Hansard

LEGISLATIVE ASSEMBLY

60th Parliament

Thursday 13 November 2025

By authority of the Victorian Government Printer

Office-holders of the Legislative Assembly

60th Parliament

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Deputy Speaker

Matt Fregon

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Sam Groth (from 27 December 2024)

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Danny O'Brien (from 26 November 2024)

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Emma Kealy

Leader of the House

Mary-Anne Thomas

Manager of Opposition Business

Bridget Vallence (from 7 January 2025)

James Newbury (to 7 January 2025)

Members of the Legislative Assembly

60th Parliament

Member	District	Party	Member	District	Party
Addison, Juliana	Wendouree	ALP	Lister, John[7]	Werribee	ALP
Allan, Jacinta	Bendigo East	ALP	Maas, Gary	Narre Warren South	ALP
Andrews, Daniel[1]	Mulgrave	ALP	McCurdy, Tim	Ovens Valley	Nat
Battin, Brad	Berwick	Lib	McGhie, Steve	Melton	ALP
Benham, Jade	Mildura	Nat	McLeish, Cindy	Eildon	Lib
Britnell, Roma	South-West Coast	Lib	Marchant, Alison	Bellarine	ALP
Brooks, Colin	Bundoora	ALP	Matthews-Ward, Kathleen	Broadmeadows	ALP
Bull, Josh	Sunbury	ALP	Mercurio, Paul	Hastings	ALP
Bull, Tim	Gippsland East	Nat	Mullahy, John	Glen Waverley	ALP
Cameron, Martin	Morwell	Nat	Newbury, James	Brighton	Lib
Carbines, Anthony	Ivanhoe	ALP	O'Brien, Danny	Gippsland South	Nat
Carroll, Ben	Niddrie	ALP	O'Brien, Michael	Malvern	Lib
Cheeseman, Darren[2]	South Barwon	Ind	O'Keeffe, Kim	Shepparton	Nat
Cianflone, Anthony	Pascoe Vale	ALP	Pallas, Tim[8]	Werribee	ALP
Cleeland, Annabelle	Euroa	Nat	Pearson, Danny	Essendon	ALP
Connolly, Sarah	Laverton	ALP	Pesutto, John	Hawthorn	Lib
Couzens, Christine	Geelong	ALP	Read, Tim	Brunswick	Greens
Crewther, Chris	Mornington	Lib	Richards, Pauline	Cranbourne	ALP
Crugnale, Jordan	Bass	ALP	Richardson, Tim	Mordialloc	ALP
D'Ambrosio, Liliana	Mill Park	ALP	Riordan, Richard	Polwarth	Lib
De Martino, Daniela	Monbulk	ALP	Rowswell, Brad	Sandringham	Lib
de Vietri, Gabrielle	Richmond	Greens	Sandell, Ellen	Melbourne	Greens
Dimopoulos, Steve	Oakleigh	ALP	Settle, Michaela	Eureka	ALP
Edbrooke, Paul	Frankston	ALP	Smith, Ryan[9]	Warrandyte	Lib
Edwards, Maree	Bendigo West	ALP	Southwick, David	Caulfield	Lib
Farnham, Wayne	Narracan	Lib	Spence, Ros	Kalkallo	ALP
Foster, Eden[3]	Mulgrave	ALP	Staikos, Nick	Bentleigh	ALP
Fowles, Will[4]	Ringwood	Ind	Suleyman, Natalie	St Albans	ALP
Fregon, Matt	Ashwood	ALP	Tak, Meng Heang	Clarinda	ALP
George, Ella	Lara	ALP	Taylor, Jackson	Bayswater	ALP
Grigorovitch, Luba	Kororoit	ALP	Taylor, Nina	Albert Park	ALP
Groth, Sam	Nepean	Lib	Theophanous, Kat	Northcote	ALP
Guy, Matthew	Bulleen	Lib	Thomas, Mary-Anne	Macedon	ALP
Halfpenny, Bronwyn	Thomastown	ALP	Tilley, Bill	Benambra	Lib
Hall, Katie	Footscray	ALP	Vallence, Bridget	Evelyn	Lib
Hamer, Paul	Box Hill	ALP	Vulin, Emma	Pakenham	ALP
Haylett, Martha	Ripon	ALP	Walsh, Peter	Murray Plains	Nat
Hibbins, Sam[5, 6]	Prahran	Ind	Walters, Iwan	Greenvale	ALP
Hilakari, Mathew	Point Cook	ALP	Ward, Vicki	Eltham	ALP
Hodgett, David	Croydon	Lib	Wells, Kim	Rowville	Lib
Horne, Melissa	Williamstown	ALP	Werner, Nicole[10]	Warrandyte	Lib
Hutchins, Natalie	Sydenham	ALP	Westaway, Rachel[11]	Prahran	Lib
Kathage, Lauren	Yan Yean	ALP	Wight, Dylan	Tarneit	ALP
Kealy, Emma	Lowan	Nat	Williams, Gabrielle	Dandenong	ALP
Kilkenny, Sonya	Carrum	ALP	Wilson, Belinda	Narre Warren North	ALP
Lambert, Nathan	Preston	ALP	Wilson, Jess	Kew	Lib

[1] Resigned 27 September 2023
[2] ALP until 29 April 2024
[3] Sworn in 6 February 2024
[4] ALP until 5 August 2023
[5] Greens until 1 November 2024
[6] Resigned 23 November 2024
[7] Sworn in 4 March 2025
[8] Resigned 6 January 2025
[9] Resigned 7 July 2023
[10] Sworn in 3 October 2023
[11] Sworn in 4 March 2025

Party abbreviations

ALP – Australian Labor Party, Greens – Australian Greens,
Ind – Independent, Lib – Liberal Party of Australia, Nat – National Party of Australia

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Thursday 13 November 2025

The SPEAKER (Maree Edwards) took the chair at 9:33 am, read the prayer and made an acknowledgement of country.

Bills

Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025

Introduction and first reading

Natalie HUTCHINS (Sydenham – Minister for Government Services, Minister for Treaty and First Peoples, Minister for Prevention of Family Violence, Minister for Women) (09:34): I move:

> That I introduce a bill for an act to amend the Family Violence Protection Act 2008, the Crimes Act 1958, the Criminal Procedure Act 2009, the Evidence (Miscellaneous Provisions) Act 1958, the Jury Directions Act 2015 and the Personal Safety Intervention Orders Act 2010 and for other purposes'.

Motion agreed to.

Cindy McLEISH (Eildon) (09:34): I request a brief explanation of the bill from the minister.

Natalie HUTCHINS (Sydenham – Minister for Government Services, Minister for Treaty and First Peoples, Minister for Prevention of Family Violence, Minister for Women) (09:34): The Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025 will introduce key reforms to protect all Victorians, particularly women and children, from violence and abuse at the hands of their loved ones, which unfortunately occurs in our society. It strengthens the family violence intervention order and the framework that sits around that here in Victoria to ensure that victim-survivors are safer for longer and from a broad range of abusive behaviours, all whilst holding perpetrators to account. It will also make changes to the stalking offence, as well as extending the circumstances in which a personal safety intervention order can be made, and make key court procedural changes in relation to sexual offences trials.

Read first time.

Ordered to be read second time tomorrow.

Business of the house

Notices of motion and orders of the day

The SPEAKER (09:36): General business, notice of motion 41 and orders of the day 9 and 10, will be removed from the notice paper unless members wishing their matter to remain advise the Clerk in writing before 2 pm today.

Documents

Documents

Incorporated list as follows:

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT – The Clerk tabled:

Climate Action Act 2017 – Victorian Greenhouse Gas Emissions Report 2023

Statutory Rules under the following Acts:

Births, Deaths and Marriages Registration Act 1996 – SR 117

Domestic Animals Act 1994 – SR 116

Subordinate Legislation Act 1994 – Documents under s 15 in relation to Statutory Rule 116.

Bills

Building Legislation Amendment (Fairer Payments on Jobsites and Other Matters) Bill 2025

Mental Health Legislation Amendment Bill 2025

Statewide Treaty Bill 2025

Royal assent

The SPEAKER (09:36): I inform the house that today the Governor gave royal assent to the Building Legislation Amendment (Fairer Payments on Jobsites and Other Matters) Bill 2025, the Mental Health Legislation Amendment Bill 2025 and the Statewide Treaty Bill 2025.

Motions

Motions by leave

David SOUTHWICK (Caulfield) (09:37): I move, by leave:

> That this house condemns the Premier for her reckless backflip on banning masks at protests, a decision that betrays Victoria Police and endangers community safety. This backflip undermines law enforcement efforts and places both police officers and the public in greater harm's way.

Leave refused.

Gabrielle DE VIETRI (Richmond) (09:37): I move, by leave:

> That this house notes that Israel has violated the most recent ceasefire agreement at least 282 times between 10 October and 10 November through attacks by air artillery and direct shootings and urges once again the Victorian Labor government to end its complicity by cutting all diplomatic, military and commercial ties with Israel immediately.

Leave refused.

David SOUTHWICK (Caulfield) (09:38): I move, by leave:

> That this house condemns the Allan Labor government for failing to protect Victorian workers and shoppers in the lead-up to Christmas, noting that amid a retail crime crisis the government has failed to introduce worker protection orders, leaving frontline staff unsafe and unprotected.

Leave refused.

Business of the house

Adjournment

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (09:38): I move:

> That the house, at its rising, adjourns until tomorrow at 9:30 am.

Motion agreed to.

Members statements

Bushfires

Emma KEALY (Lowan) (09:39): I again ask the Premier to direct the Inspector-General for Emergency Management Victoria to undertake an intensive review of the Little Desert fires and the Grampians bushfires which impacted my electorate last summer. There were a number of issues that were raised over the course of this fire management. There are ways that we can improve the way that we manage fires in the future, and our community deserves to have its voice heard around those issues.

Mental health and wellbeing locals

Emma KEALY (Lowan) (09:39): I also raise a separate matter for the Premier in relation to the mental health and wellbeing locals that were promised for my electorate back in May 2023. We were told back 2½ years ago that planning had begun for mental health and wellbeing locals in Horsham, Ararat and Hamilton, but we still have not had any progress on that. We have had a fantastic report published by Dr Cathy Tischler around understanding the impacts of new developments, energy and mining on farmers in the Wimmera Southern Mallee. It highlights some serious issues we have around government engagement and consultation with our communities and the impact it is having on mental health. Again, it is a failure of government to provide the appropriate supports and manage consultation in an appropriate way. This is important because we have lost four tradies in the past three months to suicide. I pay my utmost respects to the family and friends of those impacted. May you rest in peace, TJ.

Wyndham law courts

Sarah CONNOLLY (Laverton) (09:40): Well, folks in the west, we can tick off yet another commitment from our government with the opening of the brand new Wyndham law courts, which opened just last week. It was great to be down at the precinct with the Attorney-General and my fellow amazing Wyndham MPs to finally open this new facility to the public. These new law courts are the biggest law court complex outside of Melbourne's CBD, and they bring together a whole range of court services. It is not just a bigger building for folks who already go to the Magistrates' Court in Werribee. It will also combine with the Children's Court and VCAT to provide a one-stop shop for legal matters to be heard here, and we will not just be stopping with these services. From July next year the specialist Children's Court of Victoria services, including the Children's Koori Court, will begin operating, providing access to court services for families in Melbourne's west, and then in 2027 this will be joined by the Koori Court and Specialist Family Violence Court services, which will also be housed here.

These specialist court services will make a real difference, and it also means that more cases can be heard and that folks living in the outer west will save a whole lot of time because they will not have to commute into the CBD to access court services and have their matters resolved. Do not even get me started about having more jobs closer to home, because we have got so many local smart kids that want to get a job in the legal industry. I know that these new facilities will make a world of difference to those courts. We can now enjoy a brand new court precinct with state-of-the-art facilities and expanded court services available right here in our local community.

Crossway Preschool

James NEWBURY (Brighton) (09:42): Last Wednesday morning, 56 days before the end of the year, the parents of 44 children at Crossway Preschool received a short, sharp email from Baptist Church director Stuart Yarnall stating:

> … in the light of recent changes to state government regulatory environments and the resulting financial implications … The preschool will continue operating for the remainder of 2025 … after which it will permanently close.

The teaching staff were informed a day earlier. One child was accepted for next year on Monday. The decision has thrown our community into chaos. The department has begun working with the church to explore whether another operator can step in. Bayside City Council has also stepped up to help, though there are now 77 children across Bayside without a place. The Premier must stop ignoring repeated warnings that her kindergarten policy is distorting the sector.

St Leonard's Uniting Church

James NEWBURY (Brighton) (09:42): The St Leonard's church marked an incredibly historic occasion on Sunday with dedication and opening of the new ministry and community centre. The centre was first conceived by Reverend Kim Cain in 2016. The original church, formerly a

Presbyterian church, was erected in 1892. The current church building, in the design of a fish, was built in 1956. The new centre is designed as a net to complement the church shape. Valerie O'Byrne, a 101-year-old parishioner, had the honour of formally opening the new centre. Val first joined the congregation in 1963 and selected St Leonard's after reading that Robert Menzies had visited the church for the baptism of his twin grandsons. Congratulations to the parish.

Ashwood electorate schools

Matt FREGON (Ashwood) (09:43): Last month I mentioned that we opened the new inclusive playground at Glen Iris Primary, and I just want to come back to that quickly to thank Georgia and Alexander for showing me around. My tour guides were excellent on the day, and a big shout-out to the principal Maddie Witter and the architects, who were there, Design Core Architects, for the fantastic play space that is now in action. Also I want to give a shout-out to deputy mayor Victor Franco for joining me after that for a Q and A session with the grade 5s to talk about civics and the importance of all those things.

While we are on playgrounds, I managed to drop into Parkhill Primary School. A big shout-out to Jo Jolly. Their new playground is now open, and it is fantastic. This was a commitment we gave in 2022, and it is now in place. There are still some other works being done, but I can tell you the kids were very, very happy with their new space.

Ashwood youth advisory committee

Matt FREGON (Ashwood) (09:44): The other thing I want to do is thank my Ashwood youth advisory committee for giving a fantastic presentation and business case on more solar panels in schools, and this is something that the government is working on. But the fantastic work of my youth advisory committee, which they have spent all year on, cannot be undersaid.

Mathew Hilakari: Estimated.

Matt FREGON: 'Estimated' is a better word. Thank you, member for Point Cook.

Club of Chinese Seniors

Matt FREGON (Ashwood) (09:44): I also want to thank the Premier for dropping in to the Club of Chinese Seniors in Monash, and I will get to that next week.

Ken Dwight

Cindy McLEISH (Eildon) (09:45): I want to acknowledge the career of Leading Senior Constable Ken Dwight, who retired from Victoria Police on his 70th birthday, having given 37 years to the force. Ken contributed so much to his role, which was tough, working solo at a single-member station in Woods Point for 20 years. Impressively, Ken worked the van on his last day – dedicated to the end. Great job, Ken, and we thank you.

Cycling Without Age

Cindy McLEISH (Eildon) (09:45): Cycling Without Age has been running in Mansfield for over a year now, with two three-wheeled e-trishaws in town, and I was able to catch a lift with local Ross Martin at the recent Rosehaven open day. Although it was only a short trip around the car park to my car, Ross and I sat while Katrina Rekers did the cycling. Sophie Naylor and her crew have seen the concept take off in Mansfield. Support from the Bendigo Bank and a social inclusion action group grant allowed for the purchase of the two trishaws. The group have regular bookings from Bindaree retirement centre and Yooralla, allowing older residents and those with mobility issues to sit and enjoy the breeze on their faces. May the wind be always at your back.

Country Fire Authority Merrijig brigade

Cindy McLEISH (Eildon) (09:46): On Saturday Merrijig Rural Fire Brigade celebrated 100 years of volunteer service. This is a big deal, and they put on a big day to celebrate. The history of the brigade and past captains were recognised with the opening of the Captains' Avenue of Honour, which is a great way to acknowledge the roles. Like all rural brigades, it was formed by local farmers, on land donated by the McCormacks, and it was great to see Cobie, Darbie and Miller McCormack be part of the formalities by raising the flags. Congratulations to Captain Anthony Wakeling.

National Survivors' Day

Steve McGHIE (Melton) (09:46): I rise to acknowledge National Survivors' Day, which was yesterday, 12 November. It is the only public-facing national day that recognises and honours survivors of sexual assault and institutional abuse. National Survivors' Day is now in its fourth year and provides an opportunity for communities across Australia, including right in my electorate of Melton, to stand with survivors, their families and those who support them. From community centres and workplaces to our schools and faith communities, the message of solidarity and hope resonates deeply, not just with survivors but with the community that supports them. This year's theme, 'From silence to strength', reminds us that when survivors are heard and believed, the shame and stigma of abuse begin to shift to where they belong, which is on the perpetrators and not on the survivors. We know that choosing to speak out is often a difficult decision and can be incredibly complicated, but we also know that speaking out has the power to transform pain into purpose and silence into our collective strength. We know that far too many Australians have experienced sexual violence – an estimated 14 per cent of adults, or 2.8 million people, which is shocking. These are not statistics, they are members of our own communities, our friends, our colleagues and our loved ones. I commend the National Survivors Foundation for their leadership and advocacy. Through them, I encourage all Australians, especially those of us in Melton, to stand with survivors, to listen and to help turn silence into strength.

Mildura electorate achievements

Jade BENHAM (Mildura) (09:47): I will say it again: in Mildura, we put food on your plate and champions on racetracks. Josh Waters capped off another incredible season in fine style, winning his fifth Australian Superbike Championship during qualifying at The Bend over the weekend. About 150 of us from Mildura went over to South Australia to show our support for this universally loved champion, who is the only person in the history of the world ever to win five ASBK championships. We do not even have a road track in Mildura – so, council, what are you doing about that motorsport strategy? In true Josh style, he was back at work on Tuesday, running his small business and just carrying on with life. You are a true champion.

On the water, the Mildura Dragon Boat Club paddled their way to victory at the Australian Masters Games in Canberra, bringing home a gold, two silver and a bronze medal and showcasing the strength, teamwork and spirit that define our regional sporting community and the people of all ages and backgrounds who love it.

In Ouyen, Alex Look of Ouyen Pharmacy has been recognised as the 2025 International Pharmacist of the Year by the Pharmacy Innovation Assembly, which is an extraordinary achievement and shines a global spotlight on rural health excellence and innovation.

Finally, congratulations to Garraway Developments, winners of the Housing Industry Australia Victoria award for Specialised Housing, a credit to their craftsmanship, innovation and commitment to accessible, quality design.

From the racetrack to the river and from the dispensary to the drafting table, Mildura continues to punch well above its weight, and I could not be prouder of these achievements and the people behind them.

Wyndham law courts

Mathew HILAKARI (Point Cook) (09:49): The Wyndham law courts are open, the largest court precinct outside the CBD, and this is bringing great legal jobs to the community that I represent in the heart of the south-west of Melbourne. The Magistrates' Court, VCAT and the Children's Court – they are all in session. Thank you to the Attorney-General for officially opening the courts and Uncle Mark for the welcome to country. Thanks to the construction and design teams and Courts Victoria, because they are beautiful. We will welcome the new jobs and new activity in Melbourne's rapidly and fastest growing region.

Diwali

Mathew HILAKARI (Point Cook) (09:49): Happy Diwali for everybody who celebrated. Melbourne's west is multicultural and proud of it, and we are home to Diwali in Australia, despite what others might say. Diwali celebrates a triumph of light over darkness, good over evil. We light the candles, we decorate our homes and we celebrate with dance, music and so many sweets. Thank you to Reena Rana for hosting Tarneit Diwali; the storms really came in that night. Thanks to Jaya, Ajay, Bharath and the Diwali and Govardhan Puja with Hare Krishna friends; Raja Reddy at Lawrie Emmins Reserve for Wyndham Diwali Inc; BAPS – my apologies for not making it there on the day, and thank you, Jitesh, for your wonderful kindness; and Ghan and the team from Melbourne Gurukul, along with the member from Melton, for hosting Diwali Annakut in Mount Cottrell.

Chinese Museum

Mathew HILAKARI (Point Cook) (09:50): The Museum of Chinese Australian History gala awards dinner was earlier this week. To Mark Wang from the museum and Susan Gin from Executive Wealth Circle Australia Community Engagement, thank you so much. It is a wonderful demonstration of our community.

North East Link

Matthew GUY (Bulleen) (09:50): There was more arrogance from the state government on the North East Link in the last week. Residents have been raising concerns with me about the closure of High Street and Doncaster Road for more than a month, with very little notice given to shop traders at Village Avenue shops in Doncaster South. This is going to cost traders huge amounts of income. It is going to cost residents convenience and access to the local synagogue at the bottom of High Street and to the kindergarten at the bottom of High Street. Residents have already been very badly affected, through the Veneto, Marcellin, local primary schools and Trinity, but of course the state government just ploughs on. 'Couldn't care less' is the attitude from a condescending, out-of-touch government, which is what we have in Victoria.

Gum Nut Gully Preschool

Matthew GUY (Bulleen) (09:51): While we are talking about condescension, the notice back from the Minister for Planning to the parents at Gum Nut Gully kindergarten – listen to those opposite try to bag the parents of Gum Nut Gully kinder. The planning minister would not intervene. She would not help the residents. She will not help the kindergarten relocate and rebuild on their own plot of land, but she is happy to approve high-density housing with the same bushfire rating just down the road. What we have got is an out-of-touch, condescending government of people who could not give a stuff about anyone except themselves. They will learn next year.

The SPEAKER: Member for Bulleen, I remind you about unparliamentary language, and I would ask you not to hit the table when you are speaking.

Alice Jury

Michaela SETTLE (Eureka) (09:52): It gives me great pleasure to rise and acknowledge the outstanding achievement of Alice Jury, who has been honoured with the Outstanding Primary Teacher

award at the 2025 Victorian Education Excellence Awards. Alice's work at Canadian Lead Primary School has been nothing short of transformative. She co-developed a new phonics program for prep to grade 2 students, significantly improving reading and spelling outcomes. She also introduced the Berry Street education model, bringing in predictable routines, brain breaks and positive primers. The result has been fewer behavioural incidents, higher attendance and remarkable gains in student learning.

I was delighted to see Alice recently when I visited Canadian Lead Primary School with the Deputy Premier. It was immediately clear how deeply she cares for her students and just as clear how much they adore and respect her in return. The school was filled with warmth, laughter and a genuine love of learning. After I shared a post about her win on Facebook, one mother wrote to me to tell me how Alice had helped her child – how her patience, skill and encouragement had changed that student's experience of school. Alice Jury truly embodies the best of our Education State – dedicated, compassionate and committed to helping every child.

Twelve Apostles precinct development

Richard RIORDAN (Polwarth) (09:54): I again rise today to bring to the house's attention the parlous state of the management of our wonderful coastline along the Great Ocean Road at the Twelve Apostles precinct. This government has managed to find some $130 million to build a new toilet block complex at the famed visitor centre but has failed to put a wastewater management plan in place. In essence we have found millions to keep foreign visitors happy but cannot find the funds to keep our native environment, our local coastline and the habitat in the area safe for future generations. I wish to acknowledge the hard work from locals Dion Webber and Michelle Rowney, who have put a petition together that will be presented to this Parliament. Already some 754 signatures have been used on this petition to bring urgently to this government's attention that they must fund the remediation work so that the water overflowing from the car park does not find itself flooding across the Great Ocean Road, down through the plants and the foreshore there and crashing over the cliff. The net result at the moment is that the famed Gibson Steps are closed. There is no access for the public. They will remain closed until this problem is solved. It is not good enough that the government is looking into it. It is a problem that should have been thought of in the planning. It must be rectified immediately. The community expects progress on this important issue.

Hazel Glen College

Lauren KATHAGE (Yan Yean) (09:55): Hazel Glen College's leadership academy demonstrated their worth by giving leadership to me and the Minister for Youth when we visited the college last week. They gave us important insights into Victoria's youth strategy, guiding us for our next steps and making sure that the work we do for young people in Victoria is guided by them. So I would like to thank Alden, Charlotte, Eva, Kale, Brynley, Ellie, Salena, Annalize, Mahtaab, Lucian, Talia, Mutsa, Tanika, Oviya, Georgia, Ollie, Ellie, Olivia, Shreya, Jasmeher, Aaleyah, Emma, Chloe, Vincent and of course their teacher Stephanie Williams for the support that they gave us. Pleasingly, we had the young people themselves stepping up and leading some of those sessions, so we really were working to fulfil priority 4 of the youth strategy – that young people are respected and involved in decisions in their communities. I was pleased to hear about the places in the community that young people feel safest and where they want to feel safer. I am proud to be part of a government that is putting in place steps to make sure that young people can feel confident and safe, no matter where they move around in our community. So thank you to Hazel Glen College.

Waste and recycling management

Tim READ (Brunswick) (09:57): I wish I had the member for Bulleen's talent for performance, but sadly, I do not. I promise that I feel all the passion, and I do not know how it is connected, but I am suddenly talking about greenhouse gas emissions from organic waste – organic waste being the single biggest contributor to greenhouse gas from Victorian landfills. There is no reason for organics to be going to landfill when we have other solutions like composting. In 2022–23 easily recoverable

materials like organics, paper and cardboard, metals, plastics and glass made up more than – get this number – 3 million tonnes of Victoria's landfill waste. This was the majority of Victoria's total landfill waste, with the remaining 1.3 million tonnes made up mostly of soil and other construction waste. Meanwhile, Victoria's annual waste incineration cap has just been lifted for the second time to 2.5 million tonnes per year. I hope people are keeping track of these numbers, because they do not add up. If Labor was serious about its rhetoric on building a circular economy, it would quickly realise that if we reduced waste, used our four streams properly and improved commercial and industrial recycling, there would not be much left to burn. And considering Victoria's planned incinerators lock councils into decades-long contracts, meaning financial penalties for ratepayers if they do not provide the required quantities of waste, it is clear we are going in the wrong direction.

Strathaird Reserve, Narre Warren South

Gary MAAS (Narre Warren South) (09:58): In Narre Warren South we are gearing up for a big summer of sport, and the reason why is because we have a newly redeveloped Strathaird Reserve, which is now much better equipped to support our local sports clubs, both now and for generations to come. The reserve is home to the Narre South Cricket Club – the Lions – and the Narre South Saints Football Netball Club and junior football club. It was a pleasure to be there last week to officially open the renovated pavilion. The upgrades include a new social room, accessible amenities suitable for women and girls, a new servery and a covered spectator area. It not only is a boost for players and supporters but also provides new spaces for other community groups to gather, meet and connect. The upgrade was supported through a $1.5 million investment by the Victorian government, and it is fantastic to see that this project has come to fruition. The clubs are already settling into their new digs and making themselves at home, and I would like to thank Narre South Lions president Nathan Tracey for showing me around this new facility. I got to catch up with local identity Rob Wilson as well, a life member of the cricket club and former mayor of the City of Casey. In fact it was Rob who told me that he opened the original clubrooms way back in 2004. The Allan Labor government is proud to back our grassroots sports and recognises the wideranging benefits they bring to communities.

Alex Kats

David SOUTHWICK (Caulfield) (10:00): Local legend Alex 'Everywhere' Kats received one of our local hero awards for the great work that he does with the Council of Christians and Jews, which celebrated its 40th anniversary last night. Congratulations to Alex on your great work.

Maccabiah Games

David SOUTHWICK (Caulfield) (10:00): I also want to recognise Maccabiah, which does a fantastic job connecting people through sport. The 22nd Maccabiah Games was cancelled due to the war with Iran, and I am pleased to say that in July 2026 the Maccabiah Games will be continued. I am sure that does not bring much joy to the Greens, with the vile stuff that we hear every day in this Parliament. I want to welcome particularly Amir Peled, the chairman of Maccabi World Union and the head of the Maccabi global organisation, and Assaf Goren, the chairman of Maccabiah Games 2026, along with Rodney Rosmarin, Barry Lipp, Sam Strunin and Susannah Swiatlo, the Australian team, who I will be meeting with today to talk about all the wonderful things that Maccabi does.

St Kilda Primary School

David SOUTHWICK (Caulfield) (10:01): I also give a big shout-out to St Kilda Primary School, which is celebrating its 150th anniversary, and also to Sue Higgins, the principal. Change starts with you, and I want the people of Caulfield to come up with their idea to make Caulfield better together. We need local ideas and local things to ensure once and for all our area, Caulfield, continues to be the best place to live.

Greenvale Secondary College

Iwan WALTERS (Greenvale) (10:01): Thank you to principal Mark Natoli and all of the teachers and support staff at Greenvale Secondary College, who work so hard every day to provide a safe and supportive learning environment for every single student. I was thrilled to be back inside the classroom again this week at Greenvale Secondary. I was very grateful for the opportunity to speak with so many students across different year levels about important issues that confront them in their lives, like buses and free public transport, community safety and our democratic institutions and policymaking processes.

ICMG Meadow Heights Mosque

Iwan WALTERS (Greenvale) (10:02): With the member for Broadmeadows, I was very grateful to attend ICMG Meadow Heights Mosque on the Cup Day public holiday last week, where the ICMG women's team organised a wonderful community day with stalls, crafts, beautiful food and a very welcoming atmosphere to raise money for the vital work of the Northern Health Foundation. Thank you to all who made the day possible. Teşekkürler.

Remembrance Day

Iwan WALTERS (Greenvale) (10:02): Tuesday marked the 107th anniversary of the armistice that ended hostilities on the Western Front. Around 62,000 Australians died in the First World War, and over 100,000 have given their lives in all conflicts since Federation. At the Craigieburn War Memorial at 11 o'clock on Remembrance Day our community gathered to remember and to pay tribute to the service and sacrifice of so many and to acknowledge the freedoms and security that they preserved and sustained. Thank you to Kevin O'Callaghan and the Craigieburn War Memorial and Remembrance Committee both for hosting such a special service of commemoration and for all the work involved in preparing a very special new book, *War Memorials within the City of Hume*, which was launched by outgoing mayor Jarrod Bell on Tuesday.

St Gregorios Indian Orthodox Church

Meng Heang TAK (Clarinda) (10:03): Firstly, congratulations to St Gregorios Indian Orthodox Church Melbourne on the 10-year anniversary of the parish's consecration. That is a great achievement. Well done to Reverend Father Linu Lukose and Jibin Mathew, the parish secretary, and to all the parish members and volunteers. I look forward to visiting the celebrations soon.

Greek Elderly Citizens of Clayton & Districts

Meng Heang TAK (Clarinda) (10:03): Also, thank you to the Greek Elderly Citizens of Clayton & Districts for having me earlier this week. Thank you to Niki, who does an amazing job for this club as secretary. The club is a really important resource for many of my elderly Greek constituents, providing a space to connect, socialise, share and maintain links to culture and community.

Cambodia Independence Day

Meng Heang TAK (Clarinda) (10:03): The night of 25 November is the Cambodian independence celebration of 72 years of independence from France. The Cambodian community in Melbourne celebrate that, so happy independence day.

Mason and Sophia Tak

Meng Heang TAK (Clarinda) (10:04): Another double celebration, this time in my family: Mason turned 10 and Sophia turned five on the same day, 9 November. Happy birthday to you both.

Ray Tucker

Ella GEORGE (Lara) (10:04): It is with great sadness that I inform the house of the passing of Ray Tucker, former mayor of the Shire of Corio and a true champion of the Anakie community. Ray served as a councillor in the former shire of Corio from 1982 to 1993. He was a dedicated member of

the Anakie Fire Brigade for over 60 years, during which time he also held the position of captain. Ray was one of the founding members of Anakie Community House, serving as its president from its inception in 1986 until 2016, and he was a life member of the Anakie football club and served on their committee for 13 years. Ray was an active member of the Rotary club until his retirement earlier this year.

However, Ray was much more than just his titles. He was a genuinely kind person who was always willing to chat and share a funny story. He was generous, dedicated and passionate about his community and family. I often had the pleasure of meeting Ray in Anakie, and I always looked forward to our conversations about the happenings in town and any advice he had for me. He was a regular attendee at community events and dedicated his life to giving back to his community. His passing is a significant loss for the Anakie community, and he will be dearly missed by many. My heartfelt condolences go to his family, his daughters Jenny and Heather, as well as his grandchildren and great grandchildren. Ray, thank you for the incredible legacy you have left behind. Anakie is better because of you. Vale, Ray Tucker.

Emerald Secondary College

Daniela DE MARTINO (Monbulk) (10:05): It was great to welcome the Deputy Premier and Minister for Education to Emerald Secondary College to announce the new school statement of expectations 'Respectful. Safe. Engaged.' which is setting clear standards for behaviour in every Victorian government school for parents, staff and students. Great conversations were had with students from years 7 to 11 about the importance of fostering places where students and staff can thrive.

St Joseph's College, Ferntree Gully

Daniela DE MARTINO (Monbulk) (10:06): Other great conversations were had when I welcomed the Minister for Consumer Affairs to St Joseph's College in Ferntree Gully, where he delivered practical information to the year 11s about their consumer rights, from buying a car to understanding rental standards – important information for young and old alike.

Remembrance Day

Daniela DE MARTINO (Monbulk) (10:06): I had the honour of attending two Remembrance Day events, the annual dinner at Dandenong Ranges RSL and the service at Cockatoo RSL. I would like to thank both presidents and their members for their warm welcome and the opportunity to pay my respects to those who have served. Lest we forget.

Selby Community House

Daniela DE MARTINO (Monbulk) (10:06): The wonderful Selby Community House celebrated its 50th anniversary last weekend. Not even the nonstop rain could put a dampener on the festivities. The first neighbourhood house in the shire of Sherbrooke, it was integral in helping establish others in the area. A beautiful bench was dedicated to Jocelyn Aytan, the pioneering founder and pillar of strength and determination, who sadly passed away in June this year. Spaces where our community can come together, find connection and support and learn new skills are just as important now as they were in 1975, and I commend the wonderful Selby Community House on its half a century of service. Here's to the next 50 years.

Sandy Pine

John LISTER (Werribee) (10:07): We talk a lot about how our school staff are the link between the community and our education system. Every time we talk about this, I think of Sandra Pine. She was a champion for the kids, a person always driving innovation in how we supported each other. And most importantly, she was a friend all the other staff needed when times were tough. Sandy was born in County Durham in the UK in June 1958. She and her family moved to Australia for a better life as a ten-pound Pom in 1962. It was probably for this reason that she had an affinity for the thousands of students she worked with who had recently come to Australia as well. She moved to Flax Court in

amongst the same housing commission homes that so many of our students come from. She lived in Werribee for most of her life. She started work as a teacher's aide at Sunshine and in 2001 moved to Galvin Park, later known as Wyndham Central. It was here that she worked in student wellbeing, expanded into roles coordinating support for our young mob, our resi kids and senior students going into the workforce. Sandy was one that we teachers turned to when we could not understand why a kid was acting a certain way. Sandy was more than just education support. She was almost like a mother to us younger teachers, checking in on us and making sure we felt good about helping our kids. But the most important role she played was mother to Ben, Sam, Jess and Josh and grandmother to eight grandchildren. Every day, as teachers and staff walk through those school gates, please remember people like Sandy and show that same love for the kids that need it most.

Camms Road Fish & Chips

Pauline RICHARDS (Cranbourne) (10:08): Congratulations to Camms Road Fish & Chips. Their potato cakes took out the award for best in the state.

Statements on parliamentary committee reports

Public Accounts and Estimates Committee

Report on the 2025–26 Budget Estimates

Nicole WERNER (Warrandyte) (10:09): That is excellent. I am partial to a good potato cake, so that is good to hear from the member for Cranbourne.

I rise to speak on the Public Accounts and Estimates Committee report on the 2025–26 budget estimates and firstly to speak on section 8.1, as it relates to support for small businesses. On that note, I congratulate the Jackson Court Traders Association on a brilliant Halloween event in Doncaster East. I first came to know the Jackson Court Trade Association as they were getting started. I was there at their very first meeting when they came together. That was when I started as a candidate for Warrandyte, and I have seen them go from strength to strength since. It has just been wonderful to see how they have come together for our community and for each other as local traders to promote this little shopping square in Doncaster East, not far from my office. In fact it was the shopping area that was my local, growing up, with my local Aldi, tailor and drycleaner and one of my favourite pizza places at Zero95 Pizza. I thank Con, the JCTA president; my friends Diana from Royal Stacks and Jess from Meno Zero; and all the businesses involved, including Sportsafe mouthguards, Royal Stacks, Three Monkeys Place and all the Jackson Court traders. It was a great night for families and for local business. Well done to JCTA for your commitment to Jackson Court, our community and our local businesses.

Katie Hall: On a point of order, Deputy Speaker, on relevance, we are on committee reports, not members statements. I would like to bring the member back to committee reports.

The DEPUTY SPEAKER: I encourage the member for Warrandyte to continue on the budget committee report.

Nicole WERNER: To now refer to section 4.3, as it relates to the Department of Education's capital expenditure program and its repairing of our ageing facilities in the Public Accounts and Estimates committee report, I would like to note the celebration of Warrandyte Primary School, which recently marked the opening of its 1975 time capsule and the centenary of its historic stone building.

Mathew Hilakari: On a point of order, Deputy Speaker, just to reference a page and then go on to a members statement is not a committee report.

James Newbury interjected.

The DEPUTY SPEAKER: Member for Brighton, I am trying to deal with this as quickly as possible. The member for Warrandyte was mentioning education and will continue on the budget report.

Nicole WERNER: Speaking of repairing ageing facilities – I was giving the context for Warrandyte Primary School – the PAEC report, 4.3, refers to ageing facilities for schools. An ageing facility in one of my local schools is at Warrandyte Primary School. I was giving context for that. While the members opposite can just jeer and say whatever they would like to say, Warrandyte Primary School is one of Victoria's oldest schools. We are talking about ageing facilities, and this is a school that I have visited time and again, where this school community has raised with me issues like that the prep classroom has black mould and still has straw thatching in the roof from when it started. When I gave the context for this school, it was because they have just celebrated being one of the oldest schools in Victoria, so where it refers to in this Public Accounts and Estimates Committee report the ageing facilities of schools and then being supported, this is why.

