence, is that confidential or not?

Jaclyn SYMES: The information cannot be obtained through the system, because it is a matter for, for example, ASIO. In terms of the other information, just the notification of there being an adverse –

David LIMBRICK: The notification is what I am talking about.

Jaclyn SYMES: Yes. That would be subject to privacy and not revealed.

David LIMBRICK: Good. That is what I wanted to know.

Council divided on amendment:

Ayes (15): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (20): Ryan Batchelor, John Berger, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendment negatived.

Clause agreed to; clauses 41 to 43 agreed to.

Clause 44 (16:45)

The DEPUTY PRESIDENT: Ms Bath's amendment 3 is to omit a clause, and it tests her amendment 4.

Jaclyn SYMES: For brevity, we do not support this.

Clause agreed to; clause 45 agreed to.

New clause 45A (16:46)

Melina BATH: I move:

5. Insert the following New Clause to follow clause 45 –

'**45A New section 176AA inserted**

After section 176 of the Principal Act **insert** –

"**176AA Service standards for firearms background check applications**

(1) The Chief Commissioner must develop service standards for the making of applications for a firearms background check.

(2) Service standards under subsection (1) must include –

(a) targets for the timely making of applications by the Chief Commissioner; and

(b) procedures for keeping a person who is to be the subject of a firearms background check informed as to the status of any application relating to that person.

(3) As soon as practicable after the end of each financial year, the Chief Commissioner must ensure that notice of the Chief Commissioner's performance against the service standards during that year is published in the Government Gazette.".'.

This is in relation to transparency and service standards, and we require there to be developed service standards for firearm background checks, including processing targets; status updates for applicants; and annual public reporting of performance of those targets. What we want to assure for licence-holders are timeframes, how their applications are progressing and whether Victoria Police are meeting performance targets. We need standards. We need to ensure that this system is going to run successfully, I will say, and this is around creating those service standards.

Jaclyn SYMES: We will not be supporting the amendment. This is an operational matter for police. It is not appropriate to tell them how to set and meet standards and targets. However, these are potentially matters that could be picked up through another mechanism and explored through the regulation and RIS.

New clause negatived.

New clause 45A (16:48)

Jeff BOURMAN: I move:

6. Insert the following New Clause to follow clause 45 –

'**45A Regulations**

After section 191(2) of the Principal Act **insert** –

"(2A) Regulations that prescribe fees under subsection (1)(g) must not include any amount in respect of the costs associated with the making of an application for a firearms background check.".'.

Whilst I am absolutely supportive of AusCheck – in fact if this had been in place a while ago, perhaps we would not be here doing this – in the spirit of the cost-of-living crisis, if and when the cost comes, the cost needs to be borne by the government. I personally do not care whether it is the federal or the state government, but I do think passing it on to the licence-holders, some of whom are not very wealthy people, is doing them a disservice. This is basically just saying the government will not pass the cost on.

David LIMBRICK: This amendment presented by Mr Bourman is actually philosophically interesting to me. Libertarians normally believe in user-pays systems. However, I would argue that in this case the user is Victoria Police, and they are being forced to use a monopoly provider, which is the federal government, for a service they have no choice in. Therefore that cost being passed on to the end consumer, who is the firearm applicant, I would argue is unfair, because there is no incentive for efficiency and there is no visibility of that process. Therefore I support Mr Bourman's amendment in this case.

Jaclyn SYMES: I do not support the amendment. As I indicated, this is not designed to be something that raises funds. We would not want there to be a large impost on anybody that is participating in this scheme. Having said that, this again is much more appropriately dealt with through a regulatory impact statement.

Council divided on new clause:

Ayes (3): Jeff Bourman, David Limbrick, Rikkie-Lee Tyrrell

Noes (32): Ryan Batchelor, Melina Bath, John Berger, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

New clause negatived.

Clause 46 agreed to.

New clause 46A (16:53)

Melina BATH: I move:

6. Insert the following New Clause to follow clause 46 –

'**46A New section 176AB inserted**

Before section 176A of the Principal Act **insert** –

"**176AB Independent review of firearms background check provisions**

(1) The Minister must cause an independent review to be conducted of the amendments made to this Act by Part 7 of the **Firearms Amendment Act 2026**.

(2) The independent review must consider the following matters –

(a) public safety outcomes associated with the amendments;

(b) the effectiveness of the amendments;

(c) the impact of the amendments on processing times for applications for a licence;

(d) the impact of the amendments on the resources of Victoria Police;

(e) initial and ongoing costs associated with the administration of the amendments;

(f) the impact of the amendments on individual privacy;

(g) whether the amendments afford procedural fairness to affected persons;

(h) the overall impact of the amendments on licence holders and applicants for a licence.

(3) The independent review must be conducted as soon as practicable after the second anniversary of the first day on which all the provisions of Part 7 of the **Firearms Amendment Act 2026** are in operation.

(4) The Minister must cause a report of the independent review to be transmitted to each House of the Parliament as soon as practicable after the review is completed.".'.

This is in relation to an independent review. The independent review begins after part 7 of the Firearms Amendment Act has been implemented, so that is two years after AusCheck, and AusCheck can take one year, two years, whatever, but these are significant changes. Clearly everyone in this house and all Victorians want to see higher public safety outcomes, but we also want to see that the scheme is working and whether it is effective in administrative costs, processing times, privacy impacts and resource impacts on Victoria Police. This is purely an independent review after all of the provisions in part 7 – that means all of the bill – have been in operation for two years.

Jaclyn SYMES: In this instance the government is not supportive of the review as Ms Bath has outlined. As I have said, this is an architecture bill. It will undertake a RIS. There will be an exposure draft of the regulations. Some parts may be proclaimed earlier than others, so in that instance people would be interested in monitoring the operation of it. But the review as it is outlined in your amendment we do not think is suitable.

Jeff BOURMAN: Despite the coalition throwing thousands of firearm owners under the bus and being happy with the cost of AusCheck being passed on to them, I will support them.

Katherine COPSEY: The Greens will not support the amendment.

New clause negatived; clause 47 agreed to.

Reported to house without amendment.

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (16:55): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Jaclyn SYMES (Northern Victoria – Minister for Energy and Resources, Minister for Environment, Minister for Climate Action, Minister for the State Electricity Commission) (16:55): I move:

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

Council divided on motion:

Ayes (32): Ryan Batchelor, Melina Bath, John Berger, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Noes (4): Jeff Bourman, Moira Deeming, David Limbrick, Rikkie-Lee Tyrrell

Motion agreed to.

Read third time.

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

Outdoor Recreation Victoria Bill 2026

Council's amendments

The PRESIDENT (17:02): I have received a message from the Legislative Assembly in respect of the Fishing, Hunting and Outdoor Victoria Bill 2026:

> The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to establish Fishing, Hunting and Outdoor Victoria, to establish the Land and Aquatic Access Panel, to repeal the **Game Management Authority Act 2014** and the **Victorian Fisheries Authority Act 2016**, to make consequential amendments to other Acts and for other purposes' the amendments made by the Council have been agreed to.

Corrections Amendment Bill 2026

Second reading

Debate resumed on motion of Lizzie Blandthorn:

> That the bill be now read a second time.

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (17:04): I am pleased to rise to give my summation speech for the Corrections Amendment Bill 2026. At the outset I do want to acknowledge the large number of parliamentary colleagues that have addressed this bill before us, although I will note that many of them moved well beyond the scope of the legislation, which is a targeted bill that will provide legal certainty for Victoria's corrections system going forward and is ultimately about ensuring that our corrections system can operate safely, securely and effectively.

First, it provides a practical update to the existing right of people to access open air, an update that is required as a recent Supreme Court determination has really overturned what we believed was a consistent way these matters were dealt with and how the system has operated for over 20 years. The second aspect of the bill addresses an administrative oversight relating to the delegation of powers to community corrections advanced practitioners.

Let me be very clear what this bill does not do. The bill does not abolish the right to open air. It does provide some practical limitations, however, to have the right to at least 1 hour of open space each day, weather permitting. The bill amends section 47(1)(a) of the Corrections Act 1986, which provides that every person in prison has, if not ordinarily engaged in outdoor work, the right to be in open air for at least 1 hour each day if the weather permits. The amendment to this section provides that this right does not apply in circumstances where it is not reasonably practicable in light of operational considerations. Those considerations do include the management, good order and security of the prison; the safe custody, welfare and rights of the prisoner concerned; the safe custody, welfare and rights of other prisoners; and the safety of our corrections staff.

The reform arises following the Supreme Court's decision in a pretty high-profile case, where the court found that the rear courtyards attached to cells in certain high-security and management units did not constitute being in the open air for the purposes of the Corrections Act. Those courtyards have been used by Corrections Victoria for around 20 years as a means of providing access to open air. The court judgement therefore creates significant legal, operational and financial implications for the corrections system and our justice system. Under these circumstances we have introduced these measures to restore the functional and practical application of the right to open-air access. Safety must come first, and we make no apologies for that.

The government acknowledges that as part of these reforms there are provisions that do impact the human rights charter. In this instance there is a requirement for one of those rights to be overridden, giving prisoners the right to open air if it does not compromise the safety or wellbeing of prison staff, other prisoners or visitors. We have had to have a charter override in this regard, and it is not a position that the government takes lightly. It is not often we override the Charter of Human Rights and Responsibilities, but it is required from time to time.

These provisions are consistent with other comparable jurisdictions, including New South Wales, where entitlements are subject to the practical limitation that may, from time to time, arise in connection with the administration of the correctional centre concerned. New South Wales have these options and their legislation is drafted similarly to the way we will be drafting ours now. Of course they do not have charter obligations as we do in Victoria.

Notwithstanding the safety concerns, the bill also addresses the potential financial liabilities arising from the court decision and its implications. We have a responsibility to ensure the state's resources continue to be directed towards services and infrastructure that benefit all Victorians.

I will now briefly turn to the less controversial part of the bill. Due to an administrative oversight the written instrument delegating the secretary's legislative powers was not updated to reflect the establishment of the advanced practitioner position. As a result, between 29 April 2024 and 18 May 2026 certain actions were taken by advanced practitioners without appropriate written delegations being in place. A new delegation was put in place on 18 May this year. The issue was an administrative defect in the written delegation, not the validity of the original community correction orders themselves. We should not allow an administrative oversight to undermine community safety or confidence in our system or provide a free pass where a person has fallen foul and failed to comply with a valid order of the court, and that is why this house amendment will validate certain actions taken by advanced practitioners during this relevant period.

Corrections legislation must reflect operational reality. It must provide prisoners rights, but safety must always be paramount. Flexibility to account for operational considerations is a key safety feature in much of our justice system, and it is required now in our corrections system. Our corrections officers have a difficult and demanding role. They are front line in keeping us safe. I previously, as corrections minister, had the privilege and honour of meeting many corrections officers that do amazing work. They are passionate about keeping our community safe, but they are also passionate about giving those in their custody and care the opportunity to rehabilitate. The measures contained in this bill are necessary and are targeted to provide certainty for Corrections Victoria, to support the safety of our staff and people in custody and to protect the integrity of community correction orders. I commend the bill to the house.

Council divided on motion:

Ayes (25): Ryan Batchelor, Melina Bath, John Berger, Gaelle Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Joe McCracken, Tom McIntosh, Evan Mulholland, Harriet Shing, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Noes (8): Katherine Copsey, Moira Deeming, Anasina Gray-Barberio, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Motion agreed to.

Read second time.

Instruction to committee

The PRESIDENT (17:16): I have considered the amendments on sheet KC81C circulated by Ms Copsey. In my view the amendments are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 14.11 is required. I remind the house an instruction motion to committee is a procedural motion.

Katherine COPSEY (Southern Metropolitan) (17:17): I move:

> That it be an instruction to the committee that they have the power to consider amendments and new clauses to amend the Corrections Act 1986 to further provide for persons detained in police gaols.

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (17:17): Normally the government would not accept out-of-scope amendments of this nature, but in the interests of brevity we will not be opposing in this instance.

Motion agreed to.

Committed.

Committee

Enver ERDOGAN: The government has an amendment which I seek to circulate now.

Clause 1 (17:20)

Katherine COPSEY: Minister, the statement of compatibility recognises that Aboriginal people will be disproportionately impacted by this bill, and Gellung Warl have exercised their powers under the Statewide Treaty Act 2025 to request the government to withdraw the bill. How can the government proceed with this bill when it is in clear contradiction of the aims of treaty and provides no protection for Aboriginal people in prison against excessive and unnecessary restrictions on their right to fresh air?

Enver ERDOGAN: I thank Ms Copsey for her question, which touched on a really important issue, in particular our government's commitment to treaty. In the correctional context, given that the loss of liberty is an inherent condition of custody, it is necessary that some of the rights of prisoners are limited by the fact that they are in a custodial setting. I do understand the view of the First Peoples' Assembly and the fact that they do not support this bill. The government's position is that this bill is necessary and affects all prisoners equally, but because Aboriginal people are over-represented in prison, it will have a greater effect on Aboriginal Victorians.

Rachel PAYNE: I will just refer to what the Minister for Children said in their second-reading speech and then I will ask the question. The minister said:

> The Government does not take this step lightly. In this exceptional case, the Charter is being overridden and its application excluded to ensure access to open air in prison can continue to be managed safely, alongside operational considerations.

I want to test that word 'exceptional'. Section 31 of the Charter of Human Rights and Responsibilities Act 2006 builds in a five-year sunset precisely because any override is meant to be exceptional and temporary so that a future Parliament must consciously rejustify it. New section 47AAA(3) strips that sunset out. How can an override be exceptional at the same time as permanent and indefinite?

Enver ERDOGAN: We would say that with the operational realities of the prison environment and especially the cohort of prisoners that these reforms are targeted to we will need a permanent change to the act, not just one that sunsets after five years. Therefore that is why we do not support a sunset clause in this instance.

Rachel PAYNE: The minister said the override is needed so open air can be managed safely alongside operational considerations. This is a description of ongoing routine prison management, nothing exceptional. Can the minister explain to this house why this government believes it should never again have to justify these operational considerations to any Parliament – not in five years, not in 50? What is it about this particular limitation on human rights that means it alone should outlive every member of this chamber?

Enver ERDOGAN: I will take that last point you made. It does not override the will of this chamber. Ultimately a future government may wish to change the settings of the correctional system and would have opportunities to further amend the legislation, as we do other pieces of legislation from time to time. It just means that in relation to the charter of human rights there will not be a sunset clause, but there is nothing prohibiting a future government from revisiting the Corrections Act 1986 and making adjustments as it sees fit.

Rachel PAYNE: The explanatory memorandum states the right may:

> … be limited … on an ongoing basis or for extended periods …

The Nelson Mandela Rules define prolonged solitary confinement as 22 hours or more a day without meaningful human contact for more than 15 consecutive days. We know that prolonged solitary confinement can amount to cruel, inhumane or degrading treatment and torture and is prohibited under international law. Does this bill permit a person to be denied access to open air for longer than 15 days?

Enver ERDOGAN: Context is important here. This provides operational flexibility in instances where it is not possible to provide those out-of-cell hours as described in the recent judgement. But most prisoners do have long out-of-cell hours, depending on which prison setting they are in. Minimum-security prisons usually have longer out-of-cell hours, medium have a bit less and then maximums have even less. But on average, Victoria in fact has better-than-average out-of-cell hours across our corrections system. I know that is something that Ms Payne has been quite passionate about. We always aim to do better because there are always challenges where it is not possible to meet our relatively high standards when it comes to out-of-cell hours for prisoners. Therefore I would not accept your categorisation that this would be necessarily a breach of human rights.

Humane treatment of people in our care is something that we are focused on, but especially for this more difficult cohort, who provide a challenge not only for staff but for other prisoners, the type of out-of-cell hours they have may be different. We are talking about, for those that have read the judgement, a courtyard that the court found was not enough for this really complex cohort of prisoners – because of the prison design – but also the operational risk that is involved in managing this high-risk cohort of prisoners. This will allow the flexibility for the corrections system to meet its operational needs, but for the vast majority of prisoners it will have no impact.

Rachel PAYNE: Minister, just to clarify, there would be nothing in this legislation that would preclude future governments or future institutions from using this bill to justify someone being denied access to fresh air for longer than a 15-day period, though. Is that correct?

Enver ERDOGAN: The legislation sets out criteria that would need to be fulfilled for that exception to be met. I am not sure how you could meet that for 15 days straight. I think there would be other oversight bodies that would have quite a significant interest in that. As we know, our prison system is covered by the Ombudsman and IBAC, and we have the independent prisons scheme. There is a lot of oversight in the existing system such that what you have described would be unacceptable, because there are criteria that need to be fulfilled to deny someone that right to out-of-cell hours – or to limit them more so than deny them.

Rachel PAYNE: I agree it would be unacceptable. Under international human rights law, freedom from cruel, inhumane and degrading treatment is an absolute right, one that cannot be limited under any circumstances, in recognition that such treatment is fundamentally incompatible with human dignity. Australia has binding obligations to ensure people are free from it. Does the government accept that this bill violates those obligations, and does it accept that this bill green-lights treatment prohibited under international law in perpetuity?

Enver ERDOGAN: In short, no. We would say this brings us into line with other comparable states – for example, New South Wales, which has a section which states:

> … subject to the practical limitations that may from time to time arise in connection with the administration of the correctional centre concerned.

Many jurisdictions have similar sections where the goal is to provide out-of-cell access to air, light and open air, and of course that is what takes place in our correctional facilities. As I stated earlier, Victoria usually performs quite well in average out-of-cell hours across our correctional system, but by the fact that people are in custody, some of their rights must be limited. They forgo them when they commit their offences, and that is why they are in a custodial facility – like the right to be free outside. So in short, the answer is no; I would not accept that.

Rachel PAYNE: In relation to compensation, compensation is not a windfall, it is a court's assessment of how serious a harm is and of what it will take for a person to recover from it. So when this government legislates to extinguish compensation, it is not just saving itself money, it is walking away from the recovery of people it has harmed. Can the minister confirm what this clause concedes: that the government knows the harm caused by denying people fresh air is serious and that its response is not to repair that harm but to ensure no-one is ever helped to recover from it and the state is never held to account for causing it?

Enver ERDOGAN: I think the starting point is: in an operational sense, although we are changing the legislative instrument and the laws, the goal is to continue the existing practice, where people are provided with open air, albeit the court has said it does not fulfil that requirement for this high-risk cohort. On the issue about financial responsibility and risk, yes, there is one, and we believe we should be limiting that for this cohort of prisoners. There is a reason why they are in a management unit.

Rachel PAYNE: We know that almost everyone in prison comes home. A person harmed inside and then denied the very support that would help them recover does not come home safer; they will come home more damaged, with less. So when the government blocks compensation, it is not protecting the community, it is manufacturing the next harm and sending it back into our neighbourhoods. How does the minister say this makes anyone safer?

Enver ERDOGAN: I understand that this legislation is required for the safety of staff and prisoners in the system at this point. There is a reason why some of these prisoners cannot be in the general population. It is because of their risk to themselves and to others, including our hardworking staff. Therefore we say this makes the corrections system safer and therefore our community safer.

Rachel PAYNE: The Australian National Preventive Mechanism, the network of independent bodies designated under Australia's international obligations to prevent torture and ill treatment of people deprived of their liberty, has issued a joint statement on this bill. It makes a simple point: when courts identify that minimum standards of humane treatment have not been met:

> … the response should be to strengthen the systems that uphold them – not to weaken the safeguards themselves.

This bill does the opposite. Can the minister tell the house: has the government formally responded to that statement, and if so, what is the answer to the national torture prevention body's finding that this bill will weaken exactly the protections it exists to defend?

Enver ERDOGAN: I might just go to the box.

Ms Payne, in relation to that report you referred to, I will need to take on notice whether there has been a formal response. But in relation to your point about OPCAT, you are right, the Australian government did sign the Optional Protocol to the Convention against Torture, including establishing a national preventive mechanism (NPM) to coordinate and conduct visits to places of detention to monitor the treatment of persons.

We do also have existing oversight, as I have talked about earlier, with the Ombudsman, IBAC, Victorian Equal Opportunity and Human Rights Commission and the Office of the Chief Psychiatrist. There are a number of bodies that have provided reports into the conditions in our correctional system. In relation to OPCAT and the establishment of a national preventive mechanism here, there is an ongoing dispute, or, let us say, misunderstanding, between the state and Commonwealth about funding for that protocol that the Commonwealth signed on to. I understand there has been facilitation of a visit nonetheless, but the full protocols, in terms of the national preventive mechanism, have not been set up due to the lack of Commonwealth funding.

Rachel PAYNE: So until Victoria designates an NPM, or OPCAT, there is no independent body able to see how this power is exercised. Therefore will the minister accept an amendment requiring the secretary to record and report to Parliament each occasion a prisoner is denied their entitlement to open air, the duration and the grounds relied on?

Enver ERDOGAN: In short, no, because we believe there is robust oversight in place already. The independent prison visitors, the Ombudsman, IBAC – a lot of these agencies have actually provided a lot of reports in relation to correctional settings. Some have been obviously quite negative; some have been more positive. So we do not believe that that is needed, and we will not be committing to that.

Rachel PAYNE: If you could just indulge me, please. Just to clarify: are the oversight bodies that currently have access to providing that oversight of corrections – the Victorian Ombudsman, IBAC and the like – proactively engaging with each of those corrections facilities, or are they just responding to complaints?

Enver ERDOGAN: I think the way the agencies operate in relation to enforcement of their duties is a question probably better addressed to those agencies, to be fair.

Rachel PAYNE: I will take that offline. Without an NPM, can the minister set out specifically what internal oversight exists within Corrections Victoria to prevent operational considerations becoming a standard excuse, or a box ticked on unstaffed days, rather than a genuine exception that the minister claims it can be, not what he hopes staff will do but a mechanism required and set out. Can the minister point to a single provision in this bill that would detect, flag or prevent operational considerations being relied on more often than genuinely necessary?

Enver ERDOGAN: That is a very operationally detailed question, but each prison has a general manager and there is a quality assurance system in place for the teams that they lead. In terms of this work, government does report of course on average out-of-cell hours across the system, so there is some public reporting. Nonetheless, from prison to prison, that responsibility falls on the management team there and the corrections commissioner overall to ensure that that does not happen.

Rachel PAYNE: The amending act repeals itself after 12 months but the amendments remain in force permanently, and the bill contains no mechanism to record how often, for how long or on what grounds a person is denied open air. Will the government support an amendment requiring the secretary to report annually to Parliament on the use of these powers, and will it commit to implementing Victoria's long-overdue independent prison oversight through OPCAT so that these decisions are subject to genuine external scrutiny rather than taken entirely behind closed doors?

Enver ERDOGAN: No.

Rachel PAYNE: Over the past 18 months there has been an increase in facility-wide lockdowns across prisons in Victoria, including as a result of staff shortages. Often this means that people are

denied access to fresh air. Do the government admit that they are passing this bill to legalise the inhumane conditions imposed by rolling lockdowns?

Enver ERDOGAN: No. I think we have been up-front that this is about addressing the issue that was raised in the recent court case, which in particular affects that high-risk cohort.

Rachel PAYNE: Just to extend on that question, the human rights commissioner and the Victorian Ombudsman have been active in highlighting the issues of ongoing lockdowns, and I am trying to understand how these human rights and integrity agencies have that oversight and can provide that feedback to government but we still see the outcomes of rolling lockdowns and potential further risks for those that are in prison. Can you please confirm that you have been actively working with the integrity agencies – for example, the Victorian Ombudsman and the human rights commission – on precluding some of these ongoing issues?

Enver ERDOGAN: I can say that the department and the corrections commissioner work closely with their workforce and the union. There are oversight bodies addressing some of these operational challenges, and there are operational challenges and the need for lockdowns from time to time for a number of reasons. One could be staffing, which could impact the safety and security of the premises. Also these are dynamic environments where there are incidents, and they need to respond to incidents appropriately. There are a number of reasons why a lockdown may be needed, but I think overall there is public reporting on out-of-cell hours on average. If you could look at those statistics, Victoria has performed quite well over a number of years. You always want to do better and you aim for better, but it is not always possible. This is a difficult cohort of people; that is why they are in the corrections system.

Rachel PAYNE: I appreciate that response. Under this bill, prison staff can deny a person their access to fresh air without any requirement to first consider whether there is another way to manage the operational problem. Nothing obliges them to ask: is there a reasonable alternative? Is there a short step of taking away the 1 hour outside, and can the minister explain why the government drafted a power to remove a fundamental protection without requiring anyone to first exhaust the alternatives?

Enver ERDOGAN: We believe that there is no practical alternative, especially for the high-risk cohort that this case was based upon. We believe they provide a big risk to staff in particular, but also to other prisoners. Fundamentally, that was the conclusion that was drawn. I am sure if there was a non-legislative option the government would have been happy to take a non-legislative option to correct this issue. But the conclusion was there is not, and that is why this amendment is needed. This amendment, for general practice, should mean no change to anybody. It effectively just reaffirms what has been the practice for 20 years in relation to the courtyards in some of these higher risk management units. That is the goal here, and it brings our legislative definition more in line with New South Wales to provide that flexibility.

Rachel PAYNE: Just in regard to prisoners on remand, over 50 per cent of women in Victorian prisons are on remand. They have not been sentenced; many will never be sentenced. They will be acquitted or have charges dropped or receive a non-custodial order at the end of it. Under this bill, those women can be denied access to fresh air on operational grounds indefinitely, with no requirement that anyone revisit the decision. Can the minister explain what the government would say to a woman who is denied the sky for weeks and is then found not guilty?

Enver ERDOGAN: I think just going back to the earlier point we made, the goal here is to operationalise what we believe is the status quo, not to make a change. The legislation needs to be changed because the court interpreted that the current practice did not meet the definition of the existing law, so we are amending the laws to reflect the practice.

Rachel PAYNE: This will be my last question for the committee stage. In 2024 during the debate on the State Civil Liability (Police Informants) Bill 2024 this government told the Council that once the substantive provision was amended, any limitations on rights could be justified and the override

was therefore no longer needed. Does the minister accept that reasoning? And if an override is only necessary when a limitation on rights cannot be justified, can the minister confirm what the inclusion of an override in this bill concedes?

Enver ERDOGAN: Ms Payne, I am reluctant to reflect on the previous legislation because I was not the Attorney-General at that time nor am I at this time. But in relation to the second part of your question, I will just seek an answer.

I cannot reflect on the previous legislation or compare because they are different pieces of law. Nonetheless what I will say is in this instance the department has received advice that it is required. Again, all our settings are now going to be definitions closer to New South Wales. I do remind you that New South Wales does not have a charter. There is no equivalent override there, because they do not have a charter. But now, in this instance, it is required.

Renee HEATH: My question is, just to confirm, the cohort that this relates to are violent and high-risk offenders, correct?

Enver ERDOGAN: These legislative changes, in terms of the act, apply to everybody, but the practical implication will be in relation to the high-risk cohort, which the court determined for the courtyard. Because everyone else – many, many prisoners; the majority – are in the general population. They could go into the yard. Now they go to the gym; I note that that is a popular exercise across the men's system. But in relation to the reason for the need for the change, the change will apply broadly. It could be interpreted broadly, but that is not the practical effect. The operational effect that is intended is for this high-risk cohort, yes.

Renee HEATH: The reason that it applies to these violent and high-risk offenders is because they pose a risk either to the staff or to other prisoners, correct?

Enver ERDOGAN: Yes, Dr Heath.

Renee HEATH: If prisoners are not getting financial compensation because the government have exempted themselves from that, what are they getting instead?

Enver ERDOGAN: I might get clarification on that. I did have one case that I do recall now. Maybe I will get clarification, but I understand that sometimes the court can make an order that their treatment was unfair but they do not get any money. I know there was a case of that. That is usually just a declaration that does not have a practical financial benefit. But I am happy to take a supplementary. I suspect I know where you are going.

Renee HEATH: It says in the bill here in clause 4, in relation to section 47(1)(a), that it does not prevent the award of non-monetary relief, so what are they getting instead?

Enver ERDOGAN: Just for clarification, Dr Heath, are you asking if they would be eligible for emergency management days (EMDs) as a result?

Renee Heath interjected.

Enver ERDOGAN: I will seek guidance.

It has been explained to me that these prisoners would not be eligible for EMDs because the categories of when a prisoner becomes eligible for EMDs do not cover restriction of open-air access itself as a reason for EMDs. EMDs are not granted by the courts. They are granted by the commissioner, so therefore it would not be the commissioner's intention to grant EMDs because there is a declaration that they have been denied this open air.

Renee HEATH: So I can confirm, and I can confirm here on record, that none of these prisoners, because of the lack of financial compensation, will get any time off their sentence as a result? I want you to explicitly say that.

Enver ERDOGAN: I am not the corrections commissioner, so I will seek some guidance.

I have been advised that no EMDs have been granted for the restriction on access to open air.

Renee HEATH: Can you confirm none will be?

Enver ERDOGAN: EMD-granting powers are for the commissioner, so it is remiss of me to second-guess their judgement in relation to the granting of EMDs. I do understand you have strong concerns with the number of EMDs that have been granted historically by the commissioner. I understand those concerns. I am sympathetic to those concerns. But in relation to restricting the commissioner from carrying out her duties, I do not believe it would be appropriate to instruct her in the way she grants EMDs. There is a list that we set as policy, or that the corrections commissioner sets, but ultimately the granting of those EMDs is a matter for the commissioner.

Renee HEATH: The Corrections Act 1986, in part 8, division 3A, section 58E(1), states:

> The Secretary may, in accordance with the regulations, reduce the length of a sentence of imprisonment being served by a person or the length of the non-parole period …

Going down to (2), it says:

> Subsection (1) applies to all sentences of imprisonment, including any imposed for murder.

It is pretty worrying, and I just want to put on record here that it does not meet public expectation when people are given an early non-parole period because of an operational issue. I think prisoners, by the way, should have access to open air – absolutely. I think all of us here agree on that, but it is completely unacceptable that the government is essentially exempting itself from financial liability but is not explicitly ruling out that these violent and high-risk offenders that are being restricted in open-air access because (a) they pose a threat to the staff and (b) they pose a threat to other people around them are potentially getting out of prison early beyond their non-parole period, and you cannot rule it out. I hope you understand where I am coming from.

Enver ERDOGAN: I will take that more as a comment than a question, Dr Heath, if that suffices.

Moira DEEMING: I have been trying very hard to listen whilst also being spoken to, so I am sorry if I ask something that has already been asked. Can the minister just confirm, first of all, that clause 1 states the entire purpose of the bill.

Enver ERDOGAN: Yes, it does. Of course there is an amendment in relation to the administrative error with the advanced practitioners, but yes, the purpose is all confined.

Moira DEEMING: Can the minister please explain why the purpose clause makes no reference to the permanent exclusion of the Charter of Human Rights and Responsibilities?

Enver ERDOGAN: There is a statement of compatibility attached with all our legislation which states the need for an override.

Moira DEEMING: Why does the purpose clause make no reference to the retrospective extinguishment of damages claims under the new section 111AA?

Enver ERDOGAN: It does reference the fact that we are changing the legislation in relation to the open-air requirement; that is the real effective change. It is giving that flexibility in relation to this difficult cohort. We would say that the purpose is all in there and the reason why this legislation is coming to this place in the first place.

Moira DEEMING: I do not know if you would say solely the purpose of the bill is making the open-air rights subject to operational considerations. Does the government regard the permanent removal of charter scrutiny as merely incidental to the purpose or as a central feature of the bill?

Enver ERDOGAN: We believe it is essential, because like I said, this brings us into line with the practice and the laws in New South Wales, but they do not have a charter. As I said before, because of the way our charter operates, we require this override to bring this legislation to fruition.

Moira DEEMING: Does the government regard the retrospective bar on damages as merely incidental to the purpose or as a central feature of the bill?

Enver ERDOGAN: We would say it is essential in terms of the finances of the state and the corrections system, because limiting the financial liability means more money can be put elsewhere. Nonetheless, the legislation could pass without those limitations, and it would still help operationalise what is needed. But that would leave an avenue, potentially, for some of that really high-risk and dangerous cohort to have access to potential financial compensation, which we do not believe they should receive.

Moira DEEMING: If a court is later asked to interpret the scope of the amendments, should it treat the purpose clause as a complete statement of Parliament's intention?

Enver ERDOGAN: I will just get some guidance.

We are of the view that the purpose clause is a high-level summary of what we are trying to achieve.

Moira DEEMING: Minister, you have said – if I can try my best to summarise – that these amendments cover all cohorts and all prisons, but you have said that in its operational effect it will only impact specific cohorts. I do not understand how that can be.

Enver ERDOGAN: The legislation as it stands today says 1 hour, but most prisoners are getting 7, 8, 9, 10 out-of-cell hours. Obviously we have had to change the legislation for all prisoners, but the practical effect will be that for those prisoners that currently only get their out-of-cell hours in that courtyard, that will be acceptable to the court, because the court has said that that courtyard that we have created for this high-risk management unit of prisoners does not meet the current requirement. So it will give operational flexibility.

Moira DEEMING: Did the government assess the costs in regard to fixing the architectural issues as opposed to just cancelling the damages and making these amendments?

Enver ERDOGAN: I do not want to verbal the Minister for Corrections or the department, but I understand that all options were explored. There was a genuine concern that even an architectural fix for this difficult cohort might not necessarily resolve the issues, because this is a cohort that are, as Dr Heath has identified, a risk to themselves, a risk to other prisoners and, most importantly, a risk to staff. Even if you change the physical infrastructure, you are still going to have the individuals that are difficult and pose a high level of risk, and an architectural solution might not absolve the state from the court's decision, effectively.

Moira DEEMING: Could the minister please explain the difference – you are restricting a right, but what you are referring to is the management of these prisoners in one context. They are manageable inside the prison, but they are not manageable in some kind of outdoor-air design. We are quibbling over the design, but that sounds like a management issue, whereas you have restricted a right rather than changing management practice.

Enver ERDOGAN: In response to that, what I will say is that this is a really difficult cohort. Like I said, they are in a management unit, usually, and are a higher risk cohort that have a past history of offending towards staff and other prisoners. Therefore if you were to try and manage them without that flexibility, it would just increase risk to everyone else in the system. It is about balancing risk here, and the balance is, yes, they are going to have their open air within this space, which is effectively a courtyard instead of a broader open space, but having that arrangement mitigates risk for staff, who would have greater risk if they had to escort them to somewhere else, effectively.

Moira DEEMING: If the issue is about keeping staff safe and all those operational issues and it is about having to escort them somewhere else, that sounds to me, again, like this could have been fixed through fixing a building design rather than wholesale giving yourselves an exception to a human right. Could you please identify for us the exact design features that have made it so important to restrict this right, as defined by the court case, if possible?

Enver ERDOGAN: I do understand. We get the angle, Mrs Deeming, but like I said, I am not sure if an architectural fix alone would fix it for this cohort. Mind you, there might be an architectural fix that resolves part of the issue, and I am sure it would be expensive and extensive. Nonetheless, we believe this is more practical in the day-to-day settings for this difficult cohort.

Moira DEEMING: I still am not hearing the difference between being able to manage a prisoner in one environment as opposed to an open-air environment and what is functionally different to the point where you would have to restrict the right. What is so different about that environment that it is operationally impossible to give them their rights?

Enver ERDOGAN: Back to first principles: these prisoners are provided with access to open air. That was our interpretation for over 20 years. There is a courtyard; they get open air. But because there are climb risks in some of these courtyards, there is effectively what the court described as mesh or netting to prevent climbing because they are such a high-risk cohort. Therefore our view is after this legislation, if it were to pass, the practice would not change. They would still have the same access to the courtyards they have already, but those courtyards do have mesh over them because they are high-risk, and climbing, as we have seen in youth justice and adult corrections, is a common problem.

Moira DEEMING: I still find it difficult to believe that raising the height of a wall or any other kind of architectural fix would not have been a better option than restricting a right. The Mandela rules that we have gone over mandate 1 hour as a universally accepted human right. Did you consider how many other countries, if any, ignore this right just because prisoners are high risk or difficult to manage?

Enver ERDOGAN: We say we already provide, and in the court case we said we provide, open air and fulfil those rights under the Mandela rules. But the court, because of the mesh, had a different, wider interpretation of what is open air. Clearly, we do not necessarily think that is practical or necessarily accept that to its fullest extent; that is why we are here today. Ultimately, it is up to government to make the laws as we see fit. So with court decisions we believe are wrong, we come to this place and we change them. We did that earlier this year with the Bird case, if you remember. In this instance we do not agree with the court's decision. We believe our longstanding practice provides access to open air, and therefore now we are legislating it.

Moira DEEMING: Did the government consider a staggered approach to fixing the architectural issues across the prison system? You could have legislated to give yourself time to fix the architectural issues rather than, again, extinguish this right permanently in this way.