This heritage building dates back to the 1850s, and the condition of its facilities has fallen far behind the needs of a growing school community. Parents and teachers have raised serious health and safety concerns, including the presence of the black mould that I referred to, asbestos in the walls of this school from the 1850s and structural issues with windowsills. Despite enrolments increasing by more than 50 per cent in the past year, this school has missed out on multiple rounds of capital works funding and is now relying on parent fundraising for basic repairs. The students and the staff deserve safe, modern facilities that support their wellbeing and learning, so I will be here in this place day in, day out, to fight for my local community, to fight for my local schools and to fight for funding for these issues that are so important to my local community, even if they are not budgeted for. It is something that I will continue to be vocal for in this place because it is our duty as local members. That is what our role is, so for that local primary school I will continue to fight.

Public Accounts and Estimates Committee

Report on the 2025–26 Budget Estimates

Tim RICHARDSON (Mordialloc) (10:14): It is a pleasure to rise and speak on the report by the Public Accounts and Estimates Committee on the 2025–26 budget, and it is an important time to reflect on that report, recently tabled, and the significant departure of the opposition from that fiscal strategy. That is something that the member for Brighton led as then Shadow Treasurer, but he had to take a sideways step for the member for Kew. But we have seen the loss in revenue as high as $11.1 billion.

The revenue source from the last state budget was about $108 billion to support Victorians to service frontline workers: our critical nurses, our teachers, our emergency services – people who are on the front line supporting and servicing Victorians each and every day. If we think about what an $11.1 billion drop in revenue looks like, it is a significant impact on the Victorian economy and on the confidence of our state and undermines the hallmarks and findings of the Public Accounts and Estimates report. Because we are in surplus in Victoria, we have a significant strategy to pay down the impact of debt in our community, and the gross state product demonstrates where that might be. But those opposite have an austerity approach – a cut-and-carnage approach of $11.1 billion in revenue. So it is concerning, seeing the report and the smart way that we are investing in jobs and supporting services and building our economy, to see the Liberals and Nationals wanting to take an axe to vital frontline services in our state. This will be cataclysmic for Victorians who rely on frontline services. Those opposite will cut teachers, they will cut nurses, they will cut frontline workers, and that is the $11.1 billion revenue gap that those opposite have not accounted for. We were hoping that in some of the questioning that came through to inform the public accounts and estimates report we would see some of the strategy open up on what they would do, but still to this day we see nothing – nothing at all – from a policy standpoint other than cuts, austerity and harsher conditions for Victorians. That is the kind of thing that we have known of those opposite, the Liberals and Nationals –

Peter Walsh: On a point of order, Deputy Speaker, I would ask the member for Mordialloc to give us the page reference for what he is talking about, please, because on my recollection it is not in the report. So I would ask you to bring him back to talking about the report, please.

Tim RICHARDSON: On the point of order, Deputy Speaker, the revenue and fiscal strategy, member for Murray Plains – former Leader of the Nationals – is on page 14, and we know that these reports –

The DEPUTY SPEAKER: Order! I think we have had a little bit of contrast from both members now, and I encourage them to speak on the committee reports.

Tim RICHARDSON: I just have great concerns. If the strategy that has been outlined in the public accounts and estimates reports on the 2025–26 budget were to divert in such a cataclysmic way to undermine our teachers, our educators who support our kids each and every day; our nurses, who front up in our health service each and every day –

Peter Walsh: On a point of order, Deputy Speaker, I think the member for Mordialloc was inviting another point of order. Can you bring him back to the to the report, please?

The DEPUTY SPEAKER: Let us try and stick to the reports.

Tim RICHARDSON: So the outlined fiscal strategy has Victoria in surplus. It has us leading the nation as the engine room of the nation's economy. We have created 896,000 jobs since we came to government, and this is the confidence and investment; we are outstripping the nation with business growth in Victoria. This has played out in this report. It is not good reading if you are a coalition member, because it shows Victoria's strategy of investment and of being the engine room of the nation's economy. With the jobs growth that is articulated here, with our budget being in surplus, with the confidence of our state and the investment outstripping the nation, it is not the doom and gloom that others might want to talk down our state with. It is a reasonable plan from a Treasurer who is delivering for our state and a Premier who has a great vision, with the *Economic Growth Statement* complementing those hallmarks in the public accounts and estimates report, and this is why Victorians trust Labor governments to deliver vital services.

Public Accounts and Estimates Committee

Report on the 2025–26 Budget Estimates

Jade BENHAM (Mildura) (10:19): Surprise, surprise – I too shall be talking about the Public Accounts and Estimates Committee 2025–26 budget estimates report, and I think I might do it a little bit differently. The chair is in the chamber but not in her correct seat, which is why I did not think she was here. I might play a little bit of *Wheel of Fortune* with the report. Given the member for Mordialloc was talking about page 14 just then, the fiscal strategy, let us talk about that fiscal strategy. Section 2.3.2 is actually on page 15. I have read page 14, and I do not believe that anything the member for Mordialloc was talking about referred to anything on page 14.

But let us talk about the risks to financial sustainability. The committee noted in its report on the 2023–24 financial and performance outcomes several emerging risks to the government's fiscal strategy, including growing debt and interest costs. At the moment what are we paying? $1.2 million per hour in interest alone. I would say that is a pretty big risk. Increased operating expenses due to service demand – when you have to keep the CFMEU happy, is it any wonder? Limited new revenue and income streams – that is probably why they have introduced 63 new or increased taxes. The latest one last week in the State Taxation Further Amendment Bill 2025 was the dogs and cats tax. What are they going to start taxing next – ideas? No doubt they will find a way to tax ideas, or maybe ambition. They can start to tax a little bit of ambition, because as socialists they do not like anyone to have ambition to create their own wealth. What else could they tax – perhaps aspiration? It is similar to ambition, but surely we can have an aspiration tax. What else – the oxygen? Oh, no, hang on, they already tax that, don't they? Limited new revenue and income streams – well, they seem to be able to find a new tax to create new income and revenue streams.

Anyway, let us play a little bit of *Wheel of Fortune* with the report itself and see what else we should talk about. Department of Transport and Planning – I did not even set this up, member for Murray

Plains. When we talk about transport and planning in this place, I usually lead with the lack of public transport in Mildura, including the train. But we have got a plan for that that we will talk about later. Let us talk about the Murray Basin rail project for a moment and how much of an absolute bleep-up that was and still continues to be. Until that is rectified with the Maryborough freight corridor it will never be efficient, so some regional rail reform is needed there, I would suggest. And planning – I said yesterday during government business that I did not ever think that I would be so passionate about planning schemes, but here we are. Out in the regions, where the planning scheme in this state is written by the city, for the city, with no flexibility for the regions, that is becoming a real problem and holds up all sorts of housing developments. In the city, I understand when the Greens stop development; we get that, and none of us are surprised in this place. But in the regions it is the lack of flexibility in the planning scheme that holds it up.

Let us play another round with the minute I have got left. What have we got? Education. For anyone wanting to bring me back to the report, this is page 55, section 4.4. Education portfolio key issues are the falling-down schools, with Mildura West Primary School still being held together by chipboard despite having two master plans, the last one in 2018. They have had one building come out of that. They have had a new toilet block because there was a stream of funding of $400,000 for toilet blocks. I could build a four-bedroom, two-bathroom house in Mildura for that money. These kids are still learning in a building held together by chipboard – it is disgraceful. Anyone on the other side that is proud about the budget estimates report from the Public Accounts and Estimates Committee is delusional.

Legal and Social Issues Committee

Building the Evidence Base: Inquiry into Capturing Data on People Who Use Family Violence in Victoria

Katie HALL (Footscray) (10:24): I am pleased today to be making a contribution on a committee report with regard to a report from the Legal and Social Issues Committee which was tabled in the Parliament this year in April regarding the collation of data for family violence. The report noted 71 findings and made 61 recommendations and focused on how the Victorian government could achieve a more holistic understanding of people who use family violence.

I think family violence of course is an issue in this state and this country that has been under-reported forever. Although we have made great strides and of course had the landmark Royal Commission into Family Violence in Victoria, which those opposite referred to as a lawyers picnic, there is still an enormous amount of work to do. I would like to acknowledge the work of the committee members and in particular the chair, the member for Lara, for their outstanding work on this very important issue.

The recommendations in the report include making sure there is improved mapping on what data exists about what people who use family violence do and bringing together some of the siloed information that we collate here in Victoria. Some of the key issues identified in the report are Indigenous data sovereignty, the rectification processes to correct misidentification and learning about what works and the programs we have for people who use family violence. I think the main and key recommendation of the report is that the Victorian government embark on a population-based survey to bring some of that data together.

I speak to this report with some fantastic organisations in my electorate of Footscray. I noted when I was looking into this report that McAuley Community Services for Women, which is a specialist family violence agency in my electorate of Footscray, provided a submission to the inquiry. McAuley's work is well regarded in this country and internationally for their research-based interventions, and in the financial year of 2022–23 McAuley supported more than 1000 women and 861 children through their services. Their work, led by the most remarkable woman in Jocelyn Bignold, has led to some really fantastic and innovative pilots, including the work that they do with perpetrators of family violence. I really commend an initiative which is called Safe at Home, which

basically flips the 'Why didn't she leave' narrative to 'Why wasn't he removed from the family home'. They are doing fantastic work with police, with specialist workers and with perpetrators who are suitable to participate in the program. I believe a pilot initiative of Safe at Home is currently underway in Geelong.

We also of course – and I note this through my role as Parliamentary Secretary for Homes – have a number of initiatives to support women experiencing homelessness as a result of family violence. I commend the report.

Integrity and Oversight Committee

Performance of the Victorian Integrity Agencies 2022/23

John PESUTTO (Hawthorn) (10:29): I rise this morning to speak on the report into the performance of Victoria's integrity agencies 2022–23 and in particular chapter 7 of the report, which refers to the Independent Broad-based Anti-corruption Commission, which was an important reform, a historic reform, introduced by the Baillieu government back in 2012. In particular I want to focus on one aspect of the findings in that report, which relates to the performance data for IBAC and its timeliness. The report notes in chapter 7 that the reports, which were previously contained in budget paper 3, in the performance data, but which have since been relocated to make it harder for Victorians to interrogate the performance data of agencies and departments by publishing that material in separate documents since 2024–25, nevertheless show that IBAC's ability to deliver report findings and findings out of investigations in a more timely manner has been a challenge for the agency.

I want to make those remarks against the backdrop of a government which is nearing its 12th year and which has a more than blemished record on public sector integrity and investigations into corruption. We remember that this government began its life as the subject of what became the red shirts controversy, which was of course an Ombudsman investigation which was prompted by an opposition move in the other place to refer the matter to the Ombudsman – one of the first times that was ever done – and was followed by Operation Richmond, an investigation into allegedly corrupt conduct between the government and in particular its most senior member and the United Firefighters Union. It is only to be hoped that we see in our lifetime the publication of Operation Richmond. Operation Sandon involved allegations of corruption and corrupt payments, including payments which were made to a number of politicians, some of whom continue to serve in this Parliament – no reflection on them personally, but certainly the donor of those payments was the subject of that scathing report. Then of course there was Operation Daintree, which was a report into the corruption that occurred when this government basically handed out millions of dollars to the Health Workers Union without a competitive tender and to the Health Education Federation, which had no credentials to deliver occupational health and safety training to frontline workers. A more complete debasement of public sector principles and governance this state has never seen before.

When we look at the performance data of IBAC which is referred to in this particular report and which has since not really improved in any material way, is it any wonder that IBAC, despite the best efforts of the good officers who work at IBAC, the many there who are serving the interests of Victorians, struggle to meet the highest expectations of that agency?

I have mentioned the particular bent of this government to cut corners, to issue taxpayer dollars without competitive tenders and to conceal from the Victorian people important matters that they should be entitled to see – that is the first thing. Secondly, this government engaged in one of the most appalling attacks on a distinguished Victorian, in fact a distinguished Australian, in 2023, when the then head of IBAC Robert Redlich, a former Supreme Court justice – a Court of Appeal justice, no less – was appallingly attacked by a Labor-dominated committee in a way which damaged IBAC in a lasting manner. But that was not all. We also saw this government cut funding to IBAC, so its ability to improve and adopt more ambitious targets for performance has been hamstrung by the funding constraints that this government has imposed on it.

We also saw in the last term of Parliament before this one this government introduce changes which limit the powers of IBAC to properly investigate matters, including by making it harder to hold public hearings. Just to put this in context, the then Victorian Premier, who was the subject of matters that were raised in various of the investigations that I have referred to, was not once exposed to a public hearing. I say that without wanting to comment on findings but to compare it with, say, New South Wales, where premiers throughout the years have appeared before hearings. This report confirms the damage this government has done to IBAC.

Public Accounts and Estimates Committee

Report on the 2025–26 Budget Estimates

Lauren KATHAGE (Yan Yean) (10:34): I rise to speak within this committee reports section on page 14 of the Public Accounts and Estimates Committee's 2025–26 budget estimates report. But before I do that it would be remiss of me not to acknowledge in the chamber the chair of the Public Accounts and Estimates Committee, the member for Laverton, and our esteemed colleague the member for Point Cook, who join me here in the chamber.

There is no moment that goes by when we do not take the opportunity to gather and discuss important matters of the state's economy. Some of those important matters are detailed in this report on the 2025–26 budget. Can I say from the outset that the report correctly states that gross state product growth will continue in Victoria. Our economy remains a powerhouse; in fact we are the only economy on the eastern seaboard with an operating surplus being delivered, so we want to make clear that this government has got the economy in hand, and the evidence is clear all around. Look at business investment. Business investment grew by 1.2 per cent in 2024–25 in Victoria compared to an increase of just 0.7 per cent nationally. So we can see that business investment in Victoria is the strongest in the nation; it has increased by 53 per cent in the past 10 years, which is the strongest growth of all states. Employment growth has also been strong, and we have seen wages rising above the increase in CPI. So Victoria's economy continues to grow. Growth is 1.8 per cent in real terms in 2024–25, following growth in 2023–24, and it is 15.6 per cent larger than prior to the pandemic.

Let us make clear that the myths put out by those opposite are wrong. I want to give confidence to our businesses to know that not only are we backing business and not only is business growth strong in Victoria, but from 1 July the payroll tax-free threshold was lifted to $1 million, the lowest in the nation, meaning that more businesses are now payroll tax free. Another 22,500 businesses received a tax cut of up to $14,550, with the lowest regional tax rate possible. I think that if you are going to rank states, you should look at the things that matter: the reduction in payroll tax, the increase in business investment and the work to make sure that there are good and fair conditions for the workers in those businesses as well. We care about the whole community, and we will continue to support the whole community. That is why in this 2025–26 budget we can see the cost-of-living measures that are set out in here, because we are not just about the big end of town, we are also about the back pocket for people who need to get some help in a cost-of-living pressure time. That is why this budget has $318 million over the forward estimates to provide free public transport for under 18s. This is such an important cost-saving measure for families; I think it is something like between $700 and $800 a year for families.

This budget report details our energy upgrade support, which continues. A fortnight ago in my electorate I met Joe in Doreen. There was a work van in his driveway when I knocked on his door. He was having energy upgrades installed, not for reasons of ideology, not for fear of anything or being a proponent of anything but for the simple fact that getting off gas saves his family money. That was the one and only reason why he was doing it, and we are there supporting Victorian households to save money on their energy bills by converting their gas into electricity. So that is an example of how the budget detailed in this report is supporting Victorians with cost of living while our economy powers on stronger than all others on the eastern seaboard.

Bills

Justice Legislation Amendment (Police and Other Matters) Bill 2025

Statement of compatibility

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (10:40): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Justice Legislation Amendment (Police and Other Matters) Bill 2025:

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 Justice Legislation Amendment (Police and Other Matters) Bill 2025 (the Bill).

Overview of the Bill

The Justice Legislation Amendment (Police and Other Matters) Bill 2025 includes a number of reforms to the Police and Attorney-General portfolios. The reforms broadly target four key objectives: addressing dangerous and radical conduct; improving community safety; enabling effective and efficient policing; and broader justice system reforms.

This Statement of Compatibility is in two parts. Part A discusses the majority of the Bill; Part B discusses reforms relating to addressing dangerous and radical conduct.

In respect of Part A, the Bill includes the following reforms:

1. Amendments to the *Victoria Police Act 2013* (VPA) to: empower Victorian police officers to transport people in police custody, care or control into or through NSW and SA in certain circumstances; expand Protective Services Officers' (PSO) duties to include hospital and crime scene guarding duties; provide the Chief Commissioner of Police (CCP) with discretion to determine the appropriate probation period for an appointee who was a former police officer with Victoria Police or a law enforcement agency in another jurisdiction; clarify the consequences of compliance or non-compliance with conditions of good behaviour in internal Victoria Police disciplinary proceedings; and to require the CCP to consult with the Minister for Police before issuing a code of conduct under section 61A of the VPA;
2. Amendments to the *Control of Weapons Act 1990* (Control of Weapons Act) to further improve the designated area weapons search scheme;
3. Amendments to the *Firearms Act 1996* (Firearms Act) to introduce new offences relating to a document that can be used to instruct a machine to manufacture a firearm;
4. Amendments to the *Drugs, Poisons and Controlled Substances Act 1981* (DPCS Act) to provide Victoria Police with authority to destroy drugs and drug-related equipment without a court order;
5. Amendments to the *Sex Offenders Registration Act 2004* (SORA) to clarify that the CCP can consult with victims on administrative actions under the SORA; to realign the jurisdiction for applications to suspend registrable offenders' reporting obligations; and to make other improvements to the administration and operation of the SORA;
6. Amendment to the *Confiscation Act 1997* to strengthen investigative and enforcement powers for recently enacted unexplained wealth powers;
7. Minor amendments to the *Crimes (Assumed Identities) Act 2004* to clarify its operation;
8. Technical amendments to the *Interpretation of Legislation Act 1984* (ILA), including addressing issues with the eligibility of non-citizens to hold public office;
9. Amendment to the *Crimes Act 1958* (Crimes Act) to allow respondents to attend the hearing of compulsory procedure order applications by audio visual link;
10. Amendment to the DPCS Act and Firearms Act to empower the CCP to display a thing seized under a search warrant issued pursuant to those Acts; and
11. Amendments to the *Surveillance Devices Act 1999* (SD Act) to promote flexibility and the timely making and determination of applications for surveillance device warrants and retrieval warrants.

In my opinion, the Justice Legislation Amendment (Police and Other Matters) Bill 2025, as introduced to the Legislative Assembly, may be partially incompatible with human rights as set out in the Charter. I base my

opinion on the reasons outlined in this statement. In particular, the designated area scheme under the Control of Weapons Act has previously been considered to be partially incompatible with the right to protection of children and families (section 17). I accept that the amendments made to the scheme by this Bill maintain, if not exacerbate, this incompatibility, which was identified when the scheme was first introduced, and again when further amended in early 2025.

The remainder of the Bill engages various rights but, in my opinion, is compatible with the human rights protected under the Charter.

Overview of human rights issues

The parts of the Bill discussed in Part A of this Statement of Compatibility engage the following human rights under the Charter:

- The right to recognition and equality before the law (section 8)
- The right to freedom of movement (section 12)
- The right to privacy and reputation (section 13)
- The right to freedom of thought, conscience, religion and belief (section 14)
- The right to freedom of expression (section 15)
- Protection of families and children (section 17)
- Property rights (section 20)
- The right to liberty and security of the person (section 21)
- The right to a fair hearing (section 24)
- Rights in criminal proceedings (section 25)

Recognition and equality before the law (section 8)

Section 8(3) of the Charter relevantly provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination. The purpose of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect.

Discrimination in relation to a person means discrimination within the meaning of the Equal Opportunity Act 2010 on the basis of an attribute protected by that Act.

Discrimination includes direct and indirect discrimination. Direct discrimination occurs if a person treats, or proposes to treat, a person with a protected attribute unfavourably because of that protected attribute. Indirect discrimination occurs if a person imposes, or proposes to impose, an unreasonable requirement, condition or practice that either has or is likely to have a disadvantageous effect on persons with a protected attribute.

These concepts are incorporated into section 8(3) of the Charter, whether or not the discrimination in question is unlawful under the separate legislative framework of the *Equal Opportunity Act 2010*.

Proposed amendments

Designated areas

The reforms relating to designated areas may engage the right to equality due to the potential for the reforms to have the effect of disadvantaging, or having a more burdensome impact on, certain cohorts with protected attributes. While this may constitute indirect discrimination, this will only limit the right if it is not reasonable in the circumstances. For the reasons set out below, I consider these reforms to be reasonable for public order and community safety purposes.

As the right to recognition and equality before the law is the first Charter right in this Statement that is engaged by the amendments to the Control of Weapons Act, I will first explain the operation of the designated area provisions in that Act and provide detail about the amendments to that Act that are contained in the Bill.

Existing sections 10C to 10L and Schedule 1 of the Control of Weapons Act operate to empower police to stop and search persons and vehicles in public places that are within areas that have been declared to be designated areas on the basis of a likelihood of weapons-related violence or disorder occurring in that area. Designated area search powers do not require police to have first formed a reasonable suspicion that the person to be searched is carrying a weapon, nor do police require a warrant to search a person for a weapon in a designated area.

Under section 10D, the CCP (or delegate, limited to an officer of or above the rank of Assistant Commissioner) may declare an area to be a planned designated area for up to 24 hours where there has already been more than one incident of weapons-related violence or disorder in the proposed area over the last 12 months and there is a likelihood that violence or disorder will recur. A longer duration for up to 6 months can

be declared where there has already been more than one incident of weapons-related violence or disorder in the proposed area over the last 12 months and it is necessary to designate the area for searches to be conducted to prevent or deter the occurrence of violence or disorder. A final category of planned designated area is for an event in relation to which weapons-related violence or disorder has occurred previously or where the CCP has information that there is a likelihood that violence or disorder involving weapons will occur at the event. Planned declarations of designated areas for events operate during the event and during any time before and after the event that the CCP considers reasonable and may operate for more than one period, for example for each day of a multi-day event.

Under section 10E, the CCP (or delegate) may declare an area to be an unplanned designated area where the officer is satisfied that it is likely that violence or disorder involving weapons will occur in the area and that it is necessary to designate the area for the purposes of enabling the police force to exercise search powers to prevent or deter the occurrence of that violence or disorder.

Sections 10G to 10L of the Control of Weapons Act authorise the police and PSOs on duty in a designated place, to stop and search for weapons in public places that fall within a designated area, including persons and things in their possession or control (section 10G) and vehicles (section 10H). The police and PSOs are empowered to seize any item detected during the search that they reasonably suspect is a weapon (section 10J).

A police officer or PSO who detains a person or vehicle under section 10G or 10H of the Control of Weapons Act in order to conduct a search must, if requested by the person, inform them of their name, rank and place of duty and provide that information in writing, and, if not in uniform, produce their identification for inspection, inform the person that they intend to search the person or vehicle for weapons and are empowered to do so under the Control of Weapons Act and give the person a search notice unless one has been offered and the person refuses to take it.

A search notice provides the person to be subject to a search with the following information: that the person or vehicle is in a public place that is within a designated area, a declaration is in force under section 10D (planned designation) or 10E (unplanned designation) of the Control of Weapons Act, that police officers and PSOs on duty at a designated place are empowered to search the person and any thing in the possession or control of the person or the vehicle (if applicable) for weapons, and it is an offence for the person to obstruct or hinder a police officer or PSO in the exercise of these stop and search powers.

Schedule 1 to the Control of Weapons Act sets out detailed requirements that police and PSOs must comply with in conducting weapons searches. The search powers that may be exercised by police are graduated to ensure that initial searches may only be conducted by way of an electronic metal detection device. The initial electronic device search is a search of a person or thing by passing an electronic device over, or in close proximity to, the person's outer clothing or thing. It is the least intrusive form of search designed to fulfil the objective of the scheme to address the likelihood of violence and disorder involving the use of weapons in a designated area.

Only after an electronic metal detection device search has been conducted and, as a result of that search, a police officer considers that a person may be concealing a weapon can the police officer conduct a pat down search, search of outer clothing and search of any thing in the person's possession, such as a bag (clauses 4 and 5 to Schedule 1 to the Control of Weapons Act).

Clause 6 of Schedule 1 to the Control of Weapons Act sets out safeguards that police must, so far as reasonably practicable, comply with to preserve dignity during an outer search.

Strip searches are permitted under the search scheme but may only be conducted after an examination of things and outer search of the person has been conducted, the police officer reasonably suspects that the person has a weapon concealed on their person, and the police officer believes on reasonable grounds that it is necessary to conduct a strip search and the seriousness and urgency of the circumstances require the strip search to be carried out. Clauses 8 to 10 of Schedule 1 to the Control of Weapons Act set out detailed requirements that apply to the conduct of strip searches.

A police officer may request a person who is to be subject to a strip search under Schedule 1 to disclose their identity if that is unknown to the police officer (section 10K). It is an offence for a person to, without reasonable excuse, fail or refuse to comply with a request to disclose their identity, provide a false name or an address that is not the full and correct address.

Special rules apply to searches that are to be conducted on children and persons with impaired intellectual functioning to ensure that, as far as possible, outer searches and strip searches are conducted in the presence of a parent, guardian or independent person, or in the case of unplanned designated areas, or other person who may be a police officer.

The designated area provisions of the Control of Weapons Act also empower police and PSOs to seize and detain any item detected during a search that is reasonably suspected to be a weapon (section 10J). If, after examining the item, the police officer or PSO determines that the item is not a weapon, the item must be returned to the person without delay.

Section 10KA provides for other powers that may be exercised in relation to a designated area. These powers, which were inserted into the Control of Weapons Act by the *Crimes Legislation Amendment (Public Order) Act 2017*, permit a police officer to direct a person wearing a face covering to leave a designated area if the officer reasonably believes the person is wearing the face covering to conceal their identity or to protect themselves from the effects of crowd controlling substances (for example, oleoresin capsicum spray) and the person refuses to remove the face covering when requested to do so. A police officer may also direct a person to leave the designated area if they reasonably believe the person intends to engage in conduct that would constitute an affray or violent disorder offence under sections 195H or 195I of the *Crimes Act 1958*.

Earlier this year, amendments to the designated area provisions of the Control of Weapons Act, which were included in the *Terrorism (Community Protection) and Control of Weapons Amendment Act 2025*, came into force to significantly improve the operation of this longstanding scheme. This included extending the maximum duration of designated area declarations for 12 to 24 hours, inserting a new ground for declarations to be in force for up to 6 months, enabling event declarations to include additional time before and after the event, and reducing the minimum time that must elapse from the end of a planned designation before another declaration can take effect in the same area, from 10 days to 12 hours thereby permitting more frequent designations of areas to be declared.

This Bill will make three more changes to the designated area scheme to further improve its operation.

The first amendment will allow a planned designated area for an event to include a 'key transit point', which is defined to mean a bus stop, railway premises or tram stop that is in the public transport system, if the key transit point is in the vicinity of the event and persons attending the event are likely to access it for the purpose of travelling directly to or from the event. A notice of the declaration that is published in the Government Gazette and on the Victoria Police website must include a map of the designated area that sets out any key transit points that are included in the declaration.

This amendment will extend the geographical scope of designated areas for events, where the CCP considers it appropriate within the grounds for making the declaration, to include those public transport points to enable police and PSOs to search for weapons that may be brought into the event or taken out from it. I believe that this amendment will add to the overall safety of events by enabling the detection of weapons before people enter the event as well as reducing weapons carriage outside the event venue after the event's conclusion. For example, Victoria Police has identified instances where weapons have been secreted in locations around platforms and other parts of railway stations to be picked up and taken to events or collected afterwards¬ – in circumstances where such weapons have fallen outside the scope of a declared designated area. In order for the scheme's overall purpose of preventing weapon-related disorder or violence to be realised, the scheme must be able to apply to, and effectively target, such practices.

The second amendment will allow search notices that must be given to persons to be searched in a designated area to be given in an electronic form in accordance with the *Electronic Transactions (Victoria) Act 2000*. Although that Act already operates to enable these notices to be provided electronically, this amendment will put the power beyond doubt. It is anticipated that the provision of search notices by way of QR code or other electronic means will make it easier for many people to access and retain the notices, should they decide to receive the notice.

The third amendment will modify the requirements in clauses 11 and 12 of Schedule 1 to the Control of Weapons Act that apply specifically to outer searches (for example, pat downs) of children and persons with impaired intellectual functioning in planned designated areas.

In relation to the rules for searching children, the amendments will retain the existing requirement that an outer or a strip search of a child must be conducted in the presence of a parent or guardian or, if the child is mature enough to express an opinion and indicates that a parent or guardian is not acceptable to the child, in the presence on an independent person who is capable of representing the interests of the child and who is acceptable to the child. Existing provisions will also be retained to provide for an outer or strip search to be conducted in the presence of an independent person who is capable of representing the interests of the child and who, as far as is practicable in the circumstances, is acceptable to the child when a parent or guardian is not then present and the seriousness or urgency of the circumstances require the search to be conducted without delay. However, the Bill will insert new provisions to allow an outer (but not strip) search to be conducted in the presence of any person, other than the police officer conducting the search, when it is not practicable in the circumstances for the search to be conducted in the presence of a parent, a guardian or an

independent person in the case of children aged 15 to 17 years without further criteria and in the case of children under 15 years of age, provided additional criteria is satisfied.

In relation to the rules for searching persons with impaired intellectual functioning, the amendments will retain the existing requirement that an outer or a strip search of the person must be conducted in the presence of a parent or guardian of the person being searched and if that is not acceptable to the person, in the presence on an independent person who is capable of representing the interests of the person and who is acceptable to the person. Existing provisions will also be retained to provide for an outer or strip search to be conducted in the presence of an independent person who is capable of representing the interests of the person and who, as far as is practicable in the circumstances, is acceptable to the person when a parent or guardian is not then present and the seriousness or urgency of the circumstances require the search to be conducted without delay. However, as is the case in relation to children under 15 years of age, the Bill will insert new provisions to allow an outer (but not strip) search to be conducted in the presence of any person, other than the police officer conducting the search when it is not practicable in the circumstances for the search to be conducted in the presence of a parent, a guardian or an independent person, provided additional criteria is satisfied.

The additional criteria that will apply to a child under the age or 15 years and all persons with impaired intellectual functioning (regardless of age) to permit an outer search to be conducted in the presence of any person (who may be another police member) when a parent, a guardian or an independent person is not available, are the same. In these circumstances, the search may proceed in the presence of any person if the police officer conducting the search reasonably believes that the seriousness and urgency of the circumstances require the search to be conducted without delay, including, but not limited to, the police officer having reasonable grounds to suspect that delaying the search is likely to result in evidence being concealed or destroyed, or an immediate search is necessary to protect the safety of a person.

I am aware that searches of children and impaired persons engage a number of Charter rights. In respect of children, the existing search powers of the Control of Weapons Act have been previously stated to be incompatible with the right to protection of children and families, for permitting potentially arbitrary interferences with a young person's privacy through a warrantless search for a weapon without reasonable suspicion that the person possesses a weapon, and where such searches could be conducted on children without any minimum age.

I accept that the amendments in this Bill, which expand the potential scope of areas in which such powers can be exercised, and amend some of the safeguards that apply to searching a child or persons with impaired intellectual functioning, are likely to disadvantage persons with the protected attributes of age and disability.

However, I am of the view that these amendments are reasonable, so as to not constitute indirect discrimination. Firstly, the amendments to the conditions of searches do serve dual purposes, including a beneficial purpose. A consequence of a child or person with impaired intellectual functioning refusing to cooperate or produce a suspected weapon following a metal detection device search or a search of things, such as of a person's bags or their pockets, is that the child or person may be detained by police for prolonged periods of time for police to facilitate the attendance of a parent, guardian or suitable person to be present for further searches. As a last resort, police may on occasion arrest and transport the child or intellectually impaired person to a police station to engage support from relevant agencies for an independent person. This process necessarily leads to greater interferences with the rights of the child or intellectually impaired person through a longer duration of temporary detention, and raises associated safety and welfare risks. The additional criteria to enable police to conduct outer searches within the designated area will reduce unduly delaying or prolonging the duration in which children and intellectually impaired persons are detained by police.

To the extent that the modified requirements otherwise disadvantage persons with the protected attribute of age and disability, I consider that they are reasonable and strike the right balance by ensuring weapons searches can be undertaken in a designated area for the safety and security of the community with appropriate safeguards. I note that additional safeguards are provided for in relation to children under the age of 15 and persons with impaired intellectual functioning, being that the officer must reasonably believe the seriousness and urgency of the circumstances require the outer search to be conducted without delay. The circumstances included in the amendments, such as to prevent evidence being concealed or destroyed due to a delay, or whether an immediate search is necessary to protect the safety of a person – are commonly accepted criteria in other contexts for justifying an urgent search that waives procedural protections.

The amendments may also affect the protected attribute of religious belief or activity, and/or race. I note that knives are an important religious symbol for certain faiths, for example, baptised Sikhs who carry a kirpan, an object which resembles a sword or dagger. While an exemption operates under the Control of Weapons Act to permit the carrying of kirpans for religious observance, the use of the search powers within designated areas may have particularly intrusive impact on people who carry knives for religious reasons.

While the Bill will extend the circumstances in which this intrusion may occur, I consider any limitations placed on the right of a person to demonstrate their religion are reasonable and justified (and therefore compatible with relevant rights) in view of the importance of detecting and deterring weapons offending.

This right is also relevant to the power of a police officer in a designated area to order a person to remove a face covering where the officer reasonably believes the person is wearing it to conceal their identity or shield themselves from capsicum spray, under section 10KA of the Control of Weapons Act. If the main purpose of wearing the face covering is for cultural or medical reasons, the power should not be used and police receive guidelines and training on the appropriate use of this power.

Further, while the amendments contained in this Bill to allow planned designated areas for an events to include key transit points will extend the circumstances in which the power to require the removal of face coverings, the amendments do not remove any of the safeguards in place, including that a police officer cannot direct a person to remove a face covering for cultural or medical reasons, and that a person can choose to continue wearing their face coverings if they leave a designated area. I therefore consider that any limitations placed on the right of a person to demonstrate their own religion are reasonable and justified.

The amendments to the designated area search scheme complement significant changes made to the scheme in March 2025 to improve the operation of the designated area weapons search scheme in the context of the significant public safety objectives the scheme seeks to address. There is no doubt that the Victorian community continues to be shocked by the persistence of extreme weapons violence in public places that they have seen regularly reported in the media. In the 2024–25 financial year, 820 prohibited, dangerous and controlled weapons were found in public places during with suspicion weapons searches under sections 10 and 10AA of the Control of Weapons Act by police and PSOs on duty in designated places. More broadly, a record number of knives were seized from Victorian streets in 2024, with almost 40 blades found and destroyed each day. Police seized a record 14,797 knives, swords, daggers, and machetes in 2024 – the most at any time over the past decade. The total number of edged weapon seizures jumped to 14,797 in 2024 from 13,063 in 2023 and 11,331 a decade earlier, in 2015. From 1 July 2022 to 31 October 2024, in planned designated areas alone, 216 weapons were seized. Designated area searches are an effective means of both detecting weapons and deterring their illegal possession. In this context, there is an imperative to progress these further legislative changes without delay to ensure police have the tools they need to address persistent and pervasive weapons carriage and use.

Freedom of movement (section 12)

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria, the right to enter and leave Victoria, and the right to choose where to live in Victoria. It provides protection from unnecessary restrictions upon a person's freedom of movement and extends, generally, to movement without impediment throughout the State and a right of access to places and services used by members of the public, subject to compliance with regulations legitimately made in the public interest.

The right to freedom of movement is directed at restrictions that fall short of physical detention.

The right to freedom of movement may be limited where it is reasonable and justified in accordance with s 7(2) of the Charter. In some circumstances this can include where a limitation is necessary to protect public health (see for example, art 12(3) of the International Covenant on Civil and Political Rights, which provides an indication of the purposes for which freedom of movement may be justifiably restricted, including public health). The right to freedom of movement is one of the most commonly qualified rights that may be reasonably limited under section 7(2) of the Charter.

Proposed amendments

Designated areas

The reforms to designated areas to allow declarations to include key transit points impact the right to freedom of movement because people's ability to move freely within those designated areas may be limited by the power of police to detain people to conduct a search and through powers to direct a person to leave a designated area. More broadly, the amendments may impact the right to freedom of movement to the extent that the provided powers may impair a person's willingness or freedom to move through a designated area.

While I recognise that extending the geographical scope of designated areas to key transit points such as bus stops, railway premises or tram stops does constitute a significant increase in existing limits on freedom of movement (as the right has been interpreted to extend to protecting unfettered access to means of public movement, such as public transport) given the time-limited and restricted application of these powers and the need to protect the safety of all persons within designated areas, I consider any limitations placed on a person's right to freedom of movement are reasonable and justified (and therefore compatible with this right) on the grounds of public safety and that there are no less restrictive measures available. As I outlined above, the

scope of the existing scheme does not adequately protect against current safety risks (such as weapons hidden in transport hubs) and such expansion is considered necessary.

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. 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 to be achieved by the limitation.

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.

Proposed amendments

The reforms relating to designated areas, PSO expanded duties, the SORA, unexplained wealth and surveillance engage the right to privacy and reputation.

Designated areas

Amendments to the designated area provisions in the Control of Weapons Act interfere with the right to privacy as they extend and modify police powers to conduct searches of people and vehicles in those areas.

The internal limitations on the right to privacy mean that an interference does not amount to a limitation on the right if the interference is lawful and is not arbitrary. An interference will be lawful if it is permitted by a law which is adequately accessible and formulated with sufficient precision to enable a person to regulate their conduct by it. An interference will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

A key feature of the designated area search powers is that they are deliberately designed to be exercised unpredictably and in being exercised in this manner, operate as a significant deterrent to the unlawful possession and carriage of weapons. The powers enable the removal of weapons from public places that would otherwise remain undetected because, if well concealed on a person or in their bag, police would be unlikely to form a suspicion in the absence of other factors.