Enver ERDOGAN: At a high level, what I can say is we did not make this decision lightly. The human rights charter is reserved, override is reserved. We did it in the Denyer case and in some other instances. Therefore I can say with my hand on my heart that I know the people that work in the department. They would have considered all options and would have looked at what is most practical. Aligning our legislation with New South Wales was seen as most practical in this instance. Again, New South Wales does not have a charter, so they do not have that concern.

Moira DEEMING: As I said in my speech, this is the second Mandela rule that this government has seen fit to ignore. Does the government have any other plans to reduce, restrict or abandon any other human rights for prisoners?

Enver ERDOGAN: I think all human rights need to be balanced. The fact that people find themselves in prison is because we are already limiting their freedoms because of their actions. We can talk human rights till early morning, but we know there are limitations. In these instances, for this

cohort, it is appropriate that they are in these management units because of their behaviour. I do not want to pre-empt any future legislation. I hope we are not back here again. But we did it in the Denyer case, and I was proud to bring that bill before this chamber because I think it was the right thing to do.

Moira DEEMING: Could the minister reflect on the difference between the ordinary human rights and the expressly different human rights specifically for the prisoner population and why they have seen fit to override them?

Enver ERDOGAN: I do want to go back a step. There is an override of the human rights charter, and the exact section which is being overridden is listed. In the human rights charter we have the right to protection from retrospective criminal law, so that whole point about limitations in section 27 of the charter. In relation to out-of-cell hours, I will get some clarification on exactly the charter reference. But there is a charter override that is required. We believe that in the correctional setting the human rights considerations need to take into account the context in which it is occurring. Like I said, the limit on freedoms is one that is expressly a human right for all people, but by the fact that you are incarcerated, you lose those freedoms. Therefore in the circumstance it is needed here because of the cohort we are dealing with. But like I said, it is not a decision we made lightly. We would rather not be here, but the court found a certain way that we believe is not practical to implement.

Moira DEEMING: Just two more questions. The new section states that operational considerations include the three categories. Does the use of the word 'include' mean that the list is not exhaustive?

Enver ERDOGAN: Yes. That is right: it is non-exhaustive. It is not an exhaustive list, and the reason why is to ensure appropriate flexibility in how Corrections Victoria manages access to open air safely, alongside other critical concerns, including the security and safety of all people in prison. This is particularly important in the highly complex operating environment of prisons, which require careful management of multiple interests. You can understand that for the state and for corrections, they have got multiple interests: the safety of those in custody, the safety of staff – there is WorkCover law, WorkSafe legislation and a whole bunch of laws on employer–employee relationships; and then there is obviously the safety of other prisoners and then safety to all the others that come onsite. They are carefully managing these multiple interests, and obviously above all there is that community safety, if those people were to be out of the community, and also the victims as well. It is a really complex system, to be frank, with different cohorts of risk, and therefore the reforms intend to address the exact scenario that arose in this particular case, the Marrogi case, and similar cases involving higher risk prisoners in high-security management units. That is what is intended, but the way the legislation is drafted is a cover-all.

David LIMBRICK: The government is explicitly acting through this bill to overturn the ruling of the Victorian Supreme Court's interpretation of corrections legislation. Is the government, through this bill, indicating that the Victorian Supreme Court's interpretation of the government's obligations to protect persons from torture and cruel, inhumane treatment is wrong?

Enver ERDOGAN: I think the fact that we are here would say that we do not agree with the court's decision. We do not believe it is practical, and it does not take into account the operational reality of the prison system. It has been a long-term practice, the way we manage this high-risk prisoner cohort in the high-security setting. That is why we are here. There have been times when courts have made decisions, and I gave the example of Bird earlier where we believe the court got it wrong, so we came to this chamber and we changed the laws.

David LIMBRICK: I thank the minister for that answer; that is clear. The statement of compatibility is silent on the *United Nations Standard Minimum Rules for the Treatment of Prisoners*, referred to as the Nelson Mandela Rules, which require at least 1 hour of open-air exercise daily, weather permitting. Organisations including the Human Rights Law Centre, Liberty Victoria and the Federation of Community Legal Centres have stated that the bill places Victoria in breach of those

rules and obligations under the International Covenant on Civil and Political Rights (ICCPR) and OPCAT. Does the government accept that the bill is inconsistent with these international standards?

Enver ERDOGAN: We would say no, because our longstanding practice would show that we do provide open air. Our interpretation is obviously different to the court's interpretation. We provide people with a courtyard, they get open air but there is a mesh to prevent a climbing risk. We say that is for the protection of the prisoner's safety and the safety of others. So there are different interpretations, and our interpretation is that we believe the court got it wrong, and that is why we are here.

David LIMBRICK: I thank the minister for that answer; again, it is very clear. I think, if I am interpreting it correctly, you are saying that you believe that you do comply with those treaties and you disagree with what the court said. Okay. Fine. I will move on to my next question then. That is pretty clear.

The ratification of the ICCPR is achieved in Australia through what is called a dualist system. This means that our federal counterparts are responsible for entering into the external treaties, because state governments cannot do that, but where section 51 of the constitution limits federal power, the states are to ratify those obligations. Did the state government seek advice from the federal government when drafting this bill in relation to these matters?

Enver ERDOGAN: In short, no.

David LIMBRICK: The minister is being very straightforward with his answers today. I appreciate it. I cannot do better than that. The statement of compatibility concludes that the limitations on the open-air right are unable to be justified in accordance with section 7(2) and are therefore incompatible with subsection 10(b) and 22(1). It then invokes a permanent override under section 31, removing even the ordinary five-year sunset clause. Given that Parliament's own intention is that overrides occur only in exceptional circumstances – and I note the minister brought up an exceptional circumstance, and I would agree with the minister that that was a very exceptional circumstance – as historically illustrated by threats to national security or state of emergency et cetera, how does an ongoing operational problem in high-security units arising from a single Supreme Court construction of existing statutory text meet the threshold that would satisfy that?

Enver ERDOGAN: I can say that I know the department and corrections looked at this very closely. If there were alternatives that could be developed that would mitigate this risk, I am sure the government would have explored them. But in the circumstances, because our real target – although it is a general change to the legislation – is this high-risk cohort, it was concluded that this was the only way possible into the longer term and that because they are such a high category of prisoners that we are talking about this override would be required and it would need to be permanent.

David LIMBRICK: You sort of pre-empted my next question. I am not sure of the reasons why, though, so I will follow it up. Why is a permanent non-reviewable exclusion required rather than one that is time limited and subject to parliamentary re-enactment later? The point I am getting to here is if we could make this time limited and it is an operational problem, that would give you time to solve the operational problem and therefore a sunset clause would be necessary, not a permanent override. So what is the justification for a permanent override?

Enver ERDOGAN: I think the corrections commissioner would say if it was purely an architectural issue alone you might say you could fix it, but it is beyond architectural, it is the difficult behaviour of the individuals we are talking about that would pose risk. You could try and do a fix, but there is a risk and return. Then you are increasing and passing the risk on to staff and others, so you would have to manage them into, let us say, a different area of the prison, because currently our view is that they do have access to open air – they have got a small courtyard. But the court said that because of the mesh on top and some of the settings they did not accept that.

David LIMBRICK: The statement of compatibility itself acknowledges that it does not completely mitigate the risk of arbitrary limits being imposed and that longer term limitations may raise particular concerns. Why did the government reject less restrictive alternatives, such as a statutory review clause, mandatory reporting to Parliament on the frequency and duration of denials, independent oversight of operational considerations or the fixed-term sunset clause that would have forced renewed scrutiny in a period in the future?

Enver ERDOGAN: We believe there is already robust scrutiny of our prison conditions. We have a number of bodies – IBAC, the Ombudsman – that have done reports. The independent prison visitors have done a report. Many of our First Nations partners and advocates have done reports. We know that there is a high level of scrutiny of what is happening, because we have an open, transparent system. This is one of the few bills that there was a public protest about because people were raising their concerns, so clearly they are aware. People are watching very closely the justice system. We have a lot of access into our prison system from people outside. We are proud of running a modern, humane prison system, but from time to time the level of settings needs to be adjusted to the level of risk. In this instance we believe that this is the only way to mitigate that risk for staff and others in the system.

David LIMBRICK: If this was the least restrictive option that was acceptable to the government, what other less restrictive but unacceptable options were considered, and why were they rejected?

Enver ERDOGAN: I do not have an exhaustive list of less restrictive options, but I can imagine, just from my practical experience in travelling and visiting all our prisons, that prison staff would have to move this high-risk cohort – which have records; you can look at the history of the individual in this court case – to another part of the prison so they could get access to open air. But obviously in doing that, operationally – people are crafty – it would increase risk to the staff, to be honest. A lot of the prisoners in these units have a past history of assaulting staff in particular and other prisoners, so the safety risk increases. We have an obligation as an employer to the safety of our staff – this is where competing interests and rights come into play – and minimising the risk of injury to our staff under WorkSafe legislation. In a practical sense, that comes to my mind in my experience of visiting our prisons. That would be the biggest risk: that the more you transport them around to different areas of the prison, the more staff are at risk. You increase the risk exponentially. Do we want to take that and expose our staff to even further risk? No.

David LIMBRICK: This is on the issue of compensation. Why wasn't an alternate system, such as a cap, considered? I know that the government has done that type of thing before. In fact I supported it because I was not happy about removing all rights to compensation, but having some rights to compensation with a limit that would not send the state bankrupt was probably a good idea. Why wasn't a cap considered?

Enver ERDOGAN: I think in the first instance the reason why we are here is because Corrections Victoria never believed we denied them access to open air. We believe that the set-up we have with the courtyard for this cohort is fair. We did not accept that they had been treated unfairly in the first place, although the court had a different finding. So because we do not believe the state has done anything wrong, we want to close off any potential to be liable.

David LIMBRICK: I think that is clear, and I understand it. What I am hearing is that it is not a matter of what the amount of compensation would be, the government believes that compensation should not be required in this case because the government believes that the court got it wrong. Is that correct?

Enver ERDOGAN: Yes, Mr Limbrick. We believe we met our obligation to provide access to open air.

Moira DEEMING: Can you please explain why the law has been changed to restrict these rights instead of just changing the definition of 'open air' to what our prisons are right now?

Enver ERDOGAN: We are now getting into really technical drafting questions. I might need to get some guidance.

Good question, Mrs Deeming. I understand that that was explored. It was about drafting. As with all drafting, there was an option to define 'open air', but the view was that would be more likely to be challenged. Our definitions of 'open air' were more likely to get challenged than these provisions that provide greater flexibility. Again, it was to mitigate the risk of an appeal.

Renee HEATH: Just further to what you answered, Minister, to Mr Limbrick's question, you said you wanted to close off every avenue by which you would be liable. The way I read it is that is actually not correct, because you are trying to cut off avenues for financial liability, because you have not removed the –

Enver ERDOGAN: Yes, I was talking about financial liability.

Renee HEATH: Okay. If that is the case and you think that what you are doing is correct and is in line with what you believe would be compliant with the Mandela rules, why haven't you removed the prevention of non-monetary relief?

Enver ERDOGAN: I am advised that going the additional step would have been significant in terms of removing the court's full jurisdiction. They still have jurisdiction to comment and make the declaration of where they view the issue, but I think that would have been an additional step that we did not believe was necessary.

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

Renee HEATH: I did give notice of these questions, but I just said I want to put them on the record. I just want clarification. I asked earlier whether, in place of the financial compensation, any of these prisoners would be receiving emergency management days. The answer was no. I just want to confirm whether or not they will receive any compensation that would reduce time off their sentences.

Enver ERDOGAN: I can confirm, Dr Heath, the answer is no to that.

Renee HEATH: Why didn't you use the opportunity when you were amending this bill to amend other areas in the bill that did not meet community expectations? For instance, the part where it allows high-risk and violent offenders to receive emergency management days, particularly when it takes them beyond their non-parole period, why was that not addressed?

Enver ERDOGAN: I understand, and I am sympathetic to your arguments here, Dr Heath. This was a targeted bill. It primarily added two matters. One was in relation to a court decision. That was the primary reason for this legislation. The other one was a maladministered instrument or a failure to issue an instrument that again would have meant direct community safety would have been impacted by false or defective notices issued due to the delegation of power. It is really addressing two direct issues. I think the issues you are talking about are broader policy matters for government. The minister in their wisdom has decided not to change the existing settings.

Katherine COPSEY: Minister, how can you say this is a targeted bill? The changes to the right to open air affect every correctional institution in Victoria. Is that correct?

Enver ERDOGAN: Yes, they do.

Katherine COPSEY: And they apply to every person who is imprisoned in those facilities. Is that correct?

Enver ERDOGAN: Yes, the legislation sets the minimum that applies. But obviously, as I said earlier today, many prisoners get a lot longer than 1 hour out of their cell.

Katherine COPSEY: So that is the Andrews–Allan–Carroll Labor government's definition of 'targeted', is it?

Enver ERDOGAN: The reason for this legislation is the court decision. This will allow corrections to operate the way it has operated for 20 years in relation to out-of-cell hours in particular for this cohort, so therefore we view it as a continuation. There should be no practical change, but it is a legislative change.

Katherine COPSEY: So you are admitting that, according to the Supreme Court's understanding of the rights guaranteed under our charter, the Victorian government has been in breach of that charter for the entire time that it has existed?

Enver ERDOGAN: The findings in this case were specific to this matter and to this prisoner's placement, so I would not say it is across the board. But in terms of placement in this high-risk category, if you were to apply that to other prisoners in the same category, then you could come to that outcome. But we obviously do not agree with the decision of the court. That is why we are here today.

Katherine COPSEY: Minister, the statement of treaty compatibility states that:

> Due to the recent establishment of the First Peoples' Assembly of Gellung Warl, it was not possible to give the First Peoples' Assembly the opportunity to advise on the Bill or for them to otherwise make representations about the effect of the Bill on First Peoples.

Minister, the new co-chairs of the First Peoples' Assembly of Victoria were elected and in place in May 2026, and this bill was introduced into Parliament on 17 June 2026. Can you explain why it was not possible to consult with the newly elected or the previous co-chairs of the First Peoples' Assembly of Victoria?

Enver ERDOGAN: I will get some advice from the minister's office.

I have sought clarification from the department. My understanding was that the First Peoples' Assembly was in caretaker, and then it took some time for them to be set up, as we know. At the moment they are still hiring some of their leadership team. I understand that. I understand that our department does still have, obviously, channels to the Aboriginal Justice Caucus and other stakeholders. It is fair to say – I do not want to verbal – that they were non-supportive or against this bill, I understand.

Katherine COPSEY: Can I clarify: was an attempt made to contact the First Peoples' Assembly?

Enver ERDOGAN: I understand that once the decision was made to proceed with the bill a briefing was offered, and I understand that briefing offer was not taken up. I will just get clarification.

Sorry, Ms Copsey. I understand a summary was provided to their representatives and to the Aboriginal Justice Caucus – I guess a summary of the intention to make these changes. That is what I am informed.

Katherine COPSEY: You are confirming that there was not an attempt made to consult with the First Peoples' Assembly?

Enver ERDOGAN: I would say a summary was provided of the action that was planned in relation to rectifying and addressing this court decision and the dilemma it left Corrections Victoria in. I guess people might have a different view. As I said earlier, the First Peoples' Assembly was in caretaker mode, but representatives there were informed or advised of the intention to proceed with a proposal to address the court decision. The level of consultation, because I was not a part of that, is difficult to describe, but some may say that was consultation. We told them, 'This is what we're going to do to address the legislation,' but I would totally understand on the other side that people might say it was not really the level of consultation expected.

Katherine COPSEY: Yes, that is very clear from Gellung Warl's statement today. I feel really frustrated because I feel we have had this exact conversation previously. I have asked you why the government has not complied with its own treaty obligations in relation to several justice bills that we have considered in this place. How can you reconcile the continued failure of this government to comply with treaty processes with your stated commitment to treaty?

Enver ERDOGAN: Ms Copsey, I think the government would accept in part that the approach to this legislation has been incompatible with treaty. Clearly the intention was to address this court decision and the impact it had on open air in correctional facilities for this cohort, but I think the government would accept that its approach to this is partially incompatible with its treaty obligations.

Katherine COPSEY: Why does the government keep failing to meet its treaty obligations?

Enver ERDOGAN: I can only speak in relation to this bill, but I think that we would say that because the bill was confined to mitigating the impact of the court decision and our understanding of the existing operational practice, in this instance we felt that it was necessary to proceed, to be frank. That is why this course of action was taken, but we accept and need to be up-front that in the spirit of treaty it is partially incompatible.

Katherine COPSEY: Minister, I just do not understand how the statement you just made is factual. This legislation is not confined to addressing the circumstances of a single court case. This legislation changes the rights of people across Victoria's entire corrections system. Would you like to clarify?

Enver ERDOGAN: We say we do not accept the interpretation that the court found about the access to open air. There are no plans to change practice. The existing practice with open air will continue. The legislation provides more flexibility to cover the situation that arose in that specific case, so this is about that specific case. But obviously the law has been drafted more broadly, and I explained that in my earlier answers I think to Mrs Deeming, who asked the question about why we did not just make a separate ruling about open air. It was because the advice was that this would provide the greatest flexibility and the greatest protection to corrections if these matters were to be appealed.

Katherine COPSEY: How is retrospectively legislating away liability for conduct that a court has already found unlawful consistent with the rule of law?

Enver ERDOGAN: I accept that as a legal principle retrospective law is not necessarily best practice. I do accept that, but there are always exceptions to that practice. This is one of those instances where we believe it is appropriate. It does not happen often, retrospective laws, but in this instance we believe it is proportionate to the level of risk and proportionate to corrections' conduct, which we believe was always lawful and was the regular operating mode for corrections in relation to this cohort of prisoners.

Katherine COPSEY: If a private citizen engaged in conduct of this kind, the person harmed could pursue damages without any statutory ceiling. Why should the state, the most powerful entity in Victoria and one of the ones with the best ability to raise resources, face a lower ceiling of liability than any individual would?

Enver ERDOGAN: I cannot speak generally, but in this instance it is because we believe the decision was wrong. We believe we do provide open air that is reasonable in the circumstances of this cohort of prisoners. That was the understanding for 20 years. We clearly did not agree with the court's decision. That is why we are coming here to fix the law, like we did in the Bird case earlier this year.

Katherine COPSEY: As set out in the Mandela rules, the requirement for 1 hour of access to open air per day reflects the minimum conditions considered necessary for humane detention. It is part of the general living conditions which shall apply to all prisoners without exception. Why is your government locking people up in inhumane conditions?

Enver ERDOGAN: I reject that premise. We say we comply with our open-air access. You will see that that was effectively our case in court: that we believed that our settings provided open-air access in the circumstances of the cohort of prisoners that was the subject of that case. Obviously the court disagreed, but our view is and we maintain that our actions are appropriate – that we do provide access. It is in a different circumstance because of the cohort of the prisoners and the risk they pose to others in the system. Therefore we say we comply, but this legislation needs to be updated to allow that flexibility because of that court decision.

Katherine COPSEY: Minister, I understand the state's argument, but the fact remains that you have been found to have breached a person's human rights, and that judgement stands. I understand that the state might be appealing parts of it. I will ask you again: you have been found at law to be detaining people in inhumane conditions – why are you persisting with it instead of fixing it?

Enver ERDOGAN: We would say we are fixing it. We clearly do not agree with the court decision. We say the court got it wrong. That is why we are here.

Katherine COPSEY: Deputy President, can I clarify: do the standing orders state that the minister needs to make factually correct statements during the committee stage?

The DEPUTY PRESIDENT: The minister does need to make factual statements, but I cannot judge the truth. If the minister believes he is telling the truth, that is it.

Katherine COPSEY: Minister, do you understand the difference between the argument that the state wants to continue making in court and the findings of the court?

Enver ERDOGAN: I am focused today really on the legislative correction that is needed to support the operation of the system. That is why we need to provide this flexibility to corrections to be able to provide open air as it sees fit for this cohort of prisoners based on their risk, and we believe that the courtyard approach for this is appropriate. If we did not think it was appropriate, we would not be here today. That is my view in relation to the court findings, and I am sure there will be a number of appeals. But the fact of the matter is we will be changing the laws today.

Katherine COPSEY: The retrospective provision in this bill extinguishes compensation for people whose right to open air has already been unlawfully denied. That is the finding of the court. That applies to people who have been held unsentenced on remand – people the state is holding before there has been any finding of guilt, and in some cases before charges that are later withdrawn. Minister, can you confirm that section 111AA applies equally to people who were never convicted of anything?

Enver ERDOGAN: I can confirm that it will apply to everyone in custody, including those in remand. I can confirm it does apply to people on remand equally, but our view is the practice should be the status quo.

Katherine COPSEY: I just want to understand: the minister is going to remove rights to compensation for people who have been held in inhumane conditions and who are later found not to have been convicted of any offence?

Enver ERDOGAN: We are updating the laws so that they reflect the practice in relation to people's access to open air, and therefore, when the laws are updated, it will not be illegal, because the laws are updated to reflect the practical reality of the corrections setting. That is the democratic will of the people.

Katherine COPSEY: That was a doozy. Can you explain the principle, Minister, on which the state denies a remedy to someone it has detained, who it has unlawfully deprived of fresh air and then released without a conviction? What is the principle that underlies that?

Enver ERDOGAN: I think we are moving away from this subsection of the act. I think the act changes are about ensuring access to open air and our interpretation of what is access to open air, and therefore we do not view it as unlawful detention. The people that are in corrections are there as a result of sentences of courts. Courts have the powers to sentence people or to confine people to a custodial setting. This is not about changing whether someone goes into custody or not. This is about their access to open air whilst they are in custody. Our view is that the existing practice for some of this high-risk cohort, where they go to a courtyard, is appropriate, and therefore the law is being updated to reflect that practice that we believe is appropriate and common in other jurisdictions, like New South Wales.

Katherine COPSEY: Minister, if your appeal is unsuccessful, will you repeal this law?

Enver ERDOGAN: No.

Katherine COPSEY: Wow, that is just lowering the bar so low that you cannot even fall over it. Minister, in the statement of treaty compatibility the government has admitted that some aspects of the bill will limit rights and intent protected under treaty. How do you consider the limitation of rights in this case to be proportional?

Enver ERDOGAN: We believe it is proportional because the risk that this cohort has to other prisoners and staff is so great. If we were not able to change the legislation today to keep the status quo practice of the courtyards, then that means the operations in prison would need to be changed, where there would be far more risk of injury to other prisoners and to staff. We have had to balance those, so we believe it is proportional, because we do not believe there should be an increase in risk to staff. We want to keep the current arrangements in place, and this legislative change allows that.

Katherine COPSEY: Minister, I just do not understand how that is a correct statement about what the bill does, because you have already admitted during this committee stage that these changes do not just apply to the particular cohort that you keep alleging represents a threat, they apply to everybody across correctional settings. Do you want to revise that answer? Because I do not think it was correct.

Enver ERDOGAN: No. I have said the legislative change is to the whole act that applies to all prisoners, but the cohort that is affected from this court case is the one in the high-security management units in particular. The existing law says minimum 1 hour. You can look; we publicise our out-of-cell average hours. It is many more hours than 1 on average across our system. Therefore for many prisoners there will be no change to the status quo. The operations will not change, and this legislative change will allow us to continue our existing practice.

Katherine COPSEY: You have not answered how you think that that is proportional when it applies to everybody across the corrections setting. You talked about it affecting a particular cohort. That is not the function that the bill puts into law, it applies to everybody, so how is that proportional?

Enver ERDOGAN: The legislation only sets the bare minimums. Most prisoners – almost all prisoners – get a lot more than the minimum. That will not change, because those are operational matters decided at the departmental and correctional level. The legislation sets the bare minimums, and those prisoners are not affected by the bare minimum, because they do not get bare minimum out-of-cell hours.

Katherine COPSEY: The cultural review into the adult custodial system found that abuse and misconduct are rife in Victorian prisons, and it recommended a new corrections act that would enshrine additional legal protections for human rights. Where is the action on that recommendation, and why have you gone down this path instead?

Enver ERDOGAN: These reforms were really in response to a court case, and that is why they came about. I am a big fan of law reform, and I think the Corrections Act could assist with further modernisation. From when it was drafted in 1986 to now there have been a lot of changes. Society has changed. I think the community's expectations, particularly on the prospects of rehabilitation for those that enter into custody and the causes of crime and causes of incarceration, have changed, and we do have a better understanding. I think that bigger law reform is out of the scope of today's legislation, and I would prefer that we just stick to the specifics of the causes before us, if that is possible.

Katherine COPSEY: In the statement of treaty compatibility the former corrections minister noted that incarceration can have profound impacts on Aboriginal people's physical and mental health and family and cultural connections and that that will be compounded by the limitations on the right to open air. Does the government accept responsibility for the physical and mental harm that will be inflicted on Aboriginal people through its passage of this bill?

Enver ERDOGAN: I think we all accept that Aboriginal people are over-represented – that is just factual – in our justice system. The underlying cause, Ms Copsey, as you would understand better than

many others, is the disadvantage that Aboriginal Australians and Aboriginal Victorians find themselves in in our country because of the way our nation and state were constructed and what Aboriginal people faced in the way our state was formulated. They find themselves in an inherent position of disadvantage as a result. This law is not targeting any group of people in our corrections system, but it has a disproportionate effect on Aboriginal people because Aboriginal people are disproportionately in correctional settings full stop. They are in the settings already, so it does have a disproportionate impact on them for that reason. But this legislation is not targeted to Aboriginal people; it is targeted to this cohort in the higher risk group in corrections, and that is where our focus is at.

Katherine COPSEY: On a point of order, Deputy President, I do not understand how the minister can keep making the statement that this legislation is targeted at a particular cohort. It is inconsistent with what he has also said in this committee: that it affects everybody who is in our corrections system. I would ask you to ask him to withdraw it, because I do not think it is factual.

The DEPUTY PRESIDENT: The minister's answer is the minister's answer; I cannot direct the minister how to answer questions. It is up to the minister whether he wants to withdraw anything that he said or whether he stands by what he said. I am sorry, I cannot direct him to do what you are asking.

Katherine COPSEY: Minister, I am going to ask you again, because you keep making this statement, and I do not understand how you are mentally reconciling the two statements that you make.

Enver ERDOGAN: The legislative change is general in application, so it changes the legislation for everybody. But the application will only impact those in these settings, because the court decision is about this maximum-security setting with a courtyard. Most prisoners, almost all prisoners – a very small cohort excepted – are not in those settings, so they will not face the specific implementation. The implementation will mean that cohort will continue to get their open air but it will be in the courtyard. For everyone else – it will not impact them because they get to go outside. Operationally it does not impact the broader population, because they do not get the minimum 1 hour.

Katherine COPSEY: I appreciate you saying that on the committee record, and I hope that this is looked at, but I just do not understand how you can give assurances that a law is only going to be applied in a limited fashion when the law creates an ability for corrections officers to apply it in a much broader fashion. I just do not understand how you can assert that.

Enver ERDOGAN: That is a fair concern. I am not going to dismiss Ms Copsey's statement there, and that is why the government does intend to accept an amendment from Ms Payne to have a review in three years time to see what is the practical effect. Our view at this point in bringing this legislation is that the practical implementation should be the status quo. But that is why we have accepted an amendment to do a review in three years time.

Katherine COPSEY: That is very nice, but it does not explain how you can keep making the assertion that you do. I invite you to reflect on that, and I would be really happy to hear an answer to that question at some point during the committee if it comes to you. I would like to understand: if the government's intent was for this change only to apply to people in similar settings to the claimant in Marrogi, it would have been entirely available to the government to draft a more specific piece of legislation that only applied to particular maximum-security prison settings, would it not?

Enver ERDOGAN: I understand different drafting proposals were explored, but this provided the state or corrections with the greatest protection. And as I said, it brings us more into line with New South Wales drafting in that sense. We need operational flexibility to operate safely. But I do take your point. It was a point that Mrs Deeming also made, I will add.

Katherine COPSEY: So you agree that there could have been a narrowly drafted piece of legislation, and this is not it?

Enver ERDOGAN: I understand that in drafting the department acted off advice. Options were explored, but this was the one that provided the greatest cover in terms of making sure that corrections do not find themselves back in court with a similar type of claim to that decision earlier this year.

Katherine COPSEY: I will invite you then to stop claiming in this place, where our words matter, that this is a targeted piece of legislation, because that is just not accurate.

The statement of treaty compatibility recognises that:

> … racism persists in the Victorian justice system, including the corrections system, and drives overrepresentation and poor treatment of Aboriginal people in prisons.

The statement also recognises that Aboriginal people will be particularly impacted by this bill because they are over-represented in prisons. Why, Minister, is your government introducing a bill that is perpetuating racism?

Enver ERDOGAN: What I do agree with is that racism is a real societal issue. Of course it plays out more sharply in the justice system, but it is a societal issue. It plays out in workplaces, in the sporting arena. It plays out everywhere, and clearly Aboriginal Victorians are greatly affected. The change is not targeted to them, but because Aboriginal people are over-represented in our justice system, they are more greatly impacted by these changes. That is right.

Katherine COPSEY: Do you understand that by continuing to implement regressive criminal laws that impact the rights and wellbeing of Aboriginal people, this perpetuates, and I would argue increases, the risk of another Aboriginal death in custody?

Enver ERDOGAN: We know, and I stated earlier, that this is about ensuring operational safety outcomes and managing the risk in particular of the cohort in relation to the court case that our goal is to focus on. Therefore it is necessary because there are competing rights, there are competing interests, so to speak, and we believe an operational approach that provides greater safety – the status quo, which provides a lot of safety and consideration for other prisoners and staff that work in these facilities – is important. Therefore the current arrangements should be able to be continued in a lawful way, and the only lawful way, we say, to continue the current operating system for this open-air access would be by changing the laws.

Katherine COPSEY: What safeguards are there for people in Victoria's corrections settings that are outside of high-risk courtyards?

Enver Erdogan interjected.

Katherine COPSEY: What safeguards are there for people who are not in high-risk courtyards?

Enver ERDOGAN: In what setting?

Katherine COPSEY: You keep speaking about a particular cohort and a particular arrangement in corrections settings. What safeguards are there for people outside of that cohort and outside of those settings to ensure that this bill will not be applied to them?

Enver ERDOGAN: In the end prisoner placements are a decision that corrections takes very seriously. As I have stated, people in lower risk prisons, such as minimum-security prisons, get greater out-of-cell hours. In medium security you get fewer hours, and in maximum you get even fewer out-of-cell hours, and that is based on the risk of the prisoner not only hurting themselves but also hurting others in those facilities.

Ultimately, those arrangements will not change. Like I said, the practical impact is the existing law says 'minimum 1 hour' and they get many more hours than 1, which is a good thing. I think the more out-of-cell hours the better, because we know out-of-cell hours are good for rehabilitation, for their prospects of successfully reintegrating back into the community. In that sense the current legislation

already sets a floor, and people are getting more out-of-cell hours than that floor. This legislative change will not change that for the other prisoners, let us say, in the general prison population.

Katherine COPSEY: The Victorian Aboriginal Legal Service is currently supporting a client who spent nine consecutive months in solitary confinement while he was on remand. He described his experience as if he was being mentally and physically tortured. Throughout this time he was repeatedly refused access to the outdoors. Is one of the aims of this bill to ensure that people like this client – who has, I would argue, experienced cruel, inhuman and degrading treatment and even torture – will not be able to access monetary compensation for the harm they have suffered?

Enver ERDOGAN: Ms Copsey, you would appreciate that the way the legislation is now being drafted, the right to open air still applies to all prisoners, with the exceptions. So the presumption is a right to open air, and unless those reasonable exceptions are met, then people should have access to open air. But in relation to a specific case, I do not want to comment because, as you stated, every circumstance is different, and it would not be right for me to comment on individual matters.

Katherine COPSEY: But, Minister, you earlier confirmed that it is no barrier to someone being denied compensation that they were in corrections settings on remand or later had their charges withdrawn without conviction.

Enver ERDOGAN: Could you just repeat that?

Katherine COPSEY: Earlier in the committee debate I think I heard you confirm that it is no barrier to someone being denied compensation that they were imprisoned on remand or that they were in custody and later had charges withdrawn without a conviction. Someone in those circumstances would still be denied compensation. It is the effect of this bill.

Enver ERDOGAN: Ms Copsey, yes. They would not get compensation for the open-air element. They might have another legislative reason or legal reason to get compensation, but for the restriction of open air, they would not have a legislative redress.

Katherine COPSEY: Minister, on 28 May last year in your capacity as the Minister for Corrections, you told this chamber – it was in response I think to a question without notice – in your own words that record keeping in corrections was a 'gripe' of yours, that you only received, in your capacity then, records of disruptions above 15 minutes and that you could not distinguish between a person who was locked down for 15 minutes and a person who was locked down for much longer. You spoke about the data and the need to digitise it, and this was one of your concerns on coming into the portfolio. Minister, was this problem fixed when you exited the portfolio?

Enver ERDOGAN: I can say now, as the Minister for Government Services, that digitisation is still a challenge. I have not heard anything to the contrary, but I still believe it is so in our corrections system and across our justice system. I understand that you would know the courts well. It is still a challenge. I think digitisation of record keeping and extraction of data are still an issue. A lot of it is still very manually heavy across government, and that is why, as Minister for Government Services, I am excited by my new role.

Katherine COPSEY: Minister, it is still not possible to distinguish between someone who has been locked down in prison for 15 minutes or for much longer. Is that your understanding?

Enver ERDOGAN: Obviously it has been a few months now, so I might just seek clarification if something has changed in that time.

Of course our general managers and the leadership of our prisons know what is happening in their prison system. The usual practice when I left the portfolio – and it is my understanding that this continues to be the case – is that these matters are recorded after 15 minutes, and that is the level of recording unless there is a bigger incident. Again, it may have changed from prison to prison since I left, but I do not have that kind of level of detail at hand.

Katherine COPSEY: Minister, how can you be asking Parliament to grant powers to corrections that on your own evidence the department has no reliable way to measure, monitor or report?

Enver ERDOGAN: Because general managers and prison officers know what is happening in their prisons. If there is something that is not right, there are applicable bodies to make complaints to. We have a modern corrections system with some of the best health care. We have Aboriginal wellbeing officers. We have a number of support networks that are already in place. There are other bodies to report to if there is a belief that somebody has not been treated fairly, and obviously where there is a clear breach, to the relevant agencies – the Ombudsman and IBAC – and directly to the department as well. I think there is quite considerable oversight of our system. It may not necessarily be the level of detail or specifics that are easily publishable, understanding it is a big network with over 15 prisons and thousands of people in it. Nonetheless it should be a focus. Across government services we need to digitalise going forward, and I think that is one key area where technology could assist us.

Katherine COPSEY: Minister, you just said that the people who will know what is happening here will be general managers of prisons. How will the department find out if people's right to open air is being regularly denied?

Enver ERDOGAN: We need to be clear: people in prison still have rights. They can report it themselves as well. Calls to the appropriate bodies – prisoners can exercise those rights. In fact in some of our prisons we have introduced new technologies and ways of communication for prisoners. Especially during the pandemic, that was one of the opportunities we had with the Zoom calls that we implemented, which meant people had opportunities to raise their concerns.

Katherine COPSEY: On a point of order, Minister, I am not asking for a general rundown of prison programs. I want a specific answer, because I am concerned by the answers you are giving in this committee stage. How will the department know if people's access to open air is being routinely denied?

Enver ERDOGAN: The way they know now. People are not being denied access to open air. The court decision was about the specific cohort that this prisoner found themselves in. We say that person did have access to open air, albeit in a courtyard structure that the court did not approve of that we believe is access to open air.

Renee Heath interjected.

Katherine COPSEY: I will take up Dr Heath's suggestion. It is a good one. What is the current process for prison operational officers to monitor whether a prisoner is getting the minimum 1 hour of access to air per day?

Enver ERDOGAN: For the general population there are certain out-of-cell hours that operate. For example – I have not visited, but just in my practical experience – for many of the minimum-security prisons it might be, say, 8 am to 5 pm that people are out of their cells. That just applies to everyone, so they do not need to keep a detailed record for each individual. But people in management units, they do have a profile and make sure, because there are legislative requirements about checking on their wellbeing and so on. There are records on each person's file, so to speak, in relation to if the legislative requirements about health checks. Out-of-cell hours or open space would be recorded on that individual's file.

Katherine COPSEY: So this data does exist. Is it reported to the department?

Enver ERDOGAN: A lot of the systems are kept at the prison level, or corrections might have some of the data on individuals. But I believe for the general population it is just the hours that apply across the prison, because they are participating in employment programs and so on. In relation to where that data is kept, let me get clarification.

I will need to take that on notice because I do not have an answer for that one.

Katherine COPSEY: I appreciate that. I just want to ask one more time: how is the department and the minister of the day to know if people in correctional facilities in Victoria are routinely missing out on their minimum 1 hour access to open air per day?

Enver ERDOGAN: As I said, there are existing practices. If they are denied open space, I can tell you, prisoners have very strong support networks, so they can provide that information, report it to the appropriate agencies, and action will be taken. But I think prison general managers are a very competent group of people. Units keep records in their daily logbook of lockdown times, depending on the unit and depending on the prison. That is what management does. They set the program for each prison and each unit, and that is applied to the prisoners in that unit. Therefore there is a process at each prison that the general manager manages to ensure people have access. I guess if a prisoner did not have access to out-of-cell hours or open air, which we say they do, then they would be able to report it to the existing bodies, and many of them have access to legal services – the same legal services that wrote to you. They would raise it with those legal services and those supports.

Gaelle BROAD: I understand with that information at the moment the data needs to be FOIed to be accessed. Would you be able to make it publicly available so that there is a record of those that are not able to get that minimum 1 hour?

Enver ERDOGAN: We would not report on individuals in the corrections system, because it becomes more identifiable, especially when you are talking about the high-risk cohort. A lot of them are public figures, so to speak.

Gaelle BROAD: Would it be possible to record a percentage perhaps, so it is not individualised, to make that information publicly available?

Enver ERDOGAN: The challenge would be to collate it at each prison site where that has happened. There may be a reason, but there is a legislative requirement that they get open air. I think there might be the same sort of data collection challenge, because each prison is managed by effectively a general manager or what used to be called a governor.

Renee HEATH: What I am picking up from the room here is there seems to be a massive concern about this change, which is meant to be a very targeted change, which came into place because of one court case. It says in the charter of human rights compatibility statement that this is a very targeted change to deal with this one outcome from the Supreme Court judgement. But what we are hearing here is because of that change there is now going to be a blanket change that could possibly – well, this is what we are trying to get to – affect every single prisoner in the state of Victoria, and that is factually correct. What we are trying to get to here is: how do we know that an unintended consequence of this bill is not going to be that there are going to be breaches of the human rights of prisoners by depriving them of open air? What we are trying to ask is: how can you guarantee to us that that is not going to happen? Does that make it clear?

Enver ERDOGAN: The published data point is the out-of-cell hours, which are published annually, so you will be able to see if there is a trend of those declining and if that decline is due to this legislative change. But also, as I stated earlier, we will be accepting an amendment by Ms Payne, which will mean that after the commencement, no later than three years after, there will be a review of this new clause.

Katherine COPSEY: Minister, it is good to hear that there is one open public data point that we can access. I am disturbed, though, by your suggestion that if the state is to assure itself that people's access to open-air rights are being met, it falls to individuals to make complaints rather than there being a proactive approach by the state to ensure that occurs. To take a really live example in our prisons, how are people supposed to make a complaint if they are experiencing prolonged lockdown

in a correctional facility where they do not have access to a telephone and cannot raise the complaint with their lawyer? How are they supposed to do that?

Enver ERDOGAN: Exactly the way that it happens now – the same way. They do have access, because prisoners have a right to access health care, wellbeing checks et cetera, so there are many avenues for them to raise issues, and those checks and balances are in place depending on the cohort of prisoner. We do have oversight bodies that look at corrections and its operations, from WorkSafe to the Victorian Auditor-General's Office (VAGO) to the Ombudsman to IBAC. They do periodically look at the corrections system and write reports on the corrections system. We have independent prison visitors that visit most of our prisons, and they give a full and frank – I have met with the beautiful volunteers – assessment of what they have observed. They hear comments, sometimes positive, but a lot of complaints and concerns of prisoners, and they feed that back to the department. So there is an existing kind of ecosystem, if you like, of people that operate in our correctional system for Aboriginal prisoners, because I know you have expressed concern. We have Aboriginal wellbeing officers in prisons that would raise those concerns. To take this view of prison staff being anti and being people who would mistreat prisoners, I do not accept that premise at all, to be honest. I think that is the way it sounds, and I do not accept it. A lot of prison officers care about the people in custody and do their job lawfully, just like a lot of police officers. I know you might not accept that either. They do. They take their duty seriously. If there is a legislative requirement, prison officers have a legal duty but also an ethical duty to treat prisoners within the law, which they overwhelmingly do.

Katherine COPSEY: No, I am not reflecting on the conduct of corrections officers.

Enver ERDOGAN: Yes, you are.

Katherine COPSEY: No, I am not. I am – do not argue with me.

Enver ERDOGAN: You are.

The DEPUTY PRESIDENT: If we can just draw it back to asking questions.

Katherine COPSEY: I am not going to let you put words in my mouth, Mr Erdogan. I am reflecting on what you have told this chamber tonight, and I am reflecting on a concern that I am hearing from stakeholders across the board that there is routine failure of people in correctional settings in Victoria to get access to open air at present. What you have told this chamber tonight is that the way that people are supposed to guarantee that right is not on the state. You told us that the way that people are to secure that right –

Enver Erdogan interjected.

Katherine COPSEY: and the way that the minister would know and the department would know, you said, was that people would make complaints. I am concerned from your comments that there is not a proactive monitoring stat that is available to the minister and the department. If I am wrong about that, please correct me, because that is the impression I have gotten from your answers so far.

Enver ERDOGAN: There is a legislative duty on employees to follow the law, and they do that overwhelmingly well. We will always back our prison officers.

Katherine COPSEY: Once again I am not talking about the conduct of prison officers. I am talking about how the department or the minister will know if there is routine failure to meet this target.

Enver ERDOGAN: General managers and prison staff take their obligations seriously, and they overwhelmingly comply with the legislative requirements. When there is a failure, it is usually reported by prison officers themselves or management at those prisons to the corrections commissioner and to the department. Usually it is self-reported when something goes wrong. But if that system does not and the quality assurance processes there do not pick it up, there are outside bodies. I have named a number of them, a large number, from WorkSafe to VAGO to the Ombudsman to IBAC to the Aboriginal wellbeing officers we have in place. We have visitors, we have legal

practices that come into our prisons, including independent prison visitors, but to the utmost I have trust in our prison officers. They overwhelmingly do an amazing job.

Katherine COPSEY: If the record keeping was inadequate for monitoring existing lockdowns a year ago, and this bill now adds a further ground to deny people time in the open air, do you accept that the exercise of this new power will be effectively invisible?

Enver ERDOGAN: No.

Katherine COPSEY: That is good. How will it be visible?

Enver ERDOGAN: I just outlined the existing mechanisms.

Katherine COPSEY: So it is going to be on individual people in prison and their representatives to report if this power that is being granted results in additional people being denied access to open air for an hour a day.

Enver ERDOGAN: This is asked and answered. As I have said, prison officers overwhelmingly take their job and duties seriously. They comply with the law. If they were not complying with the laws, there would be a report from within prison usually in the first instance, but if there were not, it would be picked up by all these other agencies. I feel like I am repeating myself now.

Katherine COPSEY: I would like to understand if you and the government are interested in how frequently the powers under this bill are going to be exercised. Would you undertake to publish on a regular basis how often operational considerations are relied on when people are denied access to open air?

Enver ERDOGAN: I believe there are a range of existing publicised reports, and so we are not committing to any further reporting.

Katherine COPSEY: Minister, could you please tell me what those reports are?

Enver ERDOGAN: It is a good question. I like that. I understand there is a budget paper – BP3 – that reports, for example, on out-of-cell hours. But there are internal systems. I know you would appreciate the public service have their own quality assurance processes for reporting on the operations of prisons on a whole set of criteria. A lot of it is internal. There are obviously outside agencies that they report to also, but the most public facing one I can refer to is probably the budget papers.

Katherine COPSEY: Would I be right to assume that that out-of-cell-hours reporting is aggregated across the entire correctional system, or do you have data that is available at the individual facility level?

Enver ERDOGAN: I think that the data that is published in the budget papers is across the system.

Katherine COPSEY: All right. I understand that you have shared with the chamber that the government will be supporting Ms Payne's amendment for a statutory review. Minister, that review will only be as good as the data it can draw on to see how this is working in practice. You have confirmed to the chamber tonight that the information on the prolonged use of lockdowns, the data that is coming through to corrections, has not been fixed in the way that you hoped it would be when you were the minister, and you have now told the chamber that publicly we can only see out-of-cell hours at the general level of the entire corrections system. To make this review functional and worthwhile, Minister, would you undertake to publish the frequency, the duration and who has been affected by the powers granted in this bill to deny people open air, and will you collect those and make them public from the day that these provisions commence?

Enver ERDOGAN: We cannot do that, because I think that would be a very big operational burden on corrections staff to undertake. They already have a range of responsibilities, and I think to commit to that tonight without the broader resource implication and practicality would be reckless.

Katherine COPSEY: Minister, though, you did earlier in the committee stage say that corrections officers are keeping data around people who are in prison and their access to out-of-cell hours. So the data exists, doesn't it, but you will not make it public?

Enver ERDOGAN: I think there are a whole range of data. Some of it is protected because of privacy in relation to prisoners. Some is more challenging to collate and to properly process, because it is a complex system. People come in and out, they move. It is a big administrative challenge.

Katherine COPSEY: How will we know if this bill that is being debated tonight results in an increase in people losing access to open-air rights?

Enver ERDOGAN: I think we have been clear that that is not the intention. But more importantly, I think in the broader out-of-cell data you would see a long-term trend in that data in the public-facing angle. But more importantly, I think that is not the case. We believe this is just continuing the existing practice, and in particular in response to that case that this legislation was drafted from.

The DEPUTY PRESIDENT: Ms Copsey, I invite you to move your amendment 1, which is a test for all your remaining amendments.

Katherine COPSEY: I move:

1. Clause 1, line 5, after "considerations" insert "and to further provide for persons detained in police gaols".

The function of these amendments I did speak to during my second-reading contribution, but just to be brief, this relates to the decanting issue. We have spent a lot of time talking about the substance of the bill, but another existing problem is the continued over-reliance on police cells in Victoria to house people outside of the actual corrections system. What my amendments do is place a legislated upper limit of 14 days on the length of time a person can be held in a police jail. They also provide that in calculating that 14-day maximum time, any time that a person has previously served in a police jail is counted towards that 14-day total. The intent of these is to stop the decanting process whereby the clock is reset when someone is moved around between police jails. This is not a good process. This is not a good reality that anyone is experiencing at the moment. The conditions within police jail are not suitable for longer term detention. There are people going missing within this system at the moment. Legal representatives and family members are not aware of where people are being incarcerated. The conditions in police jails are not suitable to meet people's human rights, and they are losing access to legal support, medical appointments – there is difficulty even getting people a change of clothes or a change of underwear while they are located in these cells. So they are not a humane way for people to be held in Victoria. They are also a huge drain and burden on police resources. This is not a burden that should be borne through the police jail setting. My understanding is that it is taking police and diverting resources to transporting people across the state, sometimes hundreds of kilometres, which is not a good use of anyone's time and is inhumane. The effect of these amendments will be to limit that practice, and I commend them to the chamber.

Enver ERDOGAN: I want to thank Ms Copsey. I stated earlier that the government normally would not accept out-of-scope amendments, but in the interests of this legislation the government will not be opposing this amendment. If I could – not to verbal you, but to take out of those comments – I think it is a fair reflection that custodial settings are definitely preferable for people in these circumstances than a jail cell. Obviously corrections is set up to accommodate people when they find themselves on the alleged wrong side of the law, because we are talking about people that are not yet convicted. On that point the government will not be opposing this amendment.

David LIMBRICK: The Libertarian Party will also be supporting Ms Copsey's amendment. I think that the timeline here is reasonable – two weeks, 14 days. Police stations are not meant to be long-term holding facilities, they are meant to be short term. The issues at the moment with decanting and this sort of thing are a symptom of a bigger problem. My main issue with Ms Copsey's amendment is I am not convinced that the government would actually be able to implement it in time. Therefore I

will also be supporting the government's amendment, which pushes the date back to September 2028. It pushes it out for two years. I do not want the current situation to go on any longer than is possible. But at the same time I do acknowledge that it will take a fair amount of work to fix this issue, and it seems appropriate that we would need time to do that.

That said, I urge the government to move quickly on this. Two years can go pretty quickly, and if you need new facilities or something, they take a lot of time to build. I do not want to be in a situation where we are forced to let people out or something. It makes sense to keep them in the police station jail for as short a period as possible, but it is not possible to keep them out of there and put them into a remand centre because of the current system. I do think that it requires a bit of time to implement this. That said, I think that two weeks is a reasonable timeframe. In fact it is probably too long. I would hope that most prisoners would stay there for far shorter periods than that. Two weeks should be the maximum, as Ms Copsey has outlined. I think that this is a good amendment. It improves an otherwise awful bill, in my opinion, but it is a small improvement that I hope will result in better prisoner management.

Renee HEATH: The Liberals and the Nationals will also be supporting this amendment. I also want to point out that, yes, I think two weeks is still a very long time to be held in a situation like that. But like the minister said before, we are legislating a minimum standard, so we still hope that people will be in there for much less time and then put into more appropriate environments. Yes, we will be supporting that. We will also, the same as Mr Limbrick, be supporting the government's amendment to the Greens amendment to allow time for the right staffing and the right conditions to be put in place to be able to achieve it.

Katherine COPSEY: To clarify the intent of the amendment based on just a couple of the contributions then, this will put in place a maximum 14-day period. However, it does not alter where in the order establishing a prison jail there is a lower maximum time for that jail. That should remain in place. That is how the amendment will function.

Amendment agreed to.

Rachel PAYNE: I move:

1. Clause 1, line 5, after "considerations" insert ", to provide for a review of the operation of certain amendments to that Act".

Just to add to that, I want to thank everyone for their engagement on this – for a statutory review to be conducted no later than three years after the day of royal assent of this bill. Considering that there are so many stakeholders raising concerns around breaches of human rights, around the issue of the breach of the charter of human rights and also around issues that have been raised by the First Peoples' Assembly, I think a review is warranted. I appreciate both the government and the opposition supporting this.

Enver ERDOGAN: I want to thank Ms Payne for her engagement with the government in relation to this legislation. I think it is clear from discussions across the chamber on all sides that there is need for a review to see how the practice is operating, and I think this is a sensible improvement to the legislation.

David LIMBRICK: The Libertarian Party will be supporting this statutory review. I think the date is appropriate. Assuming that the government's house amendment passes, that will be two years in the future and this will be one year after that, so I think the timing of it is probably appropriate. It means it will have been operational for approximately a year, and that probably gives us enough data to see how things are working and have a look at it. If something is not working well, hopefully we can fix it quickly. I think that that is a good idea.

Renee HEATH: The Liberals and the Nationals will also be supporting this amendment for the statutory review. I think that, if anything, the last hour has really proved the incredible need for it. I

am very happy, because it does amaze me that we can override a human right; it is, quite frankly, a concern. When we do that, I think we have got to hold the bar a lot higher, so I think that this is a very sensible idea, and we are happy to support it.

Katherine COPSEY: The Greens will be very happy to support Ms Payne's amendment for a statutory review. I note that we were just having a short discussion, and the statutory review is, at the latest, after three years. I would hope that if it is apparent that as a result of this bill we are seeing a deterioration of people's rights in custody, that intervention could be made earlier. The Greens are deeply concerned and share the concerns of stakeholders not only that the current circumstances in corrections settings in Victoria create the risk of imminent deaths in custody, but also that this bill the chamber is debating tonight will exacerbate that risk. I would certainly hope that should we see deterioration we could see this review earlier, but I think it is nonetheless an excellent idea in response to a really far-reaching change that is being made to people's rights this evening.

The DEPUTY PRESIDENT: The question is that Ms Payne's amendment, which tests her amendments 6 and 7, be agreed to.

Amendment agreed to; amended clause agreed to.

Clause 2 (20:55)

The DEPUTY PRESIDENT: I invite Mr Erdogan to move his amendments 1 and 2, which also test his amendment 3.

Enver ERDOGAN: I move:

1. Clause 2, page 2, line 1, after "of this Act" insert ", other than sections 5AAA, 5AAB and 5AAC,".
2. Clause 2, page 2, after line 3 insert –

"(3) Sections 5AAA, 5AAB and 5AAC come into operation on 8 September 2027.".

I think Mr Limbrick already spoke to my amendment. This is just giving time, in light of the amended legislation, to be able to implement the changes to the police custody arrangements and the new maximum, and therefore this is just a practical change to give two years time. For any operational changes of this magnitude you do need time for them to filter through from police practice to corrections practice and to build in that capacity and capability. This will give us that time to get it right.

Katherine COPSEY: I do have a question actually for the minister, as this was circulated as we came into committee. Minister, I heard outside this chamber that the government was proposing a 12-month delay to the commencement of this provision. However, you keep referring to two years. Can you please explain to the chamber – I am sorry if I am muddying the waters here – what this amendment does in terms of the commencement of the bill and the delay that it effects?

Enver ERDOGAN: I will get clarification on that for you.

I just want to confirm it is one year for implementation into operation. My amendment to section 3 is about a repeal of that section of the act. Yes, it is within two years, but within one year it is going to be operationalised.

Katherine COPSEY: Thank you very much, Minister, for clarifying that. It is hard sometimes to make sense of an amendment sheet in isolation. The Greens will not be supporting this amendment. I was very open to having discussions with the government about the commencement date for the amendment that I have moved this evening. We unfortunately were not able to receive a response from the government to some of the proposals that we put forward, and the government has not had the opportunity to explain the precise operational barriers that prevent this change coming into effect before 12 months have elapsed. Just on that basis, we do not support this, although I acknowledge there could be some operational requirements that need to be met in order for it to come into effect.

As I said, I remain very concerned, and stakeholders that have been contacting me remain very concerned, about continuing deaths in Victorian custody. We have seen, very sadly, recent examples of that, and the Victorian Aboriginal Legal Service have very publicly said that they are very worried about the risks that decanting raises to continuing deaths in custody. If the current situation persists for another year, I do not think that is actually an acceptable period of time for that risk to continue. I would have liked to speak to the government about a sooner commencement date. However, should the amendment come into law, I am very pleased that we will be making progress on this, but the Greens would have preferred to see it happen sooner.

David LIMBRICK: As indicated earlier, the Libertarian Party will be supporting this amendment. I share Ms Copsey's concerns about the current operation of the system. However, I do also appreciate that operationally this seems like a large project. I am not an expert in these things, but it seems like it is a large project that will require a lot of coordination and work, and therefore it is reasonable to allow some time to do that and not rush it. The last thing that we want to do is rush any of these changes. Mistakes happen, and when you rush things it can make things worse. I do not want to see undesirable outcomes from rushing things, so I am comfortable with delaying the implementation date.

Renee HEATH: The Liberals and the Nationals will be supporting this. We also would love to see an earlier implementation date. But we also know that, with the shortage in the police force and these sorts of issues that are facing Victorians at the moment, it quite frankly probably would not be achievable on an operational level. We will be supporting this amendment.

Amendments agreed to; amended clause agreed to; clause 3 agreed to.

Clause 4 (21:02)

Rachel PAYNE: I move:

2. Clause 4, after line 28 insert –

"(1A) In determining whether a prisoner is to be denied access to the open air, regard must be had to –

(a) any medical, psychiatric or psychological condition of the prisoner that may be adversely affected by the denial of access to the open air; and

(b) in the case of a prisoner who is an Aboriginal person, any issues that arise due to the person's Aboriginality.".

I did speak to this in my second-reading speech, but essentially it is in relation to considerations for determining access. There are two parts to this. Proposed subsection (1A) provides that, in determining whether a prisoner is denied access to the open air, regard must be appropriate to, per paragraph (a), any medical, psychiatric or psychological condition of the prisoner that may be adversely affected by the denial of access to the open air.

Under the Victorian Charter of Human Rights and Responsibilities Act 2006 prisoners retain human rights, including section 10, protection from cruel, inhumane or degrading treatment, and section 22, the right of a person deprived of liberty to be treated humanely and with dignity. This is identified by the Victorian Equal Opportunity and Human Rights Commission. They recognise that these protections continue to apply in prisons, notwithstanding that some restrictions on rights are necessarily associated with imprisonment.

David LIMBRICK: If this amendment had been talking just about medical, psychiatric or psychological conditions of prisoners, I would have supported it. Unfortunately, it has a second paragraph where it talks about Aboriginality. This type of race politics is sort of getting out of fashion and pretty soon will be considered very old-fashioned in Victoria. Victorians are sick of it. It is a breach of the principle of equality under law. I am not going to support anything that entrenches race in the Victorian statutes, so I will be opposing this.

Rachel PAYNE: Please forgive me. I have realised that I did not speak to new subsection (1A)(b) in this amendment – thank you, Mr Limbrick, for highlighting that to me – which is in regard to the case that a prisoner is an Aboriginal person and issues arise due to the person's Aboriginality. This amendment is consistent with the approach already recognised in section 3A of the Bail Act 1977. That is why it has been equated with this bill. That provision expressly requires decision-makers to consider, in the case of an Aboriginal person, any issues that arise due to the person's Aboriginality. I will point to the fact that Aboriginal people who may find themselves incarcerated may have particular cultural, family, community and connection-to-country considerations that are relevant to their wellbeing and to the impact that decisions made in custody can have on them.

Renee HEATH: The Liberals and the Nationals will not be supporting this one. We have been quite collegiate up until this point, but this one we are not supporting.

Enver ERDOGAN: The government will also not be supporting this amendment.

Katherine COPSEY: The Greens will be supporting this amendment, and I thank Ms Payne for bringing it. We have already canvassed really extensively, but the bill's own statement of treaty compatibility refers to the fact that people of an Aboriginal background are more at risk in correctional settings. It is entirely appropriate that in order to try and reduce the inequality of outcomes we take factors such as that into consideration. It is very important, given the devastating impacts that the provisions granted by this bill can have on the welfare of individuals who are within Victoria's justice system, that factors such as the mental wellbeing and mental health risks of the denial of open air be taken into account. I thank Ms Payne for bringing these amendments, and the Greens will be supporting them.

Council divided on amendment:

Ayes (6): Katherine Copsey, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (29): Ryan Batchelor, Melina Bath, John Berger, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendment negatived.

Clause agreed to.

Clause 5 (21:14)

Rachel PAYNE: I move:

3. Clause 5, line 11, omit "No amount is" and insert "The total maximum cumulative amount".
4. Clause 5, line 19, omit "47(1)(a)." and insert "47(1)(a) –".
5. Clause 5, after line 19 insert –

"must not exceed $1 000 000.".

Essentially this amendment impacts the total maximum liability – it sets a maximum cap of $1 million. The bill retrospectively removes the government's liability for violating the rights of prisoners, even though the Supreme Court's decision is subject to an ongoing appeal. Removing payment liability also breaches the International Covenant on Civil and Political Rights, which Australia is a signatory to. I think it also should be noted that there have to be consequences to corrections decisions on what are considered operational considerations, and having a cap on the maximum liability I feel is appropriate.

Katherine COPSEY: The Greens will be supporting this amendment.

David LIMBRICK: I feel a little bit of deja vu here because we had a similar conundrum before when we had to face the possibility of people that had been wronged by the state having no compensation or people that had been wronged by the state having infinite compensation. We had to make a compromise of a cap, which would result in people that were wronged being able to get some sort of compensation – but cap it here. So I think that what we are doing here is actually a reasonable compromise that allows actions to be taken. When the state does something wrong, it allows someone to sue the state, but it also ensures that taxpayer resources are not bled dry in the process. I think that this is a reasonable amendment, and for consistency I will be supporting it.

Renee HEATH: The Liberals and the Nationals will not be supporting this amendment.

Enver ERDOGAN: The government will not be supporting this amendment.

Council divided on amendments:

Ayes (9): Katherine Copsey, Moira Deeming, Anasina Gray-Barberio, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Rikkie-Lee Tyrrell

Noes (26): Ryan Batchelor, Melina Bath, John Berger, Gaelle Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt, Richard Welch

Amendments negatived.

Clause agreed to.

New clauses 5AAA, 5AAB and 5AAC (21:19)

Katherine COPSEY: I move:

2. Insert the following new Clauses to follow clause 5 –

'**5AAA Police gaols**

In section 11(3) of the **Corrections Act 1986** –

(a) for "The" **substitute** "Other than in circumstances of extraordinary emergency, the";

(b) for "(if any)" **substitute** "(not exceeding 14 days)".

5AAB General power to authorise transfers of detained persons

After section 104DF(2) of the **Corrections Act 1986 insert** –

"(3) In determining the maximum period for which a person transferred from a police gaol to another police gaol under this section may be held in the police gaol, any period that the person was held in a police gaol prior to the transfer must be included.

Note

See also section 11.

5AAC New section 133 inserted

At the end of Part 11 of the **Corrections Act 1986 insert** –

"**133 Transitional – Corrections Amendment Act 2026**

Section 104DF(3) applies, on and after its commencement, in relation to a detained person whether they became a detained person before, on or after that commencement.".'.

Renee HEATH: The Liberals and the Nationals will be supporting this.

New clauses agreed to.

New clause 5AA (21:20)

Rachel PAYNE: I move:

6. Insert the following New Clause to follow clause 5 –

'**5AA New section 111AB inserted**

After section 111A of the **Corrections Act 1986 insert** –

"**111AB Review of certain amendments**

(1) The Minister must cause a review to be conducted of the operation of the amendments made to this Act by the **Corrections Amendment Act 2026** (other than section 5A of that Act).

(2) The review must be commenced no later than 3 years after the day after the day on which the **Corrections Amendment Act 2026** receives the Royal Assent.

(3) The review must be completed no later than 6 months after it commences.

(4) The Minister must cause a report of the review to be laid before each House of the Parliament no later than 14 sitting days after receiving it.".'.

Just briefly, I want to thank the Federation of Community Legal Centres and Victorian Aboriginal legal centres for their engagement on this bill.

New clause agreed to.

Clause 6 (21:21)

Enver ERDOGAN: I move:

3. Clause 6, lines 12 and 13, omit "the first anniversary of the day on which it receives the Royal Assent" and insert "8 September 2028".

Amendment agreed to; amended clause agreed to.

Long title (21:22)

Katherine COPSEY: I move:

3. Long title, after "considerations" insert "and to further provide for persons detained in police gaols".

Amendment agreed to.

Rachel PAYNE: I move:

7. Long title, after "considerations" insert ", to provide for a review of the operation of certain amendments to that Act".

Amendment agreed to; amended long title agreed to.

Reported to house with amendments, including amended long title.

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (21:23): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Enver ERDOGAN (Northern Metropolitan – Minister for Finance, Minister for Casino, Gaming and Liquor Regulation, Minister for Government Services) (21:23): I move:

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

Council divided on motion:

Ayes (27): Ryan Batchelor, Melina Bath, John Berger, Gaelle Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Noes (8): Katherine Copsey, Moira Deeming, Anasina Gray-Barberio, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill with amendments.

Consumer Legislation Amendment Bill 2026

Second reading

Debate resumed on motion of Lizzie Blandthorn:

That the bill be now read a second time.

Melina BATH (Eastern Victoria) (21:30): I rise to make a contribution on behalf of the Liberals and Nationals on the Consumer Legislation Amendment Bill 2026. In doing so, I would like to give a shout-out and a thankyou to our Shadow Minister for Consumer Affairs, Jade Benham, the member for Mildura. This is her first shadow ministerial carriage of a bill. It is a substantive bill. It is an omnibus bill. I know that she has been working most diligently, and consequently she does have a number of amendments that we are going to go through during the committee stage. I believe she has also been working quite collaboratively with the new Minister for Consumer Affairs Minister Richardson. We will go through the process and see what comes out at the end. Mind you, when we were having a discussion around this, she said that Minister Richardson is the third minister in the course of this bill since it was introduced. There has been a little bit of *Peyton Place* occurring within the Labor Party and the government. We have seen, probably since the start of this bill, that there has been a change of Premier.

This is an omnibus bill. It contains 179 clauses across 13 parts and amends a wide range of consumer legislation, including laws dealing with estate agents, owners corporations, residential tenancies, residential parks, the sale of land, illicit tobacco and motor car sales. It is a little bit like one with the lot. There is much in this bill that is sensible and can be supported, but it also needs careful scrutiny. We certainly do not oppose consumer protection in an ever-changing world. It is to ensure that the mechanisms are workable and proportionate and do not create unintended consequences for the very consumers that they are intended to protect.

Our amendments therefore focus on independence, on transparency and on workability. The core amendments include workable auction reserve prices, retaining and modernising the section 27 deposit release safeguards, an informed contract pathway in terms of section 32, retaining independent and proportionate protections for motor car traders and consumers and protecting responsible landlords who take lawful action against illicit tobacco activity. I know that has been something that my colleague Tim McCurdy, who is the shadow minister in that space, has been working very hard and long on. Only in question time today I raised the issue of an alleged abduction and stabbing in my electorate due to these illicit tobacco shops. Extortion, corruption and criminal activity are occurring, very sadly, in metropolitan Melbourne but also in regional Victoria.

I will try and keep this as concise as possible, but it is important to cover off on the various elements of this bill. In relation to the clauses, clauses 3 to 10 look specifically at seized goods and documents.

Consumer Affairs Victoria receives clearer powers and procedures for notifying owners, returning seized property and ultimately forfeited uncollected property. Generally, a person has 28 days after a notice to collect an item with court proceedings for its return, preventing forfeiture while the matter is unresolved. Really, this is just administrative bookkeeping. Consumer Affairs should not have to store abandoned seized goods indefinitely, providing proper notice and making sure review rights are preserved.

In relation to debt collectors, it updates the categories of persons prohibited from engaging in debt collection, with relevant offences that have been committed in Victoria, interstate or under the Commonwealth – really, again, a sensible consistency measure. A person should not be able to exploit judicial technicalities to avoid restrictions arising from serious misconduct.

In relation to conveyancers and trust accounts, this bill allows the Business Licensing Authority to suspend a conveyancer's licence for up to 12 months for failure to lodge required trust account audit reports after notice and opportunity to comply have occurred. Where professionals hold clients' money, proper trust account accountability is fundamental. Let us think about that – money and being accountable is a highly professional standard, and we have seen that diminish under this government.

Moving on to domestic building contracts, it requires significant variation to domestic building contracts to be documented in writing, including changed work and costs. The provisions apply where prescribed monetary thresholds have been reached. Indeed, speaking in relation to this aspect, my partner has been working in the building industry for many, many years. He is an extension and variation specialist – if you need your bathroom renovated, he is the guy, and he is very well respected. Enough of him – one of the key factors in all of this is that where there are variations, there really needs to be a very clear conversation about what those variations are. If a home owner is being asked to pay substantially more for building work – and it can come in relation to increased costs or changed decisions during a building or renovating process – there certainly should be a clear written record of what has changed and what it costs. That provides everybody with a level of certainty.

I do acknowledge that the shadow minister is in the house and has been paying very diligent attention to this. In relation to clauses 17 to 27, around estate agents and property sales, the bill creates new sale data reporting and publication requirements. It also changes comparable sales rules and replaces the existing statement of information with a more detailed property price statement. Reasonably for comparable sales, the lookback period is six months in metropolitan Melbourne and 18 months outside of metro Melbourne. The longer regional period recognises that regional markets often have fewer genuinely comparable sales because of potentially thin markets, so it provides that longer time so there can be more analysis.

Clause 26 is much more contentious, and I know we have got some amendments to that when it comes around. It requires the vendor reserve to be confirmed and publicly available for seven days before an auction or fixed date. Once a reserve is set, advertising below it must be altered or removed. I note that our shadow minister has been working on an amendment, which I will go through most conveniently in a moment. These provisions are dealt with in part 2.

In terms of part 6, on owners corporations, the bill changes owners corporation litigation rules and creates a payment plan regime for lot owners experiencing financial hardship. We know that that is occurring right across Victoria at the moment in terms of the number of taxes – I think 67 new or increased taxes – we have seen this government put on since its instigation. The then Premier Andrews said there would be no more new or increased taxes. There has been a whole raft, and sometimes these increases can bite.

Strata Community Association Victoria, through the general manager Susan Chandler, supports the objective of assisting owners in genuine hardship but has sought clearer and stronger rules and safeguards around payments, arrears, debt recovery, voting rights, privacy, hardship evidence and

owners corporation financial stability. In fact she goes on, in some communications with the shadow minister, to say that:

> SCA (Vic) supports the Bill's aim of helping lot owners experiencing unique financial hardship and improving access to suitable legal proceedings.

That was Susan Chandler. She goes on:

> However, several proposed changes require clearer rules and stronger safeguards to ensure they are fair, practical and workable.

That is what our amendments will certainly seek to do.

Ultimately, assistance for genuine hardship is appropriate, but an owners corporation still has various inputs and requirements. They still have insurance, safety, utilities and essential maintenance obligations, so naturally there is a cost impost that they have to make sure that they meet them. The regime should certainly not simply shift one of the owner's liabilities indefinitely onto every other owner.

On residential tenancies and residential parks, the bill includes protections for victim-survivors of family or personal violence, including probity refusal of a rental application because a person has experienced such violence. It also deals with keys and access devices, bonds, break-lease matters and residential parks. This really is a very substantial bill, with multifaceted aspects. For part 4A of the Residential Tenancies Act 1997, on residential parks, the bill introduces new rent rules, special increase processes, deferred payment charge rules, registration disclosure and a code framework.

Caravan & Residential Parks Victoria, I note, have written to many here – and I know they wrote to the shadow minister Ms Benham – and raised concerns from the operators' side. Residents' interests require strong protection, and no-one is denying that we need to be focused on the residents of these parks. Sometimes they are really important. Without a doubt these can be very much a home away from home. I have got some beautiful relatives that live up in Queensland. They have had a very interesting life, and for various reasons they are now suitably ensconced in a residential caravan park in Queensland, enjoying the warm weather but also enjoying that contained and far more easy-to-manage lifestyle that that can provide. But also notably, and particularly in a cost-of-living crisis where even if you can get a rental they can be quite significant in terms of the proportion of your weekly or monthly budget, they do and can offer both a practical outcome as a home – a roof over your head – but they can also be at a managed cost. The parks certainly have raised their concerns around the operator side as well as understanding that protection. People who own a dwelling on another person's land can certainly face high exit costs and limited practical mobility. The coalition amendment approach therefore seeks a genuine, two-sided balance, and I appreciate that.

On the Sale of Land Act 1962, in part 9 the bill changes the deposit release arrangements and creates a new 14-day availability requirement for section 32 vendor statements. These are major amendment issues, and we will be addressing those as well.

Finally, in terms of getting toward the end of the sections, there is illicit tobacco. This bill strengthens closure and enforcement powers against illicit tobacco businesses, including short-term closures of up to 90 days in specific circumstances. Strong action against illicit tobacco is absolutely warranted, and we have seen really a diabolical situation with this illicit tobacco. Really, in many ways it is warfare where there is corruption there. But we have seen again and again not only a particular building or business being targeted, but it affects all the other shops in the shopping strip. This government has been very tardy in coming to do something about it. I know my colleague Mr McCurdy has been working on this for a long time and has made some comparisons. We will be asking some questions in committee of the whole in relation to what other states are doing that is working and that has not been happening in Victoria. I know that the amendment package also seeks a responsible landlord defence, where an owner promptly notifies authorities and takes a reasonable, lawful step, so there are some strengthening powers in our amendments.

In terms of motor car traders, there is often very less than complimentary commentary around second-hand car dealers. I think we have all been there, and if you have not, you have certainly had a more affluent life than most. But we need these motor car traders. It does reform motor car licensing warranties, odometer offences and guarantee fund claims, and importantly in part 12, division 1, it abolishes the Motor Car Traders Claims Committee and transfers claims, administration and determination functions to the director of Consumer Affairs Victoria. I know that there are some concerns around that as well. The institutional change is one of the Liberals' and Nationals' highest priority amendments, and it is dealt with through our amendment process.

I am in two minds because of the lateness of the hour. I may actually take up the idea that we will go through the various clauses that we seek to amend at the start of the committee stage. However, I also do not want to elongate tomorrow. What I might do is ask for these amendments to be circulated. We may as well just go to bed 5 minutes later, and I will make sure this is done so we can expedite tomorrow. So let us move on.

In relation to the Liberals and Nationals amendments, the first set looks at clause 26, which is the auction reserve prices. The issue in this clause is that it requires a reserve price to be confirmed and published for seven days before an auction or fixed date sale. We very much support the meaningful disclosure, but the regime needs to be flexible enough to accommodate legitimate market movement without reopening the door to underquoting. One of the stakeholders in this is the Real Estate Institute of Victoria. Robert Clements has warned that the property sale provisions risk real cost and disruption without demonstrated benefit through this. Indeed, as I have said, our shadow minister has identified the auction day question as a matter to put squarely on the parliamentary record whether a vendor can reduce the reserve on the day of auction.

Our amendment seeks to require the vendor to set the reserve price and permit publication of that as a clearly stated range of no more than 10 per cent. This provides a reasonable flexibility for legitimate market movement on the day, while preserving meaningful transparency for prospective buyers. A downward revision would not postpone the auction and movement within the published range would be permitted, while an increase above the published range would restart the seven-day disclosure period. The ultimate reality is we support transparency. What we do not support is a system that is so rigid that it fails to recognise legitimate market movement. A disclosed range of no more than 10 per cent gives buyers meaningful information whilst preserving reasonable flexibility.