As I identified in my Statement of Compatibility for the *Terrorism (Community Protection) and Control of Weapons Amendment Act 2025* (the Terrorism and Weapons Act), the view of the Minister who introduced the designated area search scheme in the Control of Weapons Actin 2009 was that the very unpredictability of the application of the search powers for the outer searches gave rise to an incompatibility with the right to privacy.

Having regard to more contemporary case law to that which was available to the Minister in 2009, in my Statement of Compatibility for the Terrorism and Weapons Act I concluded that the designated area scheme is subject to sufficient limits and safeguards to curtail any arbitrary interference with the right to privacy. I am comfortable that this will continue to be the case when considering the scheme as it will operate when amended by the amendments in this Bill. In particular, I refer to the European Court of Human Rights case of *Beghal v the United Kingdom* [2019] (28 February 2018), which dealt with UK border agency stop and search powers under terrorism legislation where the European Court noted that while a requirement of reasonable suspicion is an important consideration in assessing the lawfulness of a stop and search power, there was nothing in that case to suggest that that existence of reasonable suspicion is, in itself, necessary to avoid arbitrariness. Rather, arbitrariness is an assessment to make with regard to the operation of the search scheme as a whole, including with regards to the specific facts and circumstances that go to its justification.

Considering the designated area weapons search scheme as a whole, including the intended operation of the proposed amendments within the existing scheme, I am satisfied that it remains carefully tailored and subject to such limits and safeguards to be compatible with the right to privacy, for the following reasons.

The amendments in the Bill that will enable a police officer to conduct an outer search of a child or a person with impaired intellectual functioning in the presence of any person when a parent, a guardian or an independent person are not available will still require police to endeavour to secure the attendance of a parent, a guardian or independent person before the search may be conducted in the presence of any other person. Further, for children aged under 15 years and for all impaired persons, a police officer will only be permitted to progress to an outer search when a parent, guardian or independent person is not available when the police officer conducting the search reasonably believes that the seriousness and urgency of the circumstances require the search to be conducted without delay, including but not limited to the police officer having reasonable grounds to suspect that delaying the search is likely to result in evidence being concealed or destroyed or an immediate search is necessary to protect the safety of a person.

While the additional test set out above will not apply to older children, being those aged 15 to 17, it remains the case that outer searches of any person can only be conducted if an initial electronic device (or 'wand') search has already been conducted and as a result of that search the police officer considers that the person may be concealing a weapon.

The provisions governing the conduct of searches under Schedule 1 to the Control of Weapons Act deliberately establish a graduated search regime. In respect of all outer searches, clause 6 of Schedule 1 requires police to preserve the dignity of all persons searched including through providing certain information, seeking the person's cooperation, conducting the least invasive search reasonably necessary, conducting the search quickly and in a way that provides reasonable privacy and, if practicable, by the search being conducted by a police officer who is of the same sex as the person being searched if the search involves running hands over the outer clothing of the person.

In addition to these statutory requirements, Victora Police manuals give clear guidance on conducting searches in a manner that is compatible with human rights, advising that officers must always consider and act compatibly with the Charter; persons must not be selected for a search based solely on their race, religious belief or activity or physical features; and searches must be appropriately recorded, which extends to recording the factors considered in deciding to conduct a search, including proper consideration of human rights. Victoria Police manuals also provide additional detailed guidance for police members when considering whether to progress to strip searches of younger children requiring a careful balancing of impact, risk and protective factors.

Finally, the conduct of any search by a police officer or PSO is subject to s 38(1) of the Charter, and the requirement to act in a way that is compatible with human rights.

All of the requirements and safeguards that apply to searches conducted in designated areas will apply to those searches as they may be conducted in key transit points which may be included in planned designated areas declared in respect of events.

Accordingly, I consider the designated area amendments to be compatible with the right to privacy under section 13(a) of the Charter as any interference is not arbitrary as the search powers in designated areas are designed to be exercised unpredictably and in being exercised in this manner, operate as a significant deterrent to the unlawful possession and carriage of weapons. In this way the powers are not disproportionate to the aim sought, because it is sufficiently circumscribed and subject to adequate safeguards.

The amendments serve an important public purpose which is to reduce the risk of serious weapons-related violence to the public. The reforms address the community's concern about the level of weapons related violence that has been occurring in public places as I referred to earlier in my statement, and are necessary to ensure that police officers and PSOs are empowered to stop and search people without suspicion because of the ready concealability of so many weapons. The amendments will support the operational effectiveness of these critical police powers.

PSO expanded duties

The Bill empowers a PSO to request the name and address of a person when performing their new duties of guarding a person at hospital or guarding a crime scene. The power to request personal information aims to support PSOs to keep good order and maintain security at hospitals and crime scenes.

The power of a PSO to compel a person to provide their name and address for these expanded duties may constitute an interference with the person's privacy as protected by section 13(a) of the Charter. However, I am satisfied that any interference with privacy would be neither unlawful nor arbitrary.

The new section 200Q of the VPA is similar to section 59A of the VPA which also allows PSOs to request personal information in order to assess security risks, to keep good order and maintain the environment where they are undertaking their duties, in that case police premises. In this way, PSOs are enabled to inquire about information which may assist them to understand the security risk, for example if the person is of interest to police, or to follow up with the person if a security risk eventuates. In the Statement of Compatibility that accompanied those amendments in *Justice Legislation Amendment (Police and Other Matters) Act 2022*, they were considered to be compatible with the right to privacy.

The new section 200Q of the VPA also mirrors the provisions of section 456AA(2) of the Crimes Act which provide for police or a PSO to be able to request the name and address of a person suspected of having committed, or about to commit an offence. The human rights issues associated with those powers were considered in detail in the statement of compatibility accompanying the *Justice Legislation Amendment (Protective Services Officers and Other Matters) Act 2017* which extended the power to PSOs. Those powers serve an important purpose of enabling PSOs to obtain basic investigative information to give to investigating police officers. That Statement of Compatibility concluded that the powers were compatible with the human rights protected by the Charter.

In the context of this Bill, these powers are necessary to support PSOs to effectively carry out their functions to guard persons in hospitals, and crime scenes. When hospital guarding, a PSO may request name and address for reasons including when the PSO believes on reasonable grounds that the person: has committed or is about to commit an offence against, or in connection with, the person being guarded or protected; may be able to assist in the investigation of such an offence, or is visiting or interfering with the person under guard/protection. When guarding a crime scene, a PSO may request the name and address of a person who the PSO reasonably believes has committed or is about to commit an offence, or may be able to assist in the investigation of an indictable offence. This information is vital to ensure that where PSOs are the first officers at a crime scene they able to quickly identify persons who may be able to assist with an investigation.

I am satisfied that any interference with the right to privacy will not be unlawful or arbitrary as it will occur in limited circumstances and for the purpose of assisting police and ensuring community safety.

Amendments permitting disclosure of information to victims under the SORA

The Bill will insert new provisions into the SORA to authorise disclosure of specified information from the Victorian Register of Sex Offenders. New section 70Y provides that the CCP may disclose certain information to affected persons in circumstances broadly related to the performance of functions and powers under the SORA. Affected person includes victims, and if they are a child or child victim, their parents. New section 70Z specifies considerations that regard must be had to in deciding whether to disclose the information, relating to the welfare and preferences of the affected person proposed to be receiving the information. New section 70ZA sets out the type of information that may be disclosed, which includes a range of personal information about a registrable offender relating to applications or events under the SORA, such as the details and listings of upcoming applications and corresponding decisions of the court or the CCP (such as the making of orders and applicable reporting periods). Any affected person who receives information under these provisions is subject to an obligation to maintain confidentiality in accordance with new section 70ZE. New Section 70ZG imposes criminal penalties for the publication of information disclosed under this new Part.

The new power to disclose information about a registrable offender will interfere with the right of a registrable offender to privacy and reputation protected by the Charter. However, I consider any interference to be compatible with the right, as it will be lawful and not arbitrary. The information that may be disclosed and the circumstances in which that information may be disclosed are precisely expressed so that any disclosure authorised is for a specified purpose and is limited to specified information. The sharing of such information serves an important purpose relating to promoting victim's rights, including restoring victim's sense of security, facilitating their participation and understanding of the registration scheme, empowering victims to take the necessary precautions to avoid future contact with registrable offenders, and promoting transparency about the registrable status of an offender and the decisions of the court and police.

In deciding whether to disclose information, the CCP is subject to the public authority obligation in the Charter and obliged to ensure that any disclosure is proportionate to the statutory function being performed and not exceed that which is necessary to perform the function. In addition, the Bill provides for a number of safeguards to prevent against further unauthorised disclosure, such as the obligation of confidentiality and restrictions on publication.

Enabling determination of surveillance warrant applications without an oral hearing

The Bill amends the SD Act to clarify that judicial officers may decide applications for warrants under the Act remotely or by electronic means, or without an oral hearing and entirely on the basis of written submissions if the applicant and the Public Interest Monitor so consent. The SD Act engages the right to privacy by authorising the covert placement, use, maintenance and retrieval of surveillance devices in private settings, for the purpose of obtaining information or evidence for criminal investigations. Any amendment to the procedure and means of issuing a warrant will be relevant to the right to privacy, as the circumstances of judicial oversight and scrutiny of a warrant application is a critical part of ensuring any subsequent interferences with privacy authorised by the warrant are not arbitrary.

The interference with the right is lawful, as it is authorised by the SD Act, and not arbitrary, as it is not capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim of detecting, investigating and prosecuting crime. Proportionality is supported by the inclusion of clear safeguards within the SD Act.

The Bill amends the procedure for applying for warrants, to reflect modern court practice by allowing some warrant applications to be heard remotely or on the papers. While this will make it easier to apply for a warrant in appropriate cases, the Bill does not impact on the important safeguards set out in the SD Act, including: requiring that warrant applications may only be determined by a judge or magistrate; the role of the Public Interest Monitor to test applications in the public interest; restrictions on the use, communication and publication of information obtained from the use of surveillance devices; obligations on law enforcement to

keep records and report on the details of the use of surveillance devices; and oversight by Integrity Oversight Victoria through periodic inspections and reports on compliance with the Act. The amendment does not alter the express and implied substantive requirements that a judge or magistrate must be satisfied of in order to issue a warrant, including having regard to the extent to which the privacy of any person is likely to be affected.

I am therefore satisfied that this procedural amendment in the Bill does not significantly impact on the scheme governing the use of surveillance devices and does not constitute an interference with the right to privacy.

Unexplained wealth information gathering powers

The Bill strengthens information-gathering provisions under Part 13 of the *Confiscation Act 1997*, by:

- expanding the grounds on which authorised police officers may issue information notices to financial institutions, so that a notice can be used to obtain information where the officer reasonably believes a person who holds an account with the financial institution (or an interest in that account) has an interest in unlawfully acquired property, or has wealth that exceeds the person's lawfully acquired wealth;
- expanding the grounds on which prescribed persons may issue information notices to financial institutions, so that a notice may be issued where it is required to satisfy an unexplained wealth order; and
- introducing a power for a prescribed person to request documents be produced by any person, where it is necessary to enforce an unexplained wealth order.

The amendments to the existing information gathering powers engage the right to privacy. However, I consider that any interference with privacy rights is lawful and not arbitrary.

The reforms serve an important purpose, which is to operationalise the recent unexplained wealth reforms which commenced on 20 March 2025 and introduced a new unexplained wealth pathway to better target unlawfully acquired wealth. Specifically, the amendments provide law enforcement agencies with the necessary investigative tools required to pursue targets under the new unexplained wealth confiscation pathway.

The *Confiscation Act 1997* specifies in detail the limited circumstances in which information-gathering powers may be exercised, ensuring that the information gathering powers cannot be used arbitrarily. For example, the Act requires that an authorised police officer reasonably believes that a person who holds an account with the financial institution, or has an interest in that account, has an interest in property that was not lawfully acquired, or that an unexplained wealth order had been made. The reforms comprise a modest expansion of existing powers under the *Confiscation Act 1997* that will address gaps in the current provisions, without which the capacity of law enforcement agencies to pursue targets would be seriously hampered.

Freedom of thought, conscience, religion and belief (section 14)

Section 14(1) of the Charter provides that every person has the right to freedom of thought, conscience, religion and belief, including the freedom to have or adopt a religion or belief of one's choice (s 14(1)(a)), and to demonstrate one's religion or belief individually or as part of a community, whether in public or private, through worship, observance, practice and teaching (s 14(1)(b)).

The concept of 'belief' is not limited to religious or theistic beliefs; it extends to non-religious beliefs as long as they possess a certain level of cogency, seriousness, cohesion and importance. While the freedom to hold a belief is considered absolute, the freedom to manifest that belief may be subject to reasonable limitations.

Section 14(2) provides that a person must not be restrained or coerced in a way that limits their freedom to have a belief. Coercion in this context includes both direct and indirect forms of compulsion, such as penal sanctions and restrictions on access to employment (UN HRC, General Comment No 22, [5]).

Proposed amendments

Designated areas

Reforms relating to designated areas may incidentally engage this right, but any limitation is proportionate to the respective statutory aims of protecting the community.

As I have already stated, knives are an important religious symbol for certain faiths such as baptised Sikhs who carry a kirpan, an object which resembles a dagger. While an exemption operates under the Control of Weapons Act to permit the carrying of kirpans for religious observance, the use of the search powers within designated areas may have particularly intrusive impact on people who carry knives for religious reasons.

I note that other Charter rights may also be relevant to this scenario, including section 19 which provides that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in

community with other persons of that background, to enjoy their culture, to declare and practise their religion and to use their language and section 8, which provides that every person has the right to enjoy their human rights without discrimination, including on the basis of religious belief or activity (which I have already discussed above).

Insofar as the Bill extends the geographical scope of planned designated areas to include key transit points if so declared by the CCP, and therefore will extend the circumstances in which intrusions may occur, I nonetheless consider any limitations placed on the right of a person to demonstrate their religion are reasonable and justified (and therefore compatible with relevant rights) in view of the importance of detecting and deterring weapons offending, drawing on the reasons already expressed earlier in this Statement.

Freedom of opinion and freedom of expression (section 15)

Section 15(1) of the Charter provides that every person has the right to hold an opinion without interference. Section 15(2) provides that a person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, through various mediums. The freedom extends not only to political discourse, debate and protest but also to artistic, commercial and cultural expression, news and information.

Section 15(3) of the Charter provides that special duties and responsibilities are attached to the right to freedom of expression and that the right may be subject to lawful restrictions reasonably necessary to respect the rights of other persons or for the protection of national security, public order, public health or public morality.

Proposed amendments

The reforms relating to designated areas and instructions for manufacture of a firearm engage the right of freedom of expression.

Designated areas

As the reforms of this Bill extend the geographical scope of designated areas for events, they are relevant to the right to freedom of expression in relation to the existing powers police have in designated areas under section 10KA of the Control of Weapons Act to issue directions to leave the designated area, particularly where a direction is to leave an area in which a person is expressing ideas. However, to the extent that the existing limitations on these rights are maintained or extended by the amendments contained in the Bill which will allow for key transit points to be included in declarations of planned designated areas for events, I consider that those limitations are reasonable and justified, for the reasons already discussed above. When the direction to leave powers were introduced in 2017, the scheme was considered compatible with this right, and my view is that the amendments contained in this Bill, to the extent they extend the operation of the powers, are also compatible.

Instructions for manufacture of a firearm

The Bill amends the Firearms Act to, amongst other things, insert offences to prohibit possessing or distributing instructions for manufacture of a firearm, without reasonable excuse, unless the person does so in accordance with a firearms dealer's licence issued under Part 3 of the Firearms Act. These proposed offences will impose restrictions on, but are not incompatible with, a person's right to freedom of expression.

By restricting possession and distribution of instructions for manufacture of a firearm (being a document that can be used to instruct a machine to manufacture a firearm), the Bill is designed to place lawful restrictions on this conduct which are reasonably necessary to protect public order and public health. The lawful restrictions are the regulation of the possession and distribution of instructions for manufacture of a firearm, without reasonable excuse, and without a license, through the new offence provision. Police seizures of improvised firearms show an increase in experimentation with computer controlled additive manufacturing processes, which ultimately threaten the integrity and efficacy of existing laws regulating the manufacture, dealing, acquisition, carriage and use of firearms. Accordingly, in my opinion, the restrictions imposed on freedom of expression by the new offences are reasonably necessary to reduce the availability and therefore the likelihood that such instructions will be used to unlawfully manufacture a firearm. This is particularly the case in circumstances in which unlawfully manufactured firearms are reasonably likely to cause harm to public health or to public order.

Protection of families and children (section 17)

Section 17(1) of the Charter recognises that families are the fundamental group unit of society and are entitled to be protected by society and by the state. Section 17(1) is related to the s 13(a) right and an act or decision that unlawfully or arbitrarily interferes with a family is also likely to limit that family's entitlement to protection under section 17(1).

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

Proposed amendments

Designated areas

The amendments in this Bill do not alter the form of the existing stop, search or move on powers in the Control of Weapons Act. Rather, they alter the accompanying procedure for searches of children and people with intellectual impairments in planned designated areas and expand the geographic scope of planned designated areas for events.

The designated area weapons search scheme can apply to a child below 18 years of age who is within a designated area during the period that a declaration is in force.

While the amendments provide that outer searches of children must always occur in the presence of a parent or guardian, an independent person, or another person (whether or not they are another police officer), it has previously been accepted that the search powers are incompatible with section 17(2) because of the particular vulnerability of children. The Bill retains requirements to seek the attendance of a parent, a guardian or an independent person for outer searches of all children but will modify the rules for outer searches of children aged 15 to 17 so that where a parent or guardian or an independent person is not available police will be able to proceed to conduct the search in the presence of any person (provided that person is not the police officer conducting the search) without any additional criteria being applicable. For the younger cohort of children, being any child under the age of 15 years, the Bill will only permit outer searches of younger children in the designated area in the absence of a parent, a guardian or an independent person when the seriousness and urgency of the circumstances require the search to be conducted without delay, including but not limited to, the police officer having reasonable grounds to suspect that delaying the search is likely to result in evidence being concealed or destroyed or an immediate search is necessary to protect the safety of a person.

I accept that the modification to allow these searches to be conducted in the presence of another person, who may be another police officer, in serious and urgent circumstances when a parent, guardian or independent person is unavailable compounds the existing incompatibility with section 17 because of the particular vulnerability of children.

Further, I also accept that to the extent that the amendments expand the geographical area of planned designated areas for events to include key transit points that are in the vicinity of the event and that are likely to be used by event attendees and will affect a greater number of people external to the event venue itself (and children are not excluded from the scope of the expansion), the incompatibility with section 17 of the Charter is increased.

However, as was the case when the powers were introduced in 2009 and subsequently amended in 2010 and 2025, the government strongly believes that random search powers are important to prevent and deter acts of violence, and to support the protection of children. This is especially the case given the prevalence of weapons being possessed by people in public places, as I have discussed earlier, and the vulnerability of children if they are subjected to weapons violence.

Amendments permitting disclosure of information to victims under the SORA

Reforms outlined earlier to provide for specified information disclosure and to preserve the confidential nature of that information and prohibit its publication have been prepared with regard to the welfare of a child and the child's family affected by sexual violence. The discretion to disclose specified information first requires the CCP to have regard to the welfare of the child, any preferences expressed by the child, and the child's capacity to express those preferences. The CCP must also have regard to the welfare of the affected person and any other affected person. The meaning of affected person is broad, so that the CCP may lawfully consider the entire circumstance and the best interests of the child within the context of the family. These discretions have been designed to promote a trauma-informed victim-led scheme that takes account of the welfare of the family as a whole, and recognises that a child's welfare and capacity will change as they grow and develop. Accordingly, I consider the right to protection of children is promoted by these amendments.

Property rights (section 20)

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

The right to property under section 20 of the Charter will be limited when all three of the following criteria are met: the interest interfered with must be "property", the interference must amount to a "deprivation" of property, and the deprivation must not be "in accordance with law".

Proposed amendments

The amendments enabling the destruction of drug exhibits and the offence of possessing digital blueprints for firearms engage property rights.

Destruction or disposal of drugs and drug related equipment

The amendments to the DPCS Act that will provide Victoria Police with legislative authority to destroy 'illicit things' engage property rights under section 20 of the Charter.

'Illicit thing' is defined in new section 96A of the DPCS Act. 'Illicit things' include drugs of dependence, category 1 and 2 precursor chemicals, an instrument, device or substance for the cultivation, manufacture, sale or use (or preparation for these actions) of a drug of dependence or precursor chemical, a psychoactive substance or instrument, device or substance for the production, sale or commercial supply (or preparation for these actions) of a psychoactive substance, a Schedule 4, 8 or 9 poison or a category 3 pre-cursor apparatus.

The Bill will empower the CCP to issue a destruction direction authorising the destruction of an illicit thing if specific circumstances detailed in the new provisions are satisfied.

New section 96B sets out the requirements for issuing a destruction direction if an offence is not to be charged, including that:

- the thing is an illicit thing;
- at least 3 months has elapsed since an illicit thing was seized or found by or given to a member of Victoria Police;
- no offence has been charged in respect of the illicit thing;
- the CCP certifies that no offence will be charged;
- the CCP is satisfied that the thing is not to be returned.

In relation to after an offence has been charged (see new section 96C), the direction may be given where:

- the thing is an illicit thing;
- the CCP is satisfied thing is not to be returned;
- the affected person is deceased;
- the proceeding on the charge has concluded, the person has been convicted and the appeal period has elapsed and the person has not been charged with any other offence in relation to the thing;
- a warrant to arrest a person who has absconded has been issued; or
- the proceeding on the charge has not concluded and the offences in relation to the thing are offences against the law of Victoria only, the person has been served with a 'destruction warning' which has been filed at the relevant court, and the applicable thing was seized on or after the commencement of the relevant section.

If there are any extant relevant applications or orders, for example under section 95A of the *Confiscation Act 1997* or a declaration under section 95C of that Act for the retention of property seized under section 81 of the DPCS Act, those provisions will operate to preclude the destruction of the thing.

For the CCP to be satisfied that a thing is not to be returned, the CCP must be either satisfied that reasonable efforts have been made to identify potential recipients to whom it would be lawful and appropriate to return the thing and no such potential recipient has been identified or one of more such potential recipients have been identified but reasonable efforts to return the thing have not been successful.

If the destruction or disposal is in relation to one of the latter two circumstances after an offence has been charged listed above, then the following evidentiary requirements must also be met under new section 96C:

- if thing is of a kind from which a sample can be taken either a sample has been taken or an analyst or botanist has issued a 'no sample certificate' in respect of it;
- there is evidence of the aspects of the thing that are relevant to the offences that relate to the thing (i.e. photographs, fingerprints); and
- the CCP is satisfied that a member of Victoria Police personnel has arranged for the retention of the evidence of the relevant aspects of the thing.

If a destruction direction is given by the CCP, the thing can be lawfully destroyed or disposed of in accordance with the new provisions.

A person charged with an offence in relation to an illicit thing may, in accordance with the new provisions and the information that they must be provided in a destruction warning (see new sections 96EA–96G), apply to CCP for a direction in writing that provides for the supply of a sample of the thing for independent testing (see new section 96H). This will not be granted if a no sample certificate has been issued (which is expected to occur only in limited circumstances such as when the thing is of a kind that it cannot provide a sufficient sample for testing) (see new section 96D). The right of an accused to seek independent testing of samples applies throughout the course of proceedings.

The Bill also makes provision for the destruction or disposal of the retained samples on specific grounds, including that all proceedings and possible appeals have been finalised (see new sections 81AA, 81AAB, 81AAC, 91A, 91B, 91C).

As set out above, the new drug destruction and disposal provisions are tightly confined and all requirements for managing illicit items or things to the point of destruction or disposal are clearly articulated, including that a destructions direction will only be available when the thing is not to be returned to the person or persons with a lawful claim or right to the thing and that Victoria Police must make reasonable efforts to find and/or return the thing to a person where it would be lawful and appropriate. In addition, people who believe they have a lawful right to property seized or found will continue to have other avenues of redress including through civil claims and ex gratia payments.

In the context of Victoria Police's law enforcement role in relation to many illicit things, such as drugs of dependence that are the subject of use, possession, cultivation and trafficking offences, it is expected that no person will have a lawful right to the illicit thing.

The Bill engages property rights in that the regime for the destruction and disposal of illicit things will result in a deprivation of property. However, any deprivation of property under the new provisions will be in accordance with the legislative regime that is confined, structured, accessible and precisely formulated. Consequently, I do not consider that these amendments limit the right to property. However, to the extent that there may be any limitation on the right to property resulting from the amendments, that limitation will be reasonably justified in accordance with section 7(2) of the Charter. The reforms relate to a pressing concern: the storage of drugs and drug-related equipment at Victoria Police property holding facilities regularly surpasses capacity, and has created a significant resourcing burden posing security, safety and integrity risks. The expending of these police resources does not serve a public interest, as there is no necessity for, or benefit that can be derived through, the extended storage of bulk drugs and equipment (I will discuss this further below in relation to the impacts on the fair hearing rights of accused persons). There is a significant public interest in protecting the community from drug related harms, reducing the burden and cost of storing and regularly auditing illicit things for extended periods of time and reducing security and safety concerns associated with that storage.

Instructions for manufacture of a firearms

The amendment to the Firearms Act that adds offences to prohibit possessing or distributing instructions for manufacture of a firearm, without reasonable excuse, unless the person does so under and in accordance with a licence, may engage the right to property under section 20 of the Charter. However, to the extent that a person may have any property rights in relation to instructions for manufacture of a firearm, the breadth of the exceptions that apply to the new offences means that, if an exception does not apply, the inference can be drawn that the person exercising the right does so intending to participate in unlicensed firearms manufacture. To the extent that the Bill imposes a restriction on any property rights, any limitation is therefore both imposed by law and justified by the important public safety purpose of limiting the authority to manufacture firearms and firearms parts to persons licensed to do so. In my opinion, the broad exceptions provide for any limitations on property rights to be reasonable, justified and proportionate to the important public safety purpose of regulating the manufacture of firearms and firearms parts.

Right to liberty and security of person (section 21)

Section 21 of the Charter provides that every person has the right to liberty and security, including the right not to be subject to arbitrary arrest or detention. This right is concerned with the physical detention of the individual, not mere restrictions on freedom of movement. Detention or deprivation of liberty does not necessarily require physical restraint. In particular, section 21(2) prohibits a person from being subjected to arbitrary detention, whilst section 21(3) prohibits a person from being deprived of their liberty except on grounds, and in accordance with procedures, established by law.

What constitutes detention or deprivation of liberty will depend on all the facts of the case, including the type, duration, effects and manner of implementation of the measures concerned. 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.

Proposed amendments

Designated areas

Given the main reforms of this Bill extend the scope of designated areas and the circumstances in which police may perform searches on children or persons with an intellectual impairment, it follows that the Bill will be relevant to the right to liberty.

The right to liberty and security of the person is engaged through the existing powers under the Control of Weapons Act to detain a person for as long as reasonably necessary to conduct the search.

Because the powers of detention are strictly confined to what is reasonably necessary to conduct an authorised search, no separate question of incompatibility with section 21 of the Charter arises. Accordingly, I consider the amendments to be compatible with the right to liberty and security of the person under s 21 of the Charter. I also refer to my discussion above that the reforms to the circumstances of outer searches are actually intended to reduce the potential duration that a child or person is temporarily detained to conduct a search, including where they are taken to a police station in order to satisfy the conditions for conducting a search.

Moreover, I consider that these critical police powers necessary to enhance Victoria Police's ability to detect and deter weapons offending in public places. As was the case when these powers were first introduced and subsequently amended, I consider the powers as an appropriate and measured response to persistent and concerning unlawful weapons possession, carriage and use in public places in Victoria. The concerning figures I provided earlier in this statement make it an imperative to ensure police have the appropriate powers they need to conduct weapons searches in designated areas.

Fair hearing (section 24)

Section 24(1) 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 requirements of a 'fair hearing' will vary depending on the nature and circumstances of the proceedings (*Russell v Yarra Ranges Shire Council* [2009] VSC 486, [18]–[23]; see also Secretary to the *Department of Human Services v Sanding* (2011) 36 VR 221; [211]).

The rights in section 25 (rights in criminal proceedings) are also elements of the right to a fair hearing in section 24 and inform the contents of a fair hearing to some extent (*Re an application under the Major Crime (Investigative Powers) Act 2004* (2009) 24 VR 415, [40]; *R v Williams* (2007) 16 VR 168, [54]). This relevantly includes that an accused person have adequate time and facilities to prepare their defence, and to examine, or have examined, witnesses against that person. Implicit in this is the right of an accused to be able to test the evidence led by the prosecution.

Proposed amendments

Destruction or disposal of drugs and drug related equipment and the public display of seized things engage this right.

Destruction or disposal of drugs and drug related equipment

Disposal or destruction of drug exhibits before conviction engages the right to a fair hearing, in so far as it may be relevant to an accused's capacity to prepare their defence or respond to the case against them.

In my view, these amendments will not limit the fair trial of an accused. The Bill will only permit the destruction of a sample or illicit thing pretrial and after an offence has been charged in tightly circumscribed circumstances (see new section 96C of the DPCS Act). The CCP will only be empowered to make a destruction direction when there are no extant applications or orders that would preclude destruction, the accused is deceased or has absconded, the proceeding on the charge has concluded and the appeal period has expired, or the illicit thing has been sampled and analysed and a sufficient sample has been retained and can be independently tested by the accused at any point during the proceedings. Accredited analysts and botanists take the samples and may be called by the prosecution or accused to give evidence in the proceedings and be cross examined. Where a sample cannot be taken, an accredited analyst or botanist will issue a no sample certificate and this too will form part of the evidence that may be challenged. Other evidence relevant to the offences that relate to the thing must also be taken regarding the illicit thing that is the subject of the charge, for example photographs, fingerprints and the like.

Importantly, the accused will be served with a destruction warning regarding the illicit thing so that they are fully appraised of their right to seek independent analysis of the illicit thing sample, will be encouraged to obtain their own legal advice and will be provided with the contact details for Victoria Legal Aid (see new section 96EA of the DPCS Act).

I consider that the robust regime the Bill puts in place for the sampling and independent testing of illicit things, the provisions requiring the accused to be fully informed of their rights and the fact that if Victoria Police fails to comply with the requirements this will jeopardise successful prosecutions is sufficient to safeguard a fair hearing.

If the contrary view is taken, and fair hearing is considered to be limited by these amendments, I am of the view that is justified as a reasonable limit pursuant to section 7(2). As I discussed above, these reforms serve an important and pressing purpose arising from the surpassed capacity of police property holding facilities, which give rise to security, safety and integrity risks, as well as a significant resourcing burden. This resourcing burden and associated risks are avoidable and not in the public interest to be maintained.

Any impact on fair hearing is confined and subject to safeguards. The amendments clearly outline the circumstances in which, and the process by which, illicit things may be destroyed. The amendments provide for a notification process, an entitlement to obtain independent analysis of the illicit thing(s) and the retention of samples (where practicable) as well as secondary evidence for the duration of any court proceedings. Illicit things will only be destroyed pretrial in very circumscribed circumstances, and not without the outlined notification process first taking place. These circumstances in which illicit things may be destroyed pretrial are appropriately and narrowly tailored to achieving the purposes of the amendments while maintaining fair hearing rights. There are no less restrictive means available to achieve these purposes of reducing the cost and burden of storage, ensuring safety of staff and alleviating security concerns. Consequently, it is my opinion that to the extent the amendments potentially limit the right to fair hearing, this is reasonable and justified in accordance with section 7(2) of the Charter.

Public display of things seized under warrant

The Bill adds new provisions to the DPCS Act and the Firearms Act providing that the CCP may display to the public a thing at a conference attended by the media or publish photos or videos of a thing where the things were seized under a search warrant issued pursuant to the DPCS Act or the Firearms Act. These provisions may impact the right to a fair hearing by potentially influencing opinions about an alleged offence.

I consider that any limitation of the right to a fair hearing is demonstrably justified as a reasonable limit within the meaning of section 7(2) of the Charter. The power will deter offending and will provide public reassurance of community safety by demonstrating the outcomes of police investigations into serious and organised crime. It also aligns with current practice in relation to items seized under warrants issued pursuant to the Crimes Act. I am confident police will make these decisions responsibly and appropriately, and note police are accustomed to making such decisions in the context of releasing investigation details to the media. Finally, any potential limit to the right can be mitigated by the courts' broad and inherent powers to ensure that criminal proceedings are conducted fairly and impartially, which extend to staying a criminal proceeding where a fair hearing cannot be provided. For example, any potential unfairness caused by pre-trial publicity may be alleviated through appropriate jury directions.

Rights in criminal proceedings (section 25)

Section 25 relates to rights in criminal proceedings. Section 25 includes protection of the right to be presumed innocent and details a range of minimum guarantees, such as to be informed about the nature and reason for a charge in a language or type of communication the person understands, to be tried without unreasonable delay and the right to not be compelled to testify against him or herself.

Courts and tribunals must apply and give effect to human rights which relate to court and tribunal proceedings irrespective of whether they are acting in an administrative or judicial capacity. This includes the rights under section 25 of the Charter.

Proposed amendments

Destruction or disposal of drugs and drug related equipment

Destruction or disposal of drugs and drug related equipment may engage this right as it relates to destruction of exhibits prior to resolution of criminal proceedings. However, drawing on my above discussion of fair hearing rights, I am of the view that the illicit things destruction scheme in the Bill does not interfere with any rights protected under section 25 because it will not impede the accused from challenging any evidence presented in proceedings and does not affect other aspects to the right. I consider the reforms are compatible with rights in criminal proceedings but to the extent that it may be found to engage these rights, the amendments are justified for the purpose outlined above of ensuring health and safety of the staff managing the seized illicit things, reducing unnecessary storage burdens, auditing costs associated with retaining bulk drugs and equipment for an extended period of time and security concerns associated with storing these illicit things.

Instructions for manufacture of a firearm

The Bill adds indictable offences (new sections 59B and 59C) to the Firearms Act which make it an offence for a person to possess or distribute instructions for manufacture of a firearm, without reasonable excuse, without a licence to do so.

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

By creating a 'reasonable excuse' exception, the offences may be viewed as placing an evidential burden on the accused, in that they require the accused to raise evidence as a reasonable excuse. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge, the burden shifts back to the prosecution who must prove the essential elements of the offence. I note the Supreme Court has taken the approach that an evidential onus of this nature does not limit the right to be presumed innocent.

For these reasons, in my opinion, these amendments are compatible with the right to be presumed innocent.

Facilitating remote court attendance for compulsory procedure applications

The Bill gives courts the flexibility to hear compulsory procedure applications with the respondent appearing by audio visual link in appropriate cases. If the application is granted, a court may direct a forensic procedure is undertaken on a child, or an adult who lacks mental capacity to consent, to collect a sample or conduct a physical examination, as part of a criminal investigation.

This reform engages the rights in criminal proceedings in section 25 of the Charter, and for similar reasons, the rights of children in the criminal process in section 23 of the Charter, and the right to a fair hearing in section 24 of the Charter. To the extent that the reforms limit those rights, I am satisfied that the limitations are reasonable and demonstrably justified having regard to the factors in section 7(2) of the Charter.

Section 25(2)(d) of the Charter provides that an accused has the right to be 'tried in person' and to defend themselves personally or through legal assistance. The purpose of this provision is to ensure an accused is not tried in their absence and has the right to fully participate in criminal proceedings.

I accept that enabling a respondent to appear via audio visual link in criminal matters may, in some cases, have the potential to negatively impact on the respondent's ability to effectively participate in, or understand, the proceeding and to communicate with their legal practitioner. There is also a risk of influencing a proceeding through the appearance of 'presumptive guilt', where a respondent appears from a detention or custodial facility, clothed in a facility's uniform. However, I consider that the reform ensures that the courts can appropriately manage and mitigate those risks on a case-by-case basis. In particular, the courts will retain the ability to hear the application with the respondent present in court, while enabling matters to be heard remotely in appropriate cases. In those cases, the respondent is still able to participate in the hearing 'in person' when they appear by audio visual link. In addition, the potential impacts outlined above can be appropriately managed through the courts' exercise of inherent powers to ensure fairness in proceedings, which can be used to ensure the respondent comprehends the proceedings and can communicate with their legal representative. In addition, by enabling remote attendance in appropriate cases, the Bill will increase court efficiency, allowing a court to proceed with more matters than would otherwise be possible. This facilitates an accused's right to be tried without unreasonable delay under section 25(2)(c) and an accused child's right to be brought to trial as quickly as possible under section 23(2) of the Charter.

Similarly, section 24(1) of the Charter provides that a person charged with a criminal offence 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. As outlined above, any potential limitation on this right can be managed by the courts' use of inherent powers. In addition, the Bill upholds this right by ensuring that a court may order physical attendance at hearings where it is appropriate to do so.

PART B: amendments to the Summary Offences Act 1966

Overview

In respect of Part B of this Statement of Compatibility, the Bill amends the *Summary Offences Act 1966* (**SOA**) by:

- empowering police to direct a person to cease and not resume wearing a face covering where the police officer reasonably believes that the person has committed or intends to commit an offence at a public protest

- introducing a new offence prohibiting a person from using a thing or substance to lock on or secure any person (including themselves) to another person, surface or other thing where the usage or removal is likely to cause injury to another person or otherwise present a serious risk to public safety (with accompanying powers to enforce this offence)
- introducing an offence criminalising the public display of symbols of terrorist organisations (with accompanying powers to enforce this offence)
- modernising and expanding protections for religious worship, including by broadening existing offences to capture conduct that intimidates, menaces or harasses, or obstructs or hinders a person attending a religious worship meeting, and extending offences to conduct that occurs before, during or after a religious worship meeting.

The purpose of these reforms is to respond to a small number of agitators at public protests and places of worship that engage in dangerous, extreme and radical conduct that poses a risk to public safety, undermines police functions and interferes with the right of people to gather to pray, free from fear, harassment and intimidation.