In terms of part 9 and section 27 deposit releases, one of the key factors that we need is that the bill does not abolish early deposit release altogether. It shifts the process away from the statutory section 27 path into contract. That means that the practical risk of early release remains, while familiar statutory safeguards can be negotiable. Again, Robert Clements speaks about:

> My concern is not resistance to reform …these particular provisions have not been shown to resolve a demonstrated problem, and are likely to create real cost and disruption for consumers and small businesses without a corresponding benefit.

This amendment that we seek to put forward omits clauses 106 to 108, so section 27 is retained and modernised. Repealing this section does not stop early release of deposits. It removes the statutory guardrails around it, and if an early release can still occur, purchasers should have clear protections under the law rather than being left to whatever happens to appear in an individual contract.

We also have amendments to section 32. Our amendments require that a section 32 statement be available when a property is first publicly ordered for sale and within a short prescribed period for a private sale or a bona fide pre-auction offer to permit contracting after the purchaser has received a statement and either obtained independent legal or conveyancing advice or completed a prescribed informed waiver. Of course, material adverse amendments can trigger a fresh short period, and immaterial corrections should not restart the whole entire clock. Consumer protection should ensure the purchaser has the information needed to make that decision.

In terms of motor car traders and independent claims, the bill abolishes the specialist Motor Car Traders Claims Committee and transfers the guarantee fund claim determination over to the Director of Consumer Affairs Victoria. It also creates the licence review consequences connected with VCAT payment orders and guaranteed events. We are concerned at, and part of this amendment is around the fact that, consumers should retain independent specialists' first-instance claim decision-making. At the same time, compliant dealers should not face disproportionate licensing consequences arising from ordinary disputes. Strong action must remain available against dishonest, deliberately noncompliant and unlicensed operators. We have been able to look at this and ensure that we have got the balance right in our amendments. We wish to maintain the Motor Car Traders Claims Committee as a statutory decision-maker while allowing Consumer Affairs to provide secretariat, triage and investigation support. Consumers, as we know, should not have their first-instance claim decided by the same regulator that administers and investigates the scheme. Having this separation – having this distance – retains that level of independence in decision-making, which is not only good for the industry but is also good for the consumer.

Finally, in terms of our amendment suites, I think I have got two more. The bill strengthens enforcement against illicit tobacco activity and includes some provisions affecting the owners of the premises. What our amendment will do is we want to beef that up and we want to protect responsible landlords from liability where they promptly notify authorities. This is about really once the police inform the landlord that they have people operating illegally in their shop – on their premises – then they need to be able to protect that responsible landlord from liability when they are prompt, direct the conduct to cease, cooperate with enforcement action and take reasonable, lawful steps that are available, and it preserves that liability where the landlord knowingly permits the illicit tobacco activity. You are targeting the people that are not doing the right thing, but putting a bit more of a stick over the top of them to get rid of these illicit tobacco shops and all of the danger that goes with them. We should come down very hard on landlords who knowingly facilitate illegal tobacco activity, but a reasonable landlord who reports the activity and takes every reasonable step to stop it should be recognised as not being part of the criminal enterprise but part of the solution.

Finally, in relation to residential parks, an additional amendment. We know that Caravan & Residential Parks Victoria, in its submission in July this year, raised concerns about the rent formula, special increases and deferred management charges. The residential stakeholder material also underscores the need for strong safeguards, because residents can face high exit costs and limited practical mobility. We, the Liberals and Nationals, do not simply adopt the operator position wholesale. We want to preserve predictable resident protections while creating a workable pathway for genuine exceptional verified costs.

Our amendment seeks to keep special increases outside of the ordinary CPI base. We seek to make the cost linked, time limited, independently verified where appropriate and automatically ending when the approved cost is recovered. We require credit cards or refunds for surplus activity and also to provide an expedited VCAT pathway for objectively urgent health, safety and essential services or disaster work, all within the hardship protections. We want to strike the right balance moving forward – no blank cheque for operators, no barrier to urgent safety works. Residents need certainty and protection, and responsible operators need a workable pathway where genuine exceptional costs arise.

That was a fairly elongated discussion, but there are a number of amendments, as you can hear, and we will go through them in committee of the whole, but we will let that happen in due course.

Business interrupted pursuant to standing orders.

Ingrid STITT: Pursuant to standing order 4.08, I declare the sitting be extended by up to 1 hour.

Aiv PUGLIELLI (North-Eastern Metropolitan) (21:58): I rise to speak on the Consumer Legislation Amendment Bill 2026 on behalf of my Greens colleagues and myself. As we have heard,

the bill covers wideranging reforms to consumer laws. I will say at the outset that the Greens are supporting this bill. I will not go into every single element of this large bill. There is a lot in there, and there are some important changes. I will speak to some elements I think we could improve.

The Greens welcome the small improvements, for example, in this bill for renters, which it almost goes without saying do not go far enough. The bill makes some changes around access to fobs and keys, making it easier for renters to request one and ensuring that landlords or agents cannot have the locks changed as punishment for late rent or breaking building rules. There will now be a limit on break-lease fees, which is a start, but really these are fees that should be abolished. Moving house is tough enough already without adding these extra costs, and even with the proposed limits, agents and landlords will still be able to charge for readvertising. It is good to see that renters will be able to pay their bond directly through the bond authority rather than via an agent or the owner. Too many renters are being ripped off by landlords who hold onto their bonds with zero justification.

The bill also increases protections for renters who are victim-survivors of personal family violence, and this of course is welcome. However, there is still no cap on rent increases. While this bill implements some of the changes that the Greens have been calling for, it still does not help you if your rent is just too damn high. In the last five years rents have gone up 2.5 times faster than wages. Capital city rents rose 57 per cent from 2015 to 2025, with 34 per cent of that rise in just the past three years. Year after year renters get more desperate, tossing up between food, medicine and rent, putting up with black mould and rising damp, too scared to take their landlord to task for failing to meet minimum standards because they just cannot risk another rent rise. Eighty per cent of renters avoid asking for repairs for fear of retaliation. It just does not have to be like this. We have come to think that if you are a renter, suffering is just baked in – that insecurity is part of that deal. But the rental crisis is of course a political choice. Labor and the Liberals we see time and time again have had wealthy property investors straight into their ears and in their pockets for far too long. They do not have the guts to stand up, consequently, for renters, because they are too concerned with what the Property Council of Australia and their wealthy donors would think.

The Greens have a plan to cap rents so they cannot go up faster than wages. We will freeze rents for two years to give wages the chance to catch up and ban rent increases in the first two years of any tenancy. Then we will limit rent rises so they simply cannot go up faster than wages can. We will tie rent increases to the property, not the tenant, so investors cannot kick you out to then go and put up the rent. To tackle the housing crisis, we simply need to cap rent increases.

Another symptom of this housing crisis, though, is that too many people are struggling to buy their first home. Right now families spend weekend after weekend searching and viewing properties, only to find out that they were never in the running in the first place and the price was always just too high. It is good to see that there will be some improvement through this bill in the information available for people looking to buy homes so that they will know if they are actually in the running at all or not.

The Greens introduced a bill in August last year to force real estate agents to disclose the reserve price upon advertising, and we are really happy to see that the government has now taken this up. This government is proposing that reserve prices will have to be declared at least seven days before an auction or fixed date of sale. We would like to see them available even further in advance at the point of advertising, but seven days is of course a good start. We welcome the publishing of sold prices, which will definitely add transparency and more accountability. These are changes the Greens have pushed for, and we are glad to see the government finally implementing them.

Buying a home is one of the biggest financial decisions you will ever make. You should not be forced to make that decision in a public pressure cooker that is designed to rip you off. The research shows that auctions actually place an 8 to 13 per cent premium on the cost of buying a home, so that is why the Greens have a policy to ban street auctions. We are so accustomed to auctions here in Melbourne and the way that we currently do them that we do not even realise it is actually internationally a very strange way to sell a house. Australia, in particular Victoria, is unique in its excessive use of these

street auctions for home sales. Many countries manage to sell homes without turning it into a bidding war on the footpath. In Scotland sellers list the property with an independent valuation and condition report, energy performance certificate and questionnaire, listed with a public minimum price, and buyers submit a single maximum bid through a solicitor. In Japan sellers set a fixed price and sell if it is reached. I could go on.

With our housing system so stacked to drive up prices and put more money in the pockets of property investors and real estate agents, it is no wonder Australia's housing market is one of the most expensive in the world. Abolishing street auctions is not the only way we fix the housing crisis, but if young people are ever going to afford a home of their own, we need to stop defending systems that are specifically designed to push prices higher. You should not be ripped off at every turn. That is why we are also pushing for real estate agents and buyers agents to charge fixed fees declared at the outset so there is no incentive for agents to push the price up as much as it will go. You also should not be forced to spend thousands on properties you never secure. That is why the Greens also want to make sellers pay for building reports, pest inspections and energy efficiency reports. Stop the rip-offs: that is Greens policy.

The bill also makes some minor updates to owners corporation law, but we do need to go much further. Payment plans for apartment owners are an important step. Owners corporation fees are putting a huge strain on people, particularly during a cost-of-living crisis.

The Greens are pleased to see these changes that will make it easier for people to access payment plans for their fees, but there are still many things that need to be changed to improve specifically apartment living. We need to end insurance commissions for strata managers and see an end to all kinds of commissions, incentives and these kickbacks to stop corrupt strata managers from taking apartment owners for a ride. We need to empower renters to fully participate in the governance of their building and not put disproportionate power in the hands of owners over renters to have a say. They should be residents corporations, not owners corporations.

We finally got the report on the Owners Corporation Act 2006 review. It made some solid recommendations, but the government's response has only agreed to some of these and left others out. I have an amendment to this bill to stop the harvesting of proxy votes in owners corporation meetings. I have heard from a number of owners corporations that this is a significant and rampant problem. People are collecting proxy votes as a means to control the decision-making process of the owners corporations to suit themselves rather than all owners. This is even more keenly felt in the much larger buildings, where one person can hold many, many proxies. I am talking about electorates of my colleagues across inner metropolitan Melbourne, but also parts of the electorate I represent – places like Box Hill, where we see this greater density, those much taller towers with many more apartments. There is an example, which I have previously shared in this place, of a large apartment building with around 1000 lots. At an owners corporation AGM in this building one real estate agent attended holding 35 proxies, while there were only 33 other owners in attendance in person or online, plus a small number of people holding their own proxies. This gave near full control to the one real estate agent at an AGM, where significant decisions could be made that affected thousands of residents in the building, despite not owning or even living in a dwelling in that building.

I will have more to say on how the Greens amendments here will work. They were circulated a full week ago, unlike many of the amendments that have come before us in this chamber, and I ask that they be circulated now. I will have more to say on this amendment as we get to the committee stage. But from the outset, I would like to thank members from right across the chamber of various parties who have been very constructive in their conversation around this issue. I do hope we have a pathway with respect to proxy voting in owners corporations.

Moving on, though, the tobacco changes in this bill include things like closure powers for Tobacco Licensing Victoria and Victoria Police to shut down illicit tobacco stores for up to 90 days, and they can apply to courts for longer closure; penalties for landlords knowingly allowing the sale of illicit

tobacco; and powers for landlords to terminate leases if tenants are selling illicit tobacco. People across Melbourne are living in fear of when the next firebombing is going to be. Almost every week we hear of at least one fire after a tobacco store is rammed and then set alight. These attacks are heartbreaking for residents. They are heartbreaking for shop owners, who are already struggling to make ends meet. The community needs both police and Tobacco Licensing Victoria to actually act on these powers to shut down this illicit tobacco industry.

The Greens pushed and the government finally established Tobacco Licensing Victoria, but it is safe to say it is underpowered and it has been largely ineffectual to date. Illicit tobacco is being sold literally in plain sight and Victorian authorities are failing to stop it. Police should have been closing these places down, and for some reason they have not been. That is why the Greens support these changes to the legislation to make it clear that Tobacco Licensing Victoria and Victoria Police do have the power to shut down illicit tobacco and cut off these organised crime syndicates from their lucrative revenue stream. Our community deserve so much better than this, but they are suffering under a government that in areas like this has just lost control. With those comments, I commend the bill to the house.

David DAVIS (Southern Metropolitan) (22:09): I do not intend to speak for long at this hour of the night; I just want to make a small number of points. This is obviously an omnibus bill that covers many different areas. My principal interest is the matters around owners corps and the large towers that have so many renters and owners in the electorate that Ms Crozier and I represent. We are very aware of the challenges that are faced by owners corps. I want to put on record the work done by the shadow minister, Jade Benham. I also want to draw the chamber's attention to the work put forward by the Strata Community Association (SCA) to the chamber, and to particularly highlight some of the challenges that are faced by many who have strata community involvement.

The position paper put out by the Strata Community Association is an important one. It makes some clear points:

> …1.27 million Victorians, around 18 per cent of the population, live in strata-titled dwellings, including more than 500,000 apartment residents and 770,000 residents in townhouses …

The regulation and control of these significant sections of the community's living zones is important in itself. The positions that they put, I think, are thoughtful. They lay out six policy positions for a start, and those six policy positions are ones that I certainly agree with and see make certain logical sense. They particularly lay out some points about legal proceedings and the resolution of thresholds, and there are obviously questions about the size of the requirements in different circumstances for resolutions and requirements for special resolutions.

The choice of forum for debt recovery is also a significant point that is picked up by the Strata Community Association. It says the bill should expressly confirm that an owners corporation may recover money owed by a lot owner through VCAT, the Magistrates' Court or any other court or tribunal of competent jurisdiction. The payment plan and hardships protection in the act should apply regardless of the forum used. I think that makes sense. They point to certain difficulties. There have been a number of court cases and decisions:

> In *Owners Corporation v Nguyen and Ors* [2025] VMC 12, the Magistrates' Court held that it did not have the jurisdiction to hear debt recovery claims brought by an owners corporation against a lot owner. The decision followed the earlier ruling in the *Owners Corporation v Buckley* [2024] VMC 12 and confirmed that these claims must be commenced in VCAT. This applies despite section 30(1) of the Act stating that an owners corporation may recover money in any court of competent jurisdiction. Restricting all owners corporation debt recovery matters to VCAT creates significant practical concerns.

One of the great failings of this government has been the delays in the court system. VCAT, for many people, has now become a very long, slow, expensive jurisdiction because decisions cannot be made earlier, frustrating and undermining the very purposes for which that tribunal was set up. The figures are for the delays in the Supreme Court, the County Court, VCAT and the Magistrates' Court and are

all concerning. So the wider the jurisdiction, the wider the ability to choose a jurisdiction, the better and the earlier decision making. That is actually in the favour, I might say, of all parties, rather than having lengthy delays and greater costs.

The owner-occupier status and information definitions is another point in the Strata Community Association's paper, which indicates that:

> The Act should define "owner-occupier" and provide one clear and proportionate evidence pathway in the approved form.

That all makes sense. They also point to standard terms and maximum duration:

> A standard form would reduce inconsistent terms and make the deemed acceptance process safer and easier to administer.

And they say:

> A standard payment plan template should be prescribed, with room for agreed variations. The maximum term of 12 months should be stated clearly in the operative payment plan provision …

On the question of voting proxies and community and committee eligibility:

> The Bill would treat an owner as not being in arrears while a payment plan request is awaiting a decision or while the owner is complying with an approved plan. This would restore voting rights, proxy rights and committee eligibility before a claimant payment plan is approved.

And they say that the SCA position is:

> Voting rights, proxy rights and committee eligibility should be restored only once a payment plan has been approved, not while the request is awaiting a decision. An owner should continue to be treated as being in arrears until approval is granted.

That also has a certain logic to it. With respect to new levies, breaches and the restart of recovery, the SCA says the act should state that current and future levies, including special levies, remain payable during the plan. Failure to pay a new levy by its due date should be a breach unless the plan expressly covers that levy. The act should set out a clear notice process and a cure period where appropriate.

In terms of interest and financial fairness, the SCA argues an owners corporation's existing discretion to apply, reduce or waive interest should be preserved, with any interest capped at the maximum rate allowed by law. Approval of a payment plan should not erase interest that accrued before the plan was approved. They talk about administration costs. They point to a number of other key matters that should be dealt with by this bill.

The bill does not go as far as I think many would like to see it go, but this is an area, I think, for significant reform over the longer period, where decisions should be made that have the broader interests of the community and strata communities, in the broad sense of that word, at heart. We need to make sure that the balance is struck properly.

I was a bit disturbed with Mr Puglielli's suggestion that there should be a ban on auctions. I would be concerned if that were the case. He was arguing this will suppress the prices that are received by owners at the sale point. This is obviously not about strata communities, this is a broader point that he has made. I think it is concerning, though, that owners would be prevented from maximising the sale price of their property. I think owners of properties, and there are millions of Victorians who own a property, would be very concerned if they were clamped or prevented from getting the best price for their house or their unit when they sell it. I think this is the largest asset of people, and it would be concerning if that was stripped from them and they were to receive a lesser amount than the full value of their property because of resistance or restrictions that are put in place through the amendment by the Greens. I say of course owners want to get the best price for the asset they own at the time they sell. I do not think anyone should be surprised at that. But the idea that that would be prevented deliberately, pushing down the price of properties, I think would be a concern. I understand the need

for trying to ensure that there are adequate properties at a fair price on the market, but that is about supply. That is not about capping or controlling the price of a property at the time of its sale.

I want to indicate that Ms Bath has a number of amendments. These will be discussed tomorrow, as I understand it, in committee, where we will deal with a lot of the matters that surround the large number of amendments that Ms Benham has put forward as shadow minister. This obviously is an omnibus bill that covers so many different areas, but we will discuss those in greater detail tomorrow.

John BERGER (Southern Metropolitan) incorporated the following:

Thank you, President, I rise to speak on the Consumer Legislation Amendment Bill 2026, a bill which looks out for the interests of Victorians in residential parks, in rental properties, and across many different aspects of life.

I would like to thank the Minister for Consumer Affairs in the other place for his work fighting every day for a fair deal for Victorian families.

This is a substantial bill which covers many different and varied aspects of consumer affairs, delivering serious and practical reforms which will benefit everyday Victorian households.

One of the core provisions within this bill is the increase in protections for tenants living in Part 4A residential parks.

Residential parks represent a growing portion of Victoria's housing mix, being commonly used as a more affordable housing option particularly for the elderly.

Last year, the Commissioner for Residential Tenancies released the Life in Residential Parks Report about how regulation of this sector can be improved and the interests of tenants protected.

One of the most important issues which that report raised was that of the complexity in the contracts which tenants were signing.

When people are being offered products which do not have their complex fee structures and other conditions transparently explained upfront, this can lead to them to making well-intentioned financial decisions which can wind up leaving them worse off.

Further, when the contracts being offered at residential parks are complex and difficult to understand, it can make it far more difficult for someone to compare the options and the deals which are available to them.

Being able to shop around allows people to make decisions for themselves about what they want to prioritise.

For many, it might be saving money, but for others it might be location or amenities offered at a particular residential park.

Further, empowering consumers to shop around and understand the deals means that they can have confidence that they are being treated fairly and getting what they sign up for.

The government has already implemented changes which improve disclosure requirements and mandate standard form agreements to make the process of signing up for a site tenancy simpler and more transparent.

This bill proposes to reform how Deferred Management Charges can be levied and how rents can be raised.

Deferred Management Charges have an important role to play in keeping residential parks accessible and affordable for Victorians.

They reduce the cost of initially entering the residential park and move that cost to be charged as an exit fee instead.

Inevitably, when agreeing to an arrangement involving a Deferred Management Charge, site tenants cannot know the precise final figure which they will be charged, given it is an amount to be paid years down the line.

In some cases, when principles of transparency have not been followed in how the final price of the Deferred Management Charge is calculated, some people have been faced with unanticipated, unaffordable amounts on exiting the residential park.

This bill provides for new regulations which govern how a Deferred Management Charge can be calculated, according to transparent methods which give tenants a better deal.

Under these regulations, the new price of the DMC will be calculated in accordance with the initial purchase price of the Part 4A dwelling as well as the duration of the stay.

Further, this bill will impact how residential parks may levy rent on tenants.

Site owners will only be able to increase rent according to the increase in the Consumer Price Index or by a fixed rate set out in the regulations, whichever is higher.

Any attempt to increase rents beyond those criteria will require the consent of at least 75% of the tenants, or through applying to the Victorian Civil and Administrative Tribunal.

Other measures to improve transparency in Part 4A agreements in residential parks include giving tenants the right to request an annual agreement check and requiring site owners to provide an annual DMC statement to tenants.

Additionally, site tenants will receive improved security in their tenancy as new reforms will prohibit site owners from evicting tenants without cause at the end of their fixed term site agreement.

Further, this bill also provides for the creation of a public register of residential park operators, to be maintained by Consumer Affairs Victoria, as well as the development of a mandatory code of practice for residential parks.

This will create greater transparency and greater accountability among residential parks, so that prospective tenants can learn more about potential locations and can know what rights they would have if they decide to take up a Part 4A tenancy.

These reforms to how residential parks are run will deliver real benefits to site tenants and prospective site tenants, but they are only one section of what is a long and extensive bill.

Other reforms contained within this bill are directed towards benefiting renters, with reforms which give renters quality of life improvements and greater choice in how they manage their tenancy.

Placing limits on break-lease fees will give renters more autonomy and more agency in how they live and plan their own lives.

One of the most important benefits of renting as opposed to owning your own home is the flexibility that it gives to a person.

Somebody who prefers to move around a lot as a lifestyle choice, or needs to move around a lot for their job benefit from not being tied down to one location by the responsibilities of home ownership: it is much easier to end a tenancy than it is to sell a house.

Additionally, given young people are overwhelmingly renters, many young people also benefit from the flexibility that comes with renting.

Sometimes an offer for the next big step in their career might come through and it would require moving to another city.

Or somebody's circumstances may change as they enter or exit a relationship.

While it is perfectly justified for a landlord to charge break-lease fees on somebody who has ended a tenancy early to make up for the lost rent, if these fees are too disproportionate, it can become grossly unfair to the renter.

In these cases, it can tie people down who can't afford to pay a break-lease fee that is too high, preventing them from getting on with their lives, and denying them the very flexibility which is supposed to be the great advantage of being a renter.

To rectify this, this bill proposes that a maximum amount that a renter would have to pay in a break-lease fee would be set based on how much time remains in the tenancy agreement.

Ensuring that these costs are proportionate to the actual rental income which is being lost protects the principle of fairness.

The landlord receives compensation for the lost rent and, subject to negotiations with the tenant, they can receive compensation for the costs of finding a new tenant.

It is also fair to renters who, when considering the next move in their lives, will not be faced with the prospect of a prohibitively expensive break-lease fee designed to make ending the tenancy as unattractive as possible.

Another benefit which this bill will provide to renters is that we are changing the law to make it easier for a renter to ask for an additional key or fob to their property.

There are many good reasons why a person would need a spare key to their home, and it is simply not reasonable for a rental provider to refuse to provide one without a good reason or to charge additional fees for one.

Under this legislation, the renter could be asked to pay for the cost of the key itself, and any other costs directly associated with its procurement.

In a similar vein, we are also protecting the rights of renters to access the properties which they are renting by making it an offence to disable a fob or key unless it is done for a reason permitted under the Residential Tenancies Act.

Reports from renters that their landlords have disabled their access keys to lock them out of their own homes are deeply concerning.

If a person has paid rent late, there are formal processes which a landlord may follow to rectify the situation.

Informal punishments which do not follow due process, such as remotely disabling a key to lock somebody out of their house is not appropriate in these situations, that is why we are making it an offence.

Another important part of this bill which will affect renters comes as part of the portable bond scheme which our government recently introduced.

Passed into legislation as part of the Consumer Legislation Amendment Bill 2025, the portable bond scheme allows renters to transfer their existing bond from one property onto their next property.

This means that they will not be expected to find the money for a second bond while they are still waiting to get the bond back from their first property.

This is achieved through having the Victorian government guarantee the existing bond with the original rental provider until such a time as the tenancy can be completed and the bond retrieval process fulfilled in the usual way.

If in this process the rental provider's claim for the bond is successful, the government pays them the cost of the bond, and the renter then owes that money back to the government.

This process is better for renters who no longer have to provide a second bond while moving house; it is also better for rental providers who benefit from a government guarantee on their bonds.

This bill proposes to take this system further, giving renters the ability to pay their bond directly to the Residential Tenancies Bond Authority.

This process makes the bond process simpler for both renters and rental providers, reducing risk, and making sure that both parties know that they can have faith in the management and treatment of the bond.

Another reform being made regarding the treatment of renters relates specifically to the rights of renters who have experienced family or personal violence.

This bill will change the law so that, in instances where family violence has occurred between two co-renters, that it is the perpetrator who is held liable, not the victim survivor, for matters held before VCAT which could involve issues such as the repayment of a bond.

Further protections for victim survivors of family violence contained within this bill will prevent rental providers from discriminating against someone on the basis that they have experienced family violence.

Refusing to let a property on that basis would be an extremely irresponsible and dangerous, that is why this bill would explicitly prohibit it.

Thus far, I have explained several of the key aspects of the bill which relate to the interests of those living in residential parks, as well as the interests of renters across the state.

Another important area which this bill seeks to make changes to is the process of purchasing a home.

Buying a house is a difficult, complex process which brings with it risks and challenges; this means that when buyers cannot trust sellers, the whole exchange can fall apart.

For so many Victorians, buying a home will be one of the most important, and most expensive, purchases they make in their entire lives.

There are people out there who are wealthy enough to buy a new house with what is, to them, pocket change, but that is not most Victorian families.

Most Victorians save for years for a deposit, and then spend years and decades of their lives paying off a mortgage: these are the people who are set to benefit most from these reforms.

These reforms include requiring that real estate agents publish a seller's reserve price no less than seven days prior to an auction and, after a sale, to provide key information about the sale to Consumer Affairs Victoria.

These reforms will increase transparency in property prices and will give prospective buyers a better idea of what price a seller is looking for and what comparable properties in the area have sold for.

I haven't had the time to go over every aspect of the bill, which goes to show how extensive this bill is, covering many different aspects of consumer law.

I have been able to reference some of measures and some of the ways that we are changing the housing system so that it can work in favour of ordinary Victorians.

Whether that be ensuring that residential parks operate with transparency, ensuring that those who sign up for a site tenancy know what they are agreeing to.

Whether than be expanding on our renters' rights agenda.

We have already delivered more than 150 improvements to renters' rights since first entering office, and with this bill we are adding further to those rights, because renters also deserve fair and dignified treatment.

Or, finally, whether that be improving transparency and reporting standards on the sale of homes, giving prospective buyers better, more reliable information about what they can expect to pay for a home.

These reforms are helping us to create a housing system in this state which is fairer, more transparent, and more workable for ordinary people.

You shouldn't need a law degree or a cert 4 in real estate to be able to get a place in a residential park, navigate the rental market, or to buy your own home.

Giving Victorians more choice and agency in how they go about making the big decisions relating to their housing situation goes to our core values on this side of the house.

Fairness, looking out for the interests of working people, giving people more choice and control over their lives, and ensuring that markets can operate with integrity.

In light of all this, I commend the bill to the chamber.

Ryan BATCHELOR (Southern Metropolitan) incorporated the following:

This bill amends various acts across several areas to ensure life becomes easier, safer, and more affordable, for all Victorians.

And there are many Victorians from different walks of life that will benefit from the omnibus changes made in this bill.

If you rent, the changes in this bill make it fairer, easier, and more affordable.

If you're buying, this bill makes changes to improve transparency and conduct in the real estate market.

If you live in a building run by an owners corporation, we're making it easier to pay the fees.

And we're protecting Victorians by strengthening deterrence and enforcement of the illegal tobacco market.

Renters

I want to spend some time speaking on the changes in this bill that will strengthen the rights of renters.

Because this government has consistently supported renters in making life fairer, more affordable, and more secure.

More than 150 rental reforms have been delivered by this Labor government.

We've banned rental bidding.

We've ended no-fault evictions.

We've introduced minimum standards for rental homes.

We've given bodies extra powers to clamp down on excessive rent increases.

And we've introduced measures such as 90-day notice periods and the Portable Rental Bond Scheme to make life fairer for renters in Victoria.

There's Rental Dispute Resolution Victoria, which right now is offering renters a free service to try and resolve disputes before going to costly and lengthy VCAT proceedings.

This bill goes further for renters.

Under this bill, we're capping the cost of breaking a lease.

It means renters know where they stand and stops excessive charges for breaking a lease imposed on renters.

With this bill, for lease agreements under five years, the maximum compensation for lost rent is four weeks' rent if less than a quarter of the agreement has run.

And this is scaled depending on how long the lease has run for.

If the lease has run for between a quarter and three-quarters of its duration, the cost of three weeks' rent, and for a lease that has run for more than three-quarters of its term, 1 weeks' rent can be charged for breaking a lease.

Life brings changes.

Jobs change.

Families grow.

Perhaps someone needs to provide care for a family member.

These situations and sometimes abrupt changes in circumstances can be stressful and costly enough, without the added pressure of high costs for breaking a lease.

Renters should be able to adapt to change without excessive costs, while still maintaining that landlords are compensated for a break in a lease agreement.

So, under this bill, everyone knows what can be charged for breaking a lease, and renters know it won't be excessive.

Further changes in this bill that will benefit renters relate to the provisions of keys and fobs.

Under this bill, renters have the right to request additional keys and security devices, and rental providers can't unreasonably refuse or charge an excessive fee for them.

There are various circumstances in which tenants may need an extra key.

An older renter may need an extra key to provide to a care worker, enabling them to enter and exit without giving unnecessary stress for the tenant, who may find mobility difficult.

This bill also provides for a new offence where a landlord or agent disables a key or fob outside of a permitted circumstance.

This will prevent landlords from unfairly using this tactic as leverage in disputes to force a tenant to comply with their wishes.

I've already mentioned that – since July 1 – the Portable Rental Bond Scheme is now operational.

This bill will enable renters to pay their bond straight to the Residential Tenancies Bond Authority, rather through a provider or agent.

This change makes it clearer, safer and easier for tenants to pay their bond and avoids unnecessary circumstances where things can go wrong or money lost.

There is no need for money to be transferred via a landlord or agent to the Residential Tenancies Authority, and this bill makes a new offence to stop a rental provider from refusing an agreement with a renter because they choose to pay direct.

There are more than 1.5 million renters in Victoria.

And the Victorian Labor government has, and continues to, make life fairer, easier and more affordable for you.

And this is about fairness. For many people, renting their home is the single biggest cost that comes out of their pay packet.

Through these reforms, and the many others already implemented, we're alleviating some of the stress and financial burden that comes with renting your home.

Other changes

As mentioned, the bill makes several other changes and I'll briefly touch on them.

In the property market, we're improving transparency to better inform prospective buyers and sellers and residents in the local area.

Section 32 statements must be available to prospective buyers much further in advance than what is currently the case.

And once a property is sold, prices must be published within seven days of the sale becoming unconditional and the Statement of Information stays online for **18 months** rather than being handed over on request.

In addition, agents must publish the reserve or asking price at least seven days before an auction or fixed-date sale.

These changes will save time for Victorians, who often spend their free time inspecting houses that they've no idea if they can afford or not. This is despite the seller and the agent knowing the reserve.

This information should be public – it makes life easier for everyone.

The Bill fast-tracks the financial hardship recommendations of the Expert Panel review rather than waiting for the full reform package.

Owner-occupiers in hardship get access to payment plans, with statutory protection from penalty interest and debt recovery while a plan is on foot.

A missed quarterly fee should not turn into penalty interest and a debt collector at the door.

Strata is where first home buyers live, where downsizers live, and where a lot of pensioners live. It stopped being a luxury market a long time ago, and around **one in five** Victorians are in one now.

What people in hardship need is a payment plan and a bit of breathing room. What they have been getting is a letter of demand.

And finally I just want to touch on changes made in this bill relating to the illicit tobacco market.

Labor has made comprehensive reforms in this area.

Labor established the tobacco licensing scheme to flush out organized crime in this space.

And these reforms in this bill support that work, giving further powers in enforcement to strengthen the regulatory framework in this space.

Victoria has made great strides in regulating tobacco.

It is a product that has a high chance of killing you.

Smoking kills around 4,500 Victorians every year.

It costs our economy an estimated $3.7 billion in health and other associated costs.

This bill makes further strides in preventing the harm from tobacco, and we should continue to make necessary reforms in this space to stop illegal practices and protect Victorians from its harmful effects.

Lee TARLAMIS (South-Eastern Metropolitan) (22:19): The government has a number of amendments to the Consumer Legislation Amendment Bill 2026, and I ask that they now be circulated. Given the lateness of the hour, I do not propose to debate them or talk about them in much detail, as they will be canvassed in a lot more detail during the committee stage tomorrow.

Sheena WATT (Northern Metropolitan) (22:19): I move:

That debate on this bill be adjourned until the next day of meeting.

Motion agreed to and debate adjourned until next day of meeting.

Crimes Amendment (Recruitment of Children for Criminal Activity) Bill 2026

Introduction and first reading

The PRESIDENT (22:19): I have received the following message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Crimes Act 1958** in relation to recruitment of children to engage in criminal activity and for other purposes.'

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:20): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ingrid STITT: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:20): 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 Crimes Amendment (Recruitment of Children for Criminal Activity) Bill 2026 (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 of Bill

The Bill seeks to protect and promote community safety, by introducing a new offence into the *Crimes Act 1958* to prohibit adults from recruiting children to engage in criminal activity, that is conduct that constitutes an offence punishable by a maximum penalty of 15 years to life imprisonment. The adult must know or be reckless as to whether the subject of the recruitment is a child. The new offence carries a maximum penalty of life imprisonment.

The Bill also amends the existing offence consistent with the new offence to capture where an adult is reckless as to whether the subject of the recruitment is a child (in addition to the current knowledge element). The existing offence will apply to criminal activity that is conduct that constitutes an offence punishable by a maximum penalty of 5 to less than 15 years imprisonment.

Human Rights Issues

Under the Charter, rights can be subject to limits that are reasonable and justifiable in a free and democratic society based on human dignity, equality and freedom. Generally, the Bill promotes a number of fundamental human rights. Where there are any limitations on human rights, I am of the view that they are justified and reasonable, as discussed below.

The Charter rights that are relevant to the Bill are:

- the right to life (section 9);
- right to privacy (section 13);
- the right to the protection of families and children (section 17);
- the right to property (section 20);
- the right to liberty and security of the person (section 21);
- the right not to be tried and punished more than once (section 26);
- the protection against retrospective criminal laws (section 27).

For completeness, in addition to these primary rights affected by the Bill, it is acknowledged that the new offence may lead to more custodial sentences, which 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 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 made subject to an imprisonment order. As all these limitations are a lawful and necessary consequence of a sentence of imprisonment, I do not propose to discuss these secondary impacts in detail, beyond acknowledging the wide range of human rights that are limited by a sentence of imprisonment.

Promotion of various human rights

Every person has the right to life and has the right not to be arbitrarily deprived of life (section 9). The Bill promotes this right by targeting adults who recruit children to commit serious crimes that can result in significant harm and even death, such as murder and serious drug offences. It similarly promotes community and victim rights to liberty and security (section 21).

A person must not be deprived of their property other than in accordance with law (section 20). Similarly, the right to privacy (section 13) protects the home and family from unlawful or arbitrary interference. These rights are promoted to the extent that the new offence applies to target adults who recruit children to commit offences that may infringe upon a person's home and property (e.g. recruiting a child to commit a home invasion or arson).

The Charter recognises the family as the fundamental group unit of society and entitles it to protection by society and the State (section 17(1)). It also recognises 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 (section 17(2)). The Bill recognises that children are particularly vulnerable and can be more easily influenced by those who try to take advantage of them. It is in their best interests to protect them from such conduct. The Bill also recognises that recruiting children into crime has significant and lasting impacts on their families and the community more broadly. The Bill promotes this right by providing that adults who deliberately recruit children to engage in serious crime will face significant consequences.

In addition to promoting the above rights, the Bill engages certain rights protected under the Charter. As discussed below, in my view, to the extent that any of these rights are limited, this is justified and reasonable under the Charter.

The right to liberty and security of the person (section 21)

Section 21 of the Charter provides that every person has the right to liberty and security and that a person must not be subjected to arbitrary arrest or detention. As outlined in *Victorian Toll v Taha* (2013) 49 VR 1 (at [197]), the right to liberty is engaged where a person is at risk of imprisonment. A person's liberty may legitimately be constrained only in circumstances where the relevant arrest or detention is lawful, in the sense that it is specifically authorised and sufficiently circumscribed by law, and not arbitrary, in that it must not be disproportionate or unjust.

I acknowledge that the new offence carries a significant maximum penalty of life imprisonment. This is comparable to the maximum penalty for incitement to commit other level one offences (such as murder or serious drug offences) but is greater than the available sentences for incitement to commit offences that carry a maximum penalty between 15 years but under life imprisonment.