Human Rights Issues

The parts of the Bill discussed in Part B of this Statement of Compatibility engage 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 freedom of thought, conscience, religion and belief (section 14);
- right to freedom of expression (section 15);
- right to peaceful assembly and freedom of association (section 16);
- right to culture (section 19);
- right to property (section 20);
- right to security of person (section 21); and
- right to presumption of innocence (s 25(1)).

In accordance with section 7(2) of the Charter, 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, any limitations on rights resulting from the amendments made to the SOA under 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)

Addressing face coverings worn by agitators at public protests

New section 6D of the SOA empowers police to direct a person to cease wearing a face covering if the police officer reasonably believes that the person has committed or intends to commit an offence at a public protest. A direction may also be given within a reasonable time to a person who has left the public protest or to a person who is at a place where a public protest was occurring but is no longer occurring (e.g. because the protest has ended or moved on from the place where the person is at). This provision engages the right to equality under section 8(3) of the Charter because the requirement to remove face coverings may have the effect of indirectly disadvantaging persons who wear face coverings for religious, cultural or medical purposes.

That being so, I am of the view that the requirement is reasonable so as to not constitute indirect discrimination. The requirement is directed at pursuing the pressing and legitimate objective of maintaining public order and to ensure community safety. There has been an increase in agitators – including neo-Nazi groups during recent public demonstrations – using face coverings such as balaclavas to anonymously engage in acts of vilification and other potentially criminal acts. The Bill addresses this conduct by empowering police to direct a person to cease wearing a face covering where they reasonably believe a person has committed or intends to commit an offence at a public protest. This will help deter people that are emboldened to vilify others and engage in other criminal acts under the guise of anonymity. I set out in further detail below, under the right to peaceful assembly, why these new provisions are necessary to respond to incidents which have directly prevented police from apprehending offenders or laying charges in relation to criminal offences at public protests.

New section 6D(6) of the Bill safeguards the rights of persons with protected attributes who may be disadvantaged by this power by including a 'reasonable excuse' exception for failing to comply with a direction.

Accordingly, I am of the view that the right to equality is not limited by new section 6D and even if the power to direct a person to cease wearing a face covering would limit this right, it would only be limited to the extent that is reasonably necessary to ensure that police can effectively investigate criminal conduct at public protests by identifying alleged offenders and, in turn, promote public safety and protect persons from harms that flow from hateful views espoused at public protests under the cover of anonymity. Further, any limitations on a person's right not to be discriminated against is confined to what is reasonably necessary by:

- narrowing the exercise of the direction power to circumstances where a police officer reasonably believes that a person wearing a face covering has committed or intends to commit an offence;
- limiting the scope of when a direction may be given to a person to when they are at a public protest, or within a reasonable time after the person has left the public protest or the protest is no longer occurring (e.g. because the protest has ended or moved on from the place where the person is at);
- including a broad 'reasonable excuse' exception including for genuine religious, cultural or medical purposes for failing to comply with the direction to ensure that legitimate reasons for wearing a face covering are not captured; and
- providing for a penalty of a fine of low magnitude.

I note further that the provision of a 'reasonable excuse' exception which includes where a person wears the face covering for a genuine religious, cultural or medical purpose is intended to ensure that any discriminatory impact is not more restrictive than necessary to fulfill the purpose of new section 6D. I therefore consider new section 6D compatible with the right to equality.

Prohibiting the public display of symbols of terrorist organisations

New section 41Q creates an offence for the public display of a symbol of a terrorist organisation. The new offence is accompanied by enforcement powers in new section 41R which allows police to direct the removal of a symbol from public display, new section 41S which permits seizure of a thing bearing the symbol of a terrorist organisation, and new section 41T, which provides for the issue of a search warrant by a magistrate in relation to the new offence. This new offence and the accompanying powers engage the right to equality. This is because of the propensity for terrorist organisations to use religious symbols and the potential for this offence provision to indirectly discriminate against religious communities who legitimately use these symbols, in particular, the Muslim community.

Section 41Q(2)(a) provides that a person does not commit an offence if the display of a symbol of a terrorist organisation was engaged in reasonably and in good faith for a genuine cultural or religious purpose. However, the purpose for the display will not always be immediately apparent to law enforcement and therefore has the potential to increase police interaction with the Muslim community and other Victorians that legitimately use these symbols to, for example, express their nationality or their faith.

However, any limitation on the right to equality under section 8(3) is reasonable and can be demonstrably justified to empower police to effectively prevent the harm and risk of incitement (including incitement to violence) caused by the display of these symbols. These provisions serve an important and pressing purpose. There have been reported incidents of symbols of terrorist organisations – such as the Hezbollah flag – being displayed during protests in Victoria. The symbols used by terrorist organisations represent racist, hateful and violent ideologies, and their public display may cause distress, fear and harm to members of targeted groups in Victoria. The public display of these symbols can also incite others, including those who are susceptible to radicalisation, to engage in acts of violence and vilification.

Further, section 41Q is narrow in scope, applying only to symbols of terrorist organisations that have been prescribed as terrorist organisations by the Commonwealth Government. To be prescribed as a terrorist organisation, the Commonwealth must be satisfied on reasonable grounds that an organisation is directly or indirectly engaged in, prepares, plans, assists in, or fosters the doing of, or advocates for the doing of, a terrorist act. The offence does not extend to symbols that closely resemble those used by terrorist organisations, in recognition of the fact that terrorist organisations have coopted and adapted legitimate religious symbols.

The enforcement powers under new section 41R and section 41S are also appropriately confined to circumstances where a police officer believes on reasonable grounds that an offence against new section 41Q is being committed. New section 41T is also confined by requiring a magistrate to be satisfied that there are reasonable grounds for believing that the new offence has been committed or will be committed within the next 72 hours. By limiting application of the offence provision to such instances, and thereby protecting the display of these symbols when done reasonably and in good faith to genuinely demonstrate a person's

nationality or faith, the legislation has adopted the least restrictive means reasonably available to achieve the purpose that any limitation on a person's right against discrimination seeks to achieve.

Right to freedom of movement (section 12)

Stop and seizure of container or other thing

The Bill inserts new Division 1C, subdivision 3 which deals with the new offence of locking or securing a person to another person, thing or surface at public protests. New section 6G provides that a police officer may seize a thing or container of a substance if the officer believes on reasonable grounds that a person will imminently commit, or is committing, a 'lock on' offence against new section 6F using the thing or substance. A police officer is empowered under section 6G(4) to use reasonable force to seize the container or other thing where necessary. This may incidentally involve briefly stopping a person to execute the seizure, so as to limit their freedom of movement.

However, any limits on the right to freedom of movement are incidental and reasonably justified. New section 6G will only permit police to incidentally stop a person in order to request or seize (if they fail to comply with the request) a thing or container of a substance if the item is wholly or partially visible to the officer and the officer has formed the necessary reasonable belief that the item is being used or will be imminently used to commit the new lock on offence. The seizure power is only enlivened after the police officer has asked the person to hand the item over, and warned them that the item may be seized with reasonable force if they fail to comply. This approach ensures that the new power is not more restrictive than necessary to fulfill its purpose and is compatible with the right to freedom of movement.

Right to privacy (section 13)

As outlined above, section 13(a) of the Charter provides a right to privacy, stating that a person has the right not to have their 'privacy, family, home or correspondence unlawfully or arbitrarily interfered with'. Relevant to this discussion, section 13(a) contains internal limitations that permits lawful and non-arbitrary interferences 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]).

The right to privacy protects a person's interest in the freedom of their personal and social sphere, which includes their right to individual identity and personal development, to establish and develop meaningful social relations and to physical and psychological integrity, including personal security and mental stability (*Kracke v Mental Health Review Board (General)* (2009) 29 VAR 1, [619]–[620]). Justice Bell has emphasised the 'fundamental importance' of the right to privacy in ensuring that 'people can develop individually, socially and spiritually' in their private sphere and thereby providing the foundation for participation in democratic society.

Addressing face coverings worn by agitators at public protests

New section 6D of the SOA may limit the right to privacy by empowering police to direct a person who is at a public protest, or within a reasonable time after the person has left a public protest or the protest is no longer occurring, to cease wearing their face covering if the police officer believes on reasonable grounds that the person committed or intends to commit an offence. The direction to remove the face covering may impact a person's ability to participate in protest anonymously by requiring them to reveal their identity. This can interfere with certain facets of the broad right to privacy, including the right to maintain anonymity and control over one's informational privacy, such as by not being identified when participating in public life.

The new power in section 6D is confined to persons that are reasonably believed to be engaging or that are intending to engage in criminal conduct and is not designed to apply to the wearing of face coverings generally. Moreover, section 6D(6) provides that a person may refuse to remove their face covering if they have a reasonable excuse, which includes, as discussed earlier, genuine religious, cultural or medical purposes. The exception in section 6D(6) ensures that the power to direct a person to cease wearing their face covering is sufficiently circumscribed and subject to adequate safeguards to ensure that any interference with the right to privacy is not arbitrary, unpredictable or unreasonable within the internal limitations contained under section 13(a) of the Charter.

Further, new section 6D is intended to ensure that police can effectively identify persons that use face coverings to shield their identity to commit criminal acts at public protests, which can have the potential to escalate peaceful protests into extreme and dangerous demonstrations. The police being able to effectively identify persons that engage in criminal behaviour at public protests supports the purposes of the Bill to prevent frustration of police functions, maintain public order and promote public safety. Alternative approaches such as directing a person to leave a protest area would not adequately prevent a person from returning to the protest area with their face covering on to engage in further criminal activity. This approach would also fail to address operational challenges experienced by Victoria Police in identifying and charging persons who have committed a criminal offence at a protest.

Empowering police to direct a person to cease wearing their face covering is therefore the most appropriate means to achieve the purpose of the Bill and ensures that any interference with privacy is not arbitrary, and thus compatible, with the right privacy.

Offence to lock on at public protests

As discussed above, new section 6F provides for the new offence of locking or securing one person to another person, thing or surface at a public protest.

To the extent the new offence would apply to acts likely to be protected by the right to privacy (such as persons engaging in private or employment-related activities where a protest is occurring), new section 6F provides a broad reasonable excuse exception to protect people that have a legitimate reason to use a thing or substance in a way that may present a risk to the public. For example, a tradesperson who uses a thing to attach themselves (such as a suspension device) to another thing to carry out necessary works in a public place, at a time that coincides with a public protest.

To the extent the offence provision interferes with privacy where the reasonable excuse exception would not apply, I consider it would not be arbitrary as the provision is limited in scope to targeting legitimate harms, being lock on acts at a public protest that are likely to cause injury to a person or present a serious risk to public safety. The need for the prosecution to prove that a lock on is 'likely' to cause injury to 'another person' or presents a 'serious risk to public safety' are high threshold conditions which further contain the scope of this provision. Therefore, I consider new section 6F to be compatible with the privacy right. I outline the justification for this provision in more detail under my consideration of its impact on freedom of expression.

Search warrants for lock on offences

New section 6H(1) of the SOA relates to search warrants and provides that section 465 of the *Crimes Act 1958* (**Crimes Act**) applies to, and in respect of, an offence against section 6F as if it were an indictable offence. This provision empowers a police officer to apply for a warrant to search and seize from a building, place or a vehicle, property in relation to an offence under section 6F that has been committed or might be committed in the next 72 hours, and engages the right to privacy.

I consider these search powers to be compatible with section 13(a) of the Charter on the basis that they can only be exercised with prior authorisation in the form of a valid warrant issued by a magistrate under section 465 of the *Crimes Act*. Further the magistrate must be satisfied that there are reasonable grounds to believe that there is, or will be within the next 72 hours, in a building, place or in a vehicle, something that is connected with the offence.

Accordingly, any limitation on a person's right to privacy is lawful and does not arbitrarily or unreasonably limit the right to privacy. To the extent of any limitation, new section 6H is intended to support the purpose of the Bill to protect public safety by empowering police to proactively and pre-emptively remove things or containers of substances that may be used to lock on at public protests, and thereby prevent the dangerous use of these items. It will also allow police to investigate lock on offences that have already occurred.

Prohibiting the public display of symbols of terrorist organisations

New sections 41R, 41S and 41T may limit the right to privacy by empowering police to:

- direct a person to remove a symbol of a terrorist organisation from public display whether that display is occurring in public or on private property (section 41R)
- seize property bearing a symbol of a terrorist organisation without a warrant where a police officer reasonably believes the offence against section 41Q(1) is being committed (section 41S), and
- apply to the Magistrates' Court for a warrant to search premises and seize property that displays a symbol of a terrorist organisation (section 41T).

These powers may engage the right to privacy, to the extent that interfering with a person's display of a terrorist symbol intrudes into areas protected by the right, such as private property, the expression of personal identity or the integrity of a person's personal or social sphere.

However, these powers are designed to limit the right to privacy only to the extent that is reasonably necessary to enforce the offence provision and to empower police to effectively prevent vilification, harm and the risk of incitement (including incitement to violence) caused by the display of these symbols. The Bill does this by:

- targeting symbols of terrorist organisations that are displayed in a public place, a non-Government school or a post-secondary education institution or in sight of a person who is in one of those places, which does not prevent a person from owning or displaying these symbols in private where they cannot be viewed by the public

- limiting the offence to symbols of terrorist organisations prescribed by the Commonwealth and not symbols which merely resemble those used by terrorist organisations
- providing a list of exceptions to the offence which ensure that the display of symbols of a terrorist organisation for legitimate reasons is protected, and
- excluding tattoos or other like processes that depict a symbol of a terrorist organisation to preserve rights to bodily integrity.

The power under new section 41S to seize a thing bearing a symbol of a terrorist organisation without a warrant is appropriately confined and may only be exercised where a police officer forms the requisite reasonable belief on reasonable grounds that an offence against new section 41Q(1) is being committed by that display. The Bill also clarifies that exercising the new seizure power without a warrant will not authorise a police officer to search a person.

Additionally, police officers can only obtain a warrant from the Magistrates' Court to search and seize property in relation to the new offence if the magistrate is satisfied by evidence that there are reasonable grounds to believe that there is, or will be within the next 72 hours, in a building, place or in a vehicle, something that is connected with the offence that has been committed or might be committed in the next 72 hours.

The approach adopted in the Bill ensures that the search powers are sufficiently circumscribed and subject to adequate safeguards to ensure that any interference with the right to privacy is not arbitrary, unpredictable or unreasonable. Given the above limits on the scope of the accompanying enforcement powers, and the harm that criminalising this act is seeking to prevent, any resulting interference with the right to privacy is considered to not be arbitrary in the circumstances and thus compatible with the Charter.

Right to freedom of thought, conscience, religion and belief (section 14) and right to culture (section 19)

As noted above, section 14 of the Charter protects the right to freedom of religion and belief. This includes the right to hold a religion or belief and to demonstrate one's religion or belief in worship, observance, practice and teaching. The right promotes respect for different religious faiths and beliefs, including the right to not hold religious beliefs, as an integral part of an equal and democratic society based on human dignity.

While the right to have or adopt a religion and belief is a matter of individual thought and is absolute, the right to demonstrate religion and belief may impact others and may therefore be subject to reasonable limitations. The Victorian Court of Appeal has noted that the right to freedom of religion may need to be limited to protect the rights of others. The balancing of these rights does not involve privileging one right over the other, but a recognition that rights coexist.

The right to culture in section 19(1) ensures individuals, in community with others that share their background, can enjoy their culture, declare and practise their religion and use their language. It protects people of all cultural, religious, racial and linguistic backgrounds.

Addressing face coverings worn by agitators at public protests

New section 6D of the SOA has the potential of engaging both the right to freedom of religion and the right to culture if a person who wears a face covering for religious and/or cultural reasons is directed by a police officer to cease wearing their face covering. While the provision provides a reasonable excuse to not comply where the covering is worn reasonably and in good faith for a genuine religious or cultural purpose – I accept, given the close connection between face coverings and religious and cultural practices, that this provision has the potential to interfere with a person's right to freedom of religion and their right to culture, or deter the wearing of a religious or cultural face covering at a place where a public protest is occurring. I also note that if prosecuted, the provision places an evidential onus on a person to establish the religious or cultural practice exception.

However, as I have already outlined in relation to the right to equality, this provision serves a pressing and important objective. There has been an increase in agitators using face coverings such as balaclavas at protests to anonymously engage in acts of vilification and other criminal conduct. The Bill addresses this conduct by empowering police to direct a person to cease wearing a face covering where they reasonably believe a person has committed or intends to commit an offence at a public protest. This will help deter people that are emboldened to vilify others and engage in other criminal acts under the guise of anonymity.

As discussed above, the requirement that a police officer reasonably believes that a person has committed or intends to commit a criminal offence ensures that any limitation on this right is only to the extent reasonably necessary to ensure that police can effectively investigate criminal conduct at public protests by identifying alleged offenders, promote public safety, protect people's ability to exercise the right to engage in peaceful protest without fear of violence, and protect persons from harms that flow from espousing hateful views at public protests under the cover of anonymity. Further, by inserting a reasonable excuse for failing to comply

with a direction, including where a face covering is being worn reasonably and in good faith for a genuine religious or cultural purpose, the Bill adopts the least restrictive means reasonably available to achieve the purpose that section 6D seeks to achieve.

Prohibiting the public display of symbols of terrorist organisations

By making it an offence to intentionally display a symbol of a terrorist organisation in the places specified in section 41Q(1)(d), this provision may engage the right to freedom of religion and cultural rights – particularly of the Muslim community – if the terrorist symbol is also a religious symbol that has been coopted by a terrorist organisation (for example the 'Shahada', being the Islamic declaration of faith). Although section 41Q(2)(a) provides that a person does not commit an offence if the display of the symbol was engaged in reasonably and in good faith for a genuine cultural or religious purpose, the new offence may, in instances where police under section 41R(1) have formed a belief that a person is committing an offence against section 41Q(1) and directs the person to remove the symbol from display, or under section 41S, seizes the symbol, limit the person's right to freedom of religion and/or their cultural rights.

However, any limitations on the rights protected under sections 14 and 19 of the Charter are consistent with the purpose of the Bill to protect people from harm caused by the public display of symbols of terrorist organisations and the risk of inciting others to engage in violence and vilification. As I outlined above, the offence is narrow in scope. It only applies to symbols of terrorist organisations prescribed by the Commonwealth, and it does not capture symbols which only closely resemble those used by terrorist organisations. The exceptions in the Bill for religious and cultural purposes are also intended to ensure that any limitation placed on religious or cultural rights is the least restrictive possible. Together, these ensure the offence does not capture the legitimate use of symbols. For completeness, I note the exception places an evidential onus on an accused, and I will discuss the appropriateness of this below under criminal process rights.

On balance, I consider this approach to be the most appropriate option to achieve the purpose of the Bill and is reasonable and justified in accordance with section 7(2) of the Charter.

Protecting religious assembly

The Bill substitutes existing section 21 of the SOA which deals with the disturbance of religious assembly. New section 21 provides that a person must not intentionally, without lawful excuse, engage in conduct that disturbs a meeting of persons assembled for religious worship. The Bill inserts new sections 21A, 21B and 21C into the SOA. These provisions make it an offence to: assault a person arriving at, attending or leaving a place of religious worship; engage in conduct to intimidate, menace or harass persons arriving at, attending or leaving a religious assembly; and, engage in conduct to hinder or obstruct persons arriving at, attending or leaving a religious assembly. A defence of 'lawful excuse' is provided for in each of the new sections.

By protecting people from being assaulted, disturbed, obstructed, hindered, intimidated, menaced or harassed when congregating with others to engage in religious worship, the Bill promotes the right to freedom of religion, particularly, section 14(2) of the Charter which provides that a person must not be coerced or restrained in a way that limits their freedom to have or adopt a religion or belief in worship, observance, practice or teaching.

In terms of the issue of competing religious beliefs, I note that section 14 of the Charter does not protect an individual's right to demonstrate their belief by restraining a religious gathering of others. For completeness, to the extent that these new provisions may be found to restrict the expression of competing religious beliefs, such as conduct that criticises another faith during a religious worship service, any such limit is intentional and justified under s 7(2) of the Charter to achieve the purpose of safeguarding lawful religious gatherings. It will not be a lawful excuse to contravene this provision on the grounds of expressing a religious, or other, belief. The limitation is narrow, targeted and proportionate. It applies only to conduct that is directed at persons attending a religious assembly, or conduct that is intended to intimidate, menace or harass a person attending a religious assembly or obstruct their attendance (meaning it does not target conduct that occurs merely in proximity to a religious gathering). It provides for a lawful excuse defence. The limitation is justified and a proportionate response to disturbances of religious gatherings that have menaced and intimidated attendees and resulted in the mass evacuation of a religious congregation, impacting the freedom of Victorians to gather and practice their faith in peace. Accordingly, I consider these amendments demonstrably justified under section 7(2) of the Charter to achieve the purpose of safeguarding lawful religious gatherings.

Right to freedom of expression (section 15)

As noted above, 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.

It is somewhat unsettled as to whether there are any implied limits on what constitutes protected expression in the Charter. In comparative jurisprudence, the right has been found to protect criticism and protest as well as offensive, disturbing or shocking information or ideas, rather than merely favourable or popular expressions (see, e.g., *Sunday Times v United Kingdom (No 2)* [1992] 14 EHRR 123. However, Victorian Courts have observed that the term 'expression' in section 15 of the Charter should not be regarded as unqualified or absolute, and what is protected expression must be informed by public policy considerations inherent in the nature of a free and democratic society (*Magee v Delaney* (2012) 39 VR 50, [86]).

Irrespective of the debate about the definitional limits of expression, section 15(3) makes clear that the right to freedom of expression as a whole is conditional and qualified. Section 15(3) contains an internal limitation which provides that the right may be subject to lawful restrictions reasonable and 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, including measures for 'peace and good order, public safety and prevention of disorder and crime' (*Magee v Delaney* (2012) 39 VR 50, [151].

Addressing face coverings worn by agitators at public protests

It is acknowledged that the wearing of a face covering may itself serve as a symbolic form of political expression and may facilitate political expression by allowing a person to protest anonymously while protecting their privacy.

New section 6D of the SOA therefore engages the right to freedom of expression to the extent that it empowers police to direct a person that the police officer reasonably believes has committed, or is intending to commit an offence, to cease wearing their face covering. However, new section 6D does not provide an outright ban on face coverings at protests nor provide police the power to direct the removal of face coverings in the absence of a reasonable belief that a person has committed, or intends to commit, an offence. For these reasons I am of the view that the powers provided under new section 6D, which are designed to target persons using face coverings to criminally vilify others or engage in other criminal conduct, do not constitute a limitation on the freedom of expression. This is because it does not seek to restrict any form of expression protected by s 15 (as it is directed towards expression that is facilitating criminal conduct).

Alternatively, if it is considered to restrict protected expression, I consider that new section 6D falls within the internal limit of s 15(3) as reasonable and necessary to protect the right of others as well as uphold public order.

This power is necessary to protect public order as it will:

- assist police to identify those engaging in criminal activities at protests, prevent the frustration of police functions and facilitate law enforcement at public protests and prevent the escalation of peaceful protests into dangerous and violent demonstrations;
- promote public safety and prevent violence at public demonstrations, thereby protecting the ability of others to engage in political protest without fear of violence;
- deter agitators at public protests that may be emboldened to commit criminal conduct because their identity is concealed by face coverings and protect people from harms that occur under the cover of anonymity; and
- address existing operational challenges currently experienced by Victoria Police (which I discuss further below).

The power is reasonable as:

- it is only exercisable by police in relation to a place where a public protest is occurring, or if the person has left that place or the protest is no longer occurring, no more than a reasonable amount of time afterwards;
- it is preconditioned on a police officer having reasonable belief that the person committed or intends to commit an offence while the protest is or was occurring;
- the offence of failing to comply is only enlivened after a warning is given;
- the Bill provides a reasonable excuse exception, including for genuine religious, cultural or medical purposes, for failing to comply with a direction to remove a face covering; and
- the penalty is limited to a fine of low magnitude.

I further note that Victorian legislation already targets the wearing of face coverings in certain circumstances. For example, section 10KA of the *Control of Weapons Act 1990* empowers a police officer to direct a person wearing a face covering to leave a designated area if the person refuses to remove the covering when requested, and the officer 'reasonably believes the person is using the face covering primarily to conceal the

person's identity or to protect the person from the effects of crowd-controlling substances'. As this existing provision only provides police with the power to issue an enforceable direction to a person to *leave* a designated area (following a request to cease wearing a face covering), new section 6D of the SOA will address the operational challenges currently experienced by Victoria Police in identifying and charging persons who are wearing face coverings to engage in criminal conduct at a public protest. I outline a specific incident of such operational challenges arising from protest action at the Land Forces Exposition, in my discussion below in relation to the right to freedom of assembly. Moreover, while protests may occur in a designated area, this is not always the case, and the utility of the designated area scheme is limited where protests are spontaneous and unplanned.

Other powers such as section 456AA of the *Crimes Act* allow a police officer to require that a person state their name and address if the officer believes on reasonable grounds that the person has committed or is about to commit an offence or may otherwise be able to assist in the investigation of an indictable offence. However, this does not achieve the same deterrent effect that the direction power in new section 6D will have on protestors that wear a face covering to engage in criminal offending.

The approach in new section 6D is therefore the most appropriate option to achieve the purpose of the Bill, including that it addresses existing issues with enforcement of the law where less restrictive means have been ineffective.

Accordingly, for the reasons above, any restriction on the right to freedom of expression caused by new section 6D is lawful and reasonably necessary to protect the rights of others and public order.

Offence to lock on at public protests

New section 6F of the SOA may limit the right to freedom of expression by restricting the ability of people to freely express their views or ideologies by locking or securing any person, including themselves, at a public protest using a thing or substance.

The powers in new sections 6G and 6H may also limit the right to freedom of expression by enabling police to pre-emptively remove items from protesters that would otherwise be used to express their views and opinions in public.

While it is an open question as to whether a 'lock on' action that is likely to cause injury to another person, or that presents a serious risk to public safety, would constitute protected expression within the scope of section 15, to the extent that it does – accepting that such actions are likely to be done in the context of an expression of political views – I consider any limitations imposed on this right by new section 6F to be reasonable and necessary to protect the safety of others and public order. In this respect, these provisions also promote the ability of people to safely attend a public protest and express their views without the risk of harm that may arise from the dangerous use of things or substances to lock on, or their subsequent removal in close proximity to others at the protest.

Moreover, new section 6F does not impose an outright ban on the use of lock on devices but only a prohibition on their use where they are likely to cause injury to another person or present a serious risk to public safety. That is, new section 6F is designed to not target disruptive peaceful protestors where the use or removal of a thing or substance being used to lock on does not present a risk of injury to another person or a serious risk to public safety. For example, it is not intended that new section 6F will capture conduct that is peaceful but merely disruptive, inconvenient or results in economic loss, such as the actions of women's rights pioneer Zelda D'Aprano who chained herself to the Commonwealth Bank Building in 1969 to fight for equal pay. The scope has been carefully tailored to not target the risk that a protestor's action may pose for themselves alone. The provision also provides a reasonable excuse exception.

It is acknowledged that protestors who lock on may already be subject to existing offences, such as obstruction, trespass or common law offences such as public nuisance depending on the circumstances. However, the new offence is specifically tailored to target the use of things or substances to lock on, where doing so may endanger the safety of the community. The approach adopted in the new lock on provisions is therefore the most appropriate to achieve the purpose of the Bill and for the reasons above, any restriction on the right to freedom of expression is, in my view, lawful and reasonably necessary for the protection of public order in accordance with section 15(3) of the Charter. I am therefore of the view that new section 6F does not limit the right to freedom of expression in section 15 of the Charter.

Seizure of lock on substances or other things

The seizure powers in new sections 6G and 6H are subject to appropriate limitations and may only be exercised where a police officer reasonably believes that an offence against new section 6F is being or will imminently be committed or where a magistrate is otherwise satisfied that the preconditions for a warrant to search and seize property in relation to the offence has been satisfied. To the extent that the seizure powers affect freedom of expression, I consider them reasonable and necessary in order to operationalise and enforce

new section 6F at public protests. For dangerous lock on activities to be effectively targeted and deterred, it is necessary that police have proactive tools to prevent the commission or continuation of this offence.

Prohibiting the public display of symbols of terrorist organisations

New section 41Q of the SOA may engage the right to freedom of expression by restricting a person's ability to communicate or impart information and ideas through the public display of a symbol of a terrorist organisation.

However, the new offence provision is carefully tailored with a number of exceptions and conditions, such that it only targets the display of symbols that cause harm to members of the community and are capable of inciting others to engage in vilification and violence.

As above, the offence is limited to symbols of terrorist organisations that have been prescribed by the Commonwealth and will not apply more broadly to symbols that closely resemble a symbol of a terrorist organisation. Further, the application of the offence does not extend to circumstances where a terrorist organisation symbol is being displayed for a legitimate reason set out in section 41Q(2)–(5), such as for genuine academic, artistic, education or scientific, cultural or religious purposes.

Additionally, persons who support the ideology communicated through these symbols will remain free to express their opinions in public via other means, subject to existing laws, and may continue to own or display these symbols in private. Further, the offence will not prohibit the display of terrorist organisation symbols by means of tattooing or other like processes (such as branding), even in instances where the tattoo is visible on a person's body while in public.

I note that this provision could be less restrictive by including an additional requirement similar to section 80.2HA of the *Commonwealth Criminal Code* that the symbol was displayed in a way that a reasonable person would consider involves spreading ideas based on racial superiority or hatred, advocates hatred of a person, constitutes incitement or is likely to offend, insult or intimidate a person because of their protected attribute.

However, I do not consider this less restrictive option to be reasonably available as, in my view, it would not adequately respond to the existing operational challenges faced by Victoria Police, namely that proving these circumstance elements beyond reasonable doubt in a dynamic protest environment is difficult in the absence of direct evidence. The proposed penalty for an offence against new section 41Q is also substantially lower than the penalty for a contravention of section 80.2HA of the Criminal Code. This further ensures that a lower threshold for the proposed offence is proportionate to the severity of the conduct.

The approach taken in this Bill is therefore the least restrictive means reasonably available to achieve the purpose of the Bill and, for the reasons outlined above, any restriction on the right to freedom of expression are, in my view, lawful and reasonably necessary to protect people's right to not be vilified or subjected to violence, and to maintain public order in accordance with section 15(3). I am therefore of the view that new section 41Q does not limit the right to freedom of expression in section 15 of the Charter.

Protecting religious assembly

Substituted section 21 and new sections 21A, 21B and 21C of the SOA, particularly the new offence at section 21B prohibiting conduct that menaces, intimidates or harasses persons attending religious worship meetings, may impose limitations on the way people communicate or impart certain information and ideas near religious assemblies and therefore engages the right to freedom of expression.

As I have discussed above, the case law does not provide a definitive consensus on the breadth of expressive conduct that is protected by the right to freedom of expression, and it would be strongly arguable that conduct capable of reaching the legislative threshold of these offences would not constitute protected expression. The purpose of substituted section 21 and new sections 21A, 21B and 21C is to provide further protection for persons who assemble for religious worship, which is a cornerstone of a free and democratic society.

To any extent that the new offence provisions may restrict the right to freedom of expression, these restrictions are lawful, narrow and reasonably necessary to promote the rights of people to practice their faith and congregate with others to engage in religious assembly without disturbance, hindrance or obstruction, and free from fear of assault, intimidation, menacing behaviour or harassment. I am therefore of the view that substituted section 21 and new sections 21A, 21B and 21C do not limit the right to freedom of expression in section 15 of the Charter, for the same reasons advanced above for why these provisions are compatible with the right to freedom of religion.

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

Section 16(1) of the Charter protects every person's right to peaceful assembly. This right is one of the cornerstones of a free and democratic society, and is considered essential to facilitate public expression of a

person's views and opinions. However, it will not protect assemblies if they are violent or forceful, such as riots and affrays, and reasonable restrictions may be imposed on assemblies to prevent a breach of the peace.

Addressing face coverings worn by agitators at public protests

While the new provisions do not specifically seek to prevent public assembly, I accept that powers which regulate the conduct of persons engaging in public protest, and empower police to take certain actions against persons engaged in specified behaviour, may incidentally impact on the willingness of persons to gather in public and express their views. In other words, restrictions on protest behaviour are capable of having a chilling effect on the freedom to assemble. I accept that the United Nations Human Rights Committee has commented that the wearing of face coverings 'may form part of the expressive element of a peaceful assembly' (United Nations Human Rights Committee, General Comment No. 37 o*n the Right of Peaceful Assembly (Article 21)*, 129th Sess, UN Doc CCPR/C/GC/37 (17 September 2020). The UN Human Rights Committee also acknowledged that limitations may be placed on the ability of people to anonymously participate at protest where their conduct presents reasonable grounds for arrest.

As clearly set out in new section 6C, the underlying objectives of these powers are, relevantly, to maintain the fundamental right to engage in peaceful protest, to protect the ability of persons to exercise that right without fear of violence, to promote public safety and to prevent violence at public protests, and protect persons from harms that arise from the commission of offences involving conduct that is likely to incite hatred, contempt, revulsion or ridicule. The power bestowed on police in new section 6D will promote the objectives in new section 6C by enabling police to maintain public order, ensure public safety and to protect people from harms that occur under the guise of anonymity.

Importantly, new section 6D of the SOA does not prevent persons wearing face coverings from gathering in peaceful assembly to partake in a public protest. As I have outlined above, the power of the police to, in accordance with new section 6D, direct a person who is wearing a face covering to cease wearing that face covering is limited and does not compel a person who has a reasonable excuse for wearing a face covering, including for a genuine religious, cultural or medical purposes, to comply with the direction to remove their face covering. Additionally, new section 6D does not empower police to direct a person wearing a face covering to leave the area. However, this does not prevent police from exercising their existing powers of arrest to remove a person from the area if the person is committing an offence and apprehension is necessary. It follows that I do not consider new section 6D to engage the right to peaceful assembly.

By targeting persons that are reasonably believed by police to either be committing or intending to commit an offence at a public protest, the Bill seeks to ensure that police can effectively investigate criminal conduct at public protests by identifying alleged offenders. This will likely have the effect of preventing persons emboldened by their anonymity from engaging in conduct that may escalate peaceful protests into violent or extreme demonstrations. For example, during the Land Forces Exposition in Melbourne in September 2024, many masked protestors carried out unlawful acts including throwing faeces, acid and other projectiles at police, setting rubbish bins on fire and damaging property of surrounding businesses. Victoria Police reported that the wearing of masks during this event hampered police efforts to protect those attending the event and restore public order and to identify and charge persons who behaved criminally. Victoria Police also reported that extensive work had to be undertaken after the event to identify and charge individuals who had committed offences during the protest but who police were unable to arrest at the time due to operational or safety reasons.

New section 6D expressly addresses these challenges by empowering police to identify persons who are reasonably believed to be engaging in, or intending to engage in, criminal conduct at a public protest, supporting both the immediate police response and any subsequent investigation. Allowing police to direct a person within a reasonable time after the person has left the protest or the protest is no longer occurring also allows police to identify a person where it was not operationally safe for them to do so at the time the person was believed to have committed a criminal offence at the protest.

Additionally, the narrow scope of the power means that individuals who are peacefully protesting can continue to do so while wearing face coverings. In this respect, the new power protects the rights of all other protestors to demonstrate peacefully.

This approach ensures that new section 6D does not provide further restrictions than what is necessary to fulfill the purpose of the Bill, and if the right under section 16 of the Charter were considered to be engaged and limited, it would be reasonable and justified in accordance with section 7(2) of the Charter.

Offence to lock on at public protests

As above, while new section 6F of the SOA does not directly prevent peaceful assembly, it may indirectly interfere with the right by restricting the way in which people may gather in public to express their views and opinions or impact the willingness of persons to exercise such rights.

The express objectives of new section 6F, outlined in new section 6E, are to maintain the fundamental right to engage in peaceful protest, to protect the ability of persons to exercise that right without risk of injury, and to promote public safety and prevent injury and serious risks to public safety at public protests.

While it may be open to argue that the conduct prohibited by this provision – that is, conduct likely to cause injury to another person or pose a serious risk to public safety – would come within the ambit of 'peaceful assembly', to the extent that it does, I consider any limitation on peaceful assembly to be necessary in order to assist police to effectively respond to conduct that may injure others, including bystanders, other protestors or emergency workers, and prevent conduct that presents serious risks to public safety. Such a limitation would also protect the right of other people to peacefully protest by preventing dangerous conduct that risks their personal safety and the safety of the public.

It is acknowledged that an alternative formulation of the offence could be restricted to actual harm being experienced by individuals or the community. However, such formulation of the offence would require harm to be experienced and would not enable police to proactively intervene and prevent harm and injury to the community. Alternatively, the offence could be restricted to the use of certain lock on devices, but this approach may be too narrow to ensure all harms to the community are prevented. Therefore, I am of the view that the adopted approach is the least restrictive means to address the dangerous use of things or substances to lock on at public protests.

As noted, new section 6F is confined to where the use or removal of a thing or substance used to lock on at a public protest poses a risk of injury to others who are not locked on or secured or a serious risk to public safety. It is not intended to prohibit the ability of protestors to engage peacefully in conduct that merely causes disruption or temporary inconvenience. Additionally, the provision contains a reasonable excuse exception so that people who have a legitimate reason to use these items will not commit an offence.

This approach ensures that the Bill does not provide further restrictions than what is necessary to fulfill its purpose. To the extent that there are direct or indirect limits on this right, I consider them to be reasonable and justified in accordance with section 7(2) of the Charter.

Prohibiting the public display of symbols of terrorist organisations

In a similar vein, new section 41Q of the SOA could be said to interfere with, or chill the willingness of, people who wish to display a symbol of a terrorist organisation to express their views and opinions in public, including at protests.

As above, the new offence is designed to only target the public display of symbols of a terrorist organisation prescribed by the Commonwealth and will not apply more broadly to symbols that closely resemble a symbol of a terrorist organisation. As noted, the offence is also subject to a range of exceptions where a symbol of a terrorist organisation may be displayed for legitimate reasons.

Individuals that support the ideology communicated by these symbols may still gather to protest or express their views publicly by other means, subject to other laws.