The Bill also introduces a recklessness fault element for both the new recruitment offence and the existing recruitment offence. It is sufficient that the adult is reckless as to whether the subject of the recruitment is a child.

However, this distinction in maximum penalty is appropriate given the significantly greater culpability that attaches to recruiting a child to commit these offences. The maximum penalty clearly denounces the recruitment of a child by an adult, particularly those involved in organised crime or criminal gangs, to commit very serious crimes that cause significant community concern. Further, I consider that the introduction of a recklessness fault element is appropriate to acknowledge the seriousness of the conduct, even where an adult does not know, but is reckless as to whether the subject of the recruitment is a child.

These serious and sometimes violent acts can have a profound impact on victims, the community, the child and their family. In this regard, it is necessary to consider the effect of the conduct addressed by the offence on the rights of the community to liberty and security (section 21), life (section 9), property (section 20) and privacy of the home (section 13).

The Bill does not limit the courts' ability to sentence adults to a period of imprisonment that is proportionate to the gravity of their offending, facilitating community safety from further unlawful and dangerous behaviour. As the scope of the Bill may capture a broad range of conduct, the courts will also retain the discretion to sentence offenders, including young adults, according to their relevant culpability including imposing non-custodial sentences, if appropriate.

Whilst the right to liberty is engaged, I consider that any detention under the Bill is sufficiently circumscribed by law and not arbitrary, and any limitation on this right is reasonable and justified in accordance with section 7(2) of the Charter. The maximum penalty and recklessness fault element are appropriate given the legitimate purpose of the Bill to promote community safety and address growing community concern with the prevalence of organised crime and the recruitment of children to engage in criminal activity in Victoria.

The right not to be tried and punished more than once (section 26)

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

It is possible that conduct that constitutes the new offence could also support a conviction for incitement or the existing recruitment offence. Further, given the broad scope of the Bill, it could also include recruitment to engage in criminal activity that constitutes related offences (e.g. recruitment for carjacking and aggravated carjacking would both be captured by the new offence).

However, I consider that the new offence will not limit the right not to be tried and punished more than once. Clause 7 of the Bill amends existing section 321LD of the Crimes Act, which provides that an adult is not liable to be convicted in respect of the same conduct for these offences. Section 51(1) of the *Interpretation of Legislation Act 1984* also provides that a person is not liable to be punished more than once for the same act

or omission. Further, the Bill does not abrogate the common law rule against double jeopardy nor the rule against duplicity, which protect an accused from being the subject of multiple prosecutions or convictions arising out of the same set of facts.

Protection from retrospective criminal application

Section 27(1) of the Charter provides that a person must not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in. This reflects the principle, long recognised in criminal law, that there can be no crime and no punishment other than as established by the law.

The Bill protects this right by ensuring that the new offence has prospective application only and includes an express transitional provision to ensure that where offending conduct occurs between two dates, one before and after the commencement of the Bill, the existing recruitment offence will apply.

Jaclyn Symes MP
Minister for Energy and Resources
Minister for Environment
Minister for Climate Action
Minister for State Electricity Commission

Statement of treaty compatibility

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:20): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

1. In my opinion, the Crimes Amendment (Recruitment of Children for Criminal Activity) Bill 2026 (Bill) is compatible with the matters set out in section 66(3)(d) of the *Statewide Treaty Act 2025*. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

2. The purpose of the Bill is to create a new offence to capture an adult recruiting a child to engage in serious criminal activity. The *Crimes Act 1958* currently provides that it is an offence for an adult to recruit a child to engage in criminal activity punishable by 5 years imprisonment or more, knowing that the other person is a child. The maximum penalty for the current offence is 15-years imprisonment.
3. Modelled on the existing offence, the proposed new offence in the Bill would apply when an adult recruits a child to engage in serious criminal activity, which itself is conduct that constitutes an offence punishable by 15 years to life imprisonment. The adult must know or be reckless as to whether the subject of the recruitment is a child. The Bill provides that the new offence carries a maximum penalty of life imprisonment.
4. The existing offence will continue to apply when an adult recruits a child to engage in criminal activity that is conduct that constitutes an offence punishable by 5 to less than 15 years imprisonment. However, the Bill amends the existing offence consistent with the new offence to capture where an adult is reckless as to whether the subject of the recruitment is a child (in addition to the current knowledge element).
5. The purpose of the Bill is to promote community safety and target adults who recruit children to commit serious offences, which can have a significant impact on victims, the community, the recruited child and their family.

Consultation with the First Peoples' Assembly of Gellung Warl

6. Due to the recent establishment of the First Peoples' Assembly of Gellung Warl, it was not possible to give the First Peoples' Assembly the opportunity to advise on the Bill or for them to otherwise make representations about the effect of the Bill on First Peoples.

Compatibility of the Bill with each of the objects in section 66(3)(d) of the *Statewide Treaty Act 2025*

7. I have considered whether the Bill is compatible with the objects at section 66(3)(d) of the *Statewide Treaty Act 2025* (Treaty Act):
   (i) advancing the inherent rights and self-determination of First Peoples; and
   (ii) addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and
   (iii) ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.
8. I note that the Bill does not include any provisions which apply specifically to First Peoples, as it creates an offence that applies equally to any adult.

9. However, the Bill may, in its practical effects, engage with the objects at section 66(3)(d) of the Treaty Act in light of the overrepresentation of First Peoples in the criminal justice system. For example, I note that First Peoples represent less than 2 per cent of the Victorian population but in 2025 made up 14 per cent of alleged offenders proceeded against by police via arrest or summons as a result of alleged offender incidents.

10. The new recruitment offence for serious criminal activity introduced by this Bill carries a maximum penalty of life imprisonment, while the existing recruitment offence carries a maximum penalty of 15 years. The Bill also introduces a recklessness fault element for the new and existing recruitment offence. It is therefore expected that these amendments may lead to more prosecutions and increased custodial sentences for adult offenders which has a risk of further increasing First Peoples overrepresentation in custody.

11. This may include young adult offenders. As the new offence applies to any adult aged 18 years and above (consistent with the existing offence), it may capture conduct where a young person recruits a friend or family member who is a child to commit a serious offence (e.g., an 18-year-old may encourage a 17-year-old friend to commit a carjacking with them, which would involve recruitment conduct). There is therefore a risk that the new offence may have an impact on young Aboriginal offenders, who are similar in age to children they have recruited, by leading to increased custodial sentences for this group.

Advancing the inherent rights and self-determination of First Peoples

12. I acknowledge that the exercise of the right to self-determination will necessarily be limited by the criminal justice system, given the loss of liberty inherent in aspects of policing, court processes and the conditions of custody. However, particular consideration has been given to whether, within the context of the residual liberty afforded to individuals in the criminal justice system, the Bill further affects the right to self-determination.

13. While the government seeks to enable self-determination rights in the justice system where possible, for example through the operation of Koori courts and by supporting Aboriginal programs and access to culture in prisons, settings such as the nature of criminal offences, when individuals are charged and prosecuted and broader policing, judicial and custodial systems are not self-determined. As the Bill introduces an additional offence within these broader system settings, these amendments do not further limit self-determination.

14. To the extent that the new offence introduced by this Bill may lead to increased overrepresentation of First Peoples in the criminal justice system and in custody, this may impact some inherent rights of First Peoples as outlined in the United Nations Declaration into the Rights of Indigenous Peoples (UNDRIP).

15. The Bill may, in practice, limit the right to culture (article 11) noting the significant disruption that imprisonment presents to access to Country (see also articles 25 and 26) and places of spiritual significance, cultural practices and cultural connections, including kinship networks. A term of imprisonment may also limit the right to improvement of economic and social conditions (article 5) and the right to the enjoyment of the highest attainable standard of physical and mental health (article 24).

16. However, with regard to the above considerations, in my opinion the Bill is nevertheless compatible with the object of advancing the inherent rights of First Peoples due to the importance of preventing this offending conduct and the nature of the limitations, as detailed in the proportionality assessment below.

Addressing unacceptable disadvantage inflicted on First Peoples

17. To the extent that the new offence introduced by this Bill may lead to increased contact with the justice system and incarceration of First Peoples, it may compound the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation.

18. The *Yoorrook for Justice* report considered the significant impact of First Peoples over-representation in the justice system, including the disruptions to family and the community when people are imprisoned. The report notes that "[r]emoving them from their community can have devastating effects on their personal and social wellbeing, with many families experiencing ongoing trauma and grief as a result."

19. While courts will continue to have the full range of options for sentencing offenders, including non-custodial options, the scope of the new recruitment offence in the Bill captures a wide range of serious criminal offences and the proposed maximum penalty of life imprisonment may lead to more custodial sentences.

20. However, with regard to the above considerations, in my opinion the Bill is nevertheless compatible with the object of addressing the unacceptable disadvantage inflicted on First Peoples by the historic

wrongs and ongoing injustices of colonisation due to the importance of preventing this offending conduct and the nature of the limitations, as detailed in the proportionality assessment below.

Ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples

21. While the Bill applies neutrally to any adult who recruits a child to commit a serious offence, I acknowledge that the Bill may indirectly limit the equal enjoyment of human rights and fundamental freedoms of First Peoples, due to their overrepresentation in the prison population. I consider that the Bill may indirectly engage human rights, including the rights to liberty (section 21, Charter), freedom of movement (section 12), 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). As noted above, the Bill may also engage First Peoples' inherent rights, particularly the rights to culture and country.

22. These rights may be limited as a result of a possible sentence of imprisonment, which requires the deprivation of liberty and the exercise of powers held by officers in charge of custodial facilities 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 imprisoned. As I have raised above, the new recruitment offence may lead to more custodial sentences. In circumstances where First Peoples are subject to disproportionate detention, this may limit the equal enjoyment of human rights and fundamental freedoms by First Peoples.

23. However, with regard to the above considerations, in my opinion the Bill is nevertheless compatible with the object of ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples due to the importance of preventing this offending conduct and the nature of the limitations, as detailed in the proportionality assessment below.

Proportionality assessment

24. While the Bill may limit the achievement of the objects in section 66(3)(d)(i)–(iii) as outlined above, in my opinion the limitations are proportionate and therefore compatible with them having regard to the importance of preventing the harm caused by this offending conduct and purpose of the Bill and the nature of the limitations, noting:

    24.1 the Bill universally applies to any adult that recruits a child to engage in serious criminal activity, not specifically or only to First Peoples;

    24.2 the Bill acknowledges that marginalised and vulnerable children, including far too many Aboriginal children, are at greater risk of entering the criminal justice system. The Bill recognises that children are particularly vulnerable and can be more easily targeted and influenced by adults who wish to take advantage of them. The new offence will further criminalise behaviour by adults who deliberately recruit children to engage in serious crime. It aims to denounce this conduct to deter children from getting involved in or carrying out serious criminal activity and reduce the contact these children have with the criminal justice system;

    24.3 the new offence targets serious conduct that may have a significant impact on victims, the community, the child and their family. Whilst it may lead to more custodial sentences, the maximum penalty of life imprisonment is appropriate given the significant culpability of an adult who knowingly or recklessly targets and recruits a child to commit these serious offences;

    24.4 the scope of the new offence is limited to the extent that it only applies to adults, who must know that the child subject of the recruitment is likely to carry out the criminal activity. Further, to the extent that the new offence may apply to a range of conduct, the courts will retain discretion to sentence adult offenders, including young adult offenders, according to their relevant culpability, including imposing non-custodial sentences if appropriate.

    24.5 the Department of Justice and Community Safety will work with First Peoples communities on the implementation of the new offence to monitor impact on communities including any disproportionate impact.

25. For the reasons set out above, in my opinion the Bill is compatible with the objects specified in section 66(3)(d)(i) to (iii) of the *Statewide Treaty Act 2025*.

Jaclyn Symes MP
Minister for Energy and Resources
Minister for Environment
Minister for Climate Action
Minister for State Electricity Commission

Second reading

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:20): I move:

That the bill be now read a second time.

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

There is growing community concern that organised crime groups are recruiting children to carry out serious crimes. Introducing children to crime has a significant impact on community safety, increases the likelihood of escalating a child's criminal behaviour and risks their lifelong participation in criminal activities. The Bill delivers on the government's commitment to strengthen laws surrounding the recruitment of children by organised crime networks to commit serious offences, specifically, the commitment to introduce a new offence with a maximum penalty of life imprisonment for recruiting children to engage in serious and violent offending.

The Bill introduces a new offence into the *Crimes Act 1958* for recruiting a child to engage in serious criminal activity that constitutes an offence with a maximum penalty of 15 years or more (including life imprisonment). The new offence is modelled on the existing offence of recruiting a child to engage in criminal activity contained in section 321LB of the *Crimes Act 1958*. The new offence will apply when an adult recruits a child to engage in this serious criminal activity, knowing or being reckless as to whether that person is a child. The Bill also amends the existing offence to apply when an accused is reckless as to whether the subject of recruitment is a child. This will improve the application of the offences, in particular to organised crime and criminal gang recruitment.

The offences captured by the Bill are some of the most serious offences of community concern in Victoria and have significant impacts for victims, the recruited child and the community. This includes recruitment to commit offences including murder, home invasion and carjacking (and their aggravated forms), armed robbery, kidnapping, arson and extortion with a threat to kill or inflict injury. As is the case with the existing recruitment offence, the adult must know that it is likely the recruited child will engage in the criminal activity, however, it is not necessary that the child carries out the activity.

The existing recruitment offence, which carries a 15-year maximum penalty, will continue to apply to conduct that constitutes an offence with a maximum penalty between 5 years and less than 15 years imprisonment.

The Bill provides that the new offence will carry a maximum penalty of life imprisonment. This sends a clear message that those who recruit children to engage in serious criminal activity should receive sentences that reflect their high criminal culpability.

This reform is part of *Victoria's Serious Consequences – Early Interventions* plan to reduce violent youth crime and builds on previous community safety reforms passed by Parliament late last year including increasing maximum penalties for specific violent offences that cause a high level of fear or harm to victims, introducing a new knife offence, and ensuring children aged 14 and above who commit specified violent crimes face the prospect of adult sentences in adult courts.

The introduction of this new offence also follows the Australian Crime Intelligence Commission's (ACIC) findings in its *Opening the books* report on the impact of serious and organised crime in Australia. The report highlights that youth gangs and vulnerable people are being targeted online to carry out violent acts in public. Organised crime groups are deliberately recruiting vulnerable young people to carry out violent acts as they are cheaper to hire, more easily influenced, impressionable and easily accessible online.

As is evident from recent reporting, organised crime networks are recruiting children to commit serious offences such as arson, highlighting the need for further deterrence and greater penalties for the adults profiting from these crimes. The Bill aims to clearly denounce and criminalise this conduct. This will help protect and strengthen victim and community safety and ensure perpetrator accountability.

Together with the existing recruitment offence, the introduction of the new offence is another step towards addressing this alarming trend of organised crime networks recruiting vulnerable children to carry out their criminal agenda. However, as noted in ACIC's report, the recruitment of children by organised crime groups and criminal gangs also needs collective solutions. Finding and charging people for this offence is complex, with many hiding online or offshore.

Victoria will continue to work with stakeholders and other jurisdictions to tackle and disrupt child recruitment by organised crime and gangs, and to develop collective solutions to support the investigation and prosecution of this conduct.

I commend the Bill to the house.

Melina BATH (Eastern Victoria) (22:20): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Energy and Resources Legislation Amendment (VEET Strategic Review and Other Matters) Bill 2026

Introduction and first reading

The PRESIDENT (22:21): I have received a further message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Victorian Energy Efficiency Target Act 2007** to support the operation of the Victorian Energy Upgrades program and to make amendments consequential to the renaming of that Act, to amend the **Mineral Resources (Sustainable Development) Act 1990**, the **Electricity Industry Act 2000**, the **Gas Industry Act 2001** and other Acts and for other purposes.'

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:21): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ingrid STITT: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:21): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Energy and Resources Legislation Amendment (VEET Strategic Review and Other Matters) Bill 2026 (the **Bill**).

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

Overview of the Bill

The Bill amends the *Victorian Energy Efficiency Target Act 2007* (VEET Act), the *Electricity Industry Act 2000* (EI Act), *Gas Industry Act 2001* (GI Act) and *Mineral Resources (Sustainable Development) Act 1990* (MRSD Act).

The VEET Act provides the legislative framework for the Victorian Energy Efficiency Target Scheme, known as the Victorian Energy Upgrades (VEU) program, which supports energy efficiency in Victorian households and businesses and contributes to reducing greenhouse gas emissions. The VEU program is intended to play a key role in achieving net zero and renewable energy targets that have been legislated under the *Climate Action Act 2017 and Renewable Energy (Jobs and Investment) Act 2017*. The amendments to the VEET Act:

- Expand the VEET Act's purpose and objects beyond greenhouse gas emissions reduction, insert principles, and update terminology to align with the VEU program's future role in emissions reduction measures;
- Introduce an adjustment factor mechanism to allow certificates to be created for the delivery of benefits in addition to greenhouse gas emissions reductions;
- Introduce an activities Order mechanism for adding energy upgrade (VEU scheme) activities to the VEU program and setting eligibility requirements for certificate creation;

- Expand and clarify the role of the Essential Services Commission (ESC) and statutory functions as VEU program regulator and administrator;
- Clarify the responsibilities of accredited persons when creating certificates, particularly where activities are undertaken by others;
- Extend accreditation periods to reduce administrative burden for participants and the ESC;
- Enable limits on which participants may undertake highly specialised or complex VEU scheme activities through the introduction of a nominated activities mechanism;
- Enable the Minister to appoint an External Dispute Resolution Scheme provider and require accredited persons to be a member of an approved dispute resolution scheme as a condition of their accreditation;
- Allow the Minister to adjust the VEU scheme target by a target adjustment instrument in certain circumstances to maintain the stability of the certificate market;
- Allow energy retailers ('relevant entities') to carry forward a portion of their certificate surrender liability into the following year; and
- Make other minor and technical amendments to the VEET Act.

The amendments to the EI Act and GI Act clarify that pricing Orders under those Acts are not limited to standing offers, and can include regulating any tariff for the sale of electricity and gas to prescribed customers or a prescribed class of customers; introduce a power for the Governor in Council to prohibit electricity and gas retailers from charging specified groups of customers specified types of administrative fees; align the GI Act with the EI Act requiring persons who are exempt under an Order, to be listed on the ESC's register of exempt persons and correct a typographical error.

The amendments to the MRSD Act provide for a time-limited statutory continuation of the Hazelwood mining licence for rehabilitation purposes. Other amendments to the MRSD Act expand the power to increase a rehabilitation bond and require rehabilitation liability assessment, so that this can apply to former licensees as well as current licensees.

Analysis of human rights issues

VEET Act amendments

Introduction of nominated activities and activities Orders

Clause 20 introduces new sections 14FB and 14FC into the VEET Act. These provisions interact with clause 22, which inserts new sections 15AA, 15AAB and 15AAC into the VEET Act.

New section 15AA empowers the Minister to make activities Orders for the VEU scheme activities in the VEU program which specify the requirements applying to each activity. Activities Orders will be legislative instruments within the meaning of the *Subordinate Legislation Act 1994*, to which the publications of that Act will apply. To ensure transparency and for ease of reference, new section 15AB requires the Minister to ensure that a copy of each activities Order as amended from time to time is published on the ESC's website as soon as practicable after being made or amended and also made available for inspection. New section 15AAC provides that the Minister may declare an activity to be a nominated activity to which specified training and competency requirements apply.

New section 14FB prohibits a scheme participant from undertaking a nominated activity unless they first comply with any training and competency requirements specified in an activities Order and provide evidence of that compliance to an accredited person. New section 14FC provides that the Minister may publish and maintain a list of nominated activity participants (a term which is defined in clause 10 of the Bill) on the ESC's website.

Right to freedom from forced work (section 11 of the Charter)

New section 14FB(1)(b) provides that an accredited person, if required to do so by an activities Order, must determine that a scheme participant has complied with any training and competency requirements in that Order and make a declaration to the ESC that the scheme participant meets those requirements. This provision engages the right to freedom from forced work.

This right is set out in section 11(2) of the Charter, which provides that a person must not be made to perform forced or compulsory labour. Section 11(3) of the Charter provides that forced or compulsory labour does not include work or service that forms part of normal civil obligations.

New section 14FB(1)(b) may be seen to engage the right insofar as an accredited person may be required to take action to determine that a scheme participant has complied with relevant training and competency requirements. This could be viewed as requiring a person to perform forced or compulsory labour. However, in my view the right to freedom from forced work is not limited, as any labour required under this provision

would fall within the scope of the exception to the prohibition in s 11(3) of the Charter, namely work or service that forms part of normal civil obligations, as accredited persons are engaging in a regulated activity and have voluntarily assumed associated responsibilities and obligations under the VEET Act. Additionally, the declaration serves the purpose of promoting the integrity of the VEU program by providing for nominated activities to be undertaken by scheme participants with the appropriate training and competency to undertake nominated activities.

Right to privacy (section 13(a) of the Charter)

New section 14FB provides for the provision of information by a scheme participant to an accredited person in relation to their compliance with the training and competency requirements applying to a VEU scheme activity. To the extent that the information provided by a scheme participant to an accredited person contains personal information, this provision engages the right to privacy set out in section 13(a) of the Charter. Furthermore, new section 14FC engages the right to privacy insofar as it provides for the publication of the personal information of nominated activity participants on the ESC's website.

Section 13(a) of the Charter provides that a person has the right not to have that person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with. 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.

In my opinion, new sections 14FB and 14FC engage but do not limit the right to privacy. The purpose of new section 14FC is to require scheme participants to undertake specific training and be competent to undertake VEU scheme activities in circumstances where the Minister has determined that additional training and competency requirements are appropriate. This may include where there are safety risks associated with undertaking the VEU scheme activity. The provision of evidence to an accredited person is necessary to ensure that scheme participants have the training and competency to undertake nominated activities in a manner that is suitable and safe. New section 14FC is intended to ensure that energy consumers have ready access to a list of scheme participants who have the training and competency to undertake nominated activities. Any interference with the right to privacy from new sections 14FB and 14FC will not be unlawful because it is authorised by an accessible and precise law. Nor is it arbitrary – these provisions have a legitimate purpose of ensuring scheme participants are suitably trained to participate in the VEU program and to maintain the safety and integrity of the program. Notably, scheme participants also engage in the VEU program on a voluntary basis and in a professional capacity.

Right to a fair hearing (section 24 of the Charter)

New section 14FC(2) provides that a list of nominated activity participants must not include a nominated activity participant to whom a prohibition notice applies. Subsection (2)(c) requires the ESC to remove a nominated activity participant to whom a prohibition notice applies from the list as soon as practicable after issuing the prohibition notice. Section 40AC empowers the ESC to issue a prohibition notice if it has reasonable grounds to believe that a scheme participant has breached the requirements applying to the VEU scheme activity or has engaged in, or proposes to engage in, conduct that has caused or is likely to cause harm to human health or safety or damage to property. Insofar as this provision does not provide for scheme participants who are nominated activity participants to have advanced notice of their removal from the list, new section 14FC(2)(c) may engage the right to a fair hearing.

New section 15AAC(1)(a) and (b) provide that in making an activities Order under section 15AA, the Minister may specify a person or class of persons that are eligible to be accredited to undertake a nominated activity or who may undertake the activity for the purpose of the VEU scheme (as scheme participants). To the extent that the exercise of this power would serve to exclude potential accredited persons and scheme participants from undertaking nominated activities, these provisions also engage the right to a fair hearing.

The right to a fair hearing is set out in section 24(1) of the Charter, which provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The concept of a 'civil proceeding' is not limited to judicial decision makers and may encompass the decision-making procedures of many types of tribunals, boards, and other administrative decision-makers with the power to determine private rights and interests. The right may be limited if a person faces a procedural barrier to bringing their case before a court, or where procedural fairness is not provided.

The intention underpinning new section 15AAC(1)(a) and (b) is to ensure that only competent and capable accredited persons and scheme participants undertake nominated activities. Furthermore, new section 14FC(2)(c) is intended to ensure that the list of nominated activity participants published and maintained on the ESC's website does not include scheme participants to whom a prohibition notice applies. The amendments seek to promote the integrity of the VEU program by ensuring that energy consumers have

access to a list of nominated activity participants who are not subject to a prohibition notice. New section 14FC(2)(d) requires the ESC to include a nominated activity participant on the list as soon as practicable after a prohibition notice is revoked or ceases to apply. In addition, these provisions do not limit any judicial review rights that may otherwise be available to persons who may be affected by relevant decisions under the VEET Act. On balance, I am satisfied that any limitation to the right to a fair hearing is not unlawful as it has a legitimate purpose of ensuring safety and integrity of nominated activities.

Right to the presumption of innocence (section 25(1) of the Charter)

Clause 20 inserts new section 14FB(2) into the VEET Act. This provision makes it an offence for a scheme participant to provide information to an accredited person that purports to be evidence of their compliance with the training or competency requirements that apply to a nominated activity if the scheme participant knows the information to be false or misleading.

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. Ordinarily, the presumption of innocence requires that the prosecution prove all matters beyond reasonable doubt. Section 25(1) of the Charter may be 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.

New section 14FB(2) engages the right to be presumed innocent in that in it imposes an evidential burden on an accused to adduce evidence to establish that they did not know the information they provided to an accredited person was false or misleading. New section 14FB(2) does not shift the legal burden of proof onto the accused and the prosecution continues to bear the evidential burden in relation to the other elements of the offence. I do not consider that an evidential onus of this kind limits the right to be presumed innocent.

Clause 25 of the Bill amends the offence in section 20(7) of the VEET Act to extend it to an accredited person who creates a certificate in circumstances where the person reasonably ought to know the certificate contained incorrect information or did not comply with applicable requirements. While changes to the fault element of the offence may make it easier for the prosecution to prove an offence, the amendments do not shift the legal or evidentiary burden of proof. The prosecution is still required to prove all elements of the offence. Therefore, the amendments do not limit the Charter right to presumption of innocence.

Introduction of a target adjustment mechanism

Clause 35 introduces a mechanism to adjust VEU scheme targets (which are prescribed by regulation following a regulatory impact statement process), known as the target adjustment Order. The clause inserts new section 30A into the VEET Act, which empowers the Minister to publish an Order in the Government Gazette amending the VEU scheme target for a particular year. Orders will be legislative instruments within the meaning of the *Subordinate Legislation Act 1994*, to which the publications of that Act will apply. To ensure transparency and for ease of reference, new section 30A requires the Minister to ensure that an Order is published on the ESC's website as soon as practicable after being made.

In broad terms, the VEET Act requires energy retailers (known as relevant entities) to offset the greenhouse gas emissions associated with their sale of energy to consumers by acquiring certificates generated under the VEU program when energy efficiency activities are undertaken and surrendering these to the ESC. The VEU scheme target affects the number of certificates that relevant entities will need to acquire and surrender each year. The target adjustment amendment is relevant to the right to a fair hearing and the right to property.

Right to property (section 20 of the Charter)

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 the common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

New section 30A engages the right to property insofar as certificates are property. The power to make a target adjustment Order may engage this right in circumstances where the target is increased. The Minister may only make an Order if it is necessary to prevent high volatility in the price of certificates or to protect the stability of the market for transfer of certificates. An Order made under new section 30A ceases to exist on the later of either 31 December of the year in which the Order is made or the date by which the relevant entity is required to lodge an energy acquisition statement for the year in respect of which the Order is made. Any interference with the right will not be unlawful because it is authorised by an accessible and precise legislative framework, nor arbitrary, because it has a legitimate purpose of ensuring the market does not collapse and to maintain the safety and integrity of the VEU scheme. I am therefore satisfied that the target adjustment amendment does not limit the right to property.

Right to a fair hearing (section 24 of the Charter)

In interpreting the right to a fair hearing broadly, the new target adjustment Order may engage this right in circumstances where the target for the relevant year is increased. However, new section 30A(6) requires the ESC to notify all relevant entities that the VEU scheme target has been adjusted, and any adjustment will be done to preserve market stability and prevent high volatility of the price of certificates. Therefore, the right to a fair hearing is not limited.

ESC Information sharing powers

Clauses 47 and 48 of the Bill make amendments to sections 65 and 66 of the VEET Act, which deal with the ESC's powers to disclose information under the VEET Act. These amendments have been developed having regard to the Guidance on Adopting Model Legislative Provisions and are intended to ensure that the ESC's powers to disclose information under the VEET Act are fit for purpose. To the extent that the amendments permit the ESC to disclose personal information, they engage the Charter right to privacy.

Right to privacy (section 13(a) of the Charter)

These amendments clarify that the ESC or a person authorised by the ESC may disclose personal information obtained or held by the ESC under the VEET Act for the purpose of performing a function or exercising a power under or in connection with the VEET Act. The amendments also expand the circumstances in which the ESC may disclose information obtained or held by the ESC under the VEET Act with public sector bodies, Councils (within the meaning of section 3(1) of the *Local Government Act 2020*) and government bodies in other States and Territories and the Commonwealth, confers an express power to disclose information to law enforcement agencies, such as Victoria police, for a law enforcement purpose, and enables regulations to be made to prescribe other persons, purposes and circumstances in which information may be disclosed. These amendments are consistent with the information privacy principles set out in the *Privacy and Data Protection Act 2014*, which enable (among other things) use or disclosure that is required or authorised by or under law, and will equip the ESC to overcome existing information sharing limitations. I am satisfied that any impacts on the right to privacy will not be unlawful or arbitrary as the disclosure of any personal information by the ESC would be authorised by an accessible and precise law. Any privacy implications of regulations that prescribe other persons, purposes and circumstances in which information may be disclosed, will be assessed when those regulations are made, in accordance with requirements under the *Subordinate Legislation Act 1994* to consider impacts on Charter rights.

Removal of the privilege against self-incrimination for bodies corporate

Sections 14AE, 14E and 55P were inserted into the VEET Act by the *Victorian Energy Efficiency Target Amendment Act 2022* and provide that individuals and bodies corporate may refuse or fail to provide information or disclose an adverse matter to the ESC or an auditor on the basis that doing so would tend to incriminate them. The purpose of these provisions was to protect the privilege against self-incrimination, which derives from the common law and is also reflected in section 25(2)(k) of the Charter.

Privilege against self-incrimination (section 25(2) of the Charter)

Section 25(2)(k) provides that a person charged with a criminal offence is entitled without discrimination to not be compelled to testify against themselves or to confess guilt. Clauses 50, 51 and 52 remove the privilege against self-incrimination for bodies corporate from sections 14AE, 14E and 55P of the VEET Act and as such engage section 25(2)(k) of the Charter. The purpose of these amendments is to bring sections 14AE, 14E and 55P into alignment with sections 52 and 62 of the VEET Act, which also protect the privilege against self-incrimination, but only for natural persons. These amendments also address operational challenges that have arisen in practice for the ESC in regulating corporate entities participating in the VEU program.

While clauses 50, 51 and 52 engage the Charter privilege against self-incrimination, the amendments do not limit the right, which only applies to individuals and not bodies corporate by virtue of section 6(1) of the Charter, which provides that only natural persons have human rights.

Clause 52 also removes a reference to section 55N from section 55P of the VEET Act. Section 55N makes it an offence for a person to, without reasonable excuse, give information to an auditor that they know or believe to be false or misleading in a material particular. During the course of drafting the Bill, it was determined that applying the privilege against self-incrimination (which protects a person's right to not provide information) to an offence which involves the actual provision of false or misleading information by a person is not in keeping with how the privilege against self-incrimination is designed to work in practice. The right protects a person's right to without information, it should not apply so as to permit a person to provide information that they know or believe to be false or misleading.

Expansion of authorised officer powers

Division 12 of Part 2 of the Bill contains a number of amendments which expand the powers of authorised officers under the VEET Act. These provisions will commence the day after the Bill receives Royal Assent, ahead of amendments that revise the terminology used within the legislation and the new activities Order provisions. To support this commencement timing, Division 13 of Part 2 provides for consequential amendments to the provisions amended by Division 12 which will take effect by proclamation on or before the default commencement date.

These expand the powers of authorised officers that are already contained within the VEET Act and provide for exercise the powers in accordance with the VEU scheme activity requirements specified in regulations and activities Orders.

Clauses 55 and 60 amend section 43 of the VEET Act to expand an authorised officer's powers under Part 7 of the VEET Act to also include monitoring compliance with the requirements of the regulations and the requirements specified in an activities Order. Clauses 56 and 61 amend section 48 of the VEET Act to expand the monitoring powers of authorised officers to include the power to search premises under section 44 to search for any thing on a premises that relate to the undertaking of VEU scheme activities, the trading of certificates and monitoring compliance with the requirements of the Act, regulations and the requirements specified in an activities Order. Clauses 57, 58, 62 and 63 complement the amendments to section 48 and expand authorised officer powers to ask for information in line with their expanded monitoring powers. Clauses 59 and 64 complement the amendments to section 43 and provide that a magistrate may also issue a monitoring warrant if satisfied that it is reasonably necessary for authorised officers to have access to premises in order to monitoring compliance with the requirements of the regulations and the requirements specified in an activities Order. These provisions engage the Charter right to privacy.

Right to privacy (section 13(a) of the Charter)

These provisions engage two different aspects of the right to privacy.

Firstly, the amendments expand the reasons for which authorised officers may enter premises to monitor compliance. The Bill was developed after a Strategic Review was undertaken in relation the VEU program which made a number of recommendations to amend the legal framework to reflect the increasingly complex nature of VEU scheme activities, including activities that involve safety risks for VEU program participants and energy consumers. An example of one such activity is the installation of ceiling insulation, which was recently reintroduced into the VEU program. The activity is currently restricted to ceiling insulation installations in public and community housing. From 1 October 2026, this activity will be expanded to include installations in homes across Victoria.

In developing regulatory amendments to reintroduce this activity safely into the VEU program, the need to also amend Part 7 of the VEET Act to expand authorised officer powers to enter premises to monitor compliance was identified. In the case of ceiling insulation, these amendments will empower authorised officers to monitor compliance with the pre-installation safety requirements set out in the *Victorian Energy Efficiency Target Regulations 2018* (VEET Regulations), which include electrical and pre-installation safety checks. The extension of monitoring power to regulations will also provide for authorised officers to monitor compliance with the Code of Conduct for accredited providers and scheme participants set out in Schedule 6 to the VEET Regulations. As the Bill provides for the introduction of activities Orders to set VEU scheme activity requirements, the amendments provide for authorised officer powers to monitor compliance with the Act, regulations and activities Orders.

The expansion of authorised officer powers engages but does not limit the right to privacy. Any interference with a person's privacy would be lawful and not arbitrary because the VEET Act requires that either consent be obtained from the occupier of the premises or the authorised officer must have a monitoring warrant that is given by court order before entering premises. Participation in the VEU program is voluntary and the purpose of the amendments is to ensure that the safeguards set out in the legal framework are met. Authorised officers must exercise powers of search and seizure reasonably and must only enter premises at a 'reasonable' time of the day, must cause as little inconvenience as possible and must not remain on the premises any longer than is reasonably necessary. I am of the view that the amendments do not limit the right to privacy.

Secondly, to the extent that an authorised officer may ask or require information to be provided that may contain personal information, the right to privacy may also be engaged. Any interference with this right will not be unlawful or arbitrary and would be authorised by an accessible and precise law in relation to VEU program participants and energy consumers voluntarily engaging in the VEU program.

Publication of audit results

Clauses 53 and 54 set out amendments to the ESC's powers to publish audit result information in the VEET Act.

Section 55R of the VEET Act empowers the ESC to publish audit result information on its website. Clause 53 removes subsection (2), which currently restricts the ESC to only publishing audit information in circumstances where the auditor did not identify any significant issues. This amendment has the effect of broadening the ESC's power to publish audit information to include information where significant issues were identified by an auditor.

Clause 54 inserts new section 55S into the VEET Act. This provision sets out the procedural requirements that the ESC must comply with in order to publish audit result information which includes an adverse finding about an accredited person. These amendments engage the right to privacy and reputation and the right to a fair hearing.

Right to privacy and reputation (section 13(a) and (b) of the Charter)

To the extent that the amendments empower the ESC to publish the personal information of accredited persons, the right to privacy is engaged. I am of the view that the right is not limited, as the publication of personal information would be lawful and not arbitrary.

These amendments also engage section 13(b) of the Charter, which sets out the right to reputation. Section 13(b) of the Charter relevantly provides that a person has the right not to have their reputation unlawfully attacked. An 'attack' on reputation will be lawful if it is permitted by a precise and appropriately circumscribed law.

The purpose of the amendments is to promote the integrity of the VEU program by providing the ESC with the discretion to publish adverse audit information in circumstances where the procedural requirements have been complied with. These amendments are designed to provide energy consumers with more information about the accredited providers participating in the VEU program (all of whom do so voluntarily) and to equip them with more information about VEU program participants who have adverse audit findings. I am satisfied that the publication of adverse audit findings would only be permitted in accordance with the law and that the publication would not be done arbitrarily.