This approach ensures the Bill does not provide further restrictions than what is necessary to fulfill its purpose and is reasonable and justified in accordance with section 7(2) of the Charter.

Protecting religious assembly

The offences created in Part 10, Division 3 of the Bill, particularly new section 21B of the SOA which prohibits conduct intended to intimidate, menace or harass persons arriving at, attending or leaving religious worship, may impose limitations on the right to peaceful assembly by restricting the ways in which people publicly gather to express views or opinions near religious assemblies.

To the extent that new sections 21, 21A, 21B and 21C limit the right in section 16 of the Charter, the limitation is necessary to facilitate the right to freedom of religion and belief by protecting a person's right to gather, pray and practice their faith at religious meetings without being disturbed, hindered or obstructed, and free from the fear of assault, intimidation, menacing behaviour or harassment.

The new offences are not intended to prevent people from participating in peaceful political protests or demonstrations. For example, the new offences will not affect peaceful assemblies at places where religious worship takes place, such as the practice of gathering to tie ribbons outside churches to show support for survivors of rape and sexual assault.

The Bill provides for a defence of lawful excuse to these offences, which provides courts with the necessary discretion to determine whether the accused person had a valid excuse supported by law for their actions. An example of a lawful excuse could include construction workers who hinder access to a religious worship meeting to ensure public safety while carrying out works.

This approach ensures the Bill does not provide further restrictions than what is necessary to fulfill its purpose and is reasonable and justified in accordance with section 7(2) of the Charter.

Right to property (section 20)

Addressing face coverings worn by agitators at public protests

New section 6D of the SOA engages the right to property by empowering a police officer to direct a person to cease wearing their face covering if the police officer reasonably believes that the person has committed or intends to commit an offence at a public protest. A direction may also be given within a reasonable time after the person has left the public protest or the protest is no longer occurring (e.g. because the protest has ended or moved on from the place where the person is at).

The right to property characteristically entails rights of use, control, transfer and exclusivity. Therefore, placing restrictions on the use of face coverings arguably deprive a person of their property to the extent that the restrictions interfere with a person's enjoyment of their face covering and restricts how a person may use their face coverings.

However, any interference with a person's property right that results from new section 6D, is authorised by this provision which sets out a clear and accessible framework on the use of face coverings at public protests. It will not function arbitrarily for the same detailed reasons I have advanced above regarding the proportionality of the provision with regards to its limited scope, necessary purpose and broadly framed 'reasonable excuse' exception. As such, I consider that the right to property is not limited by new section 6D.

Offence to lock on at public protests

New section 6G of the SOA engages the right to property by empowering a police officer to seize a thing or container of a substance without a warrant where the police officer reasonably believes that the item is being used or will be imminently used to commit an offence against new section 6F. New section 6H enables police to apply to the Magistrates' Court for a warrant to search and seize property that is in connection to, or evidence of commissioning the offence against new section 6F.

The above powers to seize things or containers of substances from protesters that may be used to lock on at public protests may limit the right to property. That being so, I consider that deprivation of a person's property pursuant to the seizure authorisations in new sections 6G and 6H would be in accordance with law because the legal authorisation for the deprivation is publicly accessible, and governed by a clear and accessible process.

Moreover, the seizure power in new section 6G is a rational means to prevent offences under new section 6F and to bring an end to offences already committed, and thereby achieve the purposes of preventing injury to other persons and protecting public safety. The power in new section 6G is appropriately confined and may only be exercised where a police officer forms the requisite reasonable belief and the thing or container of substance is wholly or partially visible to the officer. The Bill also clarifies that exercising the seizure power in section 6G will not authorise a police officer to search a person.

As it relates to new section 6H, police can only obtain a warrant from the Magistrates' Court to search and seize property if the magistrate is satisfied by evidence that there are reasonable grounds to believe that there is, or will be within the next 72 hours, in a building, place or in a vehicle, something that is connected with the offence that has been committed or might be committed in the next 72 hours.

As such, I consider that the right to property is not limited by new sections 6G and 6H of the SOA.

Prohibiting the public display of terrorist organisation symbols

New section 41S of the SOA may limit the right to property by empowering a police officer to seize property bearing the symbol of a terrorist organisation without a warrant where the police officer reasonably believes the offence of displaying a symbol of a terrorist organisation is being committed. Similarly, new section 41T, which enables police to apply to the Magistrates' Court for a warrant to search premises and seize property that displays a symbol of a terrorist organisation or evidence of the commission of an offence of displaying a symbol of a terrorist organisation, may limit the right to property.

However, I consider that deprivation of a person's property pursuant to the seizure authorisations in new sections 41S and 41T would be in accordance with law because the legal authorisation for the deprivation is publicly accessible, and governed by a clear and accessible process.

The power in new section 41S to seize an item bearing a symbol of a terrorist organisation may only be exercised where a police officer forms the requisite reasonable belief that the display constitutes an offence against section 41Q and the item bearing the symbol of a terrorist organisation is displayed in a way or place prohibited in section 41Q. The Bill also clarifies that exercising the seizure power in section 41S will not authorise a police officer to search a person.

As it relates to new section 41T, police may only obtain a warrant from the Magistrates' Court to search and seize property in relation to the new offence if the magistrate is satisfied, by evidence, that there are reasonable grounds to believe that there is, or will be within the next 72 hours, in a building, place or in a vehicle,

something that is connected with the offence that has been committed or might be committed in the next 72 hours.

Victoria Police has advised that without the power to seize items, the practical enforcement of new section 41Q would likely be undermined. In particular, there would be no practical and operationally workable means of preventing a person who police find publicly displaying a symbol of a terrorist organisation from continuing to display that symbol after police leave. I therefore consider the seizure powers to be necessary in order to achieve the purpose of section 41N and give Victoria Police adequate powers to respond to, and where necessary, remove the symbols of terrorist organisations from display when they appear in dynamic environments, such as protests.

As such, I consider that the right to property is not limited by new sections 41S and 41T of the SOA.

Forfeiture of property seized under Part 10

The Bill inserts new section 60B in the SOA which deals with when certain things are seized under new sections 6G and 41S, or under a search warrant issued under s 465 of the Crimes Act as applied by sections 6H and 41T, become eligible to be collected, and by whom. New section 60D deals with the forfeiture of things seized under the above provisions when not collected. New section 60E deals with the forfeiture of things seized under the above provisions for other reasons. Section 60E(2) provides that if a court finds a person guilty, or not guilty by reason of mental impairment, of an offence against sections 6F, 41Q(1) or 41R(5), the seized thing is forfeited to the Crown unless the court orders otherwise.

The forfeiture powers are clearly prescribed in sections 60D and 60E and do not operate arbitrarily. Although forfeiture of seized things not collected within a specified period operates automatically by force of law, the power to forfeit items not collected is subject to notice requirements set out in sections 60C and 60D.

The power to forfeit seized items where a person is found guilty, or not guilty by reason of mental impairment of an offence in respect of the seized thing, supports the purpose of the Bill by preventing persons from using seized property to recommit an offence against sections 6F or 41Q(1) and further, to deter others from engaging in such conduct.

Accordingly, any limitation on property rights caused by the new forfeiture powers under new sections 60D and 60E are appropriately confined and are reasonable and demonstrably justified in accordance with section 7(2) of the Charter.

Right to security of person (section 21)

Section 21 of the Charter protects the right to liberty and security of a person. Under international law, the right to security is recognised as separate to the right to liberty, and applies to persons regardless of whether they have been deprived of liberty. That is, it imposes a positive obligation on public authorities to take reasonable and appropriate measures to protect the security of persons under their jurisdiction irrespective of whether their right to liberty has been engaged and limited. In Victoria, the courts have generally dealt with the right in section 21(1) as a single right to 'liberty and security'. However, as the scope of the right to security, separate from the right to liberty, has not been directly considered by the courts, it remains unclear.

Offence to lock on at public protests

New section 6G(4) and (5) provides that police may use reasonable force to seize a thing. If a broad application was adopted in relation to section 21(1) of the Charter, new section 6G(4) and (5) of the SOA may engage the right to security of a person insofar as it enables a police officer to use reasonable force to seize a thing, including where a person is locked on, and where doing so would involve breaking the thing. This will naturally bring into existence a risk of injury to the person who is locked on or secured. However, as the use of force must be 'reasonable' and would be confined to circumstances where the police officer has a reasonable belief that there is a risk of injury being caused to another person, or there is a serious risk to public safety, and a police officer must first ask the person to hand the thing or container over (including where this may require breaking, unlocking or otherwise modifying or operating the thing), and issue a warning that reasonable force may be used to seize the thing or container, it is my view that any limitation on the right to security is demonstrably justified under section 7(2) of the Charter.

Prohibiting the public display of terrorist organisation symbols

If a broad application of section 21 was adopted, new section 41S(2) of the SOA may engage the right to security of a person by empowering police to use reasonable force when seizing things displaying a symbol of a terrorist organisation.

However, the use of force exercised by a police officer during seizure must be reasonable and is conditional on the police officer having first requested that the person hand over the thing displaying the symbol of a terrorist organisation and having warned the person that reasonable force may be used to effect seizure. It is my view that any limitation on the right to security is demonstrably justified under section 7(2) of the Charter.

Presumption of innocence (section 25(1))

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

The Bill introduces a number of reasonable excuse exceptions in relation to the following new offences:

- contravening a police direction to cease wearing a face covering worn at a public protest (new section 6D);
- locking or securing one person to another person, thing or surface at a public protest (new section 6F); and
- contravening a police direction to remove a terrorist organisation symbol from public display (new section 41R).

As these offences are summary offences, section 72 of the *Criminal Procedure Act 2009* will apply to require an accused who wishes to rely on the 'reasonable excuse' exception/defence to present or point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would establish the excuse.

In other words, the provision imposes an evidential onus on an accused when seeking to rely on the defence. Case law has held that an evidential onus imposed on establishing an excuse or exception does not limit the Charter's right to a presumption of innocence, as such an evidential onus falls short of imposing any burden of persuasion on an accused. Once the accused has pointed to evidence of a reasonable excuse, the burden shifts back to the prosecution who must prove the elements of the offence. Additionally, the subject matter to which these excuse or exception provisions apply are matters within the knowledge of the accused and in regards to which the accused is best placed to lead evidence. Requiring the prosecution to prove an absence of such excuse in these circumstances would be too onerous and lead to these offence provisions being unenforceable.

Accordingly, I do not consider that the above 'reasonable excuse' offence provisions in the Bill limit the right to be presumed innocent in section 25(1) of the Charter.

The Hon Anthony Carbines MP
Minister for Police

Second reading

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (10:41): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

The Victorian Government is committed to continuing to address concerns about community safety and social cohesion, and improving police and justice system powers and processes for the benefit of all Victorians.

The Justice Legislation Amendment (Police and Other Matters) Bill 2025 demonstrates this commitment with the introduction of a broad range of reforms under the Police and Attorney-General portfolios.

Specifically, this suite of reforms has four important objectives.

Firstly, it is aimed at stamping out dangerous and hateful conduct at public protests, and protecting the rights of Victorians to engage in religious worship without fear.

Secondly, it introduces amendments to increase community safety, by improving the existing powers of police to stop and search people for weapons, and by introducing new offences relating to new kinds of weapons like 3D printed guns.

Thirdly, it makes changes in the interests of effective and efficient policing by streamlining cross-border policing, expanding the duties our PSOs can perform, and reducing the need for police to retain all seized drugs and drug-related equipment in their entirety before trials.

Fourthly, this Bill provides for a range of broader justice system reforms and technical amendments.

I will speak now to the amendments that fall within each of these four categories.

Addressing extreme, dangerous and hateful protest activity and protecting religious worship

The Bill fulfils a Victorian Government commitment to introduce tough new laws to prevent extreme, dangerous and hateful conduct at public protests and strengthen protections for religious worship.

We have recently seen shocking examples of racist and hateful demonstrations by far-right extremists who hide behind masks to generate fear and engage in deeply abhorrent behaviour. There is no place for such hatred in our state. While recent protests in Victoria have largely been peaceful, incidents of violent and disruptive conduct by some protestors have highlighted the need for new laws to be introduced to strengthen powers available to police in protests. We have seen examples of the actions and behaviours of a small group of agitators jeopardising public safety, endangering the community and causing individuals to feel unsafe. These reforms will give police powers to respond to this unacceptable conduct.

The government recognises that the right to protest is a critical part of our democracy and supports the rights of Victorians to engage in peaceful protest. However, unsafe behaviours that endanger our community cannot and will not be tolerated.

The Bill amends the *Summary Offences Act 1966* to empower Victoria Police to issue a direction to a person wearing a face covering in certain circumstances, introduce a new offence to lock-on at a public protest, and prohibit the public display of symbols of terrorist organisations.

These new laws have been developed in consultation with a range of stakeholders, including key religious, legal and human rights organisations. We have listened to their important feedback to ensure these laws strike the right balance between upholding the rights of Victorians to engage in peaceful protest, whilst ensuring that Victoria Police has the power to proactively prevent risks to public safety before they arise.

The government is committed to protecting the right of all Victorians to gather and pray, free from fear, harassment and intimidation. That is why, in addition to measures focused on public protests, the Bill strengthens the existing offence for disturbing religious worship in the Summary Offences Act 1966 to provide greater protections to people attending religious assemblies.

<u>New powers to address face coverings in relation to public protests</u>

The Bill introduces new powers for Victoria Police to unmask people who wear face coverings while engaging in criminal conduct at protests.

The reform responds to an increase in right wing extremists and other agitators using face coverings at protests to conceal their identities while engaging in criminal conduct. This includes the use of balaclavas by neo-Nazi groups during recent demonstrations that have emboldened these agitators to anonymously participate in acts of hatred and intimidation and make it difficult for police to identify them.

The new powers will enable police to better maintain public order, ensure public safety by taking action before peaceful protests escalate into violent or extreme demonstrations and to protect people from harm that occurs under the guise of anonymity.

In combination with the government's recently commenced anti-vilification offences, this Bill will enable police to unmask and identify those who attend a protest anonymously to incite hatred, and ensure they are accountable for their behaviour.

Police know all about the neo-Nazis and others who have a proven track record of anonymously attending protests to spread hate and threaten certain groups, simply for being who they are. Now, police will be able to engage those individuals, who cowardly hide behind masks, as soon as they attend a public protest, and have them show their face.

The Bill empowers a police officer to direct a person to cease wearing their face covering where the police officer reasonably believes that the person has committed or intends to commit an offence at a public protest. The direction can be given while a person is at a public protest or within a reasonable time after the person leaves the public protest or after the public protest has ended. This approach gives police the flexibility to approach protestors that have been observed as having committed or intending to commit an offence when it is operationally safe for them to do so.

The Bill provides that if a person fails to comply with a direction to cease wearing their face covering without a reasonable excuse, that person commits an offence punishable by 5 penalty units. Without limiting the scope of what a reasonable excuse may be, the Bill expressly provides that a reasonable excuse includes the wearing of a face covering for a genuine religious, cultural or medical purpose. This exception will protect protestors who have a legitimate reason for wearing a face covering from being inadvertently captured by the new offence.

These new powers complement existing identification powers by enabling police to more effectively target the use of face coverings at protests outside of the designated area scheme under the *Control of Weapons Act 1990* (including where the protest is unplanned or weapons-related criteria are not met).

New offence to lock-on at a public protest

The Bill introduces a new offence to prohibit the use of things or substances to lock-on at a public protest.

Locking-on is a tactic used by protestors to affix themselves or others in place and resist being moved, inhibiting the ability of Victoria Police to do their job. A broad range of things or substances may be used by a protestor to lock-on. Colloquially known as 'attachment devices', these may include everyday household items such as glue, rope, locks and chains to bespoke devices. Another example is a 'sleeping dragon' which is a custom device commonly consisting of a metal pipe which covers a person's hand with an anchor point to secure the individual.

The use of things and substances to lock-on by protestors, and the subsequent removal of protestors from these devices, has the potential to create safety risks for the community, law enforcement, first responders and other protestors. For example, specialist tools such as angle grinders and hydraulic machinery can be required to remove protestors, and it is possible that complications in the removal process could endanger others.

Currently, Victorian legislation does not expressly address the use of things or substances to lock-on where doing so may endanger the safety of others. Whilst existing laws such as obstruction, trespass or public nuisance might apply to the use of attachment devices by protestors depending on the circumstances, a tailored offence which specifically targets the use of such things or substances will give police an additional tool to keep the community safe.

The Bill provides that it is an offence for a person to intentionally use a thing or substance at a public protest, to lock or secure any person (including themselves) to another person, surface or other thing where locking on or removal of the thing or substance, is either likely to cause injury to a person who is not locked or secured or presents a serious risk to public safety. The offence is punishable by a fine of up to 120 penalty units or 1 year imprisonment or both. The offence is confined to the dangerous use of things and substances to lock-on and will only apply where use or removal is likely to cause injury to a person who is not locked-on or poses serious risks to public safety. This recognises that attachment devices are not inherently unlawful to possess, and in some circumstances may continue to be used as a form of peaceful protest but provides a mechanism for police to intervene to prevent harm to the community.

A person will not commit the offence where they have a 'reasonable excuse', in recognition that there may be legitimate reasons for a person to use things or substances to lock-on, even where doing so may pose risks to another person or the public. For example, where a person uses an attachment device (such as a suspension device) in connection with their employment to complete works at a time that coincides with a public protest.

The Bill empowers Victoria Police to seize without warrant, a visible thing or a container of a substance where a police officer reasonably believes that it is being used, or will imminently be used, to commit the locking-on offence. Where the power to seize without a warrant does not apply, the Bill enables police to apply to the Magistrates' Court for a warrant to search premises and seize property. These powers will assist Victoria Police to enforce the new offence by proactively preventing dangerous conduct before it occurs.

Prohibition on the public display of terrorist organisation symbols

Symbols of terrorist organisations have no place in Victoria. These symbols represent racist, violent and hateful ideologies and their public display can cause profound distress, fear and harm to members of targeted groups in Victoria. The display of these symbols can also encourage others to engage in acts of violence and vilification.

Whilst a Commonwealth offence to publicly display a symbol of a terrorist organisation was introduced under section 80.2HA of the *Criminal Code Act 1995* (Cth) in January 2024, there is currently no equivalent offence in Victoria.

The Bill will close this gap by introducing a new offence to prohibit the public display of symbols of terrorist organisations in Victoria. The elements of the new offence will be simpler to prove than the Commonwealth offence, and will be modelled on existing laws, namely the prohibition of the public display of Nazi symbols under the *Summary Offences Act 1966* and the prohibition of the public display of insignia of certain organisations under the *Criminal Organisations Control Act 2012*. The new offence will therefore provide an effective prevention and enforcement framework for Victoria Police to address the public display of symbols of terrorist organisations in Victoria.

A person will commit an offence if they display a symbol that they know is used to identify an organisation, and that organisation is a terrorist organisation. The offence will be committed if the display of the symbol occurs in a public place, at a non-government school or post-secondary education institution, or where the display occurs on private premises but is visible from one of those places. The offence is punishable by a fine of up to 120 penalty units or 1 year imprisonment or both.

The Bill defines 'terrorist organisation' as an organisation prescribed as such by the Commonwealth in regulations made under the *Criminal Code Act 1995* (Cth). It also defines 'symbol' as any symbol that an organisation, or its members, use to identify that organisation. In contrast to the definition of 'prohibited terrorist organisation symbol' under the Commonwealth offence, the Bill will not capture symbols which 'nearly resemble' a symbol used by a terrorist organisation. The limited definition ensures legitimate symbols such as certain national flags which may resemble those used by terrorist organisations, are not unintentionally caught within the scope of the definition.

To ensure legitimate reasons for the display of symbols are protected, the Bill contains several exceptions based on the exceptions available under the Commonwealth offence and the Victorian Nazi symbol offence. For example, exceptions include the public display of terrorist organisation symbols for genuine academic, artistic, education or scientific, cultural or religious purposes. The exception for religious or cultural purpose acknowledges that some terrorist organisations may coopt legitimate religious or cultural symbols. For example, the Shahada is the Islamic declaration of faith but has been coopted by some terrorist organisations and used in flags.

The Bill empowers a police officer to direct a person to remove a symbol of a terrorist organisation from display, if the display occurs in a public place, at a non-government school or post-secondary education institution, or where the display occurs on private premises but is visible from one of those places. It will be an offence to fail to comply with this direction without a reasonable excuse, punishable by a fine of up to 10 penalty units. This will allow police to direct the removal of flags displayed in windows or on balconies, or murals or other displays on the exterior of a property that is in public view.

Victoria Police will also be able to seize with or without a warrant, property bearing the symbol of a terrorist organisation. This equips police with effective enforcement powers to appropriately respond to harm that may flow from the continuing public display of a terrorist organisation symbol.

Protecting religious assembly

Harmful behaviours that prevent or disrupt people from practicing their faith have no place in Victoria. In a multicultural and multi-faith society, the right of individuals and communities to safely and peacefully gather to practice their faith free from intimidation and harassment must be protected.

The Bill replaces the existing offence of disturbing religious worship in section 21 of the *Summary Offences Act 1966* with two separate, modernised offences prohibiting conduct that disturbs a religious assembly, and the assault of persons arriving at, attending or leaving a meeting of persons assembled for religious worship. These offences will also be updated to ensure the language, burden of proof and limitation period are modernised and apply the standard approach applicable to equivalent Victorian offences.

The first new offence will capture conduct that is intended to intimidate, menace or harass a person arriving at, attending or leaving a meeting of persons assembled for religious worship. The second new offence will capture conduct that is intended to hinder or obstruct a person from arriving at, attending or leaving a meeting of persons assembled for religious worship. Each of these offences will be punishable by a fine of up to 15 penalty units, or 3 months imprisonment.

These reforms respond directly to the government's commitment to introduce new laws to protect the right of people to gather and pray, free from fear, harassment and intimidation. They are an important step in strengthening religious worship protections and upholding the values of respect, inclusion and safety for all Victorians.

Improving community safety

The Bill improves community safety through amendments to the Control of Weapons Act and the Firearms Act. These amendments are aimed at deterring and detecting the unlawful carriage of weapons in public places, and criminalising the possession and distribution of information to make new kinds of weapons.

Police powers to stop and search people for weapons in public places

I turn first to the amendments that relate to police powers to stop and search people for weapons in public places.

The government acknowledges the community's ongoing concerns about knife crime. For over 15 years now, the Chief Commissioner of Police has had the power to declare certain public places or events to be 'designated areas'. In these designated areas, police can stop and search people for weapons, without a warrant and without suspicion. The point of this is to reduce the unlawful carriage of weapons in our community. If you can be stopped and searched at random, you are less likely to go around carrying a weapon. And if you choose to carry a weapon, you will be caught. This is an important tool that police have to keep our community safe and is as important as ever now.

This bill builds on enhancements made to the scheme earlier this year. It further improves these police powers to ensure that where an event is declared to be a designated area, the key transit points that people use to get to and leave those events may be included in the declaration. If police can stop and search people at the main bus stop or train station people are using, then it will decrease the chances of weapons getting into those events.

The amendments will also mean that instead of having to carry around and give out hard copy notices to everyone they stop and search in designated areas, police will be able to provide these notices electronically.

Lastly, the Bill will also amend the search provisions relating to children and persons with an intellectual impairment. At the moment, if a person in one of these groups is scanned with a metal detector 'wand' and it activates, police have to take that person back to a police station in order to progress to an outer search or strip search if it is not possible to secure the attendance of a parent, a guardian or an independent person to be present for the search in the designated area. This means more time in police custody than may be necessary for that person, and a drain on police resources. The Bill will allow outer body searches – but not strip searches – to proceed in the designated area for children 15 years and older, and for younger children and people with intellectual impairments where additional criteria have been met. In all cases, this will only happen where no parent, guardian or other independent person is available. The Bill will preserve safeguards to ensure that the outer search is conducted in the presence of another person (who may or may not be a police officer) other than the officer conducting the search.

Together, these amendments will contribute to community safety by streamlining and expanding the powers police have to get weapons off our streets.

Digital blueprint offences

I turn next to Victoria Police's capacity to regulate firearms.

The Firearms Act provides a robust scheme to regulate the acquisition, possession and manufacture of firearms. The Bill amends the Firearms Act to prohibit possession or distribution of a document that can be used to instruct a machine to manufacture a firearm, also known as a 'digital blueprint', unless the person has a reasonable excuse or has a firearms dealers' licence.

Existing offences prohibit the possession of parts or equipment for the purposes of manufacturing a firearm. However, a digital blueprint is more properly characterised as information, not equipment. Recognising this distinction, the Bill establishes technology-neutral information offences to regulate possession and distribution of a digital blueprint on the basis that it is a document that functions as an essential component in a computer-aided-manufacturing process.

We know that technology is rapidly advancing, and that there are many legitimate uses for digital models of firearms in fields like the arts, film and television, computer game development, education, engineering, and industrial and scientific research. The Bill does not prohibit the possession or distribution of digital models. It only prohibits documents that also contain digital instructions for manufacture.

Possession of a digital blueprint includes conduct such as reducing it to material form, or reproducing a design by conversion to a set of machine instructions. Distribution of a digital blueprint includes publishing the instructions, exhibiting, communicating, sending, supplying or transmitting the instructions to any other person and making the instructions available for any other person to access.

The Bill provides for a lawful means to possess or distribute a digital blueprint if done so with a reasonable excuse or under and in accordance with a firearms dealer's licence.

The Bill provides for a licensed firearms dealer to possess or distribute a digital blueprint but they must keep the document secure, and prevent the use of the document to manufacture a firearm in contravention of the Firearms Act.

The Bill includes appropriate exceptions so that innocent conduct is not impugned. In my view, a person who intentionally possesses a digital blueprint, other than as provided for by the Firearms Act, also intends to manufacture a firearm. In the same way, a person who intentionally distributes a digital blueprint, other than as provided for by the Firearms Act, clearly intends to be a person involved in the manufacture of a firearm. The risk to community safety presented by the intention and the capacity to manufacture a firearm justifies the indictable offences introduced in this Bill.

Effective and efficient policing

The Bill also includes reforms to enable Victoria Police to respond to crime and exercise their powers more efficiently and effectively. These reforms will amend the *Victoria Police Act 2013*, *Drugs, Poisons and Controlled Substances Act 1991, Confiscation Act 1997, Control of Weapons Act 1990, Sex Offenders*

Registration Act 2004 (SOR Act) and the *Summary Offences Act 1966*. In summary, the reforms provide carefully circumscribed police powers with appropriate safeguards to:

- enable police officers to transport persons in their custody, care or control into New South Wales or South Australia in specified circumstances
- enable the destruction of drug exhibits pre-trial
- allow consultation with victims of sexual offences in relation to administrative actions under the SOR Act, and
- expand the powers of Protective Services Officers to alleviate sworn officers and free them up to perform front line duties.

I will outline each of these proposals in turn.

Cross-border policing

The Bill will amend the Victoria Police Act to enable Victorian police officers who are lawfully transporting persons in their custody, care or control in Victoria for various reasons to continue the transport into or through NSW or SA in specific circumstances.

The first circumstance is to obtain medical care for the person when, for example, the closest suitable medical services are in New South Wales (NSW) or South Australia (SA). This prioritises timely provision of healthcare for persons being transported by police in border regions, such as in Wodonga, where the closest suitable service may be in Albury, as compared with travelling an hour back to Wangaratta.

The second circumstance is to reach another Victorian destination via a safer or more direct route. For example, the most direct route from Robinvale in Victoria to Mildura is through NSW. Empowering police to take this route means people spend less time in police custody. Further, it enables police to transit interstate where local roads may be dangerous or closed due to bushfire or flood risks.

The third circumstance is to carry out a specified statutory function. This includes placing a child in emergency care under the *Youth Justice Act 2024* or the *Children Youth and Families Act 2005*, when the most suitable emergency carer for the child (such as a close relative) is located in NSW or SA. This is particularly relevant in border communities when families may commonly be dispersed across State borders. It also empowers police to take persons interstate to receive specified mental health services under the *Mental Health and Wellbeing Act 2022*. As with general medical services, enabling police to take persons to the nearest service minimises time in police care for this vulnerable cohort. Finally, the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* authorises persons subject to supervision orders to be taken to 'designated mental health services' in specified circumstances. As Albury Wodonga Health (which has campuses in Albury) is so designated, the Bill confers a power on police to transport persons interstate for this purpose. Finally, there is a power to prescribe further circumstances permitting travel into NSW or SA.

Currently, Victorian police officers may be appointed as de facto police officers in NSW or SA under that State's legislation. When appointed this way, Victorian officers can use their powers under the receiving State's legislation to transport a person in that State in limited circumstances.

This approach to interstate policing has significant drawbacks. These include, for persons in custody, needing to rearrest the person under interstate law and then formally extradite them back to Victoria, thereby extending the time the person spends in police custody. In contrast, the Bill provides a clear framework to enable police to transport persons into or through NSW or SA in confined circumstances. This limits the time spent in police custody, care or control, allowing police to take the safest roads, and facilitating prompt access to medical care.

The Bill provides that Victoria Police officers retain the same powers, obligations, immunities and responsibilities as if they were in Victoria. Victoria Police officers will also be subject to the same oversights and controls, ensuring effective and responsible policing.

Enabling destruction of bulk drug and drug equipment exhibits

The Bill also includes amendments that streamline drug and drug-equipment destruction procedures while maintaining fair trial rights, including through a notification process so that an accused is given notice that seized drugs and equipment are to be destroyed and that the accused may seek an independent analysis of samples retained of the seized drugs, and the bill requires the taking and retention of sufficient samples where practicable for forensic evidence for the duration of any court proceedings or appeal periods. These reforms expand upon existing provisions enabling drugs and equipment to be destroyed without a court order on health and safety grounds.

The reform will significantly reduce the large stockpile of drug exhibits and drug related equipment. This will reduce health and safety risks, free up storage space, reduce resource burden on Victoria Police and reduce security concerns associated with these stockpiles.

Consultation with victims of sexual offences about matters under the Sex Offender Registration Act

The Bill amends the SOR Act to authorise the Chief Commissioner of Police to engage in trauma-informed consultation with victims of a registrable offender. For this purpose, the Bill will authorise the Chief Commissioner of Police in specified circumstances to disclose specified information about a registrable offender to a victim, their parent, or their representative. The confidentiality of that information is preserved, and significant offences apply to a person who publishes or who solicits that information for publication.

Authorising the Chief Commissioner of Police to engage in victim-led trauma-informed consultation will provide additional information to the Chief Commissioner in decision-making and limit the scope for a registrable offender to secure an outcome that would not otherwise have been available were police able to consult with and rely on the input of a victim. To achieve these outcomes, the Bill will authorise the Chief Commissioner of Police to make certain limited disclosures in relation to administrative actions proposed to be taken under the SOR Act such as applying for a registration order or registration exemption order, applications relating to the suspension of reporting obligations, and applications for an approval to apply for a change of name including when made in combination with an application for an acknowledgement of sex.

The amendments to the SOR Act include measures to preserve the confidential nature of any information disclosed. This includes new offences to prohibit the publication of information disclosed by the Chief Commissioner of Police, and to prohibit a person from soliciting that information from a victim for the purposes of publication. These offences are based on provisions in the Corrections Act 1986 designed to protect a person included in the Victim's Register.

Preserving the confidential nature of information disclosed by the Chief Commissioner of Police when engaged in trauma-informed victim-led consultation is consistent with the purposes of the SOR Act, the function of the Register as a tool to reduce the likelihood that a registrable offender will re-offend, and to facilitate the investigation and prosecution of any offences that a registrable offender may commit.

The Bill will align section 39 with 39A of the SOR Act so that, for an order to suspend a registrable offenders' reporting obligations, a registrable offender may apply to the court of the highest jurisdiction that imposed a sentence for the registrable offence at first instance. These amendments include an extended commencement period to provide time to update court rules and automated case management systems to assure strict procedural compliance for this cohort of application.

Expanding PSO powers to relieve frontline policing resources

The Bill expands Protective Services Officers' (PSOs) functions to perform hospital and crime scene guarding duties. This will free up police officers to carry out frontline policing where they are most needed.

Currently, if a person in police custody requires medical care, a police officer will usually take them to a hospital emergency department for treatment, and guard them while there. The Bill confers new, confined functions on PSOs to carry out this guarding function, as well as a function to protect persons at-risk persons, such as witnesses or victims, in medical settings when this is required.

The Bill also empowers on-duty PSOs, when directed by a police officer, to establish and guard crime scenes. Again, empowering PSOs to perform these functions will increase operational flexibility and allow police officers to be deployed to frontline duties.

Broader justice reforms

The Bill makes a number of minor but important amendments to update and clarify the law and support procedural improvements.

I turn now to the detail of these reforms in the Bill:

Operationalising recent unexplained wealth reforms in the *Confiscation Act 1997*

The *Confiscation Amendment (Unexplained Wealth) Act 2024* strengthened and improved Victoria's existing unexplained wealth laws by introducing a new unexplained wealth order to better target unlawfully acquired wealth. The new order disrupts serious and organised crime by providing a mechanism to target senior figures, who distance themselves from offending, and deprive them of their unlawfully acquired wealth.

The Bill makes technical amendments to the *Confiscation Act 1997* to enable law enforcement agencies to issue information notices to financial institutions to aid investigations under the new unexplained wealth pathway, and request documents required to enforce the new order. In addition, the amendments will ensure the Attorney-General can effectively deal with, and dispose of, property that is forfeited under the new order.

Remote attendance for compulsory procedure applications under the *Crimes Act 1958*

The *Crimes Act 1958* empowers the Magistrates' Court and Children's Court to make orders directing that suspects undergo forensic procedures for investigative purposes.

The Bill removes a requirement for suspects to be physically present in court, facilitating remote court attendance. The reform will promote efficiency and flexibility, supporting the functioning of our courts, while ensuring courts retain discretion to require physical attendance in appropriate matters.

Clarifying the duration of authorisations under the Crimes (Assumed identities) Act 2004

The Bill makes technical amendments to the *Crimes (Assumed identities) Act 2004* to clarify the duration of assumed identity authorities for Victoria Police employees.

The *Major Crime and Community Safety Legislation Amendment Act 2022* sought to extend the duration of assumed identity authorisations for Victoria Police employees from 3 months to 12 months, aligning with the timeframe to review assumed identity authorisations for law enforcement officers under the Assumed Identities Act. However, it has become clear that a further technical amendment is required to avoid any doubt about the validity of authorities issued to Victoria Police employees that purported to have a duration of more than 3 months. The Bill therefore clarifies that an authority to acquire and use an assumed identity, made in relation to a Victoria Police employee, may remain in effect for 12 months. To provide certainty regarding the validity of these authorities, the amendments will apply to authorities issued on or after 3 April 2023, when the 2022 reforms commenced.

Updating warrant application procedures under the *Surveillance Devices Act 1999*

The Bill updates and modernises the application procedures for surveillance device and retrieval warrants by removing the requirement that the application must be made in person. The current requirement that the application is made in person is dated and does not reflect advancements in court practices that have been able to improve efficiency in dealing with such matters. The Bill removes the concept of remote applications, enabling flexibility around how applications are made, which may include applications via electronic filing. In addition, the Bill expressly clarifies that a judge or magistrate may determine the application following an in-person hearing, a remote hearing, or on the basis of written submissions (commonly referred to as 'on the papers').

Display of things seized under certain search warrants

The Bill provides the Chief Commissioner of Police with the power to publicly display things seized during the execution of search warrants issued pursuant to the *Drugs, Poisons and Controlled Substances Act 1981* and the *Firearms Act 1996*. This is consistent with the power to display things seized under the *Crimes Act 1958*, and will enable things such as quantities of drugs and firearms, to be displayed openly in the media. This power will help deter offending and provide public reassurance of community safety by demonstrating the outcomes of police investigations into serious and organised crime.

Interpretation of Legislation Act 1984 amendments

The Bill will also make minor amendments to the *Interpretation of Legislation Act 1984* to address an ambiguity arising from the potential operation of an antiquated common law rule concerning the appointment of non-citizens to public office. The amendments address any uncertainty by putting beyond doubt that unless there is a specific statutory requirement, citizenship is not, of itself, a disqualifying factor for public appointment. Out of an abundance of caution, the amendments will also validate historical and current appointments and things done pursuant to those appointments, to remove any unnecessary uncertainty about the validity of these appointments.

The Bill will make additional minor and technical amendments to the *Interpretation of Legislation Act 1984* including bringing the delegation provisions in the Act in line with current practice and the Commonwealth, by providing that an instrument of delegation includes subsequently enacted powers.

New discretion for the CCP to shorten probation periods for some police officers

The Bill introduces amendments to the Victoria Police Act to provide that the Chief Commissioner of Police has the discretion to impose shorter periods of probation for police officers returning to Victoria Police and for those from law enforcement agencies in other jurisdictions.

Currently, re-appointees and appointees from other jurisdictions must serve the same probation period as new appointees, either one or two years regardless of their experience and service history. The operation of the probation period has some practical impacts, such as ineligibility for transfer or promotion, further probation after prior probation periods, and also because probation is form of employment insecurity.

Under the amendments, the Chief Commissioner could impose between three months to one or two years, depending on the re-appointment or appointment rank. In determining the appropriate probation period, the

Chief Commissioner may consider matters such as the person's former or equivalent rank, history and length of service, retraining needs, employment during absence and other relevant matters.

The amendments will remove a barrier for experienced police officers by recognising their prior service and career history when setting probation periods.

There are clear public benefits if police officers can utilise their policing skills in a variety of public and private sector roles. It is also beneficial for Victoria Police if people with a valuable breadth of experience and exposure to other employers return to Victoria Police or join from other law enforcement agencies.

Compliance with conditions to be considered when adjourning disciplinary charges against police officers

The Bill also makes a technical amendment to clarify that compliance or non-compliance with conditions attached to discipline proceedings for police officers should be considered in further hearings to resolve that matter.

Currently the Victoria Police Act provides that if a discipline charge is proved during an inquiry stage, the formal hearing of the charge can be adjourned on the condition that the officer be of good behaviour alongside any other conditions.

If at the hearing of the charge it is found that the officer has been of good behaviour, the charge can be dismissed. If not, the hearing must continue as if it had not been adjourned. There are not currently any direct consequences for compliance or non-compliance with the other conditions imposed.

This amendment therefore aims to ensure the Victoria Police discipline framework is operating effectively by ensuring compliance or non-compliance with conditions is considered during the disciplinary process.

Victoria Police Code of Conduct – improving consultation

Finally, the Bill inserts a new requirement in the Victoria Police Act for the Chief Commissioner of Police to consult with the Minister for Police, and consider the Minister's feedback, before issuing a Code of Conduct for police personnel.

A breach of the Code of Conduct by a police or protective services officer may constitute a breach of discipline under the Victoria Police Act. Such a breach could be grounds to reprimand, fine, dismiss, or reduce the rank or renumeration of the officer involved.

Given the scope for significant disciplinary outcomes arising from a breach of the Code of Conduct, this important amendment will allow the Minister to give feedback to the Chief Commissioner on the Code before it is issued. Given the importance of the Code, it is expected that future Ministers will respond to any request for consultation in a reasonable timeframe. The Chief Commissioner must consider, but is not bound to incorporate, any such feedback. This protects the independence and discretion of the Chief Commissioner of Police.

In summary, this Bill contains a suite of reforms across multiple Acts to crack down on dangerous and radical behaviour at protests and to protect the rights and safety of religious worshippers. It also increases community safety by improving the powers police have to stop and search people for weapons in public places, and by introducing new offences to address emerging technologies used in firearms manufacture. The Bill also introduces amendments to improve effective and efficient policing, freeing up our frontline police to do their jobs. The Bill does this by streamlining cross-border policing to make it faster and safer for police transporting people across State lines, giving PSOs the power to take on additional duties, and assisting police to manage bulk drug exhibits without affecting trial rights.

Finally, the Bill provides for a range of broader justice system reforms and technical amendments to be responsive to emerging issues, improve clarity of legal processes, and refine legal processes.

I commend the Bill to the house.

Cindy McLEISH (Eildon) (10:41): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (10:41): I move:

That debate be adjourned for four days.

James NEWBURY (Brighton) (10:41): The coalition will not be opposing the four-day turnaround on this bill, but we do want it noted that we are concerned. The government has gone slow when it

comes to fixing some of the biggest problems that we have seen in this state. They have gone slow on making changes that need to be made. When I look at what I presume is going to be in this bill I recall the face masks promise that the Premier made earlier this year, standing outside a synagogue that had been burnt down – a promise given to a community. What the government have announced in relation to face masks is a capitulation to the left of their party, a complete failure of leadership and a broken promise to the Jewish community. That you could make a promise outside a burnt synagogue and then go back on that promise says everything about character.

When it comes to the bill more broadly, obviously with bills we think that it is important that the community and experts have an opportunity to consider them in detail. That will not be the case with this bill. Obviously, we will not have an opportunity for the broader community to see it in the way that it should be seen, and experts will not have the time to consider it in the way that they should. We can understand why the government are rushing these changes through, changes that are clearly hot off the press in terms of the speed and sloppiness of drafting: because the government know that they are in a very deep hole when it comes to community safety and are now trying to rush through changes to get themselves out of a political mess. This is a not an actual fix that will solve the crime crisis, but it is to get out of the political mess that they see themselves in, and we can see that with the rushed legislation today.

Of course we will not be opposing the need for stronger laws in this state; in fact we have been calling for them. We have been moving private members bills in this chamber. We have been putting them to the government, who have been voting against them, across many, many matters. But we would say that we want it noted that we understand why the government is rushing legislation into the Parliament: so that the mistakes that will invariably be there will not be able to be picked up and neither, frankly, will the weakness in some of their legislation. A supposed mask ban was described by the police association as a 'pretty please' policy. Now police are going to be forced to go up to offenders and ask if they would not mind taking off their mask. If somehow it fits within the very thin parameter of reasons that a mask can be removed, police will be able to do that. The coalition will not be opposing the four-day turnaround, but we do want those concerns noted very, very strongly.

Cindy McLEISH (Eildon) (10:45): I want to endorse the comments that the Manager of Opposition Business just made, because the government is in a bit of a political hotspot with justice. They have made a number of announcements, and things need to be done, because our communities are suffering. But one of the things that do happen, although we understand and we are not opposing the four-day adjournment, is that it does not get the time for scrutiny that it should.

I am just actually having a quick flick to see the number of acts that this amends – quite significant – but also some areas that are questionable for me. Looking at the commencement dates, some of them are to commence after the bill receives royal assent; that is fairly normal. One of them – and this is the most interesting one – comes into operation:

> … on the day on which the motion for the second reading of the Bill for this Act is moved in the Legislative Assembly.

That is saying that some of these have come into operation now – right now – if I read that correctly: when the second reading of the bill for the act is moved in the Legislative Assembly. That is what has just happened, so section 59 – and I do not know what that is – has already apparently come into operation. These are the things that we do not get the time to scrutinise.

We do know that there is a serious crime issue, and the government have sat on their hands for too long and need to get things moving. Other parts of this are coming in in March 2026. So we have got a real mix of things here, and it is going to take us considerable time to go through it. But it is not just us; the stakeholders that are involved in this area have significant and serious concerns. I include also community members who have been calling out for so long for changes to be made, because the government, despite what it says, weakened bail laws substantially. They had to come back and have a crack and strengthen them a little bit, and then they had to have another go, and they are still not as

strong as they were previously. So we do know that the government is rushing a lot of these things. We are not going to stand in the way of this being debated next week, but there are a number of issues that I think are important for us to get on the record, because this is not normal process and protocol.

Motion agreed to and debate adjourned until Monday 17 November.

Planning Amendment (Better Decisions Made Faster) Bill 2025

Second reading

Debate resumed on motion of Sonya Kilkenny:

That this bill be now read a second time.

Richard RIORDAN (Polwarth) (10:48): I rise today to give the opposition's lead contribution on the Planning Amendment (Better Decisions Made Faster) Bill 2025. This should be a bill that the opposition could support, because we are in a housing crisis. We are in a desperate, desperate housing crisis here in Victoria and one the opposition absolutely contends is of this government's making. It is of this government's making because people, parents, families, developers and home builders are simply finding themselves unable to get up and provide the houses that we need here in Victoria in an affordable way. This government has prioritised many things in bringing this bill to the Parliament, none of which has been the affordability and the responsiveness of the minister for making better decisions more quickly.

This bill, sadly, has been rushed. In the contribution just before debate on this bill started, we heard about justice bills that this government is rushing through Parliament with minimal consultation and without talking to key stakeholders and making sure that the legislation is the best it can be. This bill in a sense is exactly the same. It was frightening, actually, to hear that the Municipal Association of Victoria (MAV), the Housing Industry Association, Master Builders Victoria, the Urban Development Institute of Australia – all key stakeholders in the solutions to a housing crisis, the key components of how we get homes built more quickly and affordably in Victoria – were all ignored. Can you believe that? Can you believe that a government who say they are serious about a housing crisis would ignore and not discuss, display or show their legislation, their solutions? What sense does it make that you would completely ignore these key stakeholders?

The opposition have no choice but to oppose this bill, not because we do not want more homes more quickly and more affordably in Victoria but because we believe that the key people that will drive those solutions at the end of the day – the minister in this house, this government and those representing the people of Victoria – are not the ones that actually build the houses. They are not the ones that prepare the land. They are not the ones that make things happen. They are supposed to facilitate it. This government has failed dramatically in facilitating the necessary consultation and the necessary engagement with the community, with the industry sectors and with the people that will be out with the shovels in their hands, the people out there that will actually deliver the homes that Victoria desperately needs.

Coinciding with the debate on this bill, we had the Council to Homeless Persons saying, for example, that Victoria now accounts for a third of the nation's homeless people. We have a record amount of homeless people in the country. We have a record amount here in the state, in the middle of our housing crisis. And this bill does not deliver the homes that those people will desperately need. This does not deliver the homes that people want in our inner suburbs, our outer-ring suburbs, our growth areas and regional Victoria. And why doesn't it? Because it fundamentally refuses to address the key stumbling block, and that is affordability. On one hand what this bill does do is say, 'We're going to speed things up and make things quicker,' but on the other hand one of the key blockers to getting things happening in this state is the planning minister herself.

The industry throughout Victoria knows her office to contain what they call the scary cupboard. The scary cupboard is filled with documents that look just like this, sitting there waiting for the minister to

say, 'Yes, Victoria. Thank you, development industry. Thank you, entrepreneurs. Thank you, builders. Thank you, local municipalities. Thank you for trying to provide more land and more opportunities for Victorians.' And they sit and they sit for months. They sit for years. In fact, some have been sitting for six and seven years in the minister's office. And the fact, quite simply, is that this bill achieves nothing when it does not put any obligations on the minister to make decisions quickly, in a timely manner, in the interests of the community. There is no impetus whatsoever in this for the minister to open her scary cupboard and let the progress commence in Victoria. That is what is holding it up. It is getting worse.

James Newbury interjected.

Richard RIORDAN: Member for Brighton, you are absolutely right. There is zero confidence in the community that that delivers it.

The other interesting thing that this bill does is it introduces a whole new area of uncertainty in planning in Victoria. I will touch on it in more detail later, but for the first time ever it affects nearly all planning – not only planning amendments but planning applications. We are talking about when mum-and-dad Victorians want to do a home improvement, make alterations at home or do something on their property where they need a planning permit. Let us face it, this is the way we keep order and understanding of how our communities grow and develop; we need planning permits. But we now have to consult with traditional owners on planning permits. Now the government in its brief bill briefing not only to the opposition but to all key stakeholders did not clearly identify in any functional way how that will affect the development. Unfortunately this is what the bill specifically says about applying or notifying traditional owners. I will read this because it is a really important part of the legislation. This one clause alone creates so much uncertainty. It says:

> if a traditional owner notice has been given to a registered Aboriginal party, a copy of the notice and any responses received from the registered Aboriginal party; and …

I have gone to the wrong clause. It is on the next page. The clause identifies that the non-response from the traditional owner group does not imply consent. For every other referral group, if they do not comply in a certain amount of time, consent is by default granted to a planning application. It is the responsibility of the referral authority to act in a responsible and prompt fashion. That is not on traditional owner applications, and so quite simply the uncertainty that this leaves is: what does it mean if during the process, after the time given for consent, there is a problem, a perceived problem or an understood problem that then is raised by the traditional owner group? Will this in fact derail, hold up and slow down even further the planning and development process here in the state of Victoria?

To overview this bill that has been put to the Parliament today: why has this bill come? This bill has come because we have a housing crisis. This bill has come because this government wants the community to believe that we have a housing crisis because we have backlogs in planning permits and planning applications. We have those backlogs because this government have endlessly blamed local communities, they have blamed local councils and they have blamed community groups that want to preserve, manage, look after and treasure their local heritage in the built form. Take the people in Blackburn: one of the most important elements of the community they live in is their tree canopy and tree cover. It is those issues. It is a wide range of issues that communities have had for time immemorial in wanting to preserve and maintain in order to keep the integrity and the specialness of the place that they call home. These are not unreasonable requests. It is not unreasonable that communities want to continue to have a say in how their communities develop. What this bill does is say that because we have a housing crisis, we are now going to remove in a drastic fashion the ability of councils to oversee their community's development and withdraw the rights of adjacent landowners to have any say over how their street, their neighbourhood and their community develop. All those things will be cast aside in order to allegedly speed up the process.

At the same time, when we understand that there is an affordability crisis, not a planning permit crisis, we are embedding increased extra costs into the planning process. Those increased costs, which we

have discussed earlier, are in the traditional owner notice and process, which already is a very, very costly and timely process in the planning amendment application stages and completely unregulated and completely at the whim of the various groups that are called upon to make judgements on the cultural heritage of an area – and now we are embedding it into the planning scheme. So Victorians that want to get ahead, Victorians that want to create homes and developments here in the state of Victoria, will be forced to engage in that process at every level of the planning permit and the planning amendment stage.

Another element that this government have brought in, as they have a strong habit of implementing new taxes, is the ability of referral agencies to start charging fees. Now, at first glance, that can make sense – cost recovery of agencies. But the great concern the opposition has is that this is code for 'We will cut funding to the CFA. We will cut funding to the catchment management authorities. We will cut funding to the water authorities. We will cut funding to local councils, and you will be able to recoup those lost funds by charging developers, mums and dads and others putting in planning permits more money to put those processes through.' There is no capping of the fees. There are no outlines of what those fees and charges could be. It just enables all referral authorities to recoup funds from every single planning amendment and planning application. When we are talking about how we get the cost of homes down, how we make homes more affordable for everyday Victorians, we have a piece of legislation here that is taking communities' rights away while at the same time embedding extra costs into the planning process.

Another element that has struck me as very unusual in preparing for today's bill is that I have never received so much correspondence from key stakeholders, keeping in mind that this government presented this bill to Parliament in its first reading on the eve of the Melbourne Cup long weekend and essentially gave all key stakeholders literally four working days to process something that is essentially a 700-page state-changing piece of legislation. It has wide impact and massive implications, and yet we have four working days to process this and understand what it means. In doing that, the opposition was given very little time, and as a consequence multiple municipalities which have had the chance to have a meeting have sent requests to the opposition to do whatever we can to adjourn and stall this legislation until such time as those most affected – and ultimately they are members of the Victorian community, their representatives and the people that work with them – have time to fully assess and thrash out the implications of what this means for Victoria in terms of our suburbs, what it means for our small country towns and what it means for growth and development opportunities going forward at an industrial and commercial level as well.

To summarise, the various groups that have given submissions to the opposition are all greatly concerned about the loss of community input. They are really concerned that, as we get to the detail, this bill essentially takes from the Parliament its ability to overturn planning amendments. At first thrust some people might not always have sympathy for the Parliament about the powers that it does or does not have. But this power affects everyday Victorians because a government, until this bill came to the Parliament, always knew that ultimately its decision-making on planning amendments had to be rational, had to be sensible and had to fit with community expectations. It is taking away the Parliament's ability to overturn bad planning decisions, and in order to do that, you have got to get multiple members of Parliament onside. It is not an easy task. It has only occurred five times in the last 10 or 12 years, so it is not a power that the Parliament uses frivolously or without good reason. It requires a united belief within a chamber to make that happen. This bill will take that away from the Parliament.

What that means is a planning minister can make decisions without any regard to what the community might think about it. Some of those decisions have involved really inappropriate housing and commercial developments that will just have a really negative impact on communities – that is why it has happened. Governments do make mistakes in this area, and this bill seeks to ensure that this government, which has a track record on bad decision-making, will in fact have carte blanche on making those types of changes.

The reduction of power to local governments is another huge concern. Communities and local councils often fly and get elected and councillors come and go over issues around planning. Why is that – because planning is at the heart of the vibe, the spirit of various communities. Across Melbourne and across Victoria we have 79 local council areas. As a member of Parliament you get the opportunity to travel around many of these municipalities over time, and every single one of them is a different community. It has different aspirations and requirements, and it has allowed its community to evolve and develop over time. It actually makes no sense for the state government to essentially be at war with local councils and to blame local councils for the housing dilemmas that we have here in the state. When you look at the municipalities here in Victoria – and the MAV will back this up – we have literally tens of thousands of planning permits already issued in Victoria that have not gone ahead. They have been stalled and held up first and foremost because of the affordability issue I touched on earlier but also from other requirements that this government has put on them, not the fact that the councils have not issued the permits.

The most damning example of where planning has been put in place and a government has failed to make it happen is of course Fishermans Bend. We have the situation where some 12 years ago now, as a Parliament, we put in place the planning regime to see 80,000 homes built, and this government after 12 years have not even got close; 6000 homes out of 80,000 is all they have managed to facilitate in 12 years. That is not a planning problem, that is a government-lack-of-will problem. That is a government that cannot prioritise its infrastructure program. That is a government that is refusing to look at the real issues and get on and work with the local councils, the City of Melbourne in this case, and the development sector, who could actually get the homes there. Once again, it is the people outside this chamber that hold the shovels and the spades and drive the excavators that build the homes, and we have to work with them.

One of the things that will hit the average Victorian hardest in this is the fact that you will be able to have a three- or four-storey apartment building built next door to you without notice. The irony of this notice and participation and ability of community to have a say in what gets built in their street, in their suburb and in their community is that this government is fast-tracking as of right deemed-to-comply planning provisions. That will mean that the old argy-bargy that might have been a nuisance to someone building a new home – such as making sure bedroom and bathroom windows do not line up across the fence or people do not shade their solar panels or privacy is maintained to the best ability – will no longer exist. That right that people once had will no longer exist in Victoria. You have got to ask why that is being removed. Where is the evidence that that level of over-fence negotiation was so damaging in Victoria that it prevented people from getting houses built and homes built? It just simply has not. The problem with that is that communities will wake up one day – they will not know about it – and according to this planning legislation the weird twist in it is you do not have to tell your neighbour that you are building a four-storey apartment building, but you will have to notify traditional owners that you are, and of course there are not going to be similar concerns and considerations.

The other element in the notification of traditional owner groups on developments and every single planning permit that is happening in the state is the fundamental problem that there is nothing in this bill that prevents political activism or incredibly subjective decision-making on what involvement those groups can have. The many, many traditional owner groups that have been set up and structured around the state will all come to the planning process with a different perspective and a different view and a different understanding. That adds to the huge uncertainty, and it is uncertainty and lack of trust in the system that is killing housing affordability and housing production in the state of Victoria.

One of the minor concerns – but it speaks to where the government's head and mindset is on the housing crisis here in Victoria – is around the objectives at the start of this bill. What concerns a lot of people is that there is a list of I think nearly 10 objectives at the start of the bill. When you are in a housing crisis, when you are trying to get more homes built, you would think a responsible government would prioritise affordability as the most important element. When you go through this, the government has gone to great effort to make sure that political considerations around climate change

are adhered to – priority two. Priority three is around the notifications of traditional owner groups to preserve cultural heritage elements in the community. These things are nice to have, and I think, as a responsible community, we can always work with and have our mind to those principles. But first and foremost, when we have the nation's largest number of homeless people, when we have the nation's longest waiting lists for housing, when we have a situation where we have tens of thousands of planning permits issued and no-one prepared to go ahead and build, then we must prioritise and have as a key objective the affordability of housing here in Victoria.

Another really big issue, and this is one that once again speaks to the confidence of the development industry, is that at the end of the day we are not going to have homes in Victoria. We are not going to have the new suburbs for people to live in unless we have got the confidence and support of the building and development industry.

This bill has another little nasty hit in it. We talked earlier about the referral fees being a potential new tax in this bill. The other big tax grab in this bill is the treatment of growth areas infrastructure contribution (GAIC) and development funds. In briefings from the department the government made it really clear that this bill will enable them to use development contributions. Of the cost that has been added to a parcel of new land released in a new suburb – a $300,000 or $400,000 block of land – a portion is in fact a tax that goes to the government. That money is taken from the developer, and it is supposed to be used for the infrastructure and needs of that new growing community. It is the funding that is supposed to build the freeway access. It is the funding that is supposed to provide the open spaces. It is the funding that is supposed to help create and set up new suburbs for Victorians to live in. The problem is that for a long time that money has been going to Spring Street, coming here to town, and it has been sat on. Then we have seen, progressively, ministers coming out in hard hats and fluoro vests and gifting the money back to that community at some point in the future.

There has been a huge lag from the time the money is taken to when it is given back to the community, and right across Melbourne's growth areas in the west, the north and the south-east we have seen communities begging to have basic road upgrades and basic overpasses built – all sorts of basic infrastructure where people have bought into communities expecting it to be done in a timely fashion. That money now can be diverted anywhere a minister wants to put it. The minister merely has to draw a nexus between the benefit that community might have and that spend. The cynicism of the development community and certainly the wariness of this opposition is, quite simply, that this is just another opportunity for this government to divert funds, just like they did with the emergency services tax, where they tried to convince Victorians that they are taking all this extra tax money from Victorians because they are going to improve our emergency services, yet they are not. They are committing very little of the extra tax take to our volunteer emergency services. They are in fact paying for ongoing responsibilities of government, and that is the great concern with this legalising and legislating that a minister can make these decisions.

What is stopping this government from, for example, drawing the line that people in the far west, out in Melton and Tarneit and growth areas out in Wyndham, when they drive into the CBD have got to go through the West Gate Tunnel to access the city. Is that a nexus? That is my question. That is the question the opposition has. Is that enough of a nexus that we can take funds designed to make life better for people in the western suburbs, take that money and invest it in vanity projects of this government and vanity projects that we know all too well are over budget, over time and costing Victorians a lot of money? That is a great concern to the industry and certainly a key reason why we need to have a parliamentary inquiry into this bill to get on the record and ensure that the money stays with the communities that have paid for it, because what every home owner in our growth areas needs to remember is that those GAIC funds, those development contributions, they as residents have paid for. They have paid for it in the past in the block of land that they have bought, and they deserve to have that money spent for them.

Restrictive covenants, in the few minutes left, are just another element. Restrictive covenants are a property right. People buy into streets. They buy into communities with an understanding that what

they have bought stays there and is to their benefit. This bill essentially turns that around, and the removal of restrictive covenants is much, much easier. In fact those that benefit from a restrictive covenant are now left to argue why they should continue to have it, rather than the old way, which was that if you want it removed, you had to argue why it should be removed. There is no doubt that restrictive covenants often are very old, no longer relevant and a thorn in the side of good planning and good development. The opposition does not oppose improving the way we deal with restrictive covenants, but to reverse the onus of responsibility on it without consultation, without thinking it through, could have disastrous long-term effects and will actually strip, without compensation, many home owners of rights, having bought into an estate, that they believe that they have on their property, and they will essentially lose that.

The overall assessment of this bill by all the key stakeholders is universal: that there is too much information not made available to the industry, too much detail denied local councils' input, and it is very much the view of the state opposition that the solution for our housing crisis, the way forward in making Victoria better and more affordable for everybody, is having to work as a team. We have to work with our local councils. We have to work with the development industry. This bill highlights the fact that the Allan Labor government does not get it. It is not interested in working with its partners. It is not interested in working with the people that will make the real difference and getting the good solutions. It is disappointing to think that we have got to this point that this bill has been rushed through and, without proper oversight by the Parliament, risks putting the future development of Victoria in huge danger.

We absolutely need the government to think, and we will be doing what we can with our colleagues across the Parliament. We need to make sure that the Parliament preserves its authority over planning. We need to ensure that there is clear transparency on money raised in planning and development and that it stays in the communities that it is designed for. We need to make sure that communities, streets and neighbours still have some say over how their communities develop. There is great sympathy for making simple planning permits more transparent and easier to progress, but we cannot have a situation where whole neighbourhoods – the essential elements, the vibe, the nature of communities and neighbourhoods – can be transformed forever and those living in those communities do not get a say. This bill has been rushed. This bill has not had the consultation that it requires. This bill is not fit for purpose here in Victoria, and the opposition will stand firm on opposing this bill until such time as there is greater consultation with the key stakeholders and we can bring a bill that genuinely helps make homes more affordable and brings them to market in a more speedy way.

Matt FREGON (Ashwood) (11:18): I rise to make a contribution on the Planning Amendment (Better Decisions Made Faster) Bill 2025. Whilst the member for Polwarth and I may agree to disagree on many aspects of his contribution, I think something that we can agree on is that we need as a country, not just as a state, to try and address housing affordability. As I have said in this place before, a lot of the levers in our housing affordability issues as a country – and it is not just our country either; affordability of equity is almost a global, if not a Western world issue. It is a slight diversion, but I read earlier that America is going to start quantitative easing again, although they are not calling it that this time. They are calling it something else, which again means all of our assets are getting less expensive because our world dollar is measured in the US. So that is going to be great for us; the last bout did not necessarily help our country. As a general rule the problem is affordability.

Coming to the bill and what we can do as a Victorian government, the one thing that we can do which will assist with affordability is supply. Obviously this is a place of debate, and members will stand up and argue whether they think this bill does help that: does it help it in the right way or the wrong way? What we have seen over the last 12 months especially, but growing over the last number of years, is an increasing debate from many contributors about the need for supply. We have had conversations, we have had a housing strategy, we have had the Plan Victoria work and we have got the work going on with activity centres and the extensive consultation that is going around that, and I appreciate that

not everybody agrees with everything that is being done. But again, if there are sensible ways that we can address planning permits being achieved quicker, that will assist, presumably, with costs.

I note the member for Narracan is over there. He is a builder; I am sure he will have a contribution on this, which I will listen to later. I would expect that if a builder is sitting there waiting for a permit for a very long time – presumably they have made a quote, with our situation where we have fixed price quotes for builders – and if those permits drag on and drag on and drag on in a world where inflation is a thing, then it gets harder to quote for those jobs. Having a quicker turnaround, especially if we think about tranche 1 or the first range of assessments – we are talking about single dwellings or two-storey townhouses. If you look at streets around my way, you have still got this transition between the old 1960s blond brick single house – well, the price of our land these days. Yes, we talk about the price of building and we talk about red tape, which we are trying to address here, but the price of the land is such that, when most people sell, the next thing that will happen is either someone is going to invest a lot into a very big house – McMansions are not universally popular, but some people love them, and good on them; they are their homes and they love them – or that block will get turned into two townhouses.

In my street, of the houses that have sold in probably the last 15 years that we have been there, I reckon at least half have been made into dual two-storey townhouses. Personally, I do not see a huge reason why someone who lives eight streets away or 10 blocks away or a suburb away – they can make an objection, but should they be able to necessarily take that to VCAT if that is essentially matching everything else that has been done on the street? I completely agree with the bill, which allows neighbours and those who are adjacent – I know the member for Polwarth said people adjacent do not have rights. Well, adjacent means 'next to', so that is not correct. Those people, yes, should be able to go to VCAT if they have issues, especially for larger buildings. But if something is deemed to comply and is relatively the same as everything else and ticks all the boxes, then a quick turnaround is a good thing. That is going to help with supply, and over time that will help with affordability and what we can do.

We are not going to solve, in this room, wages compared to the price of equity overall – there are a lot of federal levers there – but we can address the planning decisions. The objective of this bill is to significantly reduce the time, cost and complexity of making those planning decisions by making the planning scheme amendments that we need to support Victoria's projected population growth.

Thinking about some of the processes that have gone on in the last seven years around my patch, previous to the government's train and tram activity centre zones process that is going on at the moment, I commend the minister for going through this work. The Department of Transport and Planning are doing an amount of work in consultation. I have got people in my patch who are not 100 per cent happy with consultation – they do not think it is quite enough, and fair enough – but compared to some of the other work that has been done in the past, I have not seen this much consultation in these sorts of things before.

I go back to the activity centre at the Hamilton Place shops in Mount Waverley, which has been on the activity centre list since I think about 2010, so it was probably the previous government or the government before that. I am not having a go at Monash, but Monash sat on this area as an activity centre they needed to rezone for eight or nine years before they started. About five or six years ago, they started going through the process of rezoning that area. Hamilton Place shops are mostly single or double storey, right next to the Mount Waverley train station, and they went through a process to rezone the height limits for that, and that was not universally popular, obviously. It is worth mentioning with something like that, or activity centres, the process with independent panels still remains in Monash under this bill. Essentially, there was a lot of concern from people – and I take the point of the member for Polwarth about there being a lot of, 'We don't know, we don't know, we don't know.' Well, okay, none of us know exactly what our state is going to look like in 25 years, but we should be able to at least think about how we cater for a projected population, and we need more housing. In the end, Monash went through that process in a very similar way to what is happening now with activity

centres, except they probably had less consultation than this government is doing with the activity centre. There are changes to planning schemes in regard to reducing time for obtaining permits by establishing the three approval pathways, and I touched on that before.

I also would note – just because I am running out of time – that I was doorknocking in my area around the activity centre of Ashburton last week just to, as we do, go and talk to our constituents and get a feel for their thoughts. I will say that the activity centre area, because I was in that area, came up a couple of times, and people are generally supportive because they understand that the next generation needs to be able to afford a roof over their head. The changes in this bill are about providing better decisions in a more timely fashion to provide an ability for those building houses, because government is not building them themselves, to do so in a more efficient manner. I commend the bill to the house.

Peter WALSH (Murray Plains) (11:28): I rise to speak on the Planning Amendment (Better Decisions Made Faster) Bill 2025. The member for Ashwood hit the nail on the head when he talked about affordability of houses, but he obviously has not actually read this legislation, because if I go through clause 1 – there are a whole heap of dot points there – not once does it actually mention affordability as a prerequisite. The second dot point is:

> to provide for traditional owners to be notified of, and then participate in, strategic planning and planning permit applications processes …

So it has actually set up two classes of citizens in Victoria, and I will talk about that more as I go through the bill. The bill actually prioritises traditional owner concerns over the affordability of housing in planning decisions. The member for Ashwood is right about affordability. But this bill actually does not address it at all, member for Ashwood, so I ask you to go away and read that bill.

If you talk about the affordability of houses, the first thing the state government can do is stop taxing them. As the Housing Industry Association has said, more than 40 per cent of a house and land package is actually state government charges. So if the government want to make houses more affordable, stop taxing mums and dads that are trying to buy their first house, because it is their taxes and charges that are actually driving up –

A member interjected.

Peter WALSH: The planning process, yes, has been tortuous for a lot of people. I am not sure this actually solves all those issues. But stop taxing house and land packages as you do with all the taxes that are there. We often talk about the more than 60 new taxes and charges this government has introduced. At one stage nearly half of those were on land and on houses. It is you taxing the houses that is actually making the price –

The ACTING SPEAKER (Daniela De Martino): Through the Chair.

Peter WALSH: Through the Chair, Acting Speaker, it is the government taxing houses and land that is driving up the price for Victorians. That is what is making it unaffordable. So for those things, do something about that.

But on this particular bill, Master Builders Australia and the Urban Development Institute of Australia have a number of concerns with this bill around the expansion of ministerial powers, the erosion of local and parliamentary checks and balances, unclear and subjective regulatory frameworks, weakened public participation rights and uncertainty in the implementation and governance mechanism, and I think they are the concerns that we have, which is why we are opposing this bill. We do not believe it is amendable to actually make it better; it is so bad you cannot make it better.

All the submissions that were received by the opposition were concerned about the concentration of powers in the minister as the single biggest concern. It grants the minister wide discretion over planning amendments, including the ability to prepare and vary local planning schemes. In my electorate, in Echuca and Swan Hill, in Kerang, in Cohuna, in Kyabram, in the regional towns and cities, we do not want the minister overriding what the locals want. That is what is going to happen

with this particular bill. Why would we want the minister overriding the work that a local council has done around the views of their community around development? This is just the centralisation of power. The Chinese government, the politburo – we effectively have a politburo here in Victoria running this state. I think Chairman Dan probably made one too many trips to China with how he has actually set up the functioning of this government.

This legislation repeals section 38, which currently allows Parliament to revoke a planning scheme amendment. It is seen as particularly undemocratic. Not 'seen' – it is undemocratic. It is absolutely undemocratic. I go back to my point about the politburo here in Victoria. The removal eliminates the final parliamentary safeguard against improper or controversial amendments. The Parliament of Victoria is being excluded, effectively, from any processes in this particular bill, and that is fundamentally wrong. As a legislator, I could not disagree with the fact that those powers are being taken away more strongly. It just lacks the checks and balances and gives unfettered ministerial power as we go through. The minister's ability to approve an estate planning scheme without public or parliamentary consultation – again, it takes away the Parliament. Look at the way the circle of Parliament works: the Parliament is there to oversee the executive government, to make sure they do not get out of control. This sets up the ability for the minister to do whatever the minister particularly wants with no oversight by the Parliament. If you were cynical enough, you would say it is open to political manipulation. I know the Labor Party would never, ever use political manipulation here in Victoria – the tongue is in my cheek when I say that, because they do it all the time. This is about how the government can control what goes on in Victoria. As has been said by a number of the people that made submissions to this legislation, it opens it up for potential corruption. We have seen issues of corruption around land development previously in this state, and this does not solve that; it actually opens it up for it to happen more into the future.

The bill also diminishes the role of local councils and independent planning panels. Again I go back to: why should the councils in my electorate, who do the work to develop their communities in line with the community's expectations, all of a sudden have a minister that has a different view on what should happen in that community override that? It talks about the three tiers of decision-making – low impact, medium impact and high impact – and the fact that if you are in low impact you are not going to get told what is going on, as the shadow minister said. Impact is in the eye of the beholder. You might not think it is an impact; I might think it is an impact. But now the minister decides that without the community having any say in that. Yes, a minister or her bureaucrats in an ivory tower in Melbourne might decide that something in Cohuna is not an impact, but the Cohuna community might think that is a real impact and they would like to know what is going on, or the neighbour to it might think it is an impact to them when no-one else does and they would like to know what is going on. There is no public notice for low-impact amendments. That is wrong. That is not democracy. That is dictatorship, as I talked about before.

Medium-impact amendments only require a notice via limited online or newspaper publication. How often do we hear someone say, 'Well, it's on the website. You should have known.' How many websites do people have to monitor to know what is going on? And when you just tell someone that it is on the website, it is not always that easy to find. It is buried away and you have to go through multiple links to actually find it. That is not a way that people should actually be notified in the future. In the high-impact amendments it says 'may', not 'must'; it says 'may allow public submissions, but with restricted hearing rights'. Again, we are stripping away the rights of Victorians around planning decisions around their own neighbourhoods. To go back to the movie, a person's house is their castle; they should have some rights over it. They should not have their rights stripped away by a Labor government that just wants to dictate what happens to Victoria.

When you talk about the traditional owner notification, there is the issue that there is no timeframe on the traditional owners for responding. I know from the personal experience of my constituents that when they have to apply for a cultural heritage study, it takes months or years to even get a response to a phone call. Why isn't there a requirement on traditional owners, the same as any other referral

authority? It should be the same for everyone. Again, we are setting up two classes of citizens here in Victoria.

The thing I want to finish off on is something that the shadow minister raised: this issue about referral authorities being able to charge for work to be done. We are seeing the government being very good at letting all the government instrumentalities and non-government instrumentalities have the ability to charge Victorians. Yes, we have got 60 new taxes and charges from the government, but we are getting all these additional charges from non-government or government authorities which are additional taxes as well. We see that with all the charges here in Melbourne around the water authorities and all the things that happen there. But we do not want to see another taxing regime set up here in Victoria to charge to do work that they are supposed to do anyhow.

As I said, this bill cannot be amended to make it better, and we will be opposing it. It does not solve the issue. The key issue to affordability of housing is for the government to get their hand out of new home buyers' pockets and stop taxing them more than 40 per cent of a house and land package here in Victoria. That is just, in the old terminology, highway robbery, because you are making houses unaffordable for people here in Victoria.

Eden FOSTER (Mulgrave) (11:37): I am extremely happy to make a contribution regarding the Planning Amendment (Better Decisions Made Faster) Bill 2025. This bill amends the Planning and Environment Act 1987 to deliver wideranging reforms to Victoria's planning system. It modernises our planning framework and efficiency and delivers faster decisions in our housing challenges. At its heart, this bill supports the government's commitment to tackling Victoria's housing challenge head-on. Consistent with the housing statement and *Plan for Victoria*, it provides the policy levers needed to increase housing and land supply, open up redevelopment opportunities and streamline the delivery of the homes, services and infrastructure our growing population requires.

Our current planning system has been unable to keep pace with the growing needs of our state. It takes, on average, more than 433 business days – over two years – for a planning scheme amendment to move from authorisation to approval. Many take longer, delaying projects, stifling investment and leaving communities waiting. When it comes to planning permits, the story is similar. Although the statutory timeframe for a decision is 60 days, the average processing time is 140 days, and applications that attract objections take more than 300 days. The cost of these delays is enormous. The opportunity cost of decisions taking longer than the statutory timeframe is estimated at over $1 billion every year. That represents lost homes, lost jobs and lost investment. Victoria needs a planning system that is efficient, transparent and proportionate to the risk and complexity of each proposal. This bill delivers exactly that. Let us be clear about what this represents. This is people who own land and have the legal right to build on their land within the existing zoning and health and safety frameworks, and yet we have a system that all but takes away the right for that to occur by delaying such work.

This bill amends part 3 of the Planning and Environment Act 1987 to introduce three new pathways for planning scheme amendments – low impact, medium impact and high impact – tailored to the complexity and potential impact of each amendment. This structured approach will shorten timeframes, cut red tape and give proponents and the community greater certainty about the process that applies. For low-impact amendments, consultation will be targeted to directly affected landowners and occupiers, as well as prescribed authorities, including traditional owners. For medium-impact amendments, there will be notification to prescribed authorities and public exhibition, but no independent panel review. Instead, the planning authority will report to the minister after considering submissions and any supplementary consultation. For high-impact amendments, independent reviews by a planning panel will continue, but with more flexible arrangements. Panel hearings will focus on inquiry and investigation rather than adversarial disputes. Members will have discretion to decide how best to engage submitters, ensuring panels remain forums for informed discussion, not legal contest.

The bill also reforms the authorisation process for planning scheme amendments. Under current arrangements there is no structured process when further review is required, leading to significant

delay. The bill introduces clear decision-making criteria, defined timeframes and the ability for the minister to request further information or a revised proposal. It responds directly to recommendations from the Independent Broad-based Anti-corruption Commission's Operation Sandon inquiry, requiring the minister to consider specific decision-making criteria and be satisfied that any proposed amendment aligns with state and regional plans.

The bill also enhances transparency by requiring both amendment proponents and submitters to declare financial interests, including gifts and donations. This reform helps safeguard integrity and restore public confidence in the planning process. For local councils the bill provides greater structure for initiating amendments, including the power to request further information from proponents and recover reasonable costs once an amendment advances the proponent's interests. This will help address resourcing pressures that often cause delays. Public consultation will also be modernised. Instead of relying on newspaper notices like back in the day, planning authorities will prepare public engagement plans outlining how they will notify and consult the community using digital and contemporary methods better suited to today's information environment.