Right to a fair hearing (section 24 of the Charter)

These amendments engage the right to a fair hearing and have been developed so as to provide accredited providers with procedural fairness in relation to the publication of adverse audit findings. Clause 54 provides that before publishing adverse audit findings, the ESC must notify the accredited person and invite them to make a written submission as to why the information should not be published, which the Commission must then consider. On balance, I am satisfied that the right to a fair hearing is not limited as new section 55S accords procedural fairness to accredited persons ahead of the publication of any adverse audit results.

EI Act and GI Act amendments

Prohibition on specified administration fees

Parts 4 and 5 of the Bill set out minor amendments to the EI Act and GI Act, which introduce powers into both Acts for the Governor in Council to make Orders published in the Government Gazette regulating or prohibiting the imposition of specified fees or charges on energy consumers. Energy licensees (retailers) are required to comply with an Order, which expressly voids contractual terms and conditions between retailers and consumers to the extent that these are inconsistent with an Order.

These amendments engage the Charter right to property.

Right to property (section 20 of the Charter)

Section 20 of the Charter provides that a person must not be deprived of that person's property other than in accordance with the law. As a contractual right could be considered a property right, the EI Act and GI Act amendments engage this right. The voiding of contractual terms and conditions which are inconsistent with an Order may deprive persons of their property rights in relation to those energy supply contracts. However, the deprivation of property is confined to the circumstances set out in the amendments. Any deprivation is for the legitimate purpose of ensuring energy consumers are not charged administration fees, such as charges for providing a paper bill. I am satisfied that any deprivation of property would be in accordance with the law and not limit property rights under the Charter.

MRSD Act amendments

Clause 145 provides for a time-limited statutory continuation of the Hazelwood mining licence from 10 September 2026 until the declared mine rehabilitation plan for the Hazelwood mine site is approved by the Secretary to the Department of Energy, Environment and Climate Action. I note that the licence holder is a body corporate to which Charter rights do not apply (by virtue of section 6(1) of the Charter which provides that only natural persons have human rights).

The Hazelwood coal mine in the Latrobe Valley ceased mining in 2017 and is now undergoing long term rehabilitation regulated under the MRSD Act. Hazelwood is a declared mine, recognised as a complex, high-risk site that requires ongoing rehabilitation to address significant residual risks including spontaneous combustion, geotechnical instability and water management issues. The mining licence contains requirements to implement active risk controls for fire, slope stability and water systems, and to comply with regulatory directions. The mining licence is being extended so that these regulatory controls can continue until a Declared Mine Rehabilitation Plan is approved and registered.

The Bill does not authorise mining at Hazelwood but ensures continuation of the licence for rehabilitation purposes only. Other amendments to the MRSD Act expand the power to increase a rehabilitation bond and require rehabilitation liability assessment, so that this can apply to former licensees as well as current licensees.

The Charter rights that are relevant to the MRSD Act amendments are cultural rights, the right to a fair hearing and right to freedom from forced work.

Cultural rights (section 19 of the Charter)

Section 19(2) of the Charter recognises that Aboriginal persons hold distinct cultural rights and must not be denied the right to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs. Further, Aboriginal cultural rights co-exist with, and may extend beyond, rights in other legislative schemes, including the *Aboriginal Heritage Act 2006*, *Traditional Owner Settlement Act 2010*, *Native Title Act 1993 (Cth)* and the recently enacted *Statewide Treaty Act 2025*.

The amendments to continue the Hazelwood mining licence engage section 19(2) cultural rights to the extent that the licence covers some public land and land within a recognised Traditional Owner area (Gunaikurnai land). As the amendments are continuing current arrangements, any cultural rights that may be exercised now, can continue to be exercised after the amendments take effect. Activities such as issuing a mining licence or varying a mining licence to expand the mine's footprint would trigger procedural rights under the *Traditional Owner Settlement Act 2010* and *Native Title Act 1993 (Cth)*. In this circumstance, these procedural rights would not be triggered given the mining licence is being extended and doing so does not create a right to mine. It is also noted that there are requirements for consultation with Traditional Owners on Declared Mine Rehabilitation Plans under the MRSD Act and *Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019*, which are not impacted by the proposed amendments. In my view these amendments do not limit section 19(2) cultural rights.

Right to a fair hearing (section 24)

In interpreting the right to a fair hearing broadly, as explained above, the right may be engaged due to the extension of the Hazelwood mine licence by clause 145 of the Bill that would otherwise expire and, as a result, natural persons continue to carry out mine rehabilitation activities. However, the right is not limited as it is necessary in the interest of rehabilitating the land so that the site is safe, stable and sustainable and ongoing risks are minimised following the long-term mining activity that was previously undertaken at the site.

Freedom from forced work (section 11)

In addition, in my view the right to freedom from forced work is not limited by clause 145 of the Bill, as any labour required by natural persons to undertake mine rehabilitation activities under the extended licence would fall within the scope of the exception to the prohibition in section 11(3) of the Charter, namely work or service that forms part of normal civil obligations, as explained above.

Conclusion

In conclusion, while the Bill engages certain relevant Charter rights, I am of the view that the Bill does not limit any of these rights and is therefore compatible with the Charter.

Jaclyn Symes MP
Minister for Energy and Resources
Minister for Environment
Minister for Climate Action
Minister for the State Electricity Commission

Statement of treaty compatibility

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:21): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

1. In accordance with section 66 of the *Statewide Treaty Act 2025*, I table a statement of Treaty compatibility for the Energy and Resources Legislation Amendment (VEET Strategic Review and Other Matters) Bill 2026 ('the **Bill**').

2. In my opinion, the Bill is compatible with the matters set out in section 66(3)(d) of the *Statewide Treaty Act 2025*. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

3. This Bill amends the *Victorian Energy Efficiency Target Act 2007* (**VEET Act**), *Mineral Resources (Sustainable Development) Act 1990* (**MRSD Act**), *Electricity Industry Act 2000* (**EI Act**) and *Gas Industry Act 2001* (**GI Act**).

4. The VEET Act provides the legislative framework for the Victorian Energy Efficiency Target Scheme, known as the Victorian Energy Upgrades (VEU) program, which supports energy efficiency in Victorian households and businesses and contributes to reducing greenhouse gas emissions. The VEU program is intended to play a key role in achieving net zero and renewable energy targets that have been legislated under the *Climate Action Act 2017* and *Renewable Energy (Jobs and Investment) Act 2017*. The amendments to the VEET Act broaden the purpose and objects of the Act to align with the program's future role in emission reduction measures, introduces new mechanisms to create a more flexible legal framework and expands and clarifies the Essential Services Commission's (ESC) role and statutory functions as program regulator and administrator.

5. The amendments to the MRSD Act provide for a time-limited statutory continuation of the Hazelwood mining licence for rehabilitation purposes only. The Hazelwood coal mine in the Latrobe Valley ceased mining in 2017 and is now undergoing long term rehabilitation regulated under the MRSD Act. Hazelwood is a declared mine, recognised as a complex, high-risk site that requires ongoing rehabilitation to address significant residual risks including spontaneous combustion, geotechnical instability and water management issues. The mining licence, which is due to expire on 10 September 2026, contains requirements to implement active risk controls for fire, slope stability and water systems, and to comply with regulatory directions. The mining licence is being extended so that these regulatory controls can continue until a Declared Mine Rehabilitation Plan is approved and registered. The Bill does not authorise mining at Hazelwood but ensures continuation of the licence for rehabilitation purposes only. Other amendments to the MRSD Act expand the power to increase a rehabilitation bond and require rehabilitation liability assessment, so that this can apply to former licensees as well as current licensees. This is consistent with other provisions in the MRSD Act related to rehabilitation that apply to both current and former licensees, for example the process for varying a rehabilitation plan, and will improve the ability to regulate rehabilitation that continues after licence expiry.

6. The amendments to the EI Act and GI Act clarify that pricing Orders under those Acts are not limited to standing offers, and can include regulating any tariff for the sale of electricity and gas to prescribed customers or a prescribed class of customers; introduce a power for the Governor in Council to prohibit electricity and gas retailers from charging specified groups of customers specified types of administrative fees; align the GI Act with the EI Act requiring persons who are exempt under an Order, to be listed on the Essential Services Commission's register of exempt persons; and correct a typographical error.

Consultation with the First Peoples' Assembly of Gellung Warl

1. Due to the recent establishment of the First Peoples' Assembly of Gellung Warl, it was not possible to give the First Peoples' Assembly the opportunity to advise on the Bill or otherwise make representations about the effect of the Bill on First Peoples.

Compatibility of the Bill with each of the objects in section 66(3)(d) of the *Statewide Treaty Act 2025*

1. I have considered whether the Bill is compatible with the following objects set out at section 66(3)(d) of the *Statewide Treaty Act 2025*:

   1.1 advancing the inherent rights and self-determination of First Peoples; and

   1.2 addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and

1.3 ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.

2. The amendments to the VEET Act do not in their terms deal with First Peoples and their practical operation is not expected to have any differential effect on First Peoples. As explained in the overview, the amendments are directed to broadening and creating more flexibility in the legislative framework supporting energy efficiency measures under the VEU program. Following amendments made by the Bill, the impacts of specific activities under the VEU program will be separately considered before an activities order under the VEET Act is made to approve them.

3. The Hazelwood mining licence that is continued for rehabilitation purposes by the amendments to the MRSD Act covers some public land and land within a recognised Traditional Owner area (Gunaikurnai land). Activities such as issuing a mining licence or varying a mining licence to expand the mine's footprint would trigger procedural rights under the *Traditional Owner Settlement Act 2010 (Vic)* and *Native Title Act 1993 (Cth)*. In this circumstance, these procedural rights would not be triggered given the mining licences is being extended and doing so does not create a right to mine. It is also noted that there are requirements for consultation with Traditional Owners on Declared Mine Rehabilitation Plans under the MRSD Act and Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019, which are not impacted by the proposed amendments. The other amendments to the MRSD Act (described at paragraph 5 above) do not in their terms deal with First Peoples. Therefore, the amendments to the MRSD Act do not affect any of the objects in section 66(3)(d) of the *Statewide Treaty Act 2025*.

4. The amendments to the EI Act and GI Act do not in their terms deal with First Peoples. As explained in the overview, they clarify pricing orders made under those Acts and enable orders to be made under those Acts relating to fees and charges to protect energy consumers and enable a register of gas exempt persons. The scope and application of any order made under those Acts specifying groups of consumers will be considered separately at the time of making those orders.

Conclusion

5. I consider the Bill does not affect any of the objects specified in section 66(3)(d) of the *Statewide Treaty Act 2025* and is therefore compatible with each of those objects.

Jaclyn Symes MP
Minister for Energy and Resources
Minister for Environment
Minister for Climate Action
Minister for the State Electricity Commission

Second reading

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:22): I move:

That the bill be now read a second time.

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

The *Victorian Energy Efficiency Target Act 2007* (VEET Act) establishes the Victorian Energy Upgrades (VEU) program, the Victorian Government's flagship energy savings and emissions reduction program. It is the largest energy efficiency program in Australia. The VEU program helps Victorians to reduce their energy bills and greenhouse gas emissions by providing access to discounted energy efficient products and services. The VEU program is a major contributor to the achievement of Victoria's emission reduction targets established under the *Climate Change Act 2017*.

Since 2009, the VEU program has helped nearly 2.6 million Victorian homes and businesses access energy-saving technologies and upgrades, equivalent to abating more than 93 million tonnes of greenhouse gas emissions. The VEU program is one of the largest contributors to emissions reduction in the Victorian economy, driving investment, employment and innovation in industries that supply energy efficient products and services.

The VEU program has provided over $600 million in discounts for households and businesses to access more efficient and electric appliances. Between 2021 and 2025, the VEU program was estimated to avoid $3.8 billion1 in energy system costs, so even after accessing appliance discounts and getting real bill savings, every single Victorian is also avoiding extra energy costs they would have had to pay if the VEU did not exist to help drive down electricity demand.

While the program's success is evident, it is important to recognise that its operating environment has significantly changed since launching in 2009. Major developments in the energy sector have occurred. When the VEET Act was introduced in 2007, only 3% of Victoria's electricity came from renewables, and most was generated by brown coal. The VEU program now operates in a significantly different energy landscape. When the VEET Act was introduced, Victoria did not have renewable energy or emissions reduction targets. Victoria is now generating about 44% from renewables with 29% of homes generating their own solar energy, driven significantly by government's incentives through the Solar Homes program, delivering over 9% of Victoria's electricity generation in 2023–24.

Energy efficiency still has great value in the future of the VEU program as reduced electricity consumption from energy efficient installations continue to provide significant benefits for Victorian energy consumers, such as lower bills, increased generation capacity, and reduced infrastructure transmission and distribution costs.

After more than 16 years of the program's existence and in recognition of the changing energy landscape, in May 2024, the Victorian Government announced a Strategic Review of the VEU program. The review established a strong evidence base and robust governance arrangements to guide and inform its recommendations. Extensive stakeholder consultation was undertaken to ensure that its findings reflected diverse perspectives, as well as industry and consumer needs.

The review confirmed that the VEU program has been, and will remain, a central part of Victoria's energy transition, not just in supporting electrification through energy efficiency, but also in transitioning Victorian households and businesses away from gas or increasing gas efficiency when fuel switching is not possible.

With the VEU program's extension to 2045, this Bill will modernise the VEU program to ensure households and businesses can continue to cut their energy costs and reduce their emissions. This Bill will expand the VEU program, embed flexibility in its legal framework to enhance program integrity, strengthening its responsiveness for the future of the energy transition.

Reforms enabling expansion of the VEU program

The Bill proposes to expand and strengthen the VEU program so that it can better support activities delivering system-wide benefits beyond emissions reduction and ensure that the VEU program can reach more Victorians.

Currently, the VEU program only includes activities that directly reduce emissions. Activities and technologies that indirectly reduce emissions by supporting complementary Government policy initiatives, such as electrification-enabling and flexible demand technologies, are ineligible to generate certificates in the program.

The current legal framework also does not allow for the use of targeted activity measures, such as offering greater incentives for the adoption of certain technologies, or to assist certain cohorts to engage with the VEU program. Victorian cohorts experiencing vulnerability, including low-income households and renters, may not be able to access the benefits of electrification or energy savings through the VEU program as easily as others.

These gaps limit the VEU program's potential to contribute to achieving Victorian energy policy and affordability objectives. The Strategic Review Bill will change this. The Bill will modernise the legal framework so that it recognises a range of environmental, economic and social benefits beyond direct emissions reduction, to meet Victoria's clean economy goals.

The *Victorian Energy Efficiency Target Act* will be renamed the *Victorian Energy* **Upgrades** *Target Act.* The Act's purpose and objects will be updated to establish and reflect VEU program's broader role in Victoria's energy transition: not just energy efficiency, but the efficient and effective use of energy.

Reforms enhancing the VEU program's flexibility and responsiveness

The Bill will strengthen flexibility and responsiveness in the legal framework to ensure that the VEU program can adapt as energy systems and market conditions change, delivering energy bill savings for all Victorians.

The Bill will simplify this process for the bringing in of new activities by enabling activities to be declared through Activities Orders, instead of the Act's Regulations, which is an overly burdensome and time heavy process.

VEU targets are based on modelling and assumptions about anticipated activity uptake, typically in 5 yearly cycles. When actual activity diverges from assumptions made in VEU target-setting, this significantly increases the risk of volatile certificate prices affecting compliance costs for obligated parties, installation costs for industry and ultimately the discounts available to customers.

The Bill addresses the risks associated with an exceptional divergence from the set targets by enabling the Government to adjust the VEU program targets by Order when needed, under certain circumstances, to safeguard the integrity and stability of the market.

Further, the Bill will allow relevant entities to carry forward 10% of their certificate liability into the next year. Requiring payment the following year preserves the integrity of the annual target by ensuring that liabilities will still be met. This practical flexibility in supporting obligated parties to achieve compliance, helps ensure on-the-ground delivery of activities and certificates, contributing to the scheme's intended outcomes.

Reforms enhancing the VEU program's integrity

Customers are at the heart of the VEU program. It is a key priority to enhance program integrity and reduce the risk of consumer harm.

The Bill enhances the regulator's monitoring and enforcement capability, clarifies responsibilities, improves transparency around rebates and certificate transfer prices, and supports stronger complaints and dispute resolution pathways to safeguard VEU customers.

The Bill also creates the ability to set training and competency requirements for highly complex, specialised or sensitive upgrades or services. This gives assurance that only suitably qualified persons undertake activities.

The regulator will be empowered to reduce red tape for industry by granting accreditation for longer periods, shifting focus to ongoing compliance after accreditation, and providing guidelines to give clarity to program participants and ensure consistent administration.

The Bill also clarifies responsibilities of Accredited Providers, by requiring details of discounts provided to customers.

The Bill also strengthens complaint and dispute pathways by setting requirements for participants in specified activities to be members of an independent complaints and dispute resolution body. Training and competency requirements for program participants who undertake highly specialised or sensitive activities will be put in place to ensure safe and compliant delivery.

Finally, the VEU program will be reviewed by 1 October 2032 and every 5 years thereafter, to ensure that the program continues to meet its objectives until its conclusion in 2045.

The Bill's suite of reforms will modernise the VEU program, ensuring it remains effective in Victoria's energy transition while continuing to deliver lower bills and energy savings for all Victorians.

In addition, the Bill contains the following additional amendments:

Amendments to the *Electricity Industry Act 2000* (EIA) and the *Gas Industry Act 2001* (GIA)

The Bill will include amendments to strengthen energy consumer protections in the EIA and GIA to give effect to critical energy consumer protection reforms agreed at the Energy and Climate Ministerial Council (ECMC) on 19 July 2024. The Bill will include a clarification that Orders made under section 13 of the EIA and section 21 of the GIA are not limited to the standing offers and can include regulating any tariff for the sale of electricity and gas to prescribed customers or a prescribed class of customers. This allows additional pricing Orders to be made to regulate prices without any unintended consequences for the Victorian Default Offer (VDO).

The Bill will also introduce a new head of power to enable the Governor in Council on the recommendation of the Minister to regulate or prohibit licensees from imposing specified fees or charges on a customer or class of customers.

Finally, the Bill will align the GIA with the EIA process, requiring persons who are exempt under an Order, to be listed on the Essential Services Commission's register of exempt persons. This will ensure consistency across both frameworks and provide the ESC and the public with visibility of gas exempt persons. The Victorian Government is committed to maintaining Victoria's strong energy consumer protections and these reforms will ensure that the energy law operates as intended.

Amendments to the *Mineral Resources (Sustainable Development) Act 1990* (MRSD Act)

The Bill includes amendments to maintain effective regulation of rehabilitation at Hazelwood mine until the Hazelwood Declared Mine Rehabilitation Plan is approved and becomes the main regulatory instrument governing rehabilitation at the site. The Bill will ensure Hazelwood's mining licence continues to apply until this occurs. Doing so does not authorise mining at Hazelwood mine and the licence will only regulate rehabilitation activities at the site.

The amendments also preserve the ability to increase rehabilitation bonds where rehabilitation is not complete after licence expiry.

This will ensure that site-specific requirements for managing risks and the associated statutory enforcement framework will continue to apply. Regulatory continuity supports the effective management of public safety, environmental and financial risks.

I commend the Bill to the house.

David DAVIS (Southern Metropolitan) (22:22): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Multicultural Victoria Amendment Bill 2026

Introduction and first reading

The PRESIDENT (22:22): I have received a further message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Multicultural Victoria Act 2011** to establish Multicultural Victoria, to require certain public sector entities to acquire interpreting and translating services from VITS LanguageLoop and for other purposes.'

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:22): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ingrid STITT: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:23): 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*, (**Charter**), I make this Statement of Compatibility with respect to the Multicultural Victoria Amendment Bill 2026 (**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 Bill is a fundamentally rights-promoting piece of legislation. The Bill lays the foundation for a renewed approach to working with Victoria's multicultural and multifaith communities, and strengthen Victoria's multicultural settings, institutions and frameworks. The Bill is expected to have positive impacts on Victoria's multicultural and multifaith communities through strengthened engagement between government and communities.

The Bill seeks to amend the *Multicultural Victoria Act 2011* (**Act**), by abolishing the Victorian Multicultural Commission (**VMC**), and establishing a new statutory entity called Multicultural Victoria. Multicultural Victoria will promote Victoria's rich multiculturalism, deepen community engagement, strengthen accountability for whole-of-government multicultural outcomes, and enhance community engagement.

The Bill will retain the VMC's existing objectives for Multicultural Victoria while also enshrining the promotion of language services; place-based and regional engagement with multicultural and multifaith communities; and First Nations self-determination and Treaty as new objectives.

New leadership roles for Multicultural Victoria will be enshrined in the Bill through an independent Multicultural Coordinator General (**Coordinator General**), supported by two Deputy Coordinators General,

one of which will be a designated regional appointee. This refreshed leadership structure will enable Multicultural Victoria to play a more influential role, provide an independent voice into government and become a trusted conduit between community and government. The Bill will require the Coordinator General and Deputies to act in accordance with impartiality when performing their functions, which will involve acting without bias and self-interest, acting fairly and equitably and supporting all individuals and communities from diverse backgrounds.

The Bill will also establish the Multicultural Community Advisory Group (**MCAG**), which will be an independent group of advisors to Multicultural Victoria and actively participate in community events, consultations, and government forums.

The Bill will also address recommendations made in Victoria's Multicultural Review (**Review**) led by George Lekakis AO and the Expert Advisory Group. The Review provided an opportunity to examine how multicultural institutions, settings and policies are operating; recommend ways in which government can enhance its support for Victoria's multicultural and multifaith communities; as well as strengthen government's response to current challenges and future social cohesion issues. The Review made 41 recommendations, several of which required amendment to the Act. These recommendations have been considered in the preparation of the Bill.

Human Rights Issues

In my opinion, the human rights under the Charter engaged by the Bill are the:

- right to recognition and equality before the law (section 8 of the Charter);
- right to privacy and reputation (section 13 of the Charter)
- right to protection of families and children (section 17 of the Charter);
- right to take part in public life (section 18 of the Charter); and
- cultural rights (section 19 of the Charter).

For the reasons outlined below, I am of the view that the Bill is compatible with the Charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society. I consider that other provisions of the Bill promote human rights.

Right to recognition and equality before the law

The Bill engages the right to equality in section 8 of the Charter because it promotes equality before the law. Section 8(3) provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination. Multicultural Victoria is being established under the Bill to promote unity and positive relationships among multicultural and multifaith communities and to encourage full participation in the social, cultural, economic and political life of Victoria. The Bill provides that functions of Multicultural Victoria include to represent and promote the interests of multicultural and multifaith communities, advise the Minister on a range of matters impacting multicultural and multifaith communities, undertake wide-ranging consultation and develop and maintain partnerships with public sector bodies, Councils and community organisations. These functions aim to provide opportunities for Victorians from a broad range of backgrounds to be heard, promoting equality before the law by ensuring their views are reflected in government decision making.

The Bill also recognises and promotes language services as an essential service for multicultural communities, which is necessary to overcome disparities which may have occurred due to language or cultural barriers. Members of multicultural and multifaith communities will be able to gain better access to essential services such as health, education, legal and housing. The Bill also provides a mechanism to require certain public sector entities acquire services from the Victorian Interpreting and Translating Service (**VITS**) LanguageLoop. The provision of consistent language services via VITS LanguageLoop in critical areas, which may include healthcare, court, and other frontline government services, will promote greater participation and engagement from multicultural and multifaith communities, supporting equal engagement with government programs and services, further promoting equality before the law.

For these reasons I consider that the Bill is compatible with the right to recognition and equality before the law.

Right to privacy and reputation

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

The Charter contains internal qualifications on this right, being that interferences with privacy only limit the right if it is unlawful or arbitrary. An interference will generally be lawful where is it precise and appropriately

circumscribed and will generally be arbitrary only where it is capricious, unpredictable, unjust, or unreasonable, in the sense of being disproportionate to the legitimate aim being sought.

The Bill abolishes the VMC and establishes a new statutory entity, Multicultural Victoria. The VMC and Multicultural Victoria will be subject to legal obligations in relation to the handling, use and protection of information. Various laws will apply (as relevant) to VMC and Multicultural Victoria, including: the *Privacy and Data Protection Act 2014*; the *Health Records Act 2001*; the *Public Records Act 1973*, the Charter, and any other applicable information protection, secrecy, or confidentiality provisions.

Any information held by the VMC, and subsequently, Multicultural Victoria, must be managed in accordance with existing information, privacy or public record laws. This includes the lawful handling, disclosure or transfer of such information, where appropriate, to the Public Records Office of Victoria.

The Bill establishes reporting requirements for Multicultural Victoria. Under the Bill, Department Heads must make every reasonable effort to assist Multicultural Victoria with respect to a general report but also ensure that no personal information is provided to Multicultural Victoria as part of this assistance. Further, Multicultural Victoria is required to remove any personal information in its annual State of Multicultural Victoria report, prior it being provided to the Minister for approval and tabling in Parliament. These provisions expressly contemplate and protect the right to privacy.

The Bill provides for the Premier to develop a new Multicultural Strategy, informed by advice from the Coordinator General and community consultation, which will consider and plan for initiatives across all government portfolios. If any personal information is collected and handled as part of measuring progress towards the Multicultural Strategy or as part of the consultation process, then the *Privacy and Data Protection Act 2014* protections will apply to the data, for the purposes of complying with the Bill.

Although the Bill's provisions may engage the right to privacy and reputation, in my view any limitation is negligible or minimal, reasonable and demonstrably justified in a free and democratic society, consistent with sections 7(2) and 13 of the Charter.

Right to protection of families and children

Section 17 of the Charter provides that families are the fundamental group unit of society and are entitled to be protected by society and the State, and that every child has the right, without discrimination, to such protection.

I consider that the Bill promotes the Charter right to the protection of families and children. The Bill embeds a requirement for Multicultural Victoria to provide support and advice in relation to community safety planning, in order to help prevent, manage or respond to emergencies or adverse local or global events and their impact on multicultural and multifaith communities. This will help to create a safer and secure environment for families and children, particularly when participating in multicultural and multifaith events.

The Bill seeks to strengthen the Act's principles of multiculturalism by recognising language services as an essential service for multicultural communities when accessing government services. This will help families and children access relevant healthcare, legal services, education, and housing without language barriers and in circumstances which preserve their cultural heritage.

Right to take part in public life

Section 18(1) of the Charter provides that every person in Victoria has the right to participate in the conduct of public affairs.

The Bill promotes the rights of Victorians from different multicultural and multifaith communities to participate in public life. The Bill will establish MCAG as an advisory group. When appointing members to MCAG, the Bill requires the Minister to have regard to the desirability of the MCAG having diverse membership, as well as members from different occupations and who reside in different parts of the State, with representation from regional and rural Victoria. One appointee will be a dedicated youth representative.

The Bill also enshrines a requirement for Multicultural Victoria to establish regional stakeholder engagement groups, which will include representation from all regions of Victoria. Multicultural Victoria will be required to provide feedback to group stakeholders on what action has been taken in respect of the matters raised during engagement. Embedding these groups in the Bill will protect and systematise regional and place-based community engagement on multicultural affairs, providing a dedicated forum for regional communities and groups to share their views and experiences.

The Bill also requires government departments to periodically produce Multicultural Action and Inclusion Plans. These plans will identify actions, activities or programs to increase cultural inclusion of government services, and actions to strengthen diversity in the Victorian public service workforce and of committees established, or engaged by, departments.

The Bill further promotes participation in public life by requiring Multicultural Victoria to have regard to the needs of multicultural and multifaith communities identified through ongoing community consultation when providing input into the development of the Multicultural Strategy, which is to be led by the Premier. The Multicultural Strategy may also be amended at any time to ensure it reflects multicultural and multifaith community needs.

Additionally, if Multicultural Victoria consults with representatives from multicultural and multifaith communities, such as through the multicultural community advisory group, regional stakeholder engagement groups or otherwise, Multicultural Victoria is required to report back to the representatives as soon as practicable, advising on what action Multicultural Victoria has taken in respect to matters that have been raised. This process will allow community members to determine how their input and feedback has influenced the conduct of public affairs.

For these reasons I consider that the Bill is compatible with the right take part in public life.

Cultural rights

Section 19 of the Charter provides that every person in Victoria has the right to enjoy their culture, practise their religion and use their language. The Charter also recognises that First Nations peoples have the right to enjoy their identity and culture, to maintain and use their language, and maintain their kinship ties to member of their community. The Charter also requires public authorities to adopt measures that protect and promote cultural diversity and inclusion.

The Bill seeks to strengthen the Act's principles of multiculturalism by recognising language services as an essential service for multicultural communities when accessing government services and recognising First Peoples unique status as the descendants of Australia's first people. This Bill also provides that it is an objective of Multicultural Victoria to acknowledge First Peoples' self-determination and Treaty. This will help preserve culture, maintain kinship ties and support individuals using their own language.

The Bill promotes cultural inclusion and acknowledges that multicultural and multifaith communities have intersecting and diverse identities, and values the richness that such diversity brings to the Victorian community. The Bill will help to address inequities experienced by multicultural and multifaith communities and preserve their cultural heritage.

For these reasons I consider that the Bill is compatible with cultural rights under the Charter.

Conclusion

I consider that the Bill is compatible with the Charter because, to the extent that some of the provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society in accordance with section 7(2) of the Charter.

I commend the Bill to the House.

Ingrid Stitt MP
Minister for Health
Minister for Mental Health
Minister for Ambulance Services
Special Minister of State

Statement of treaty compatibility

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:23): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

1. In my opinion, the Multicultural Victorian Amendment Bill 2026 (the Bill) is compatible with the matters set out in section 66(3)(d) of the *Statewide Treaty Act 2025*. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

2. The Bill seeks to address recommendations arising from Victoria's Multicultural Review (the Review) and provide renewed leadership to the Multicultural and Multifaith portfolio through the establishment of a new statutory entity, Multicultural Victoria.

3. The proposed amendments to the Act will:

   3.1 Provide renewed leadership to the Multicultural and Multifaith Victoria portfolio by establishing a new statutory entity, Multicultural Victoria and abolishing the Victorian Multicultural Commission.

3.2 Strengthen responsibility and accountability for coordinating rigorous whole of government strategic planning and reporting for the Multicultural and Multifaith Victoria portfolio by amending ongoing consultation and reporting processes.

3.3 Embed a requirement for Multicultural Victoria to support and advise relevant agencies on community safety planning following adverse local or global events.

3.4 Appoint a Multicultural Coordinator General and two Deputy Coordinators General to lead the new statutory entity.

3.5 Establish a Multicultural Community Advisory Group (MCAG) to advise the new statutory entity.

3.6 Require Multicultural Victoria to convene regional stakeholder engagement groups, with groups providing representation from all regions of Victoria

3.7 Recognise and promote language services as an essential service for multicultural communities.

3.8 Recognise the unique status of the First Peoples of Victoria and acknowledge Treaty.

3.9 Make minor and technical amendments to improve the operation of the Act.

3.10 Provide for the Minister for Multicultural and Multifaith Victoria to direct particular public sector bodies to acquire language services from VITS LanguageLoop (VITS) unless VITS is unable to provide the services.

3.11 Authorise VITS's conduct for the purposes of Part IV of the *Competition and Consumer Act 2010 (Cth)*.

4. Further to paragraph 3.8, the Bill:

4.1 inserts a new principle of multiculturalism, recognising that 'First Peoples in Victoria, as the original custodians of the land on which the colony of Victoria was established –

a) have a unique status as the descendants of Australia's first people;

b) have a spiritual, social, cultural and economic relationship with their traditional lands and waters within Victoria; and

c) have made a unique and irreplaceable contribution to the identity and wellbeing of Victoria.

4.2 embeds a function of Multicultural Victoria to 'acknowledge First Peoples right to self-determination and the advancement of Statewide Treaty-making between First Peoples in Victoria and the State'.

Consultation with the First Peoples' Assembly of Gellung Warl

5. The First Peoples' Assembly was given an opportunity to advise on the Bill and indicated that it did not wish to give advice or make representations at this time, pending publication of its Community Governance and Answerability Framework, which is required under Part 14 of the Statewide Treaty Act. I understand the First Peoples' Assembly noted that the Framework provides the mechanism through which the views of Community are reflected in its advice and representations.

Compatibility of the Bill with each of the objects in section 66(3)(d) of the *Statewide Treaty Act 2025*

1. I have considered whether the Bill is compatible with the objects at section 66(3)(d) of the *Statewide Treaty Act 2025*:

1.1 advancing the inherent rights and self-determination of First Peoples; and

1.2 addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and

1.3 ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.

Advancing the inherent rights and self-determination of First Peoples

2. The inherent rights of First Peoples, including the right to self-determination, are recognised by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

3. The Bill positively affects this object by prescribing that Multicultural Victoria, comprising the statutory appointees of Multicultural Victoria and members of the Multicultural Community Advisory Group, undertake their functions in a manner that acknowledges First Peoples' self-determination and the advancement of Treaty.

4. These are novel inclusions in the Bill that require Multicultural Victoria to expressly consider First Peoples' interests. In this way, the Bill promotes advancement of the inherent rights and self-determination of First Peoples by enshrining an expectation that Multicultural Victoria must:

   4.1 stay abreast of matters relating to First Peoples' self-determination and the advancement of Statewide Treaty-making in Victoria

   4.2 act in a way that acknowledges self-determination

   4.3 act in a way that is not inconsistent with Treaty.

Addressing unacceptable disadvantage inflicted on First Peoples

5. The Bill does not affect or limit the achievement of this object and is therefore compatible.

Ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples

6. The Bill does not affect or limit the achievement of this object and is therefore compatible.

Conclusion

7. Accordingly, in my opinion, for the reasons stated above, the Bill is compatible with each of the objects in in section 66(3)(d)(i)–(iii) of the Statewide Treaty Act.

Ingrid Stitt MP
Minister for Health
Minister for Mental Health
Minister for Ambulance Services
Special Minister of State

Second reading

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:23): I move:

That the bill be now read a second time.

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

Victoria is a proudly multicultural state – it is who we are. Victorians come from over 300 different ancestries, speak more than 290 languages and practise almost 200 faiths. Almost half of us were born overseas, or have a parent born overseas. All of us who are not First Peoples come from a lineage of migration, and that migration continues to shape Victoria today.

This Government is proud to uphold Victoria's reputation as a safe, diverse and inclusive State – where all people feel safe to be and express who they are.

Global conflicts, the cost of living, and the lingering impacts of the COVID-19 pandemic are pressures that have touched every community, but they have placed a particular strain on our multicultural and multifaith communities.

It was in that context, that in December 2024, the Victorian Government commissioned Victoria's Multicultural Review (the Review) to examine Victorian multicultural settings. Led by George Lekakis AO – the longest ever serving chair of the Victorian Multicultural Commission – and supported by an Expert Advisory Group comprising of Hass Dellal AO, Carmel Guerra OAM, Miriam Suss OAM and Mark Duckworth PSM, the Review heard from over 640 Victorians across the state, including over 150 peak bodies.

The Review heard about the needs of multicultural and multifaith Victorians. This Bill delivers on key commitments arising from the Review.

It's long been recognised that when we develop policy, deliver programs, and provide services across portfolios, for multicultural and multifaith communities, that we need to consider the voices of those communities. We know that when we listen to diverse communities about policies, programs and services that impact them, we get better outcomes for all Victorians.

When we meaningfully engage with communities, we are better able to learn from our successes and challenges to continuously improve. When Victorians work together, we are better able to stand up for respect, unity and belonging.

The Victorian Government is committed to supporting Victoria as a multicultural and inclusive community, and combatting racism and hatred in all its forms.

To uphold our reputation as a safe, diverse and inclusive state, we need forward planning, coordination and meaningful engagement to inform our decisions and provide real accountability.

The Bill enshrines critical elements of this vision and lays the groundwork for a renewed approach to working together, hand in hand, with Multicultural and Multifaith communities in Victoria. These changes will ensure more voices are represented and heard.

Establishing Multicultural Victoria

The Review told us we need a fresh start and a stronger voice for multicultural and multifaith communities. This Bill will establish a new statutory entity, Multicultural Victoria.

Multicultural Victoria signals a reset in how we as a government listens to, collaborates with and supports multicultural and multifaith Victorians. It will bring multicultural and multifaith leadership to the forefront of discussions, and will raise the voices of those in the community who may not always be heard.

The new entity will bring together the functions of two separate bodies: the Victorian Multicultural Commission (VMC) and the departmental functions of the Multicultural and Multifaith Victoria portfolio.

These changes reinforce this Government's ongoing commitment to stand together with multicultural communities – not against them.

The Bill will see the Victorian Multicultural Commission (VMC) superseded by Multicultural Victoria. I thank past and present VMC Chairs and Commissioners for their tireless support, contributions and achievements. Since 1983, the VMC has played an invaluable role supporting multicultural and multifaith communities through its role as a conduit between government and community. However, the Review found that the separation between the VMC and the department's policy and programs functions resulted in an inconsistent and fragmented approach to the portfolio, and confusion among community on the role and function of each.