Another vital element of this bill is the reform of the planning permit process. As with planning scheme amendments, the bill introduces three assessment types for permit applications tailored to the complexity and risk of each proposal. Assessment type 1 will apply to simple, low-risk proposals clearly envisaged by the planning scheme. It replaces the current VicSmart process and introduces a deemed approval mechanism. If a responsible authority fails to decide within the prescribed period, the permit will be deemed approved. Given that VicSmart applications currently take on average 29 days – nearly triple the intended 10 – this will deliver immediate improvements. Assessment type 2 will apply to proposals that comply or substantially comply with specified codes, such as those being developed for townhouses and low-rise developments. These will generally not require public notice unless prescribed by the code and will have a 30-day decision timeframe. This code-based model, used successfully in other states, will reduce delays and provide clarity for applicants and councils alike. Assessment type 3 mirrors the existing full permit process, including public notice and referrals where required. It will continue to apply to more complex proposals presenting a high risk of impact on surrounding landowners for the environment.

This government is ending the delays of the planning system and getting homes built – it is that simple. We should not have incredibly modest developments go through the kinds of bureaucratic nightmares that occur under the current framework, and every man and their dog or woman and their dog should not have the right to halt construction of structures as simple as townhouses from being built on land on which they are legally allowed to be built. This structure, which allows for greater feedback for developments that have a proportionally larger impact, is a sensible change that makes sure we are not wasting time on incredibly simple developments.

I have heard those opposite, and I would like to touch on the approach of those opposite. The coalition have made it clear that they do not support this bill – I am not surprised – and I dare say they have made it clear that they are against the right of a landowner to build sensible and lawful homes on their own land. Those opposite believe in the right of the person who lives 30 minutes away and does not like the look of townhouses further down the road or in another suburb to get a say in whether something is built, whether more houses are provided. They talk about housing affordability and how this does not deal with that. Well, if I go back to my year 11 economics class, I think economics 101 says supply and demand – the more supply, the cheaper the homes. If we go back to year 11 economics, the more we build, the less red tape we have with building these new homes, and we bring down those prices. That is why it makes sense to pass this bill. I am not surprised, though, that those opposite oppose this.

We are restoring the balance. We are making sure that we are building more homes. We are acting on this. We are doing what is needed for Victorians. I am looking forward to building more homes in the electorate of Mulgrave, because I know that people want to live there. I am excited about this bill, and

I am excited to see us providing more homes for more people. Ultimately, the more we build, the more prices will come down. I commend this bill to the house.

Wayne FARNHAM (Narracan) (11:47): I am pleased to rise today on the Planning Amendment (Better Decisions Made Faster) Bill 2025. It was very interesting listening to the member for Mulgrave. I did not study economics at school. As I have said, I did not go past year 11. I was not that good at school. But there is one thing I have done more than anyone in this chamber, and that is live in the real world and have real-world experience when it comes to planning and building. None of those opposite have had that experience. None of those opposite actually know much about planning and building at all. What they do is they take the minister's notes, stand up here and spruik the minister's notes with no real-world experience. That is what this chamber lacks.

Members interjecting.

Wayne FARNHAM: I am listening to schoolteachers sledge me, for goodness sake. What amazes me about this bill – and there are a few things I am going to touch on here, and the reason we oppose it has been touched on before – is we cannot amend this bill. There is too much wrong with it, and that is a problem. But part of the problem I have with the minister that has put this bill forward is the hypocrisy of the minister. We are talking about a minister that wants to bring in a planning amendment bill to get subdivisions done – all those types of things. This is the same minister that blocked a 400-lot subdivision in Cape Paterson against every planning recommendation that said it should go forward. This is the same minister that blocked that. You talked about supply. This minister herself blocked that. Then at the Public Accounts and Estimates Committee she was asked: did you give a statement of reason for this development? She said, 'Yes, I think I did.' Do you know what the reality was? I went back to the council meeting when the minister blocked that. The council officer was asked whether the minister had given a statement of reason. What did the council officer say? Have one guess. No, the minister did not supply a statement of reason for blocking that development in Cape Paterson. This is also the same minister that blocked a three-storey development in her electorate. Then we have the Minister for Local Government, the member for Bentleigh, who ran his whole 2014 campaign to get elected to Parliament on, guess what, blocking development in his electorate.

That is the hypocrisy of this government. Now they have turned around and they have brought in this bill to say, 'We're the saviours, unless it's in our patch, or if it's in a patch where we only hold that seat by 200 votes, we'd better not do it.' That will come down to the minister's decision. This bill reeks of hypocrisy to me – it actually does. But the fact of the matter is that with the implementation of this bill we are fast becoming a democratic dictatorship, because the government is taking away the rights of people to have an opinion and to have input.

Having been in this space my whole life, I understand the frustration from a developer's point of view. I totally get it. I do not think somebody should object to a development if they live 30 minutes away. The member for Mulgrave made an assumption. I actually do not think they have a right to object. If you are in a completely different suburb and it does not affect you directly, you should not have that right to object – no way. I agree with that. I reckon it is a load of rubbish. But if you live next door, if you live across the road or even if you live 100 metres down the street, you should have a right to have input into that development.

Part of the problem we have with this is the fact that, when we come to culturally sensitive areas, it has to go to the traditional owners to have their input into that. The neighbour 100 metres down the road does not have that right, but they do. I looked at a map of my area, particularly Warragul and Drouin, the two highest growth areas. I looked at the culturally sensitive areas. There are big swathes of culturally sensitive areas in my electorate, but the houses have been sitting there for 40 years. I would say that at this point in time, with a home that has been excavated, has been built and has been landscaped, any cultural sensitivity was gone decades ago. That person that now owns that home and owns that property – and this comes back to the rights of people wanting to do things on their own

property – has to go to the corporation to get approval. Do not worry about what tier it is or what stream it is; they have to do that. It is in the legislation, and there is no time limit on that – none at all.

We talk about affordability and we talk about supply, but that one thing in this bill will block that. When it gets to the minister's desk there is no time limit on when the minister has to do that. We were told it would be fixed in regulation, but I am sorry, we get told a lot by government that it will be fixed in regulation, but it is always the cart before the horse. We have got to trust the minister that that is going to happen. I am sorry, but with the hypocrisy of this minister, I do not trust her to do that. If that is going to be the case, put it in the bill, because that is the way it should operate. If that is what is going to happen, put it in the bill.

One of the major problems with this bill is not only that we are taking away the rights of councils but also that we are taking away the rights of community, especially in regional Victoria. It affects us a lot because we are different to metro. I sat in the bill briefing and I asked what having the ability to reallocate funds from the growth areas infrastructure contribution means, and it was explained to me. This is what was explained. Let us say there was an intersection that needed an upgrade in an adjacent LGA that would affect that LGA where the GAIC funding was from; it could be reallocated to upgrade that intersection. Okay, I accept that. But the problem I have with it is that when I look at the City of Casey – the City of Casey is going to be a very good example of this – there is nothing to say that the GAIC money could not be reallocated to the Suburban Rail Loop. There is nothing in here that says that. The SRL, a project by this government, is underfunded and undercosted. The feds have not put in their allocation. The government does not have the money. What is to stop that money from going to Cheltenham? We have got the suburbs here – Cheltenham, Clayton, Monash, Glen Waverley, Box Hill. They are all not that far away from the City of Casey. So what is stopping the reallocation of funds to the SRL because the government does not have the money? Nothing. Absolutely nothing. There is nothing in this bill that stops that. If it was for an intersection upgrade and it was clear and defined, I would accept it. But it is not. And nobody can tell me it is.

I have heard the argument about affordability, and honestly, the member for Murray Plains hit it on the head earlier: if you want to talk about affordability, cut the taxes. You want to get homes cheaper? If the government want to get homes and land cheaper, they should cut the taxes. Because no matter what you do, the price is still the price. You say that if you increase supply and create competition, it will drop the price – it will not. If it costs what it costs because of the taxes implemented by this government on the construction industry and the development industry, it will not bring the price down. The government's own precinct is not a housing supply; it is a tax policy. It is a tax policy because you are rezoning land that then triggers windfall gains tax. That is not going to decrease the price; that is not going to make it more affordable. That is where the government have a major problem with affordability in this state – the taxes they implemented on the development community and the construction community. I said it in my inaugural speech in this place: every time you introduce another tax or charge it gets passed down the line. And at the moment, affordability in this state is not affordable at all. Of course I hate the bill.

Josh BULL (Sunbury) (11:57): I am pleased to have the opportunity to make a contribution on the Planning Amendment (Better Decisions Made Faster) Bill 2025. I want to start my contribution by thanking teachers for the outstanding work they do in our community each and every day. Perhaps the member opposite, if he had his time again, may not have made some of those comments around teachers and some of the former teachers that come into this place – teachers in our local community who every single day do an amazing job educating Victorians. I want to thank each and every one of them for the work that they do.

This bill goes to a series of reforms that go to housing in our state, and what we see time and time again from those opposite is them coming into this place and claiming one thing and then going outside in the community and claiming another. We remain focused on making sure we are delivering tangible and practical legislation, programs, initiatives and projects that go to driving the cost of housing down, adding supply and of course leveraging off those massive investments in infrastructure that we have

delivered now for more than a decade. I will go to the various changes and the mechanics of the legislation, but broadly, what we remain focused on doing is providing for additional supply. We have invested – whether that be through the Metro Tunnel, which of course opens very, very soon, or through the West Gate Tunnel, the removal of 110 dangerous and congested level crossings by 2030, the building of the North East Link or the building of the Suburban Rail Loop – and making sure that we are setting this state up for the future is something that we remain committed to doing.

Those opposite, in the period from 2010 to 2014, did have a really precious gift of government. Unfortunately for them, and unfortunately for Victorians, there was very little delivered – in fact nothing. So when they come into this place or they go outside into local communities, whether to incite fear or stoke up anger, what we know and understand is that we remain committed to delivering the tangible and practical solutions to the challenges of our time. It is certainly no secret that housing remains, with cost of living, a really significant community concern to many.

Whether you are in the suburbs – out in Sunbury, where I live – or whether you are in here close to the city or indeed in the regions, due to many of the circumstances that have been very well canvassed we know and understand that having a safe roof over your head and a place your family can call home is of course something that is so important to everyone that lives within our state. The bill before us today, the Planning Amendment (Better Decisions Made Faster) Bill 2025, is a key commitment from the housing statement – rewriting and reviewing the Planning and Environment Act 1987 to build for, as I mentioned earlier, fit-for-purpose planning systems, significantly reducing the time, the cost and the complexity of making planning scheme amendments that will be needed to support, as I mentioned, that population growth by establishing three approval pathways that are proportionate to the risk and complexity of the amendment. This will significantly reduce the time and cost of obtaining planning permits by establishing three approval pathways that are proportionate to risk and complexity of the development application, making a range of reforms to improve regulatory efficiency and effectiveness and providing for greater transparency to increase certainty and to ensure that the act is fit for purpose to support the implementation of the plan.

As others have mentioned, the Planning and Environment Act is 30 years old and no longer fit for purpose, and bringing it forward into the 21st century is of course something that we have committed to do and are doing. Making for those better decisions, making for less red tape and providing for the option and the opportunity for people to be able to move into a home sooner is something that is incredibly important – a simpler process, a clearer process, with separate pathways for small homes being 10 days, townhouses and low rise, 30 days, and larger apartments, 60 days, meaning people building homes will not get stuck in those same slower queues as, we know, has occurred in the past. It is a significant reform and goes to unlocking housing supply, which goes to many of the comments that I made earlier in my contribution. Making for a better process and a faster process adds to the economic output and the ability to provide for more homes, and being able to do that in a practical way is something that is incredibly important.

We know that the option and the opportunity to live in an affordable suburb close to family and friends, close to where you want to work and which you are able to get to in a safe and appropriate way is of course something that we remain focused on. There are of course the significant reforms that were announced last year by the Premier and this year by both the Premier and the Minister for Planning. They are significant and they are important, and having those conversations, I should say, in the local communities, as members of Parliament do each and every day – whether that be on the phone, whether that be at a street stall or knocking on doors – and making those opportunities for people to understand that this work is being done is also something that is really important. We know that housing supply is a massive and serious challenge for our state, and we know and understand that the work that is done both through this piece of legislation that is before the house today or the significant reforms that have been announced via the housing statement and through other processes is really significant when it comes to options and opportunities for people to be able to, as I mentioned earlier, get into the housing market and to be supported in each and every way. Those challenges remain

consistent; they change of course in their complexity, and they change as we move through a whole different series of challenges, whether they be global supply markets or whether they be construction and various challenges that have previously presented and will continue to present. To be able to have the market flexibility, and indeed what this piece of legislation does to reduce the time, will improve efficiency.

I think – in fact I know, I am confident – that when you speak to people within local communities they are supportive of this. They are supportive of this because what they know and understand is to have an opportunity to do those things is something that is really, really important. When I move around my local community, speaking of those challenges that are well canvassed and within the community, I think what our local community not only expects but really importantly deserves is a team that is focused on supporting them as they go forward – not to provide for a system where either you are in or you are not and not to provide for a system where either you have ticked that box or you will never get the opportunity to be in a safe and affordable home. That is not something that we should ever contemplate, and that is not something that we should ever accept. It is why this bill and indeed the work of the Premier, the planning minister and the team are really important when it comes to these matters. Reducing the time that it takes for these applications to go through, minimising red tape and providing for better efficiency make for a better system, and a better system makes for a better state. If we are constantly driven by those values, constantly driven by providing for a better system, a fairer system, then these principles – values, if you like – provide an opportunity to get into the market and, as I mentioned earlier, the ability to leverage off really key massive investments in transport, both road and rail, to get people home safer and sooner. These are important steps, and with those comments I happily commend the bill to the house.

James NEWBURY (Brighton) (12:07): I rise to speak on the so-called Planning Amendment (Better Decisions Made Faster) Bill 2025. This bill is an utter disgrace. It is an absolute, utter disgrace, and Victorians will see it, just like when I started talking about crime a few years ago and the Premier held his press conference to tell me that I did not know what I was talking about. Victorians have now seen that, and they have seen what a pig of a man that Premier was. They know with this bill –

Members interjecting.

James NEWBURY: Defend the pig of a man? Are you serious?

Michaela Settle: On a point of order, Acting Speaker, that is very unparliamentary language.

The ACTING SPEAKER (Iwan Walters): Member for Brighton, I would ask you to ensure that your language remains parliamentary.

James NEWBURY: I appreciate that. I notice the member did not use the factual point of order and did not take issue with the fact of the comment that I made. But on this bill, Victorians will see what a shameful bill this is being rammed through this chamber. It is a total fake, a total lie. You read the bill, and it says things like it is going to increase transparency. What a joke. Under this bill you as a neighbour no longer have the right of a say over what is built next to you. You no longer have a say. Parliament is having its rights stripped away in terms of oversight. Your rights as a property holder, in terms of covenants, will be stripped away, and all under the cover of ramming this legislation through, trying to push through this legislation while covering with other issues in this state, with the Premier announcing new laws that have not even been drafted yet. This bill is an absolute disgrace. How did we ever, as a state, get to the point where a government thinks it is all right to take away property rights, to take away the rights of community? This issue will turn, because what you will see is people building bad things and neighbours finding out bad things are being built and asking why they were not notified, why they did not have a say in the process. People who live in communities – not the Premier in her taxpayer-funded tower; I am talking about real people on the street – will start to say, 'Why didn't we get a chance to be notified? Why didn't we get a say?' These are very fair and reasonable questions about things which are being stripped away. In fact, as a neighbour, not only do

you not have a say, but you will have to notify, for certain applications, registered Aboriginal parties. So your neighbour does not know, but the Aboriginal parties do. What does that show you about the treaty circus? The treaty circus.

Members interjecting.

James NEWBURY: The treaty circus. You did not hear me the second time? The third time? The circus. Now a neighbour does not know what is being built next door, but you need to notify the registered Aboriginal parties of what is being proposed to be built. It is absolutely disgraceful what this bill does, and there is no wonder that affected communities are calling it out.

This bill will actually end up affecting everybody. This is more than just the Premier attacking certain areas that she thinks are Liberal and she does not like and proposing 20-storey towers in those areas to take on all of the population growth of Victoria. This bill will affect everybody, and everybody is going to start to ask, 'What happened to my right to a say on the future of my community?' Because that is what is missing in the government's socialist ideology. They do not understand that communities have been built by the good people in them. They have not been built by Spring Street. Communities should have a say over what happens around them. This bill, by definition, takes out the right of communities to have a say. That is what the bill does in its very, very core across the entire state.

I have said before – and the Premier does not like it – that because she is not from Melbourne she does not understand the issues in Melbourne, and I stand by that. She does not understand the issues in Melbourne. The government do not like it when I say that, but it is true. Is there is any question that the Premier does not –

Natalie Suleyman: On a point of order, Acting Speaker, I think the member needs to speak through the Chair and stick to the point of order. You are straying away from the issue.

The ACTING SPEAKER (Iwan Walters): I will rule on the point of order. The member for Brighton is germane to the subject matter. But, member for Brighton, can you make sure you are referring your comments to the Chair.

James NEWBURY: As I have said before, this bill shows the Premier does not understand issues in Melbourne – clearly; I have said it over and over again – just like she did not understand there was a crime crisis. It turns out the only time she understood there was a crime crisis was when there was a protest in her electorate. Until then it did not exist. We heard member after member, minister after minister, deny it existed, literally on the record denying there was a crime crisis. Now she is trying to outflank from some kind of 'Let's put as many people as possible on life sentences' –

Belinda Wilson: On a point of order, Acting Speaker, he is straying very wide from the bill.

The ACTING SPEAKER (Iwan Walters): Member for Brighton, return to the bill and continue your contribution.

James NEWBURY: What this bill proves is the point that I just made, because nobody who has any sense of how Melbourne has been built will think the pathway forward for our great communities is to take away every possible say from the people in those communities, and that is why there will be a lot of people in my community on Sunday meeting to talk about this very issue. Last time this happened there were 3000 people there. It has been written about – in Church Street, Brighton – in fact by the good *Age*, and they would never tell a lie. Thousands of people turned up from all over Melbourne. There were a lot of people from Bentleigh there, there were a lot of people from Essendon there and there were a lot of people from a lot of Labor seats who were there, who were coming and saying, 'What is this all about? What is this 20-storey tower policy all about? This is disgraceful.' And not just that: 'What is the policy of putting six storeys in leafy suburban suburbs about?' The member for Frankston has walked in. I tell you what, in his community they are not gagging for this policy.

There are a lot of people in Frankston who are contacting me concerned about the great wall on the beach that this government has approved.

Paul Edbrooke: On a point of order, Acting Speaker, as is the normal practice in this house, I think members should stick to telling the truth.

The ACTING SPEAKER (Iwan Walters): Member for Frankston, I do not think there is a point of order on this point.

James NEWBURY: I can understand why the member would be touchy, because his community are contacting me. I have not come into the chamber and read out the string of emails I am getting from his community, but I am more than happy to find myself an opportunity to do that.

This bill is absolutely disgraceful. It is not the only disgraceful bill, it is one in a string of disgraceful decisions by this government, a decision which says, 'We in Spring Street know better than anybody who lives in the community. We know better than what you know about what your neighbour is proposing to build.' The idea that your neighbour does not have a say over what is being built next door but you must notify registered Aboriginal parties – how could anyone other than this ideological left-wing government think that that makes any sense for Victorians? It does not, and they have not been asked about it. None of these policy decisions were put to an election, not a single one of them. The stripping away of property rights is disgraceful. The 20-storey tower policy is disgraceful. This is an absolute disgrace. Victorians will absolutely turn on this like they did on crime. It will happen because we have a series of policies this Premier who does not understand Melbourne drives in to impose upon us, and Victorians know that it is an absolute shame and an absolute disgrace. Victorians in their thousands are now seeing this, and they certainly will in my community on Sunday. I would certainly encourage everybody who wants to come to come along.

John MULLAHY (Glen Waverley) (12:17): I rise to speak in support of the Planning Amendment (Better Decisions Made Faster) Bill 2025, a bill that reflects exactly what good governments should do: listen to their people, act on what they hear and build a better future through thoughtful reform. This bill is about creating a planning system that is modern, efficient, transparent and, above all, fair, a system that works for local communities, for council, for industry and for every Victorian who just wants a fair shot at finding a home in the community that they love.

The Planning and Environment Act 1987 has served Victoria for almost 40 years, but it was written in another era. It was crafted when our state's population was barely 4 million, where we were still building the foundations of modern Melbourne and where the pace of change social, economic and technological was far slower than today. Since then Victoria has grown dramatically. We are now up to more than 7.2 million people, and by 2050 that number will swell to over 10 million. That is the equivalent of adding the populations of Brisbane and Adelaide combined. The planning system that once worked well is now buckling under the weight of that growth. It is slow, cumbersome and often confusing. The average planning permit takes around 140 days to process, and if there is even one objection that can blow out to 300 days or more. It is costing Victorian families time, opportunity and money, and the cumulative cost of those delays is estimated to be more than $1 billion a year in lost economic activity. That is why this bill matters. It is about streamlining the planning process, cutting unnecessary red tape and ensuring decisions are made with integrity, transparency and pace and not held up by outdated processes or endless procedural wrangling.

The bill delivers two major reforms that sit at the heart of our government's housing statement and *Plan for Victoria*. Three new pathways for planning scheme amendments based on complexity and risk and three new assessment streams for planning permit applications will ensure simple proposals are not trapped in the same queue as complex ones. Together these changes will make planning decisions clearer, faster and fairer, allowing more homes to be built sooner while maintaining proper oversight and community engagement. At the moment a planning scheme amendment, even a

straightforward one, takes on average more than two years. That is simply untenable when Victoria needs more homes and better infrastructure now.

This bill introduces a smarter tiered approach: low-impact amendments – straightforward matters such as minor zoning updates or corrections, in which councils will consult with affected landowners and report directly to the minister for timely decisions; moderate-impact amendments – proposals requiring some public notice and exhibition but not the full rigour of a planning panel unless the minister deems it necessary; and high-impact amendments – complex or sensitive proposals that warrant a full public exhibition and an independent panel review. This is proportional regulation, a principle that underpins good governance. It ensures scrutiny where it is needed and speed where it is sensible. Crucially, these reforms do not weaken transparency; they strengthen it. The bill mandates public engagement plans, disclosure of financial interests and the publication of reports showing how community submissions have influenced decisions. That means clearer processes, fewer surprises and greater trust in the system.

The same logic applies to planning permits. Right now, a family wanting to build a townhouse or a small duplex faces the same approval process as a developer that is proposing a 20-storey tower. It is inefficient and unfair, and this bill fixes that by introducing three new assessment types. Type 1 are low-risk, code-compliant applications. Simple developments like dual occupancies or small dwellings that meet clear design codes can be approved within 10 days with no public notice, because the standards are already met. Type 2 are moderate-risk, code-based applications. These will have a 30-day timeframe, streamlining referrals and limiting notice requirements to only proposals where there is genuine local impact. Type 3 are complex applications. These will remain subject to full notice, public exhibition and review rights, protecting community input for proposals that truly warrant it. For too long our planning system has been a one-size-fits-all bottleneck. These reforms mean people building a simple home will not be stuck behind a major apartment development. It is about fairness and common sense.

Some have asked whether these changes remove community voices from the process. Let us be clear: they do not. Victoria already has some of the broadest third-party appeal rights in the country. Under this bill those rights will remain for developments that have a genuine impact on neighbours and the wider community – the type 3 applications. What changes is that objections and appeals will be limited to those directly notified – people genuinely affected by a proposal, not individuals or groups with no connection to the site. That is a fair balance between the right to be heard and the need to prevent vexatious delays.

These reforms are not just about efficiency for efficiency's sake; they are about unlocking more than $900 million in economic value each year and accelerating the delivery of 800,000 homes we have committed to build over the next decade. Right now Victoria leads the nation in home approvals and completions, with 56,000 homes approved in the 12 months to September 2025 – 16,500 more than Queensland and 4500 more than New South Wales. But we know there is more to do. Housing is not just a market challenge, it is a moral one. Every delay in the planning system means a young person waiting longer to move out, an older couple unable to downsize or a family priced out of the area they love. I have that exact issue in the area of Glen Waverley, where often we have got three generations living in a household – a couple in their 30s or 40s with kids going to local schools and a set of grandparents helping get the kids to and from school. But what happens when those kids become 23 or 24 is that they literally have to move an hour away –

Lauren Kathage interjected.

John MULLAHY: to your electorate or down to Cranbourne – essentially removing that ability to have those close family connections that they have been brought up with in those three-generation households. So this bill is all about making sure that we give more options to those kids locally.

The Plan for Victoria underpins this bill. It is the most extensive community-led planning process in our state's history, engaging more than 110,000 Victorians – young people, multicultural groups, regional communities, local councils and industry experts. This is not planning done to communities; it is planning done with them. Through that engagement Victorians told us they want a system that is fair, transparent and responsive – a system that builds the homes we need while protecting what we love about where we live. They also told us they want a planning system that recognises and respects the rights, interests and values of traditional owners. For the first time, this bill makes that an explicit objective of the Planning and Environment Act 1987. It ensures that registered Aboriginal parties receive notice of strategic planning proposals affecting country, enabling early input and partnership and not late-stage conflict. This is reconciliation in action, embedding respect for country into the way we plan for our shared future.

Our councils are on the front line of the planning system. They do the day-to-day work – assessing permits, engaging with communities and making tough local decisions. This bill supports councils by providing clearer frameworks, new cost-recovery mechanisms and better tools for enforcement and compliance. It also ensures that referral authorities, those government agencies that often slow the process, must meet prescribed timeframes or their silence will be taken as consent. That is accountability in both directions: faster outcomes for applicants and clearer obligations for authorities.

One of the most significant features of this bill is its emphasis on integrity. It directly responds to the recommendations from the Independent Broad-based Anti-corruption Commission's Operation Sandon inquiry. It requires the disclosure of financial interests by both applicants and submitters, extends the time for prosecutions of planning offences and strengthens compliance and enforcement powers. It also ensures parliamentary scrutiny of planning scheme amendments through the Subordinate Legislation Act 1994, so approved amendments remain subject to review by the Scrutiny of Acts and Regulations Committee, just as all other subordinate legislation is. That means greater transparency, not less. These reforms are about restoring faith in the system, ensuring that every decision, whether made by a council, a panel or the minister, can be trusted by the community that it affects.

In my own electorate of Glen Waverley I see the need for this reform every day. Families want to live close to the good schools, transport and community facilities, but they are often locked out by outdated planning rules and unnecessary delays. This bill will help ensure we get more homes built near the activity centres and along train and tram corridors. In well-connected suburbs like ours, it will be about ensuring that future generations, including the young people growing up in Glen Waverley today, can one day get a house in Glen Waverley. It is also making sure that the growth happens in the right way – sustainable, inclusive and supported by good local planning – because while we need more homes we also need great neighbourhoods with parks, services and community spaces that make life there so special: Jells Park, ngarrak nakorang wilam park and the Suburban Rail Loop coming through, kicking off in 2035. We want to have more homes and more apartments and townhouses around that area so the next generation, after they have finished uni, can move into the area and build a life for themselves and their family in the great Glen Waverley district. I am very happy that this bill will, hopefully, get through this house. I commend the bill to the house.

Gabrielle DE VIETRI (Richmond) (12:27): I rise to speak on the Planning Amendment (Better Decisions Made Faster) Bill 2025. At the outset can I state that the Greens support more housing. We also support the idea that our planning system needs updating. This is long overdue and something that there is broad support for. Not only is there a need for greater clarity, certainty and efficiency, but our current laws fail to properly account for contemporary challenges like climate change and housing affordability. But while this bill addresses in part some of these issues in a piecemeal kind of way, it fails with respect to climate change mitigation and adaptation and housing affordability and, crucially, it fails in maintaining public trust in the system.

It has been disappointing but unsurprising to learn that in overhauling these laws to develop the bill before us, the government has failed to engage key parts of the sector, those who hold the relevant

expertise and who also will be responsible for administering these laws, in particular the local government sector. They have been given no opportunity to be able to shape these laws, which remove considerable power from the communities and from the councils and even from the Parliament itself. Instead Labor has favoured the development industry and certain schools of economic thought that push the line that if you deregulate planning and let the market take control, you will see this magic proliferation of affordable housing. This approach fails to recognise that leaving things to the market is what has got us into this housing crisis in the first place.

But the truth is the planning system did not cause the housing crisis. Government choices to demolish public housing, to allow rents to skyrocket and to give tax breaks to property developers and investors – that is what has caused the housing crisis. Even property experts acknowledge that the reason they are not delivering more housing is not because of the planning laws, it is because the market conditions are not favourable – that is, they cannot turn a profit – and the proof is in the number of permits that have been issued that have not resulted in a sod being turned. In Melbourne there are 100 active permits that have not been acted on – 118 residential buildings and almost 22,000 apartments where work has not commenced and a permit has been issued. They are just being sat on until they can make a higher profit.

Councils currently approve the overwhelming majority of permit applications. For example, the City of Yarra approved 98 per cent of applications it determined over the past four financial years, and figures from last year show that Darebin approved around 96 per cent of applications and Merri-Bek around 88 per cent. Housing is not like bananas, operating on a simplistic supply-and-demand curve. People's demand for housing is not elastic in the same predictable way, and nor should it be, because housing is a fundamental human right. No matter how you peel it, the reality is that there is no incentive for developers to deliver genuinely affordable housing if it means crashing their own prices. It is disappointing to see that the Labor government has once again failed to use our planning system to ensure some expectations of actually affordable housing are built into it, something that has been long called for by housing and homelessness support services and local governments. The delivery of genuinely affordable and public housing should be explicitly mentioned as objectives of the Planning and Environment Act 1987, with powers created enabling planning scheme amendments to require a proportion of such housing. The truth is that Victoria already falls way below the national average, with only 3 per cent of our total housing stock being public or community housing, the lowest out of all the states and territories in the country, and it is not like it is getting any better. Without such provisions in our planning laws the state government's current drive to infill in inner suburban Melbourne through the activity centre program is a major missed opportunity to deliver affordability.

Many of the changes in the bill before us also, concerningly, remove the most fundamental reason for having planning laws in the first place: to keep people safe. That includes from the impact of natural and climate-related disasters and other risks to their health and wellbeing. In fact Labor has removed the very idea of keeping people safe from the objectives of the act, instead only requiring that the buildings are safe. We are also seeing a worrying tendency of this government to switch off the requirement to take into account key environmental considerations when developing planning scheme amendments, including for townhouse and mid-rise codes. This means that key issues like the requirement to remediate contaminated land before development or flood risks can be overlooked. This kind of deregulation will only produce an abundance of poor-quality, unsafe and unaffordable homes. There have been numerous inquiries and reports over recent years, including the 2009 Victorian Bushfires Royal Commission, the inquiry into the 2022 flood event and the recent climate resilience inquiry, which have all made strong recommendations with respect to strengthening planning laws to take into account the risks of climate change. We believe that significant amendments are required to this bill to ensure that it is the case.

Further, this bill outrageously seeks to make oil and gas exploration easier by removing the ability of the Parliament to disallow planning scheme amendments for these projects – explicitly removing it. Once again Labor shows its true colours on climate, talking a big game but quietly helping the fossil

fuel industry to expand. The removal of this parliamentary oversight extends to all planning scheme amendments, including for residential and commercial developments, mining projects and transport projects. Disallowance of a planning scheme amendment or regulation is a power rarely used by this Parliament, but taking it away is a dangerous concept that demonstrates the further erosion of respect for democracy by this Labor government – something that is again on display in its attempt to cut out councils and communities from the decision-making process, with changes to notice requirements, and in the weak and convoluted response to the recommendations from Operation Sandon around donations and conflict-of-interest reforms. This has implications that go beyond public trust in the planning system, though that is absolutely important. It is about public trust in government more broadly, and that is rapidly eroding. Labor will no doubt spin these changes as the panacea to the housing crisis. We would actually love it if that were the case, because we genuinely want to see everyone having access to adequate housing. But given the significant flaws and omissions within this bill and the total lack of consultation on these proposed changes, there is a very real risk that all this only leads to a proliferation of poor-quality, unaffordable, unsafe housing not fit for a changing climate.

Young people will continue to be blocked out of the housing market, homelessness will continue to rise and investors and developers will continue to win. We will see more dodgy apartments and housing built in flood zones that cost a fortune to heat and cool. The planning, local government and insurance sectors have all signalled that this is what they are worried about. We are all going to be living with the consequences of these changes for decades to come. Once something is built, it is very hard to take it back. The government needs to listen to these concerns and fix the bill they have put before us. The Greens will be abstaining from this bill in the lower house while we consider our position in the upper house.

John LISTER (Werribee) (12:36): I rise to talk about yet another one of our planning reforms that is designed to help improve the planning situation that we have seen in Melbourne for generations, which I will come to in just a moment. The issue we have when it comes to housing is one of supply. We need more houses to meet demand and make the market more affordable. We have this issue which is also geographic. We have had decades of greenfield development, including in my electorate, to meet this demand, and it has left us with a housing doughnut with its hole in the inner east and south-east. We see this when it comes to housing approvals, and this has been a subject of discussion in this debate, but Wyndham has had 3133 approvals in the year to July, while Bayside, for example, where one of our activity centres is, has had 897 approvals in the year to July, which is quite cute. While we may have the benefit of space in Wyndham for many of these dwellings, you do need to look at that imbalance. Some of the reforms in this bill as well as in previous bills that we have had in this house go to addressing that imbalance, because not only is it important when it comes to helping communities like mine who are sharing the load when it comes to housing Victorians and giving them great places to live – because it is a great place to live, out in my electorate – but it is also about making sure that we make other municipalities share that load.

There has been a fair bit of discussion around a particular part of this bill which is close to communities in my electorate, which is around clarifying the ways that the growth areas infrastructure contribution can be used. GAIC is a fantastic program. I know this firsthand. Literally last Friday I was standing there in Harpley, which is one of our growth areas, announcing the start of our route 194 bus, funded by the growth areas infrastructure contribution. We are bringing this on line six months earlier than originally planned, and it will help get people from those growing suburbs to our train stations, our shopping centres and our schools. This is what GAIC is for. It is disappointing to hear from those opposite this weird conservative argument that somehow taxes on housing are in some way bad. These taxes are contributing to the buses that are getting people in my electorate to the station. These taxes are contributing to Ison Road, which will help them get to and from the freeway sooner and safer. These taxes that they keep talking about are going towards the Ballan Road upgrade, which will remove that roundabout at Greens Road and help people get to and from Manor Lakes sooner and safer. The growth areas infrastructure contribution has built the schools in my electorate, the schools

that we need to help give our children a better future and make sure that they have the jobs and opportunities that they need.

The member for Polwarth is referring to the clarification that we have in clauses 229 and 230 of the bill around the growth areas infrastructure contribution, clarifications that are necessary because of the nature of the infill changes that we are making with our activity centres. These activity centres are already located in quite built-up areas – that is the whole reason why they are there. It is not always possible to build that park in the middle of that activity centre, so you may choose to upgrade a nearby park or open space that is used by that community that may be slightly outside of that area. We need to make sure that that can still be done.

The member for Polwarth's geography when it comes to the western suburbs is a bit disappointing for someone who drives through them most times to get out to his electorate. He said to the *Age* recently:

> Is there a nexus for people in Tarneit using the West Gate Tunnel to access Melbourne's CBD, while they wait 45 minutes every night to get off the freeway because promised exit lanes have not been built?

I would like to just test which promised exit lanes we are talking about. Are we talking about the upgrades that we are doing at Point Cook Road? People from Tarneit do not take Point Cook Road.

Richard Riordan interjected.

John LISTER: The member for Polwarth might be referring to the Werribee Main Road interchange, which is only being upgraded thanks to the federal Labor government and state Labor government using not only growth areas infrastructure contributions but also the big road blitz that the federal government have announced. Those people who are going off at Werribee Main Road interchange are not going to Tarneit, member for Polwarth. They are going to my fantastic communities in Riverwalk, Harpley, Wyndham Vale and Manor Lakes. The member for Polwarth should stick to Colac. He clearly does not know his western suburbs geography, and this says it all about those opposite. They know nothing about the west. They show up at a by-election, and they are, like, 'Hey, Labor neglects the west.' You do not even know where these places are – pardon me – the member for Polwarth does not even know where these places are.

Richard Riordan interjected.

The ACTING SPEAKER (Iwan Walters): Order! Member for Werribee, can you direct your comments through the Chair. Member for Polwarth, it is difficult to hear the member on his feet with your interjections.

John LISTER: I apologise, Acting Speaker. The member for Polwarth does not even know his geography. It shows the neglect that they have for my area that they think that by going off at Werribee Main Road interchange you are going to Tarneit. No, you are not. You are going to Wyndham Vale, Manor Lakes – all these other beautiful growing communities.

I wanted to go into a little bit about the Werribee Main Road interchange, because this seems to be, from the member's interjections, what he was referring to: data from Major Road Projects Victoria, after they had installed the semi-permanent lights, which I fought for in my community to help people get off that freeway sooner. After they installed the warning signs on the freeway, their data is saying that the average travel time to exit there now is 6 minutes, not 45 minutes. The member for Polwarth has misled the public in his statement by trying to attach this problem that the community in the outer west of the municipality is having. It is clear that the Liberals know nothing about our growth areas.

To go back to this issue of the growth areas infrastructure contributions, we also have a lot of new, growing suburbs, particularly between the north and the west where they cross boundaries. They may go between the LGA of Melton and the LGA of Wyndham. It makes sense to be able to spend money in the LGA of Melton on a road or an intersection that leads into the LGA of Wyndham, to help those residents get between the two. That is why we are having this clarification in the growth areas

infrastructure contribution. In the changes, clause 230 provides that a reference in section 201VB in the act to infrastructure in any growth area:

> … includes a reference to infrastructure that services the growth area but cannot reasonably –

reasonably –

> be located in it.

The only people who are being unreasonable in all of this are the Liberals, who clearly just do not know the geography of the outer west. They clearly do not know anything about our growing suburbs.