Multicultural Victoria will bring community engagement, policy and grants together, addressing the Review's finding that community voice needs to be much more closely connected into policy and grants delivery. The Multicultural Coordinator General's independent voice, speaking on behalf of our communities, will inform the development of policy and grants program design. Departmental staff will support the Coordinator General to deliver on their statutory community engagement and cross-government accountability functions, and the delivery of policy development and grants programs under the banner of Multicultural Victoria.

Strengthened leadership, effective engagement and an independent voice

The Bill provides Multicultural Victoria with new leadership positions: a Multicultural Coordinator General who will be the statutory leader of Multicultural Victoria, supported by two Deputies (including one from regional Victoria) and a new Multicultural Community Advisory Group. These independent appointees will support, represent and advocate for all multicultural and multifaith communities across Victoria.

The Bill requires the Multicultural Coordinator General and Deputies to act in accordance with the principles of impartiality – free from prejudice, bias or personal influences. This aligns with the Review's emphasis on Multicultural Victoria maintaining neutrality, to best advocate for all multicultural and multifaith communities.

One of the key responsibilities of the Multicultural Coordinator General will be to lead systematic and wide-ranging consultation, to hear directly from our multicultural communities about their experiences, priorities and needs – and report on these to the government. Multicultural Victoria will also have a legislated obligation to report back to those it has engaged with, to explain what action it has taken in respect of the matters raised.

To ensure that engagement has impact, the Multicultural Coordinator General will have new powers to drive change for multicultural and multifaith communities across government – including strengthened powers in relation to whole-of-government planning and accountability.

They will also play a key role in working with existing community safety and emergency services agencies, such as Victoria Police and Emergency Management Victoria, to support, and advise on, community safety planning with multicultural and multifaith communities affected by emergencies or serious global or local adverse events. This reform recognises that some emergencies and global events can have a disproportionate impact on multicultural and multifaith communities, and seeks to ensure that responses are cognisant of those impacts.

The Multicultural Coordinator General will provide independent advice to the government on current issues affecting our communities, the adequacy of government services, and any other matters relating to multicultural and multifaith communities, drawing on Multicultural Victoria's broad engagement and research, and advice from its advisory committees.

The Multicultural Coordinator General will also support the Premier in the development and implementation of a whole-of-government Multicultural Strategy, and ensure that community perspectives inform government policy and programs.

And we know that you can't address what you don't measure – which is why the Multicultural Coordinator General will also develop a yearly report, driven by community consultation. It will highlight what has worked and what more needs to be done across government. The State of Multicultural Victoria report will be tabled in Parliament each year, bringing transparency to the operations of Multicultural Victoria as well as efforts and opportunities to improve community outcomes.

Improving community outcomes across all government portfolios

The Review found that government's current approach to measuring whole of government outcomes for multicultural and multifaith Victorians has delivered inconsistent results and lacks accountability to drive measurable improvements in equity, inclusion and community wellbeing. The Bill responds to this by strengthening accountability for multicultural outcomes through whole-of-government strategic planning and reporting.

In addition to the Premier-led Multicultural Strategy, informed by advice from the Multicultural Coordinator General and community consultation, government departments will be required to produce Multicultural Action and Inclusion Plans every four years. These plans will identify actions to increase cultural inclusion of government services, and actions to strengthen outcomes for multicultural Victorians through the public service. The plans must be approved by the Multicultural Coordinator General, and departmental Secretaries will be required to report to the Multicultural Coordinator General on their progress annually.

Improved whole-of-government reporting will allow for more intentional forward planning for multicultural and multifaith communities across government, in alignment with Victoria's overarching Multicultural Strategy. A data and community feedback-driven approach will allow the government to make evidence-based decisions around funding priorities, and corporate and operational planning.

These reporting and planning provisions will be key accountability mechanisms to identify and address any gaps or areas for improvement both within departments, and in our service delivery to multicultural and multifaith Victorians.

Multicultural community advisory group

Engagement and consultation with diverse groups – including with young people, faith leaders, regional Victorians and new and emerging communities – will be bolstered through Multicultural Victoria, as will engagement with multicultural community organisations, ethno-specific organisations, faith-based organisations and peak bodies.

As recommended by the Review, the Bill also establishes the Multicultural Community Advisory Group to provide strategic advice to the Multicultural Coordinator General and Deputies.

The Advisory Group will sit within Multicultural Victoria, embedding a genuine codesign component to the development of policies, programs and services. The Advisory Group will add depth, credibility and lived experience to advice to government on matters concerning multicultural and multifaith affairs.

Reporting to the Coordinator General, Advisory Group members will work collaboratively to bring to life the objectives and vision of Multicultural Victoria. Advisory Group members will actively participate in community events, consultations and government forums, in addition to attending formal Advisory Group meetings.

Advisory Group members will come from a range of cultural, faith and occupational backgrounds. Membership will include representation from rural or regional Victoria as well as a dedicated youth representative. The Advisory Group will be formed and informed by a diverse range of views and experiences.

They will engage actively at the grassroots level and ensure that the voices and perspectives of multicultural and multifaith Victorians are reflected in government policies and programs – to make sure that no one is left out, and no one is left behind.

Multicultural Victoria will also have the ability to establish other advisory groups and consultation mechanisms as required, to allow all Victorians of multicultural and multifaith backgrounds to have their voices heard right across our community.

This means Multicultural Victoria can continue to benefit from advisory groups like the Multifaith Advisory Group and the Multicultural Youth Network, established by the VMC.

Regional stakeholder engagement groups

The experiences of multicultural and multifaith Victorians differ across not only across culture and faith, but also in where they choose to call Victoria home.

This Bill recognises that the place where we live can shape our experiences, priorities, viewpoints and needs. To understand, celebrate and respond to our communities across Victoria, effective place-based engagement is critical.

Since 2011, Regional Advisory Councils have been an important platform for members to advise the VMC on matters of multiculturalism, settlement, service delivery and other important issues.

However, the Review told us that the model of the Regional Advisory Council is unwieldy and doesn't deliver the improved outcomes that it should and to abolish them in their current form.

I acknowledge and thank Regional Advisory Council members for their contributions and incredible work delivered over the years. Together with other committees chaired by the VMC. I thank all members for sharing their diverse identities and experiences of culture and faith.

But we know that regional and place-based engagement remains critical – and this Bill takes deliberate steps to ensure the representation and inclusion of regional multicultural communities through a new model of place-based engagement. This model will provide flexibility and will improve the way that multicultural and multifaith communities from all regions across Victoria.

The Bill requires that Multicultural Victoria provide feedback to the groups on outcomes achieved and how their advice has been received and used by government.

The Multicultural Coordinator General will be responsible for setting terms of reference for these groups – providing flexibility to ensure the engagement model works for communities. Regional stakeholder groups may include representatives of relevant local agencies, regional ethnic councils, and community organisations – as well as individuals not involved with an organisation. This method of engagement will be independently reviewed every four years to ensure it remains effective, and the voices multicultural and multifaith Victorians in regional and place-based locations are heard.

Language services

The Review also found that language services, including interpreting and translating services, are essential for Victoria's multicultural communities, especially in critical government settings such as health, policing, courts, justice, education and emergency management. The Review recommended assigning critical areas of government language service delivery to the government's state-owned provider, VITS LanguageLoop to improve the equity, quality and delivery of language services.

In alignment with findings from the Review, the Bill recognises that interpreting and translating are essential services for our multicultural communities within the Act's principles of multiculturalism.

The Bill also sets the framework for assigning critical areas of government work to VITS LanguageLoop by empowering the Minister for Multicultural and Multifaith Victoria to declare by written notice that a specified entity must obtain interpreting and translating services from VITS LanguageLoop. As a supply and quality safeguard, should VITS LanguageLoop not be able to deliver the requested service, prescribed organisations may then obtain the relevant services from an alternative language services provider.

In making the Ministerial declaration, the Minister must consult with the relevant portfolio Ministers. These reforms will not extend to the private sector or integrity agencies. It is intended that declarations will be issued to a specified entity as and when their current language services arrangements expire to ensure a smooth transition to VITS LanguageLoop provision.

Positioning VITS LanguageLoop as the default provider for prescribed organisations will ensure a consistent and high quality service that can readily respond to departmental and community language service needs.

Whether you are seeking medical treatment or facing an emergency – you will be able to access quality interpreting services. This is important for many Victorians, who worry about parents, grandparents, and themselves, being able to access essential services without a family member in the room.

Every Victorian, regardless of their language background, has the right to meaningfully engage with government services, make informed decisions and be given fair treatment.

Recognition of First Peoples

This Bill recognises that all of us who are not First Peoples come from a lineage of migration. The principles of multiculturalism enshrined in the Bill acknowledge that First Peoples of Victoria have a unique status as the descendants of Australia's first people with a spiritual, social, cultural and economic relationship with their traditional lands and waters within Victoria. In carrying out its functions for our multicultural and multifaith communities, Multicultural Victoria will acknowledge First Peoples right to self-determination and the advancement of Statewide Treaty-making between First Peoples in Victoria and the State.

What we have before us is a significant and timely opportunity to centre recognition of Victoria as a multicultural State, set the framework to engage meaningfully with our community, and stand up for respect, unity and belonging. The Bill delivers on the Victorian Government's commitment arising from Victoria's Multicultural Review, and will strengthen our multicultural settings, institutions and frameworks now and into the future.

This Government is proud to uphold Victoria's reputation as a safe, diverse and inclusive State, where people feel safe to be and express who they are – and I am immensely proud to be supporting this Bill today.

I commend this Bill to the house.

Renee HEATH (Eastern Victoria) (22:23): I move, on behalf of Mr Mulholland:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2026

Introduction and first reading

The PRESIDENT (22:23): I have received a further message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015** to categorise or recategorise certain hospitals for the purposes of nurse to patient and midwife to patient ratios and for other purposes.'

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:24): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ingrid STITT: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:24): 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 Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2026 (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 Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios Act 2015 (the Act) to categorise and recategorise certain hospitals for the purposes of nurse to patient and midwife to patient ratios, with which the operators of certain publicly funded health facilities must comply.

Human Rights Issues

The Bill promotes the following human rights protected by the Charter:

- The right to life (section 9 of the Charter); and
- The right to protection of families and children (section 17 of the Charter).

Right to life (section 9 of the Charter)

Section 9 of the Charter provides that every person has the right to life and has the right not to be arbitrarily deprived of life.

Clause 4 will improve nurse to patient ratios that apply to hospitals by recategorising 24 hospitals to a higher level.

Clause 6 will improve nurse to patient ratios that apply to hospitals with emergency departments by recategorising 11 hospitals to a higher level. Four hospitals with emergency departments will be newly categorised to ensure that the nurse-to-patient ratios are mandated.

Recategorising these hospitals to a higher level will result in an increase of nurse to patient and midwife to patient ratios. This will ensure safe and quality patient care and as a result, will promote the right to life of the patients receiving care in Victorian hospitals.

The protection of families and children (section 17 of the Charter)

Section 17(1) of the Charter recognises that the families are the fundamental group unit of society and that families are entitled to be protected by society and the State.

Section 17(2) of the Charter provides that every child has the right, without discrimination, to protection as is in their best interests, in recognition of a child's special vulnerability because of their age.

Clauses 4 and 5 of the Bill improve nurse and midwife to patient care in antenatal and postnatal wards of prescribed hospitals. Requiring more hospitals to have a higher patient to nurse and patient to midwife ratio will ensure that babies, mothers and pregnant mothers receive a high quality of care by improving opportunities for dedicated patient care and as a result will promote the protection of families and children.

Other potential rights invoked

The right to equality (section 8 of the Charter)

Section 8(3) of the Charter provides that every person is equal before the law and is entitled to equal protection of the law without discrimination and the right to equal and effective protection against discrimination. The recategorisation of Victorian hospitals will differentiate between patients in different hospital settings, and the ratios required for their care. This may invoke the protected attributes of 'disability' and 'pregnancy' under the *Equal Opportunity Act 2010* and therefore engage the right to equality and non-discrimination. However, distinguishing the level of care owed to a patient based on their setting in a hospital is reasonable and justified because patients with different illnesses and conditions require varying levels of care depending upon their clinical acuity and the associated treatment necessary to appropriately manage their illness or condition.

For the reasons outlined it is my view that the Bill is compatible with the Charter.

Ingrid Stitt MP
Minister for Health
Minister for Mental Health
Minister for Ambulance Services
Special Minister of State

Statement of treaty compatibility

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:24): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

1. In accordance with section 66 of the *Statewide Treaty Act 2025* (Statewide Treaty Act), I table a statement of Treaty compatibility for the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2026 (the Bill).
2. The First Peoples' Assembly was not given an opportunity to advise on and did not make representations on the Bill, based on my understanding that it is unlikely to have a significant impact on First Peoples or Statewide Treaty.
3. In my opinion, the Bill is compatible with the matters set out in section 66(3)(d) of the Statewide Treaty Act. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

4. The *Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015* (the Act) mandates minimum nursing and midwifery ratios across all public hospitals based on clinical settings and shifts. The categories underpinning these ratios have not been updated to reflect the growing capacity and complexity of our hospital system, with hospital categories not reviewed since 2000.
5. The Victorian Government committed before the 2018 and 2022 elections to finalising a review of these categories. The Department of Health completed this in 2025 through the Hospital Classification Review (HCR).
6. The main purpose of the Bill is to amend the Act so that the hospital categories in schedules 1 and 3 of the Act are updated to reflect contemporary hospital capacity and complexity.

7. The Bill will amend hospital categories in the Act to determine the minimum nursing and midwifery staffing ratios that apply at all Victorian public hospitals based on clinical setting and shift:

   7.1 Schedule 1 categories apply to hospitals with general medical or surgical wards.

   7.2 Schedule 3 categories apply to hospitals with emergency departments.

Consultation with the First Peoples' Assembly of Gellung Warl

8. Due to the recent establishment of the First Peoples' Assembly of Gellung Warl, it was not possible to give the First Peoples' Assembly the opportunity to advise on the Bill or for them to otherwise make representations about the effect of the Bill on First Peoples.

Compatibility of the Bill with each of the objects in section 66(3)(d) of the *Statewide Treaty Act 2025*

9. I have considered whether the Bill is compatible with the objects at section 66(3)(d) of the *Statewide Treaty Act 2025*:

   9.1 advancing the inherent rights and self-determination of First Peoples; and

   9.2 addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and

   9.3 ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.

10. I acknowledge the historical and contemporary health system injustices experienced by First Peoples, including the high rates of hospitalisation compared to non–First Peoples. The updated classification of hospitals will broadly benefit the care received by First Peoples, through increased staffing levels of nurses and midwives.

11. In my opinion, the Bill does not in its terms deal with First Peoples, nor is it expected that any aspects of the Bill will, in practice, have a differential effect on First Peoples.

Conclusion

12. Accordingly, in my opinion, for the reasons stated above, the Bill is compatible with each of the objects in section 66(3)(d)(i)–(iii) of the Statewide Treaty Act.

Ingrid Stitt MP
Minister for Health
Minister for Mental Health
Minister for Ambulance Services
Special Minister of State

Second reading

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:24): I move:

That the bill be now read a second time.

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

This Bill delivers on the Government's previous commitment to undertake a review of hospital categories and further strengthens and protects nurse-to-patient and midwife-to-patient ratios.

The nursing and midwifery workforce plays a crucial role in our healthcare system, providing safe, high-quality, person-centred care across hospitals to Victorians at all stages of life.

Since its introduction in 2015, the *Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015* (the Act) has established minimum staffing requirements and supported the delivery of safe, high-quality care in Victorian public hospitals.

Hospital categorisations reflected in the Act were first established over 25 years ago in the Nurses and Midwives (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2000–2004, to mandate minimum nursing and midwifery staffing ratios, and have remained largely unchanged since then.

The Hospital Classification Review was conducted to develop a contemporary approach to assess a hospital's workload and determine appropriate staffing requirements.

The amended categorisation of hospitals into the Schedules, as proposed by the Bill, has been informed by way of algorithms using publicly available datasets common across Victorian public health services. Two algorithms apply to Schedule 1, one each for speciality and non-specialty hospitals, and a third algorithm applies to Schedule 3, for hospitals with emergency departments.

These algorithms are contained within the Hospital Classification Review algorithms document dated 26 June 2025, which is publicly available on the Department of Health's website. This Bill is the result of the inaugural review referred to in that document. The Allan Labor Government is committed to reviewing the categorisation of hospitals by the application of these algorithms on a biennial basis.

This Bill will update the hospital categories in accordance with the review findings. By aligning staffing levels with a hospital's capacity and complexity, this will improve patient safety and the overall quality of care. Furthermore, it will significantly improve workloads for nurses and midwives across the Victorian public health system.

This Bill will ensure that ratios keep pace with the times, by reflecting current patient workload and therefore staffing requirements to support safe workloads for our valued nurses and midwives and enable better conditions and service in our hospitals.

This amendment will update the list of hospitals in Schedule 1 and Schedule 3 of the Act and result in 26 hospitals being recategorised to a higher level. These services will be mandated via the Act to adhere to increased staffing ratios due to the complexity of current operations.

A phased approach to implementation will occur to enable health services to incrementally adjust to increased staffing requirements, while also enabling appropriate training for graduate nurses who can support the uplift needed.

The uplift will start with general medical or surgical wards in the 2027/28 financial year, emergency departments in the 2028/29 financial year and then intensive care units in the 2029/30 financial year.

In total this update will mandate an overall staffing uplift of over 260 additional full-time equivalent nurses in the public health system. It will support our hardworking nurses and midwives and give them more support on the ground with better conditions and ensure Victoria's public hospitals can continue to provide safe and high-quality care for all Victorians.

I commend the Bill to the house.

Melina BATH (Eastern Victoria) (22:24): I move, on behalf of Ms Crozier:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Workplace Protection Orders Bill 2026

Introduction and first reading

The PRESIDENT (22:24): I have received a further message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to provide for orders, to be made by the Magistrates' Court or the Children's Court, that impose restrictions on persons who engage in unacceptable conduct that is connected to certain workplaces and to make consequential amendments to the **Children, Youth and Families Act 2005** and the **Magistrates' Court Act 1989** and for other purposes.'

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:25): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ingrid STITT: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of charter compatibility

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:25): 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 Workplace Protection Orders Bill 2026.

In my opinion, the Workplace Protection Orders Bill 2026, 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 Workplace Protection Orders Bill 2026 (the Bill) is to establish a new workplace protection order (WPO) scheme in Victoria. A WPO is a civil order designed to protect persons who perform work at customer-facing retail and certain transport workplaces from people likely to engage in repeated acts of unacceptable conduct at those workplaces.

Applications for a WPO under the Bill may be made by retail operators, specific passenger train, tram and bus operators, or certain registered employee unions (where at least one of the workers at the workplace is, or is eligible to be, a member of the union).

A court may make a WPO if the respondent is of or over the age of 14 years and is not a worker at the workplace in question. The court must be satisfied that:

- the respondent has, within 12 months of the application being made, engaged in unacceptable conduct in relation to a person who performs work at the workplace of a retail or transport operator at their workplace
- the respondent is likely to engage in such unacceptable conduct again, and
- making the WPO is appropriate in all the circumstances.

For the purposes of the Bill, "unacceptable conduct" means physical or sexual violence or abuse, stalking, or conduct that causes a person to experience a reasonable fear of harm.

Subject to a range of safeguards outlined in further detail below, a court has broad discretion to impose any condition to a WPO. This may include restrictions on a person's access to the workplace or their contact with an individual worker.

A WPO may be in force for a maximum duration of 12 months, although a court may vary or revoke an order on application from a party to the WPO.

It will be an offence to contravene a condition of a WPO. The maximum penalty for the offence is 2 years imprisonment, a fine of up to 240 penalty units, or both.

Human Rights Issues

The Bill engages the following rights under the Charter:

- right to recognition and equality before the law (section 8)
- right to freedom of movement (section 12)
- right to privacy and reputation (section 13)
- right to peaceful assembly and freedom from association (section 16)
- right to take part in public life (section 18)
- right to freedom of expression (section 15)
- right to freedom of religion (section 14)
- right to culture (section 19).

In accordance with section 7(2) of the Charter, human rights can be subject under law to limits that are reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom. Rights may be limited in order to protect other rights.

For the reasons discussed below, I consider that any limitations on rights resulting from this Bill are reasonable and demonstrably justified in accordance with section 7(2) of the Charter.

Right to recognition and equality before the law (section 8)

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, such as race, disability and age. Indirect discrimination occurs where a person imposes a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a protected attribute, but only where that requirement, condition or practice is not reasonable.

While the Bill applies universally to any person aged 14 years or older who engages in unacceptable conduct in a relevant workplace, I accept that the Bill engages the right to recognition and equality before the law because the practical consequences of a WPO condition could disadvantage persons with a protected attribute.

Crime statistics also show that First Peoples are overrepresented in the types of criminal offences that are likely to overlap with the WPO scheme, meaning they face an increased risk of becoming subject to a WPO and related contact with the criminal justice system.

However, I am of the view that the ability for a court to make a WPO is reasonable and justified as these provisions are directed at pursuing a pressing and legitimate objective of protecting persons that perform work at retail and transport workplaces from experiencing repeated acts of unacceptable conduct at those workplaces.

As noted, the Bill sets out clear criteria that the court must be satisfied of when making a WPO. In particular, the court must be satisfied that the respondent has, within the prior 12 months, engaged in unacceptable conduct in relation to a person who performs work at the workplace of a retail or transport operator and is likely to engage in such unacceptable conduct again. The criteria reflect, and is appropriately adapted to achieve, the stated purpose of the scheme.

Further, the Bill safeguards the rights of persons who may be disadvantaged by a WPO by:

- requiring the court to determine whether the making of a WPO is appropriate in all the circumstances
- specifying that a condition must not be imposed under a WPO if it would limit the rights and liberties of the respondent more than is necessary to prevent the respondent from engaging in unacceptable conduct (that is the court must ensure conditions are proportionate)
- specifying that a condition must not be imposed under a WPO if it would limit the respondent's ability to obtain necessary good or access necessary services unless the court is satisfied there is another way for the respondent to obtain those goods or access those services
- requiring the court to have regard to the respondent's ability to understand the nature and effect of the order and to comply with it where the respondent is a child or person with a cognitive impairment
- requiring the court to consider, when determining what conditions to impose in an order, any hardship that is likely to be caused by the imposition of a condition, and
- clarifying that a court may tailor conditions as it deems appropriate or necessary so that a condition can prohibiting the respondent from doing a thing either absolutely or only, or except, in specified circumstances or in a specified manner.

Accordingly, I am of the view that the right to equality may be engaged but is not limited by the Bill. However, even if the power to impose a WPO would limit this right, it would be limited only to the extent reasonably necessary to ensure that persons who perform work at retail and certain transport workplaces are protected from experiencing further unacceptable conduct in their workplace.

Right to freedom of movement (section 12)

Section 12 of the Charter provides that every person has the right to move freely within Victoria and has the freedom to choose where to live. The right extends, generally, to movement without impediment throughout the State, and a right of access to places and services used by members of the public (*DPP v Kaba* (2014) 44 VR 526, [100]).

I accept that the Bill may limit the right to freedom of movement by enabling the making of a WPO with a condition that restricts a person's ability to move freely within Victoria. For example, a condition prohibiting a person from accessing a form of public transport or prohibiting a person from entering or being within a specified distance of a specified workplace.

However, I am of the view that any limitation on the right to freedom of movement is reasonable and can be demonstrably justified. As noted, the provisions providing for the making of a WPO, imposition of conditions and the offence of contravening a WPO, are necessary to ensure that persons performing work at retail and certain transport workplaces who experience persistent incidents of violence and abuse in the workplace are protected from experiencing further unacceptable conduct.

I am also satisfied that the test for making a WPO and safeguards – in particular, the requirement that a court must be satisfied that the making of a WPO is appropriate in all the circumstances, that conditions must be proportionate, and that a condition limit access to necessary goods or services may only be imposed if there is another way for the respondent to obtain those goods or access those services – ensure that freedom of movement is limited only to the extent necessary to protect persons that perform work at certain retail and transport workplaces against the harm of further unacceptable conduct.

As noted, the court has discretion to tailor conditions to provide that a person's access to a particular form of transport is not completely restricted. For example, it would be open to a court to tailor a condition so that the respondent is prohibited from accessing a specific transport workplace subject to specified exceptions, such as enabling access at specified times or for specified purposes. Similarly, it would also be open to a court to tailor a condition so that a person is prohibited from entering or coming within a specified distance of specified transport locations, such as prohibiting the respondent from entering a particular train station or from using a particular tram or bus line.

Further, if a WPO is made, and the respondent's circumstances change to such an extent that a condition of a WPO unduly limits the right to freedom of movement, the Bill allows a respondent of the WPO to apply to the court to vary or revoke the WPO, which may be granted at the court's discretion.

I have considered whether these provisions could be less restrictive by further narrowing the circumstances in which a WPO may be made, including by requiring a court to be satisfied that a respondent has been convicted of a violent offence against a person that performs work at a retail or transport workplace, or by limiting the scheme only to retail workplaces. However, I do not consider these options are reasonably available to achieve the Bill's purpose.

In my view, limiting the scheme to where an offence has already occurred would undermine the objectives of the Bill since it would fail to adequately protect persons that perform work at retail and transport workplaces from experiencing further unacceptable conduct that would fall short of violent offending. It would also fail to provide an additional mechanism to protect these workplaces during any period in which criminal investigations may remain ongoing. In cases, where a person has been charged and has not been remanded into custody, the Bill provides additional protection by ensuring that retail and transport operators have a means to seek appropriate conditions under a WPO. Further the Bill is appropriately tailored to addressing the protective purpose in these instances, by providing that a WPO may not be made for more than 12 months.

Limiting the scheme only to retail workplaces would also fail to achieve the purpose of protecting persons that perform work at certain transport workplaces.

For these reasons, I consider the approach taken in the Bill is the least restrictive means available to achieve the purpose of the Bill.

Right to privacy and reputation (section 13)

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(a) contains internal limitations that permit lawful and non-arbitrary interference with a person's privacy. Interference with privacy will be arbitrary if it is capricious, unpredictable, unjust or unreasonable (*Minogue v Thompson* [2021] VSCA 358, [55]).

As noted, the Bill enables an application for a WPO to be made by a relevant retail or transport operator or an employee union in certain circumstances. This promotes the right to privacy and reputation by providing an alternative to workers that are the victim of unacceptable conduct from having to personally apply for a WPO or otherwise seek protections under other existing mechanisms, such as by applying for a personal safety intervention order, which would require the worker to reveal personal information such as their name and address.

However, the Bill also requires the sharing of information about a respondent, and potentially, victims of unacceptable conduct, with retail and transport operators who are not party to an application in certain circumstances. Specifically, an employee union is required to identify and give notice of an application for a WPO to any retail or transport operator that would be entitled to apply for a WPO by providing a copy of the application, and to provide a copy of an order under the Bill to any operator that was notified of the application. In addition, the Bill requires that a copy of an order be given to the Chief Commissioner of Police. These provisions limit the right to privacy of any persons named in those documents – in particular the respondent

but possibly also any victim to the extent they are also identified – including the right to control one's informational privacy and the right to not have their reputation unlawfully attacked.

I consider the notification and service requirements in the Bill are appropriate and necessary promote the effective operation of the WPO scheme and are thereby appropriately tailored to the Bill's purpose. In particular, the requirements:

- support enforcement of the WPO, and investigations and prosecution for contravention of the WPO by ensuring police are aware when a WPO is made, and
- ensure that relevant operators are aware of applications that may impact their workplace and are able to assist with the detection of any contravention of a WPO and therefore supporting the effective enforcement of a WPO.

These provisions are also sufficiently circumscribed to ensure that any interference with the right to privacy is not arbitrary, unpredictable or unreasonable within the internal limitations contained in section 13(a) of the Charter.

Right to freedom of thought, conscience, religion and belief (section 14) and cultural rights (section 19)

Section 14 of the Charter protects the right to freedom of religion and belief. This includes the right to demonstrate one's religion or belief, in worship, observance, practice and teaching.

The right to culture in section 19(1) ensures individuals, in community with others that share their background, can enjoy their culture, declare and practice their religion and use their language.

I accept that the Bill has the potential to interfere with a person's right to freedom of religion and their right to culture, to the extent that a condition imposed under a WPO may restrict a respondent's ability to observe their religious practices or express their culture in certain circumstances. For example, a condition that limits a person's means of travel may effectively restrict them from accessing a location where the respondent wishes to engage in worship and prayer or enjoy their culture. Similarly, a condition prohibiting a person from coming within a certain distance of a retail workplace, could effectively exclude that person from entering a place of worship that falls within that area. Further, a condition that prohibits a person from entering a specified retail workplace may restrict their ability to purchase items required for cultural and religious ceremonies, such as food, clothing and other ceremonial objects.

However, I am of the view that any limitation of the right to freedom of religion and cultural rights is reasonable and can be demonstrably justified. As noted, the Bill is directed at responding to the legitimate objective of protecting persons that perform work at retail and transport workplaces from experiencing further unacceptable conduct. In addition, the test for making a WPO and the various safeguards set out above ensure that any limitation placed on the right to freedom of religion and right to culture are reasonable and proportionate.

I have considered whether a less restrictive approach could be to include an exception or defence to the offence of contravening a WPO where a person is travelling to, or entering, a place they are otherwise prohibited from entering, for religious or cultural reasons. However, I do not consider this option to be reasonably available. In my view, such a provision would undermine the objective of the Bill to promote the safety of persons that perform work at certain retail and transport workplaces and to prevent the occurrence of unacceptable conduct towards those persons in circumstances where reasonable transport or retail alternatives may be available and the court considers the conditions imposed are no more restrictive than is necessary to prevent the respondent from engaging in unacceptable conduct.

I therefore consider that the approach taken in the Bill is the least restrictive means reasonably available to achieve the purpose of the Bill.

Rights to freedom of expression (section 15), peaceful assembly and freedom of association (section 16)

Section 15(2) of the Charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds through a variety of mediums. The right contains an internal limitation in section 15(3) that allows freedom of expression to be limited where it is reasonably necessary to respect the rights and reputation of other persons, or for the protection of national security, public order, public health or public morality. Relevantly, the protection of public order 'means, in broad terms, giving effect to rights or obligations that facilitate the proper functioning of the rule of law … include[ing] measures for peace and good order, public safety and prevention of disorder and crime' (*Magee v Delaney* (2012) 39 VR 50, [151].

Section 16 of the Charter protects every person's right to peaceful assembly, that is to gather intentionally and temporarily for a specific purpose, and right to freedom of association with others.

I accept that the Bill has the potential to interfere with a person's right to freedom of expression. For example, a condition prohibiting a respondent from entering or coming within a specified distance of a specific

workplace, may interfere with the respondent's ability to engage in public protest regarding the practices of that workplace or in the vicinity of that workplace. However, for the reasons that follow, I consider that any interference falls within the internal limit of section 15(3) with the limitations imposed being reasonable and necessary to protect the rights of others (that is, persons that perform work at the relevant retail or transport workplace) and to uphold public order.

The power to make a WPO and the offence for contravening a WPO are necessary to protect public order as they will provide a targeted mechanism to deter members of the public from repeatedly engaging in violence and other types of unacceptable conduct against persons that already experience violence and abuse in certain retail and transport workplaces.

The potential interference on the right to freedom of expression is reasonable for the following reasons:

- The Bill is directed at preventing persons from further engaging in acts of unacceptable conduct against persons that perform work at certain customer-facing retail and transport workplaces and are not designed to restrict any specific form of expression protected by section 15 of the Charter.
- As previously noted, the Bill contains various safeguards that ensure any limitations placed on the right to freedom of expression are appropriate in all the circumstances, proportionate, and the least restrictive possible.
- The offence for contravention of a WPO is narrow and may only be enlivened when the respondent intentionally breaches any of the conditions set out in the order.

Similarly, I accept that a condition prohibiting a respondent from entering or coming within a specified distance of a specific workplace may engage a person's rights to peaceful assembly and freedom of association. Those rights would be limited in the protest example above but could also be limited where the respondent is unable to meet with a group or association within the specified distance of the workplace. In addition, prohibiting a respondent from using a specific public transport service may indirectly restrict a person's rights to peaceful assembly and freedom of association if there is no alternative mode of transport available for them to attend a particular assembly or gathering of a particular group. Similarly, a condition prohibiting a respondent from communicating with a protected worker may limit the person's freedom to associate with that worker as part of a broader group to which they both belong.

However, as noted with respect to the right to freedom of expression, these provisions are not specifically aimed at preventing persons from gathering peacefully or associating with others as part of a formal group. Instead, as noted above, these provisions are directed at responding to the legitimate objective of protecting persons that perform work at certain retail and transport workplaces from experiencing further unacceptable conduct and the test for making a WPO is appropriately adapted to this purpose. The Bill, as previously noted, also contains various safeguards to ensure that any limitations placed on the rights to freedom of expression, peaceful assembly and freedom of association are appropriate in all the circumstances, proportionate, and the least restrictive possible. In particular, the court has the discretion to tailor conditions to be subject to exceptions – such as to enable a person to come within a specified distance of a workplace to attend a specified gathering or assembly, or to communicate with protected workers for a specified purpose. The Bill also does not allow for the application of a WPO for the purpose of preventing a person from picketing or engaging in on-the-job protests or industrial action related to, or at, their workplace.

I have also considered whether a less restrictive approach to these rights may be to include an exception or defence to the offence of contravening a WPO where a person breaches a condition whilst engaging in political communication or legitimate protest. However, I do not consider this option to be reasonably available as, in my view, it would undermine the objective of the Bill to promote safety of persons that perform work at retail and transport workplaces.

The court will be required to be satisfied that conditions imposed in a WPO are no more restrictive than necessary to prevent the respondent from engaging in unacceptable conduct and may itself tailor a condition so that it is subject to exceptions.

I consider that the Bill's approach does not provide further restrictions than necessary to fulfil the purpose of the Bill and the approach taken is the least restrictive means available to achieve the purpose of the Bill. For the reasons outlined above, any interference with the right to freedom of expression is in my view incidental only, lawful and reasonably necessary for the protection of public order. For similar reasons, I consider that any limitation on the right to peaceful assembly would be reasonable and justified.

Right to take part in public life (section 18)

Section 18(1) of the Charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through chosen representatives. Section 18(2) further provides that every eligible person has the right to vote and be elected

at periodic State and municipal elections that guarantee the free expression of the will of the electors, and have access, on general terms of equality, to the Victorian public service and public office.

I accept that the Bill has the potential to limit a respondent's right to take part in public life, to the extent that a condition in a WPO prohibits, for example, a person from using certain transport to attend or take part in a political forum, or to attend a voting centre. Similarly, a condition prohibiting a person from coming within a specified distance of a workplace that is next to, for example, a voting centre or council building may also limit the right to take part in public life.

For similar reasons as noted above with respect to the right to recognition and equality before the law, a WPO condition may also indirectly discriminate against a person with a protected attribute from taking part in public life. For example, a person who is unable to drive a motor vehicle due to their age or disability may be disproportionately impacted in their ability to participate in local council meetings or take part in parliamentary and municipal elections if a condition of a WPO prohibits them from using certain transport.

However, as explained in the context of the right to equality, I am of the view that the provisions in the Bill that may impact this right are reasonable and proportionate to pursue the pressing and legitimate objective of protecting persons that perform work at certain retail and transport workplaces from experiencing repeated acts of unacceptable conduct at those workplaces.

The Bill also contains various safeguards to ensure that any limitation placed on the right to take part in public life is the least restrictive possible and provides for the ability to vary a WPO if there is a change in circumstances.

Accordingly, I am of the view that should the power to impose a WPO limit this right, it would be limited to the extent reasonably necessary to ensure that persons that perform work at certain retail and transport workplaces are protected from experiencing further unacceptable conduct in the workplace.

Conclusion

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

Jaclyn Symes MP
Minister for Energy and Resources
Minister for Environment
Minister for Climate Action
Minister for the State Electricity Commission

Statement of treaty compatibility

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:25): I lay on the table a statement of compatibility with the Statewide Treaty Act 2025:

1. In my opinion, the Workplace Protection Orders Bill 2026 (Bill) is compatible with the matters set out in section 66(3)(d) of the *Statewide Treaty Act 2025* (the Treaty Act). I base my opinion on the reasons outlined in this statement.

Overview of the Bill

2. The purpose of the Bill is to establish a new workplace protection order (WPO) scheme in Victoria. A WPO is a civil order designed to protect persons who perform work at customer-facing retail and certain transport workplaces from people likely to engage in repeated acts of unacceptable conduct at those workplaces.
3. Applications for a WPO under the Bill may be made by retail operators, specific passenger train, tram and bus operators, or employee unions (where at least one of the workers at the workplace is, or is eligible to be, a member of the union).
4. A court may make a WPO if the respondent is aged 14 years or older and is not a worker at the workplace in question. The court must be satisfied that the respondent has, within the prior 12 months, engaged in unacceptable conduct in relation to a worker at the workplace in question and is likely to engage in such unacceptable conduct again, and that making the WPO is appropriate in all the circumstances.
5. For the purposes of the Bill, "unacceptable conduct" means physical violence or abuse, sexual violence or abuse, stalking, or conduct that causes a person to experience a reasonable fear of harm.
6. Subject to a range of safeguards outlined in further detail below, a court has a broad discretion to impose any conditions under a WPO to prevent the respondent from engaging in unacceptable conduct in relation to a person performing work at the relevant workplace. This may include restrictions on a person's access to the workplace or their contact with an individual worker.

7. The Bill provides that any party to a WPO may apply to vary or revoke the order. A WPO may be in force for a maximum duration of 12 months, although it may be varied or revoked earlier.

8. It will be an offence to contravene a condition of a WPO. The offence will be punishable by up to 2 years imprisonment, a fine of up to 240 penalty units, or both.

Consultation with the First Peoples' Assembly of Gellung Warl

9. The First Peoples' Assembly of Gellung Warl (Assembly) was provided with information regarding the Bill and an opportunity to advise on the Bill in June 2026. In July 2026, the Assembly accepted a briefing on the Bill in which information was provided on the Bill and its impacts on First Peoples. I note that, respecting Cabinet processes, the Bill itself was not provided during this briefing. Following this briefing, the Assembly provided a representation as follows:

    9.1 The First Peoples' Assembly was not provided with a copy of the Bill. The Assembly understands that extensive feedback was provided by First Peoples experts and organisations to the State and that the substantive concerns raised have not been addressed. The Assembly has significant concerns about the disproportionate impact that the Workplace Protection Order scheme may have on First Peoples.

10. I note that, as highlighted through engagement with First Peoples experts and organisations, the Bill may have a disproportionate impact on First Peoples. As detailed in the compatibility assessment below, these concerns have been considered, and the Bill has been adapted to include some measures and safeguards in response to these concerns. However, I acknowledge that not all aspects of the Bill align with the concerns raised regarding its potential impacts on First Peoples. I note that the State will continue to work with First Peoples in the implementation of these reforms.

Compatibility of the Bill with each of the objects in section 66(3)(d) of the *Statewide Treaty Act 2025*

11. I have considered whether the Bill is compatible with the objects at section 66(3)(d) of the *Statewide Treaty Act 2025* (Treaty Act):

    (i) advancing the inherent rights and self-determination of First Peoples; and

    (ii) addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and

    (iii) ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples.

12. I note that the Bill does not include any provisions which apply specifically to First Peoples. The Bill establishes a civil order (WPO) scheme and associated criminal offence for breach of a WPO with universal application. A WPO will apply equally to any person aged 14 years or older who has engaged in unacceptable conduct against a retail or transport worker at their workplace and is the subject of such an order made by the court. Similarly, the offence will apply equally to any person subject to a WPO.

13. However, the Bill may, in its practical effects, engage the objects of section 66(3)(d) of the Treaty Act in two key ways.

14. First, the creation of the new WPO scheme will enable courts to impose restrictive conditions on persons subject to a WPO, which are likely to impact the interests, rights and freedoms of First Peoples subject to a WPO. There is a risk that First Peoples will be disproportionately the subject of WPOs given their overrepresentation in the criminal justice system. While the imposition of a WPO does not rely on a person having been convicted of a criminal offence, it does rely on a court being satisfied that a person has engaged in unacceptable conduct that, in some cases, may also amount to one of a range of criminal offences. Crime statistics data shows First Peoples are overrepresented as alleged offenders for such relevant offences (including physical and sexual assault offences, threatening behaviour, offensive conduct, stalking, riot and affray) recorded at retail and certain transport locations. First Peoples account for over 12% of alleged offenders for relevant offences recorded at those locations during the period from July 2022 to December 2025 despite representing less than 2% of the Victorian population.

15. Second, the Bill also creates a new criminal offence for contravention of a condition of a WPO which will be punishable by a maximum penalty of 2 years imprisonment, a fine of up to 240 penalty units, or both. This may lead to prosecution and custodial sentences, which risk further increasing First Peoples overrepresentation in custody. Given that WPOs may be made against any person aged 14 or older, there is also a risk that the new offence will increase the number of young First Peoples persons in detention or otherwise engaged with the criminal justice system.

Advancing the inherent rights and self-determination of First Peoples

16. I acknowledge that the making of a WPO in relation to First Peoples that imposes restrictions via conditions on an individual, and enforcement of the order via the new offence for failure to comply with

a WPO, will necessarily restrict an individual's right to fully exercise some inherent rights of First Peoples as outlined in the United Nations Declaration into the Rights of Indigenous Peoples (UNDRIP).

17. The Bill may, in practice, limit the right to equality and freedom from discrimination (article 2, UNDRIP) due to the potential for the scheme to disproportionately apply to First Peoples. Conditions that restrict or prevent access to particular forms of public transport, the purchase of necessary goods, or access to necessary services, and the potential to be imprisoned if those conditions are breached, may also impact a range of inherent rights of First Peoples. In particular, the rights to improvement of economic and social conditions (article 5, UNDRIP), the rights and special needs of elders, women, young people, and persons with a disability (article 22, UNDRIP), the right to education without discrimination (article 14, UNDRIP) and the right to the enjoyment of the highest attainable standard of physical and mental health (article 24, UNDRIP) may be affected.

18. Limiting First Peoples' access to retail premises or public transport risks significant disruption to social and economic opportunities, particularly in regional and rural settings where alternatives are limited. This may present barriers to key aspects of First Peoples' lives including access to cultural connections and Country, employment, education, healthcare and housing and risk particular impacts on vulnerable groups such as elders, women, young people, and persons with a disability. Rights to culture and Country (articles 11, 12, 25 and 26, UNDRIP) may also be impacted; limiting First Peoples' practical access to places of spiritual significance, cultural practices and cultural connections.

19. However, taking into account the above considerations, in my opinion the Bill is nevertheless compatible with the object of advancing the inherent rights of First Peoples. Preventing unacceptable conduct in relation to workers of retail and certain transport operators is important, and I acknowledge efforts to address it will impact upon the rights of First Peoples. However, as detailed in the proportionality assessment below, safeguards contained in the Bill, as well as judicial discretion, will aim to ensure any impacts on the inherent rights of First Peoples are no more restrictive than necessary.

Addressing unacceptable disadvantage inflicted on First Peoples

20. The creation of a new civil order containing conditions that will restrict where a person may go and how they can travel may compound the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation.

21. As detailed above, there are risks that WPOs imposing conditions limiting access to transportation or retail premises can have far-reaching implications for First Peoples' access to employment, education, healthcare, housing, cultural connections and Country. These impacts may be particularly pronounced by the application of the scheme not just to adults, but also to children aged 14 and above.

22. As detailed in the *Yoorrook for Transformation* report, the Yoorrook Justice Commission (the Commission) 'received evidence about the ongoing presence of racism towards First Peoples across all societal institutions', impacting access to a range of social and economic opportunities on interpersonal, institutional and systemic or structural levels. Systemic racism and unconscious bias have a significant impact on the over-representation of First Peoples in the criminal justice system, and this is reflected in concerns raised by stakeholders during development of the Bill. First Peoples experience significant racism in retail and transport settings relevant to WPOs, and this may drive biased interpretations of unacceptable conduct and disproportionate applications for WPOs in relation to First Peoples. In this context, there is a risk that First Peoples will be disproportionately subject to WPOs, amplifying the broad-ranging impacts that associated conditions may have.

23. Further, to the extent that the new offence introduced by this Bill may lead to increased contact with the criminal justice systems, the increased rates of incarceration of First Peoples may compound the unacceptable disadvantage further. The *Yoorrook for Justice* report considered the significant impact of First Peoples over-representation in the justice system, including the disruptions to family and the community when people are imprisoned. The report notes that '[r]emoving [First Peoples] from their community can have devastating effects on their personal and social wellbeing, with many families experiencing ongoing trauma and grief as a result.'

24. However, taking into account the above considerations, in my opinion the Bill is nevertheless compatible with the object of addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation. The objectives of the Bill are to promote the safety and security of persons working at certain workplaces, and to prevent the occurrence of unacceptable conduct in those workplaces. However, as detailed in the proportionality assessment below, the safeguards contained in the Bill intend to mitigate negative impacts of the scheme on First Peoples. Judicial discretion will also operate to ensure the conditions of a WPO will not limit the rights and responsibilities of a person more than is necessary.

Ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples

25. While the Bill applies universally to any person aged 14 years or older who engages in unacceptable conduct in a relevant workplace, I acknowledge that the Bill may, in practice, limit the equal enjoyment of human rights and fundamental freedoms of First Peoples. As detailed above, crime statistics show that First Peoples are overrepresented in the types of criminal offences that are likely to overlap with this scheme, meaning they face an increased risk of becoming subject to a WPO and related contact with the criminal justice system.

26. Specifically, I consider that the Bill may indirectly limit the equal enjoyment of fundamental rights and freedoms including inherent rights previously outlined and the Charter rights to liberty (section 21), freedom of movement (section 12), right to privacy (section 13(a)), the rights to enjoy cultural rights (sections and 19), the protection of families and children (section 17), as well as the right to adequate standard of living, adequate food, clothing and housing (article 11 of the ICESCR).

27. These rights may be limited as a result of conditions included in a WPO, or the imposition of a custodial sentence following a breach. As noted above, the conditions of a WPO and potential for imprisonment or detention following the breach of such conditions can restrict movement and have other flow on implications for on connections to family, kin and culture, access to Country and enjoyment of various rights as well as restrict access to goods. In circumstances where First Peoples are subject to disproportionate rates of WPOs and potentially related detention, this may limit the equal enjoyment of human rights and fundamental freedoms by First Peoples.

28. However, taking into account the above considerations, in my opinion the Bill is nevertheless compatible with the object of ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples. The importance of preventing unacceptable conduct in relation to workers of retail and certain transport operators through the restrictive conditions in a WPO must be balanced with an individual's personal circumstances. As detailed in the proportionality assessment below, safeguards provided for in the Bill, such as requiring a court to only impose conditions that are appropriate in all the circumstances, will to help ensure First peoples are not disproportionately impacted.

Proportionality assessment

29. While the Bill may limit the achievement of the objects in section 66(3)(d)(i)–(iii) as outlined above, in my opinion the limitations are proportionate and therefore compatible with them for the reasons outlined below.

30. The Bill universally applies to any person aged 14 years or older who engages in unacceptable conduct in a workplace and not specifically or only to First Peoples.

31. There is significant and pressing need to increase protections for retail and certain transport workers in their workplaces from people likely to engage in repeated incidents of unacceptable conduct at those workplaces. The imposition of restrictive conditions under a WPO, as well as potential criminal sanctions for breaching an order, seek to prevent further unacceptable conduct in these workplaces. It is intended that the conditions and potential criminal sanctions will have a protective purpose, and any limitations on rights as a result are appropriate given the significant harm caused by the unacceptable conduct the Bill denounces.

32. The Bill acknowledges the potential significant impact that a WPO may have on individuals and requires that a court may only make a WPO where it is satisfied that it is appropriate in all the circumstances. This is intended to ensure that orders are only made with due consideration of a respondent's personal circumstances. Additionally, courts can only impose conditions that are targeted and proportionate to the protective purpose of the order in those circumstances. This aims to ensure any such conditions are appropriately tailored to both protect workers from repeated acts of unacceptable conduct and reduce the impact on disadvantaged and marginalised communities by requiring the court to consider a respondent's personal circumstances, including the key factors detailed below. This safeguard will be particularly important in rural, regional and remote communities where alternative transport or retail options may be limited, or where WPO conditions may be unduly burdensome on a person, allowing for courts to consider the impacts on fundamental freedoms and rights described above.

33. In determining the conditions to be included in a WPO, the court must give paramount consideration to the safety and protection of the workers in the workplace but must also have regard to other factors, such as the hardship that is likely to be caused to any person. Critically, the Bill provides that a court must not impose a condition under a WPO where:

    a. the condition would limit the respondent's ability to obtain necessary goods or access necessary services, unless the court is satisfied there is another way for the respondent to obtain those goods or access those services; or

b. the condition limits the rights of the respondent more than is necessary to prevent a respondent from engaging in unacceptable conduct that has a sufficient connection to the workplace.

34. In addition, an application for a WPO must be made within 12 months of the relevant unacceptable conduct. This ensures that any order made responds to an existing risk posed by a person and that historic conduct cannot be used to form the sole basis of a WPO application.

35. Further, in determining whether to make a WPO in relation to a child or a person with a cognitive impairment, the court must have regard to further considerations including the respondent's ability to understand the nature and effect of the order and ability to comply with it.

36. The Bill recognises that the needs and impacts of a person subject to a WPO can change over time. Consequently, at any time during the duration of the WPO, the applicant or respondent may apply to the court to vary the conditions of a WPO or revoke a WPO. Upon application, the court may vary or revoke a WPO where satisfied it is appropriate in all the circumstances to do so and having regard to a range of matters, including: the applicant's reasons for making the application; any hardship or harm that is likely to be caused as a result of any variation or revocation; and the likelihood that the respondent may engage in further unacceptable conduct that has a sufficient connection to the operator if the WPO is not varied or revoked. This will give the court an opportunity to consider any change in circumstances, such that the conditions of the WPO should be varied.

37. Finally, the Bill requires the Attorney-General to commence a review of the scheme within three years of its commencement. This will ensure that the new scheme is working as intended to promote the safety of customer-facing retail and certain transport workers and will enable government to consider the broader impacts of the reforms, including on First Peoples.

Conclusion

38. For the reasons set out above, in my opinion, the Bill is compatible with the objects specified in section 66(3)(d)(i) to (iii) of the *Statewide Treaty Act 2025.*

Jaclyn Symes MP
Minister for Energy and Resources
Minister for Environment
Minister for Climate Action
Minister for the State Electricity Commission

Second reading

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:26): I move:

That the bill be now read a second time.

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

I am pleased to introduce the Workplace Protection Orders Bill 2026. The Bill complements the *Crimes Amendment (Retail, Fast Food, Hospitality and Transport Worker Harm) Act 2025* to deliver on the Victorian Government's commitment to give vulnerable customer-facing workers greater protection against assaults, threats and abuse.

The Bill creates a new workplace protection order scheme to address unacceptable conduct – such as violence, sexual abuse, stalking or threats towards staff – in retail and certain transport workplaces. While a workplace protection order, or WPO as it will be informally known, will be a civil mechanism for preventing harm, breaches of a condition of a WPO will carry a significant criminal consequence of up to two years imprisonment, a fine of up to approximately $50,000, or both.

Retail and passenger transport workers are vital to a thriving Victorian community. The retail industry contributes over 73 billion dollars to the Victorian economy annually, while more than 490 million trips were recorded across the Victorian public transport network in 2025. These workers keep our economy growing and keep us moving around our state safely. However, they often experience violence, abuse and harassment just for doing their job.

The purpose of this Bill is to protect retail and specified transport workers from people likely to engage in repeated acts of unacceptable violence, abuse, stalking and other harassment. The introduction of a WPO scheme safeguards retail and specified transport workers by limiting a person's access to a workplace and/or workers where that person is likely to engage in repeated acts of unacceptable conduct at the workplace. This sends a clear message to the community that the work of retail and passenger transport workers is valued and that it is never okay to abuse or threaten these workers just for doing their job.

I shall now turn to the substance of the Bill.

Applications for a WPO under the Bill may be made by retail operators, specific passenger train, tram and bus operators, or certain registered employee unions (where at least one of the workers at the workplace is, or is eligible to be, a member of the union). A union applicant may seek a WPO independently of a retail or transport operator allowing it to step in where a retail or transport operator is unable or unwilling to apply for a WPO. A union applying for a WPO must notify any other eligible applicant of its intention to apply.

A WPO may be made in relation to a person aged 14 years or above if the court is satisfied that the person has engaged in unacceptable conduct in connection with a retail or specified transport workplace within the previous 12 months, is likely to do so again, and the order is appropriate in all the circumstances.

Unacceptable conduct means physical violence or abuse, sexual violence or abuse, stalking and conduct that causes a person at the workplace to experience a reasonable fear of harm.

A WPO can only be sought for unacceptable conduct that occurs at a workplace covered by the scheme. A retail workplace is a place where a retail operator conducts its business all or part of which is accessible to the public during business hours. For transport operators, the definition of workplace is limited to passenger trains, trams and buses, ticket sales locations and ticketed-access areas owned or operated by the transport operator, such as a train station platform.

Government recognises the need to ensure WPOs are appropriately targeted and proportionate to their protective purpose. To safeguard against potential disproportionate impacts on vulnerable Victorians, the scheme provides various considerations the court must undertake when making a WPO. For example, if the respondent is a child or person with a cognitive impairment the court must consider their ability to understand an order and comply with its conditions. In determining any conditions under a WPO, the court must give paramount consideration to the safety and protection of the workers in the workplace but must also have regard to other factors, such as the hardship that is likely to be caused to any person.

Further, a court must not impose a condition that would limit the respondent's ability to obtain necessary good or access necessary services if there are no alternative options to access such goods or services, or if it would limit rights and liberties of the person more than is necessary. The court therefore has discretion to determine and tailor any conditions as it deems appropriate or necessary.

For example, retail and transport options may be limited in regional, rural and remote areas. If an applicant suggests a condition that would exclude a person from obtaining essential items such as food or medicine, the court may decide it is not appropriate to make the order due to the hardship this would cause the respondent, or may tailor the condition to restrict access to the relevant workplace except at specified hours or otherwise to impose alternative conditions.

A WPO may be in force for a maximum duration of 12 months. The applicant or the respondent to the WPO may apply to the court to have the WPO revoked, or the conditions of the order varied. This gives the court the opportunity to consider any changes in circumstances that may have occurred to ensure that the conditions of the order remain appropriate and targeted to effectively promote protection and safety of the relevant protected workers.

Government will monitor the impact of the WPO scheme by requiring a statutory review of the reforms be commenced within three years from the commencement of the reforms. This is a novel scheme, and the statutory review will provide an opportunity to consider whether the new scheme is working as intended and to consider the broader impacts of the reforms.

Customer-facing workers in the retail and transport industries provide essential services to our society and it is unacceptable that they are made to feel unsafe simply for doing their job.

I acknowledge the valuable contribution of the Worker Protection Consultation Group, whose expertise, experience and ongoing commitment have been instrumental in the development of these reforms.

The Victorian Government remains committed to protecting workplaces and I am pleased to introduce this Bill that further strengthens our justice system to protect workers from harm.

I commend the Bill to the House.

Renee HEATH (Eastern Victoria) (22:26): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:26): I move:

> That the house do now adjourn.

Vehicle registration rebate

Jacinta ERMACORA (Western Victoria) (22:26): (2694) My adjournment matter is for the Minister for Roads and Road Safety Paul Hamer. Applications for the 20 per cent rego rebate have been extended to 31 August to help more Victorians with cost-of-living pressure. This has been particularly appreciated in regional communities, where many people have no choice but to use a car. The action I seek is an update on how many applications have been received.

Treaty

Renee HEATH (Eastern Victoria) (22:27): (2695) When the Statewide Treaty legislation passed just about every – if not all – Labor member posted a video and a selfie celebrating themselves and the government's achievements. With that, we saw the demonisation of anyone else who held a different view. I did not vote for the treaty. I believe we need reconciliation, but as I outlined in my speech at the time, I do not believe that is how it will be achieved. Regardless of background, we often have far more in common than we have differences. However, I am not afraid of a good debate and I love the battle of ideas.

This has been very eye-opening for me, though, because with the level of self-righteousness that was shown by Labor MPs, bordering on arrogance, I might add, I really thought that they must have believed it. However, the government has not complied with its own legislated treaty process once. Excuses have varied from 'This doesn't have a significant impact on Indigenous Australians' – which, by the way, was something said by politicians who in their speeches said that only the First Peoples' Assembly could make an assessment like that – to other excuses like, 'Well, time didn't permit.' This has demonstrated the staggering difference between what Labor say and what they do. This was a headline just yesterday: 'Victoria's new First Nations advisory body has made its first intervention on government policy under nation-leading treaty powers'. So for the first time the treaty process got a run. They told the government to pull the bill. The government ignored their advice, and we just passed said bill about an hour ago.

It is not often that I quote anything from the Greens in this place, but I agree with the Leader of the Victorian Greens on this one:

> The Labor government can't go out there and champion treaty on one day, and the next day completely ignore the principles of it.

Someone else I do not normally quote in here, Senator Lidia Thorpe, said the government was using the whole treaty process as a photo opportunity, and I will quote her too:

> Labor celebrated Treaty, took their selfies and filled their socials with how historic it was. But Treaty means nothing if the Government ignores First Peoples when they exercise the powers that Treaty gives them.

These two raise very good points. I have absolutely no issues with differences of opinion. I love hearing different opinions and arguing them on their merits. However, if you believe in something, you back it in. My adjournment is for Premier Ben Carroll. The action that I seek is for him to tell the Victorian people if Labor are going to scrap the treaty or if they plan to keep it in name only, while continuing to completely undermine its principles.

Avian influenza

Georgie PURCELL (Northern Victoria) (22:29): (2696) My adjournment matter is for the Minister for Environment, and the action that I seek is for the minister to outline Victoria's long-term plan to support wildlife as they face H5N1 bird flu in Victoria.

I welcome the recent half-a-million-dollar funding package for the wildlife sector, including $250,000 for frontline rescuers and shelters. But by comparison, Western Australia has announced a $2 million fast-tracked bird flu wildlife resilience grants package despite no evidence of local transmission in that state. We are hopeful that this is the first of many support packages for our wildlife sector, who are bracing for this disaster in Victoria. Then of course a few days ago the federal government announced a vaccine rollout, which as the minister noted will be used, firstly, to protect penguins at Phillip Island and at St Kilda. These are good strides, but there is a whole lot more to do, including fully funding Zoos Victoria's marine response unit ahead of looming job cuts that could see the response to seabirds and sea mammals impacted.

But as we deal with this crisis, it should be all native birds that are protected, not just a select few. That is why the government's passing of the Outdoor Recreation Victoria Bill 2026 this morning – which, picking up Dr Heath's point, I note that the Federation of Victorian Traditional Owner Corporations has released a statement on today – and the ongoing refusal to cancel next year's duck-shooting season, locking this into the future, are completely unacceptable. This is despite advice that people should not touch or come into close contact with wild birds unless trained to do so, and there is simply no way to do duck shooting without touching the birds.

Conservative government figures estimate around half a million ducks are killed each recreational season in Victoria, and that does not include those that die later on from wounding. Native waterbird populations in eastern Australia already face long-term declines due to habitat loss, the climate crisis and drought. We know that recreational shooting adds acute physical and psychological stress on top of that. This extends beyond the native birds on the so-called game list. Disturbances from shooting also force other protected and threatened species to flee gunfire, which depletes their energy reserves required to remain healthy and fight disease. The chronic stress and displacement from months of a shooting season weakens all of our native birds' immune response, with those who do survive becoming far more vulnerable to H5N1.

The government's only focus right now should be on strengthening the resilience of our native bird populations at a time when they need it more than ever before. The interests of recreational shooters and the gun lobby, unlike the decision today, should not even be a consideration right now. Australia has so far recorded just over 200 cases of the disease, and that number will grow rapidly. The consequences will see countless deaths and suffering of our native wildlife. I ask the minister to provide her long-term plan to protect wildlife from the threat of bird flu, including cancelling the duck-shooting season.

Angliss Hospital

Michael GALEA (South-Eastern Metropolitan) (22:32): (2697) It is reassuring, perhaps comforting, to see that Dr Heath has at least acknowledged that the Liberal Party's scare campaign that treaty would mean an unelected third chamber with veto powers is, as we of course knew, complete and utter rubbish. But my adjournment this evening is for the Minister for Health, and it concerns the terrific new expansion of the Angliss Hospital in Knox, which is serving constituents of mine in Rowville, as well as broader areas around it. Minister, the action that I seek is that you update the house on the impact that this terrific new expansion of the Angliss Hospital will have for the south-eastern and eastern communities.

V/Line services

Gaelle BROAD (Northern Victoria) (22:33): (2698) My adjournment is to the minister responsible for V/Line. Kate Kendall, the Liberal candidate for Macedon, was at Kyneton station, where the Labor government back in 2018 promised services every 40 minutes. Yet today, with increasing demand, passengers have been left stranded or sitting on the floor of trains. I often travel by train to Parliament from Bendigo or Castlemaine and experience delays and disruptions myself. ABC local radio provides V/Line service updates, similar to a traffic report, to highlight any delays. I am concerned that with the

focus on Big Build projects in Melbourne, this government is treating regional rail services like regional roads: they are being left to fall apart.

On Monday this week the trains on the Bendigo, Geelong and Ballarat lines were disrupted due to a track fault. I spoke with passengers who often travel by train to work in Melbourne, and they said delays and disruptions happen all the time. But perhaps the biggest disruption followed the Telstra outage that suspended V/Line trains for two days, bringing over 550 train services to a halt on 8 and 9 July, with services gradually resuming from midday on Thursday 9 July. The entire regional rail network was halted when a nationwide Telstra communications failure knocked out the critical train radio and control systems. Between 80,000 and 120,000 passengers were impacted. Thousands of people were left stranded, some travelling to work, others returning home and many missing important medical appointments. Around 388 coaches were in operation to support passenger journeys, but it was not enough to meet the demand.

I requested a ministerial briefing to find out what action the government is undertaking to ensure that a statewide V/Line outage does not happen again. The government offered two days of free travel and compensation for additional costs incurred due to the outage, but it is still a matter of discussion with the Australian Rail Track Corporation as to what happens if an outage does occur again. There remains no backup plan. I ask the minister to outline what work is being done to increase the reliability of V/Line services and explain what happened to the Labor government's commitment, made eight years ago, to increase the frequency of train services to every 40 minutes.

Police conduct

Katherine COPSEY (Southern Metropolitan) (22:35): (2699) My adjournment is to the Attorney-General, and the action I seek is that the government establish an adequately resourced and independent police ombudsman for Victoria. Today we learned of charges against two Victoria Police officers over the alleged assault of an Aboriginal man during an arrest in Melbourne's east last August. It is alleged that a senior constable unlawfully struck the man in the head with a taser and a sergeant unlawfully struck him in the head with their knee. These allegations are before the courts, and they must be determined there, but I note both officers are reportedly continuing to work in their current roles.

In this instance IBAC has independently investigated, and it shows exactly why independent oversight matters. But IBAC does not have the resources or structure to independently investigate the vast majority of complaints about Victoria Police. IBAC itself says that Victoria Police continues to manage most police complaints internally. In 2025 IBAC received 2376 complaints and notifications relating to Victoria Police. That equated to around 65 per cent of all the complaints that IBAC received. Of those 2367 complaints, IBAC, with its current resources and carrying out its investigative function, only undertook 47 preliminary inquiries and investigations. That means that in 2025 Victoria Police continued to investigate themselves in the vast, overwhelming majority of complaints. This is not a new problem. The government announced a systemic review of police oversight in 2021, promising reform that would put complainants and victims of police misconduct at the centre of the system. Five years later, and nearly at the end of this term of Parliament, Victorians are still waiting.

The Yoorrook Justice Commission recommended that Victoria establish an adequately resourced and independent police oversight authority headed by a statutory officer who has never been a police officer. Yoorrook said that the body should investigate all complaints other than minor customer service matters and it should independently investigate police contact deaths and serious incidents, monitor police powers in custody, conduct own-motion investigations and include a dedicated First Peoples–led complaints division.

Independent oversight protects the community and ensures that police are not marking their own homework, as they currently do in the vast majority of cases. But independent oversight also supports a professional police force by ensuring that serious allegations are investigated fairly, transparently and without an inherent conflict of interest. This would also go a long way to restoring public trust in Victoria Police, which we know continues to flag.

Victoria Police have extraordinary powers. They have coercive powers and powers to use force. With those powers must come accountability. Attorney-General, after years of reports, reviews, recommendations and repeated cases demonstrating, just like this one does, why reform is necessary, Victorians should not still be expected to accept a system where police overwhelmingly investigate complaints against their own colleagues. Establish an independent police ombudsman.

Edithvale level crossing removal

Ann-Marie HERMANS (South-Eastern Metropolitan) (22:39): (2700) My adjournment matter is to the Premier. I have been contacted by constituents from Edithvale who have spent years pursuing compensation after their property was damaged by the Edithvale crossing removal project. The action I seek is for the government to review how their complaint assessment process was managed, including the level of independence, and to implement measures to ensure that residents impacted by the Andrews–Allan–Carroll Labor government's major infrastructure works are afforded fair and transparent treatment.

As if breaking the bank and letting debt spiral out of control are not enough, the Labor government's corrupt and out-of-control infrastructure projects have caused property damage to local residents' homes. My constituents have had cracking and structural damage to their property due to the Edithvale crossing removal project. Since then, they have done everything right to seek justice and compensation, but this government has ignored, shunned and stonewalled them. My constituents have faced repeated rejection of their claims despite multiple expert opinions showing evidence of the property damage. This leaves them deeply sceptical about the process and whether it was independent. In particular they have raised concerns with me that the investigation assessment process was not sufficiently independent, the complaint handling process lacked transparency, their property damage concerns remain unresolved and they have been left without meaningful resolution despite extensive engagement over a prolonged period.

Let me tell you, my constituents' issue is far from unique. I can guarantee you that there are many Victorians across the state who have had their properties damaged by Labor's ill-considered infrastructure pet projects, not to mention the harm to the local environment and to residents' health because of the constant construction works, which I have previously raised in this chamber. Just think about the 109 level crossing removals, the doomed Suburban Rail Loop and the Metro Tunnel. How much damage has been done? My constituents in Edithvale have persevered despite multiple setbacks and lengthy delays, and I commend them for their determination. But what about the people who do not have the means nor the capacity to pursue justice in this way? We have seen that this Labor government will go to extreme ends to cover up its tracks. I shudder to think how many Victorians have had this government turn a deaf ear to their concerns, never receiving the compensation they deserve. Victorians have simply had enough of this Labor government.

Box Hill brickworks site

Richard WELCH (North-Eastern Metropolitan) (22:41): (2701) My adjournment matter is for the minister for transport infrastructure. Today the member for Box Hill in the other place claimed he is willing to discuss a master plan for the Box Hill brickworks parkland site. How? The government, with his support, gazetted a precinct plan locking in 10- and 20-storey towers over 95 per cent of the site. He has contradicted himself and his government, but that is no surprise. This is the same local member who, before the election, told the Box Hill Brickworks Parkland Association he could imagine a Central Park skyline with a parkland laid out before it and then actively worked against it after the election. This is the same local member who advised his community not to speak up about the parkland too loudly, because that would inflate its value and make it harder to purchase, and then supported a rezoning for towers that massively increased the value that put it out of financial reach of council. He has deliberately led the Box Hill community down along a path that he knew would lead to nowhere.

Today the member for Box Hill made a new claim: that turning the brickworks into parkland was impossible because it would cost $200 million. What authority did he rely on for that claim? Why, it

was none other than his own Labor colleague, member for North-East Metro Ms Terpstra of 'Not everyone hates potholes' fame. The minister for potholes is quoting the member for potholes. Well, I would like to know where either of them arrived at that figure. How could this figure even exist when, according to Mr Hamer, no independent analysis was allowed? The government could not even get on the land, he said. This is exactly why I raised a documents motion yesterday, because there is clearly something dodgy going on. In response, Ms Terpstra told this chamber that the Suburban Rail Loop Authority had advised her that purchase and remediation works for the Box Hill brickworks would cost $200 million. Is there such advice or was that just made up?

The action I seek from the minister is: if that advice does exist, then make it public. Make it public so we can all see a typical Labor lie at work. Because if it is over $100 million to remediate, how is anyone going to be able to viably develop this land for affordable housing? And why are you using the cost of remediation for towers as if it is the same cost as remediation for parkland? If it is $100 million to purchase, how much of that is because of your own rezoning? Prior to that, it was independently valued at $19 million to $25 million. So if that advice exists, release it. Otherwise, admit it was just made up to mislead the community of Box Hill and hand the people of Box Hill yet another reason why they should never trust Labor again. The Box Hill brickworks must be parkland.

Community safety

Evan MULHOLLAND (Northern Metropolitan) (22:45): (2702) My adjournment is directed to the latest Minister for Police, and it concerns the shocking events being reported at Craigieburn Central shopping centre this evening. At around 7:10 pm tonight Craigieburn Central was placed into emergency lockdown after two groups of men, reportedly armed with machetes, became involved in a violent dispute. During that altercation two gunshots were fired. Police rushed to the shopping centre and worked to secure the premises, while members of the public were locked down, frightened, inside. I want to acknowledge the Victoria Police officers who responded to this incident, who worked to protect the public in what was an extremely serious and volatile situation.

But tonight's incident should be a wake-up call for this tired Andrews–Allan–Carroll government. Craigieburn families should not have to worry that a trip to their local shopping centre could turn into a scene involving machetes and gunfire. We have seen far too many incidents involving young people and dangerous weapons across Melbourne, particularly in the northern suburbs. Yet time and time again this Labor government have been reluctant to confront the causes of this violence and deliver the laws and policing that Victorians desperately need and have been asking for. Being soft on crime and weakening the bail laws, as those opposite did in this place in 2023, has consequences. When criminals believe they can carry weapons, engage in violent behaviour and return to our streets without meaningful consequences, the community pays the price. The people of Craigieburn should not have to pay that price. The government today have said they are expanding Operation Pulse. They have listed shopping centres where PSOs will be now, like Pacific Werribee, Bayside shopping centre, Highpoint shopping centre, Westfield, Northland, Watergardens – the list goes on – but not Craigieburn Central. This is the same precinct where recently we saw the tragic death of 15-year-old Darweish Mohamed. Surely the government could finally focus some attention on the good people of Craigieburn and keep them safe.

It is only the Liberals and Nationals who will recruit an additional 200 PSOs and return them to the 120 train stations while expanding their presence at shopping precincts. Only the Liberals and Nationals will hire 3000 new police over four years to fill the 1500 vacancies, keep the community safe and reopen the more than 40 police stations closed or with reduced hours under Labor.

The action I seek is for the Minister for Police to ensure that Victoria Police has the resources, the personnel and the powers necessary to prevent and respond to violent offending in Craigieburn and across Melbourne's northern suburbs.

Wodonga Golf Club

Wendy LOVELL (Northern Victoria) (22:48): (2703) My adjournment matter is for the Minister for Planning. The action that I seek is for the minister to remove Wodonga golf course from the list of seven sites in the unlocking strategic sites program, reject any proposal to rezone the golf course land for housing and respond to the 8314 Victorians who signed the petition. The unlocking strategic sites program is a shameless attempt by Labor to bypass local government authorities and avoid democratic scrutiny from local residents. The program will put the momentous decision about the future of the Wodonga golf course in the hands of a single person: Labor's Minister for Planning Sonya Kilkenny. The government claim that before any sites are rezoned they will seek the views of affected parties and consult the public. Well, Minister, more than 8000 Wodonga locals and golfers have already spoken and signed a petition demanding that the Carroll Labor government keep its hands off the Wodonga golf course. Land zoning exists for a good reason, and one of the proper goals for our planning scheme is to conserve green space and vital recreational land for the enjoyment of future Victorians. Yes, new housing is needed in Victoria, and land needs to be released for new housing, but new homes should not come at the expense of a unique recreational space that is highly valued by the community and cannot be replaced once it is gone. I tabled the online and paper versions of the petition in Parliament in June, and the minister was required to respond by 16 July, but nothing has been said on the matter, and the minister's answer is now a month overdue.

Liberal candidate for Benambra Steve Martin has been a strong community advocate to save the golf course, and he tells me that petitioners are getting frustrated by Labor's guilty silence. We can only assume the minister is avoiding the issue and refusing to respond because she knows how deeply unpopular her policy is with Wodonga residents.

The strategic sites program aims to increase the supply of new housing in Victoria by rezoning underutilised land, but Wodonga golf course is just not an appropriate site for this program. It is not a vacant lot, it is not an abandoned industrial site, it is not a disused radio station; it is a very popular community sport asset where juniors hit their first drive, where families stroll on the weekend and where retirees keep active. Ample new land for housing has already been identified by council, and there is simply no need at all to destroy the green fairways and convert them to asphalt and brick. If Labor pave over paradise to put up housing lots, they will rob future generations of this irreplaceable open green space. Liberal Shadow Minister for Planning David Southwick has pledged that a – *(Time expired)*

Responses

Ingrid STITT (Western Metropolitan – Minister for Health, Minister for Mental Health, Minister for Ambulance Services, Special Minister of State) (22:51): There were 10 adjournments to eight separate ministers, and written responses will be sought in accordance with the standing orders.

The PRESIDENT: The house stands adjourned.

House adjourned 10:51 pm.