GAIC revenue is so important, and for them to say, 'Oh, this amount that sits on top of people's housing prices, we need to get rid of it,' well, what I ask those opposite is if we do not have the growth areas infrastructure contribution, how are they going to pay for schools? How are they going to pay for the roads in my electorate? How are they going to pay for the train upgrades and the bus upgrades? How are they going to pay for the hospital upgrades and the upgrades to the off-ramps that the member for Polwarth is so obsessed with, yet he zooms past at 100 kilometres an hour? I hope he drives safely through my electorate. I have been to a few accidents along that stretch of the Geelong road, with people driving way too quickly. I would say that if they do not think that we should have a growth areas infrastructure contribution they need to come clean, just like with all the other cuts that they intend to make – the nearly $11 billion worth of cuts that they intend to make. Just remember that the reason why we have all these precincts, particularly in my electorate, is they were approved at the eleventh hour by the former Minister for Planning Matthew Guy. They were approved at the eleventh hour of their last failed government, and they had no infrastructure plan to deal with it. So in the last 10 or so years Labor has used this infrastructure contribution to build those schools – those great schools like Riverbend, those great schools like Laa Yulta, those great schools like Lollypop Creek. That is what we have used GAIC for.

These changes clarify that as we move to this activity centre model and take that pressure off the outer suburbs, we have done our bit. Build it in Brighton. Stop blocking it. We have done our bit in the outer suburbs. But these clarifications make it clear that if services for the growth area cannot reasonably be located in it, then we can still use that GAIC funding, because it is so important to use our GAIC funding for these very things. In the end, I think it says it all, from the member for Polwarth's lack of understanding of the geography of the outer west, that they do not understand what to do when it comes to growth areas.

Richard Riordan interjected.

John LISTER: Member for Polwarth, I have already explained how we are fixing this solution with over $200 million between the state and federal government, and I commend this bill and the changes to growth areas to the house.

Jade BENHAM (Mildura) (12:46): As I have said a few times in this place this week, I never thought I would be so passionate about planning schemes, but here we are. I am more than happy to contribute on the Planning Amendment (Better Decisions Made Faster) Bill 2025 – I cannot say that without having a bit of a giggle. Honestly, if the member for Werribee wants to talk about lack of understanding of geography, let us talk about the planning scheme and the inability to actually develop housing in rural areas and how caught up in red tape that gets. If we want to talk about the lack of understanding of geography, the planning scheme written by the state in the city for the city is a very good example of a lack of geographic understanding.

But as we have heard, first of all from the member for Polwarth, there are many concerns with these amendments, to the point where a couple of amendments would not even fix them. I want to talk about one of those concerns in particular, and that is – well, I will start with the local councils and communities being cut out of deciding about the opportunities for growth in their communities. This has been a longstanding issue, and this is exactly what I talk about when we talk about being cut out

of opportunities. Rural councils in particular have to abide by this planning scheme written in the city for the city with no flexibility whatsoever for farmland, and for developing farmland that has been dewatered so it will not be productive any time soon. Those that live in soldier settlement areas, like I do, that were allocated as 30-acre blocks – these are generational farms a lot of the time – are caught now in a situation where they have moved on or maybe the sons and daughters have taken over the farm or it has been leased out, or they just want to retire but they do not want to move into town. They cannot do that, because they cannot excise off their property. Having these people that have lived on the land their entire lives move into town would have such a negative impact on their mental health and a lot of times their physical health, so that is one area of concern.

Obviously, climate change and traditional owner concerns are prioritised over the affordability of housing in planning objectives and the fact that next-door neighbours in many cases will not be notified of development plans while traditional owners will. There were concerns, and we saw the Premier out at a press conference saying that treaty will have no effect on private land. Well, I can tell you that the concerns of traditional owners – and this causes such horrific division within communities – are already happening.

I have a case, and I was on the phone to a gentleman called Murray Allan. He and his wife – Mick is her nickname; I do not believe I know her first name.

Members interjecting.

Jade BENHAM: Maree, sorry. Murray and Maree Allan – it is a country thing – have, again, a generational farm just out of Sea Lake. I see the member for Preston stop. I am talking about Sea Lake. Take a seat; you might be interested in this. They have been trying to develop some accommodation on their farm. Their farm backs onto Lake Tyrrell, and we know Lake Tyrrell has had a boom in tourism around Sea Lake in recent years, thankfully, because they cannot run their huge major event, the Mallee Rally, there anymore. Thankfully, Lake Tyrrell has provided a tourism opportunity. Murray and Mick have been trying to develop some accommodation on their farm, which has been cultivated for nearly 200 years. They started this process in 2018 with plans and consultants. They had a cultural heritage management plan done. Then work started. They got the footings in the ground and the construction site was identified. You can see very clearly that the views from this beautiful accommodation and tourist park would be spectacular because Lake Tyrrell, particularly when it has got water in it but even when it has not, is spectacular. It is fantastic for stargazers. If you wanted to see the aurora last night, Lake Tyrrell would have been the best place in Australia you could see it, with no light pollution. The concept of it is incredible.

In 2021 work stopped because of concerns by the traditional owners that it was of significant cultural heritage value. The cultural heritage management plan that was conducted during the planning stages did not identify any sacred sites on their plot of land. Like I said, it has been cultivated for over 180 years. So work stopped in 2021. Footings were in the ground, mind you. Plans were up. Signs were up. It has been back and forth with the department and the TOs and is now at a stalemate. Classifications have tried to be changed, but no further action has been taken. With a lack of response, which does not equal approval, they can actually not move forward with this development. They have spent many hundreds of thousands of dollars trying to develop what would be a beautiful accommodation precinct on the most spectacular lake in north-west Victoria, offering many opportunities for the traditional owners as well to sell arts and crafts and tell stories about what that lake meant to their people. If we are going to talk about self-determination, this is an opportunity staring everyone in the face, but it has been caught up and stopped for no reason whatsoever since 2021.

So when they say that this will not affect private land, it will – it already has. When those of us that have gone through it and know of constituents that are currently still going through it hear statements like that from the Premier, they are absolutely laughable statements. This family can still cultivate their land. They are harvesting at the moment. Well, actually, they are not harvesting today, because there

is a total fire ban. At 29 degrees there is a total fire ban – what a joke. That is a whole different issue, not a planning issue. If you were going to put up a fence, a shed, a pergola or whatever it might be, you do not have to tell your neighbours, but you do have to inform the traditional owners. In some sort of ideological, delusional utopia this might actually make sense, but I can tell you in communities like this it widens the gap, it does not close it. That is my biggest concern: that the gap will get bigger. It is so divisive because of what is already happening. If you think treaty is going to change that, that is an absolute farce. It absolutely will not.

I will move on from there to a couple of our other concerns – of course, the digital illiteracy and marginalisation regarding public notices. They only have to be printed online. Our small rural newspapers, which have been the backbone of regional communities and rural communities, more importantly, for generations, rely on even the smallest amount of spend from classified ads and things like that. It is really important to them; it is what keeps them going in a lot of cases. Those newspapers are read by a certain generation, and sometimes that is the only way that they get their local news. It is the only way – we do not have local news on free-to-air television anymore – they get their information and their local news. I can see your face, Acting Speaker Walters – in Mildura we had our local news broadcast services from television stripped away from us years ago. It is a problem, and it is now done out of Canberra and Queensland, believe it or not. So that is also a real concern. And the growth areas infrastructure and development contributions can now be used for purposes outside the area where funds are raised – I mean, again, this is another laughable point in these planning amendments. If we actually want to make planning decisions better and faster, we should give back councils and local communities a say in what happens in their local area, because, you know what, the ones that live there know best.

Paul MERCURIO (Hastings) (12:56): I am very pleased to stand and speak to the Planning Amendment (Better Decisions Made Faster) Bill 2025. Listening to the debate, I can actually say I can understand why those on the other side are mad about this bill, this legislation. I can understand it, and I feel for them; they are mad because we on this side are getting stuff done. We are building stuff whilst they block. So I am sorry for you guys being mad and feeling embarrassed by the fact that you actually cannot get on and get things done or built, but at least we are.

I think the great thing too is that we on this side accept that we work really hard to make a difference but nothing is perfect. One of my personal beliefs about perfection is as soon as you reach what might be considered perfect, the bar moves again. We on this side recognise that, and we are not frightened by that idea. That is why we keep bringing in legislation to improve past legislation. We write legislation, we pass it, we look at how it works and what the nuances are, and then we go back, look at it again and tweak it and fix it. We do that because that is what we believe in – we believe in working hard for our constituents and our community. We do it because we are trying to make everyone in our communities' lives better, easier and simpler and take away some of that red tape so that people can get on and get stuff done.

I find it slightly amusing too – I got a letter today from my local council asking me not to talk on this bill, or not to agree with it, and I think that is why we need this bill also. Look, I love my council and my councillors, to a point, but when they write to me to say it is not on and they do not want it, that is why we need the bill. We need to get rid of the red tape, we need to allow people to get on to build, and we need builders and developers to get on and do stuff. When I was on council, we were talking about planning when I was at council hall. I was at a meeting and I actually said, 'How about we say yes to things faster?' The reply to that was, 'What if we actually say no faster?' We need to change that mindset and say yes, say it faster and understand what we are doing. I believe that this bill is working in that way, which is what it should be doing. We are looking after our community.

I certainly liked the member for Werribee's contribution to the debate. I thought he spoke very well, and I understand that is why the member for Polwarth is also angry. I am sure the member for Werribee would be happy to take you through his electorate and show you where things are and where the off-ramps are and how it all works. Anyway, it is good to share and talk about these things.

There is quite a lot in this bill, and I do not have a heap of time to go through it all. All I can say is that, certainly with the member over there – I have forgotten his electorate for a moment – everyone so far has spoken really well. I am very forgetful. I certainly appreciate the efforts and debate that people have spoken on this side. I believe in this bill. I think it is doing the right thing. It is working for the community. That is what we are all doing in this place, some better than others. But I certainly commend the bill to the house.

Sitting suspended 1:00 pm until 2:02 pm.

Business interrupted under standing orders.

Questions without notice and ministers statements

Youth crime

James NEWBURY (Brighton) (14:02): My question is to the Attorney. The Queensland government's 'adult crime, adult time' policy covers rape. Why have Labor deliberately excluded rape from their policy?

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (14:03): I thank the member for his question. What we have been saying consistently now is that what we are seeing is a new type of violent offending that is being committed by children.

James Newbury: On a point of order, Speaker, on relevance, is the Attorney saying that rape is not a violent offence?

The SPEAKER: Order! I remind the member for Brighton about the correct way to raise a point of order. If it is on relevance, I ask you to refer to relevance and relevance only. The Attorney has only been on her feet for 20 seconds.

Sonya KILKENNY: I am actually quite horrified by the member's comments then, and I will tell you why I am horrified: because no other government has done more to prevent family violence and violence against women.

James Newbury: On a point of order, Speaker, on relevance, this question went to why the government has deliberately excluded rape from their policy.

The SPEAKER: I ask you not to repeat the question, member for Brighton. The Attorney to come back to the question.

Sonya KILKENNY: I was going to the fact that no other government in the history of this nation has done more for family violence, starting with a royal commission to end family violence in this state. I remind those opposite that we have seen less than support for the 227 recommendations that came out of that royal commission.

Members interjecting.

The SPEAKER: Order! Members will be removed from the chamber without warning.

James Newbury: On a point of order, Speaker, on relevance, this question related to the Premier's policy. This did not relate to a royal commission. It related to the Premier's policy, and I would ask you to bring her back to the question.

Mary-Anne Thomas: Speaker, on the point of order, the minister has been on her feet for just on 1 minute, and she has been interrupted three times by the member for Brighton with points of order that you have ruled are not points of order. He is continuing to abuse the standing orders in order to silence the Attorney-General. I ask that you rule this point of order out of order.

The SPEAKER: Members are allowed to raise points of order; it is a given. But I do ask members to remember how a point of order should be raised. I have reminded this house repeatedly that I cannot

tell a minister on their feet how to answer a question. I can look at the question and see whether they are being relevant. The Attorney was being relevant.

Sonya KILKENNY: I remind the member for Brighton and those opposite that when it comes to family violence and gendered violence in this state they do not want to talk about it. They do not want to talk about solutions. They do not want to see an end to family violence.

Members interjecting.

The SPEAKER: The member for Eildon can leave the chamber for half an hour.

Member for Eildon withdrew from chamber.

James Newbury: On a point of order, Speaker, the Attorney is debating the question.

The SPEAKER: I ask the Attorney is to come back to the question.

Sonya KILKENNY: What I was saying was that in this state what we have been seeing recently is a new kind of offending that is violent and driving fear and harm in our communities and is being increasingly committed by children. We are responding to that repeated violent offending that is being committed by children. Yesterday I stood proudly with the Premier as we announced this government's initiative, this reform, to address this violent offending that we are seeing in our communities that is driving fear in families across our state. We have announced under our reform, which is adult time for violent crime, that we will ensure that children who are committing these violent offences will face adult courts and adult sentencing, as they should. It means –

James Newbury: On a point of order, Speaker, we are now 2½ minutes into the answer and the Attorney has not actually dealt with the substance of the question, which is why rape has been deliberately excluded.

The SPEAKER: I cannot tell the Attorney how to answer the question. She was being relevant to a policy that was reflected in the question.

Sonya KILKENNY: As I was saying, the reforms we announced yesterday require certain offences to automatically be heard in adult courts, ensuring that children face adult court and adult sentencing. I remind the member for Brighton that in relation to all other offences the Children's Court can already send any of those matters, including rape, to a higher court where it is warranted.

Members interjecting.

The SPEAKER: Order! The member for Brighton can leave the chamber for half an hour.

Member for Brighton withdrew from chamber.

The SPEAKER: On a supplementary question, I call the Leader of the Opposition.

Brad BATTIN (Berwick – Leader of the Opposition) (14:09): Yesterday the Premier said their policy covers serious, violent and brazen crimes. Why doesn't this government consider rape to be a serious, violent and brazen crime?

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (14:09): I think the Leader of the Opposition should be ashamed of himself, and I think the Leader of the Opposition should apologise to Victorians for even raising this matter in the manner in which he has done here in this place.

Brad Rowswell: On a point of order, Speaker, the Attorney is debating the question asked.

The SPEAKER: Attorney, come back to the question.

Members interjecting.

The SPEAKER: The member for Frankston can leave the chamber for half an hour. The member for South-West Coast can leave the chamber for half an hour.

Members for Frankston and South-West Coast withdrew from chamber.

Sonya KILKENNY: I fully reject the premise of that question, and I am ashamed of the Leader of the Opposition for raising it in the manner in which he has in this place. I went to this matter in response to the substantive question, where I first of all identified what we are currently seeing with the new and emerging trend regarding violent offending by children in our communities. I also said in my substantive answer that all other violent matters can already be uplifted to adult courts, as they should be, including rape.

Ministers statements: youth crime

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (14:11): Right now there are too many victims and not enough consequences. That is why, building on the significant reforms we have already made to keep communities safe, the Allan Labor government will ensure tougher consequences for those children who are committing brazen, violent crimes. Under adult time for violent crime, children charged with serious violent offences will face adult courts and adult sentencing, where jail is more likely and sentences are longer.

But we are not stopping there. According to Australia's intelligence agency, did you know that one of the main drivers of this violent offending being committed by children is organised crime? Organised crime gangs are recruiting children to do their dirty, violent work. Just last week the Australian Criminal Intelligence Commission released its latest report, and frankly the commission's words should focus the minds of all of us. Children are increasingly being recruited by serious organised crime gangs for acts of extreme violence. It is being seen here in Victoria and Australia and is part of a growing international trend. This is a new and evolving pattern of exploitation.

The Chief Commissioner of Police has been outspoken on this emerging threat, and it is why we are acting. We will immediately increase the maximum penalty for recruiting children to 15 years across the board, and we will go further, introducing a new aggravated offence carrying a maximum sentence of life in jail for adults who recruit a child to serious and violent offending. And what is the Liberal Party's response to all of this?

Youth crime

Brad BATTIN (Berwick – Leader of the Opposition) (14:13): My question is to the Premier. Months ago Detective Inspector Banks said, in relation to youth crime:

> I think the penalties aren't in balance with what community expectations are or mine …

In 2024 the former chief commissioner called for an urgent rethink of youth crime laws. Victorians suffering crime had been calling for consequences for years, and the Labor government continued to ignore them. Why does it take polling and focus groups for the government to do what is right?

Jacinta ALLAN (Bendigo East – Premier) (14:14): In thanking the Leader of the Opposition for the opportunity to talk about the government's plan to introduce adult time for violent crime, I absolutely reject the conclusion he made at the end of his question. The reason why I say this is because it pays a grave disrespect to the many victims that I and other members of my government have been listening to carefully. Alongside those victims that we have been listening to carefully, we have been working with Victoria Police and taking on their advice when they tell us that this is a new kind of crime that constantly requires interventions. We have been taking action, and that action involves having the most resourced police force in the nation, with more police on the streets than any other jurisdiction – a police force that we back, not undermine like the Leader of the Opposition does on a consistent and constant basis.

Members interjecting.

The SPEAKER: This is your last warning, member for Mordialloc.

Brad Rowswell: On a point of order, Speaker, question time is not an opportunity to attack the opposition.

The SPEAKER: I ask the Premier to come back to the question.

Jacinta ALLAN: With the resources that we have given to Victoria Police, we have also given them additional powers. The knife stop-and-search powers combined with the ban on machetes – and again I note that is another example of those opposite undermining the good work of Victoria Police – has seen more than 25,000 dangerous weapons taken off our streets, the most of any state. Then add to that the toughening of bail laws that those opposite opposed, and these tougher bail laws are seeing more people in jail, not –

Members interjecting.

The SPEAKER: The member for Yan Yean can leave the chamber for an hour. I ask members to show some respect to members on their feet.

Member for Yan Yean withdrew from chamber.

Brad Rowswell: On a point of order, Speaker, the audible noise in the chamber made it hard to hear what the Premier just said. I invite her to repeat it, please.

The SPEAKER: Member for Sandringham, that is not a point of order.

Jacinta ALLAN: I can understand the distress from the member for Sandringham at the behaviour of his colleagues and the way they have undermined Victoria Police and the way they opposed the toughening of bail laws that have put more people in jail, not on bail. I can understand the distress of the member for Sandringham at the way his colleagues behave in undermining Victoria Police. But we are resolute in working with Victoria Police, listening to victims of crime and doing what needs to be done to continue to keep the community safe, including adult time for violent crime.

Brad BATTIN (Berwick – Leader of the Opposition) (14:18): Yesterday the member for Werribee, who does not consider crime to be one of his top five issues, said:

> This issue is far too important to … post all over Facebook or call up 3AW and whinge about.

Does the Premier agree with the member for Werribee that victims of crime who speak out are just whingeing?

Members interjecting.

The SPEAKER: Order! Member for Bulleen, this is your last warning. Member for Werribee!

Jacinta ALLAN (Bendigo East – Premier) (14:18): I am delighted to answer this question from the Leader of the Opposition, because no-one is working harder on behalf of their local community than the member for Werribee. I will tell you what, the people of Werribee made the right choice. They made the right choice in supporting the member for Werribee. Do you know why they supported the member for Werribee? Because the member for Werribee grew up in Werribee, he lives in Werribee and he taught in schools in Werribee. He taught in those great government schools in Werribee, where he worked with kids and he worked with police. You know what, the member for Werribee has had a big and important role in helping to frame adult time for violent crime based on his experience as a teacher and based on his experiences working with Victoria Police. I thank the member for Werribee for the work he is doing every single day.

Members interjecting.

The SPEAKER: The member for Werribee can leave the chamber for half an hour. It has been coming for a while, member for Werribee.

Member for Werribee withdrew from chamber.

Ministers statements: industry and advanced manufacturing

Colin BROOKS (Bundoora – Minister for Industry and Advanced Manufacturing, Minister for Creative Industries) (14:20): Liberals in Sydney and Melbourne have one thing in common: they love talking Victorian business and industry down. Here are some facts: business investment in Victoria –

Bridget Vallence: On a point of order, Speaker, I would imagine that the former Speaker of the house would know his own rulings from the Chair. He started out with an attack on the opposition. I would ask you to ask him to refrain from doing so.

The SPEAKER: I think the minister was referring to members in other jurisdictions. I ask you not to reflect on the opposition, Minister.

Colin BROOKS: I respect your ruling, Speaker. Some facts: business investment in Victoria was up 1.2 per cent last year, compared to 0.7 per cent nationally, so there is strong growth. The number of businesses in Victoria last year grew in net terms by 16,000 businesses, and we have seen some great examples of those investments over the last couple of weeks. I had the pleasure of joining the member for Kororoit at Ravenhall at Swisse Wellness's new national operations centre, which will pack 7 million bottles of vitamins every year, exporting to 15 countries. Importantly, there are 100 jobs at that facility out in Ravenhall and, also importantly, $100 million worth of investment in the manufacturing supply chain for suppliers of Swisse vitamins in Victoria.

We are seeing strong investment in regional Victoria too, with the lowest rate of payroll tax in the country in regional Victoria – something, strangely, that the Business Council of Australia and their Liberal Party CEO mysteriously ignored this week. A good example: Farm Frites announced that it would be establishing a $300 million manufacturing base in Dooen for its popular hot chips and potato products, delivering a delicious 250 jobs. The members for Lara, Geelong and Bellarine and the Premier and I all joined together to welcome international flights and more domestic flights back into Melbourne's Avalon Airport.

Members interjecting.

Colin BROOKS: I will say no more about that one. It was a great announcement. It is really clear that our approach to investment is more growth and more jobs. Others have only got one golf club left in the bag: a big 1-wood – $11.1 billion worth of cuts. We know they have done it before. They will do it again. It is in their DNA. The Liberals will wreck our economy with $11.1 billion worth of cuts.

Workplace safety

Brad BATTIN (Berwick – Leader of the Opposition) (14:22): My question is to the Premier. Woolworths recorded a 99.6 per cent reduction in reoffending following the introduction of workplace orders in the ACT, with overall crime at its territory stores falling 23 per cent compared to last year. Yet despite Victoria being the retail crime capital of the nation, workplace orders are missing from the government's bill.

Members interjecting.

The SPEAKER: The Leader of the Opposition can repeat his question.

Brad BATTIN: Woolworths recorded a 99.6 per cent reduction in reoffending following the introduction of workplace orders in the ACT, with overall crime at its territory stores falling 23 per cent compared to last year. Yet despite Victoria being the retail crime capital of the nation, workplace orders are missing from the government's bill. Why?

Jacinta ALLAN (Bendigo East – Premier) (14:24): On previous occasions I have made this statement, and I will say it again in response to the Leader of the Opposition's question. The increase in threatening, violent behaviour towards retail workers is unacceptable, and that is why we are working on introducing into the Parliament stronger powers for Victoria Police to crack down on this behaviour. No retail worker should have that experience anywhere in the nation, and we will be strengthening laws to give police the powers to deal with it here in Victoria.

Brad BATTIN (Berwick – Leader of the Opposition) (14:24): Just like retail workers, violence against nurses, doctors and other healthcare workers in Victorian hospitals is rising, reaching 23,977 incidents last year, a 20 per cent increase. Maddy Harradence, Victorian secretary of the Australian Nursing and Midwifery Federation, said:

> Nurses, midwives and carers are kicked, bitten, hit with an object, punched and spat on …
>
> Some nurses and midwives never return to work. It ruins lives.

Why are nurses and doctors suffering this workplace violence under Labor?

Members interjecting.

The SPEAKER: Member for Mordialloc – 1 hour.

Member for Mordialloc withdrew from chamber.

Jacinta ALLAN (Bendigo East – Premier) (14:25): In responding to the Leader of the Opposition's question, I think he does grave disservice to any worker who experiences violence in their workplace in the way he characterises this. This is something that is being experienced by too many workers around our nation, where we are seeing violence against people in different workplaces rise at unacceptable levels. We are taking action to provide greater powers to support people who work in retail settings. The Minister for Health and the Minister for Mental Health as recently as Friday of last week hosted a round table with representatives of the workers – the workers that we support and the unions that represent them – to work with them on supporting and addressing the too many issues around occupational violence.

Ministers statements: education system

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (14:27): As we end the term and the school year, I think it is a good opportunity in the chamber to pay tribute to our hardworking teachers and our hardworking students, particularly those that have been doing hard work in the area of maths. Let us just go and put some statistics together. When you add 926 firefighters, 4500 police, 9000 teachers and 18,000 nurses, what do you get? The answer is the number of jobs those opposite will cut to fund the member for Kew's budget black hole of $11 billion, because on this side of the chamber –

Brad Rowswell: On a point of order, Speaker, the Deputy Premier should know that even ministers statements are not an opportunity to attack the opposition.

Mary-Anne Thomas: Speaker, on the point of order, it is entirely appropriate that ministers use ministers statements to compare and contrast the position of the government with those who would pretend to seek office in our state.

The SPEAKER: The Deputy Premier will come back to his ministers statement. I remind all ministers not to attack the opposition.

Ben CARROLL: What adds up to $11 billion is 926 hardworking firefighters, 4500 police officers, 9000 teachers and 18,000 nurses, which equals $11 billion, which we know the member for Kew has put on the public record as what she needs. But also think about the doctors in schools program, the school breakfast clubs program and the Glasses for Kids program.

When it comes to our hardworking teachers, we say they deserve nationally competitive wages. The shadow minister says any wage increase for teachers 'is worrying'. We are on the side of hardworking teachers, while the shadow minister says any pay rise for teachers is worrying. Mr Mulholland in the other place has put on the public record that he does not support pay rises for teachers. He is quoted as saying it is worrying. He is also on the record saying that we need to cut cost-of-living measures for families. There is only one thing we know Mr Mulholland will not cut, and that is his private membership to the men-only club that he has got on his register of interests.

Members interjecting.

The SPEAKER: Order! Leader of the Opposition, I ask you not to reflect on the Speaker.

Youth crime

Gabrielle DE VIETRI (Richmond) (14:30): My question is for the Premier. This morning the Governor signed the historic treaty bill, the final step in making it law. It was a proud moment for our state. But for all her aspirations to repair the harm done, the Premier has just dealt a massive blow to First Nations communities, proposing that children be tried as adults and even face life in prison. It is no secret that these laws will disproportionately impact Aboriginal children already over-represented in our prisons because of systemic racism and disadvantage and discrimination. Has the Premier received advice that her new laws will result in more Aboriginal children being locked up for longer and more deaths in custody?

Jacinta ALLAN (Bendigo East – Premier) (14:31): Today is indeed a proud day for the state of Victoria, and I was proud as Premier to join with the minister for First Peoples, who has led this journey from day one on behalf of the government, and join with the co-chairs of the First Peoples' Assembly in the presence of the Governor and many colleagues. Not all colleagues and not all political parties were represented at Government House today, but many were – those who support treaty were. We marked treaty becoming law in this state with the royal assent being given by the Governor. It is a proud day not just because of the huge amount of work that has led to this point. It should have been a proud day that united the Parliament because it means better, fairer outcomes for everyone in our state. When you have a treaty framework in place, as we will have through Gellung Warl, and a new way of listening and working and delivering in partnership with First Peoples in this state measures to address systemic disadvantage, that is how you lift Indigenous families and kids and you lift outcomes, and that lifts us all as a state. That is the sort of state I am proud to lead, a state where everyone matters, where everyone belongs and where everyone is equal.

We know, though, even though treaty is now law, that those of us and the many Victorians – it is not just Indigenous Victorians who fought for treaty – who came on this journey have to keep fighting for treaty, because there are some who want to tear it down. There are some who say one of their very first actions in government would be to tear down something that has taken a decade to achieve and represents the beginning of turning around decades and decades of disadvantage. As we know, that line of systemic disadvantage runs from the time of colonisation to this day. To think that your first priority would be to tear down treaty. That is the agenda of the Leader of the Opposition.

Tim Read: On a point of order, Speaker, just on relevance, the Premier has got 20 seconds to touch on the new laws and the impact on Aboriginal children and deaths in custody.

The SPEAKER: There was a very long preamble to that question, and the Premier is being relevant to the question.

Members interjecting.

Jacinta ALLAN: For the record, the Leader of the Opposition just said across the table he is proud of that. In dealing with the issues of crime, we know that Aboriginal kids are disproportionately victims of crime, which is why we will be moving to protect all kids through our strengthening of the law.

Gabrielle DE VIETRI (Richmond) (14:34): The Victorian Aboriginal Legal Service has called these laws cruel and unforgiving. In fact all the experts who work in youth justice have absolutely slammed these laws. They know what keeps communities safe, and it is not locking up children. In fact that just pushes them deeper into the criminal system, it increases the risk of reoffending and it destroys young lives. We all want safer communities, but the evidence shows that harsher sentences do not work. Funding early intervention, secure housing and mental health support are what works. Premier, has this government done any modelling on the long-term harms that these new laws will cause?

Jacinta ALLAN (Bendigo East – Premier) (14:35): The member for Richmond claims to know what every youth justice expert in this field thinks. I was speaking this morning with someone who works in the youth justice sector who was at the treaty signing event this morning and who is proudly an Indigenous Victorian. They said well done. They said there needed to be change. They talked about the challenges of showing kids – Aboriginal kids – that there need to be boundaries. As parents we know that kids need boundaries; they need to know that there are consequences when they do the wrong thing. That is exactly what we are doing with the introduction of adult time for violent crime, where kids get treated as adults for these violent crimes, where jail is more likely and sentences are longer, and that keeps all of us safe, including those Aboriginal kids, who are also disproportionately victims of crime.

Ministers statements: major events

Steve DIMOPOULOS (Oakleigh – Minister for Environment, Minister for Tourism, Sport and Major Events, Minister for Outdoor Recreation) (14:36): I rise to update the house on the fact that Melbourne is booming. You could have been one of the 250,000 people at the racing carnival, as the Minister for Racing and I were. Or if you were not at the racing carnival, you could have been at AC/DC at the MCG, at Oasis at Marvel, at Melbourne International Games Week at Fed Square, at the Australia versus India T20 cricket match or at Ricky Martin, Mariah Carey or so many other events. In fact 1.7 million people attended sporting and cultural events in Melbourne within the month. This is not the Australian Open in January or mad March, this is October–November.

But it is not just about the joy of attending these events. It is not just about the international and national branding. It is actually about the jobs for the everyday Victorians who work in this major events sector. We had 258,000 more room nights booked in Melbourne this calendar year compared to last calendar year. That is about 700 extra jobs. That is more coffee makers, more housekeeping staff, more porters and more transport staff to get you to the hotel in the first place. In fact Marvel Stadium has 21,000 extra shifts in October and November. And we have backed the industry by getting kids into free TAFE, with 8300 young people commencing hospitality and tourism training courses.

But there is another way. You could bag the place. You could criticise Melbourne and Victoria at every turn – on 3AW, at the back doors, at the front doors, on social media. You could criticise the place, hoping that your narrative gains traction despite the ton of evidence to the contrary. You could even call for the shrinking of the Grand Prix. You could even say the money spent on destination marketing was a waste. We will never talk down Melbourne and Victoria.

Fire services

Danny O'BRIEN (Gippsland South) (14:38): My question is to the Minister for Environment. It has been revealed today that the government has asked to borrow old decommissioned fire trucks from interstate to cover the 350 forest fire management appliances that have been taken offline due to faults. Will the interstate appliances being borrowed fully cover those that are offline?

Steve DIMOPOULOS (Oakleigh – Minister for Environment, Minister for Tourism, Sport and Major Events, Minister for Outdoor Recreation) (14:39): I thank the Leader of the Nationals for his question. I will get to his question. His question is consistent with the fearmongering that we have seen from the Leader of the Nationals in his last few questions. However, I will make a couple of points in

relation to the fleet. The first point is that no government has invested more in the fleet, and not just this fleet. Under the Minister for Emergency Services, in the rest of the firefighting fleet no government has invested more. Do you know why? Because we understand that to keep the extraordinary men and women of FFMVic safe, we need to keep the fleet safe. We maintain the fleet all year round, not just during bushfire season. My second point on the fleet is that I do not know where the Leader of the Nationals is going with these questions. I feel like he is talking down the place –

Danny O'Brien: On a point of order, Speaker, on the question of relevance, I am not going anywhere; I just want an answer to the question.

The SPEAKER: The minister to come back to the question.

Steve DIMOPOULOS: There is a real-world impact when you talk down our emergency services, you pick apart the CFA and you pick apart the FFMVic. You pick them apart –

James Newbury: On a point of order, Speaker, the minister is defying your ruling.

The SPEAKER: That is not a point of order.

Steve DIMOPOULOS: Underlying the question from the Leader of the Nationals is a gross misunderstanding of how firefighting happens in the state of Victoria and in fact the whole east coast. Can I remind the Leader of the Nationals –

Danny O'Brien: On a point of order, Speaker, on the question of relevance, could you please bring the minister back to answering the question: will these replacements actually cover those they have taken offline?

The SPEAKER: I cannot tell the minister how to answer the question. The minister was being relevant as he was talking about appliances with the emergency services.

Steve DIMOPOULOS: For the avoidance of doubt, all the fire services in Victoria have attested that they are ready to fight fires in Victoria – point number 1 – and everybody who is actually interested in this space for reasons that are not political understands that. But I need to make a point because it is important for the house to understand. We have just received assistance from the east coast. We have just sent assistance to other states. In January this year we sent personnel to New South Wales to fight not Victorian bushfires but New South Wales fires. You cannot send any more important resource than your staff. We had staff come back from Canada just a few months ago and New South Wales in January. The fact that you do not understand –

Bridget Vallence: On a point of order, Speaker, the minister is debating the question. This was about fleet management. I ask you to ask him to come back to the question.

The SPEAKER: The minister to come back to the question.

Steve DIMOPOULOS: We share resources all the time. It is not unusual. In fact it is how we survive bushfires right through the east coast, Canada, Greece and every other impacted place around the world. And Victoria is always at the forefront of lending personnel to every other place. The Premier and I were at the Ballarat aerodrome announcing that we are putting aircraft a month early into the regions to protect Victorians. We are bushfire-ready. FFMVic are bushfire-ready from today, every single day of the year.

Danny O'BRIEN (Gippsland South) (14:43): On what date will the full Victorian-owned FFMV fire fleet return to operational service?

Steve DIMOPOULOS (Oakleigh – Minister for Environment, Minister for Tourism, Sport and Major Events, Minister for Outdoor Recreation) (14:44): The member's question seems to labour under the misapprehension that the fleet is always available in its entirety all year round. Fleet requires

maintenance all year round, so at every point in the cycle there are some fleet that are in service and there are some fleet that are actually in operational capacity. In fact –

Danny O'Brien: On a point of order, Speaker, on the question of relevance, this was an extremely straightforward question: on what date will the full fleet return to service? We know about ongoing maintenance. What date?

The DEPUTY SPEAKER: I cannot tell the minister how to answer the question. He was being relevant.

Steve DIMOPOULOS: Just to be abundantly clear, not only have all the fire services attested that they are ready for bushfire –

Members interjecting.

Steve DIMOPOULOS: No, it is absolutely the question – through you, Speaker – because you cannot be fire-ready if you do not have a fleet. The Premier and I were at the Ballarat aerodrome announcing, a month early, aviation aircraft with water-bombing capacity. The fleet is ready now. FFMVic are ready now.

Ministers statements: economy

Jacinta ALLAN (Bendigo East – Premier) (14:45): Can I tell you what Bintang, gold bars and 5000 kilometres of undersea cable have in common? Jobs, and they are jobs here in Victoria, investments that are injecting billions of dollars into our state's economy. Let me take you through the list. Last Friday the Minister for Energy and Resources and I were at the biggest goldmine in the state of Victoria, at Fosterville, in the electorate of Bendigo East, where approvals have just been put in place for a new storage system –

Members interjecting.

Jacinta ALLAN: great local member, yes, thank you – to support more than a thousand local jobs over the next decade and inject $1.3 billion into regional Victoria's economy. On Monday, with the Minister for Government Services, we were at Docklands to welcome the world's largest data cable ship, laying 5000 kilometres of cable beneath the sea – a project that is being delivered in partnership by SUBCO with support from the state of Victoria – cable powerful enough to download 50,000 movies every second. It is literally laying the foundation for the thousands of tech and service jobs that will be here in Victoria in the future.

The minister for industry nearly gave it all away earlier, but with the Minister for Industry and Advanced Manufacturing, the Minister for Public and Active Transport, those great Geelong MPs the member for Lara and the member for Geelong, and the member for Bellarine, we are marking the next chapter in Avalon Airport – the return of international flights to Bali and more flights to Brisbane and Adelaide. This is a big, big boost to the Geelong economy. We know that those opposite are trying to find a way to dig their way out of their $11 billion black hole created by the member for Kew. What we are doing is backing billions of dollars of investment here in workers and in the great state of Victoria.

Constituency questions

Evelyn electorate

Bridget VALLENCE (Evelyn) (14:48): (1379) Potholes, degrading roads, dangerous roads. This Labor government has failed. The condition of roads has deteriorated after 11 long years of the Allan Labor government's cuts to road maintenance funding, leaving motorists dodging potholes and driving on roads that resemble goat tracks. The Department of Transport and Planning's annual report shows that major patching works on outer metropolitan roads saw a staggering 73 per cent drop last financial year – a 73 per cent drop in pothole patching. And doesn't my community know it? Just look at

Maroondah Highway through Lilydale, Coldstream and Gruyere; Hull Road, Mooroolbark; York Road, Mount Evelyn; Melba Highway, Yering; Monbulk-Seville Road, Seville; Warburton Highway through Lilydale, Wandin and Seville; and the list goes on. My question to the Minister for Roads and Road Safety is: what road-patching and maintenance projects have been completed in the Evelyn electorate for the last year and are planned for next year to ensure the safety of locals and tourists in my region?

Point Cook electorate

Mathew HILAKARI (Point Cook) (14:49): (1380) My question is for the Minister for Transport Infrastructure. How will the opening of the West Gate Tunnel benefit Melbourne's west and the community that I represent? Happy West Gate Tunnel Discovery Day. It is this weekend. Tens of thousands of Melburnians, particularly from the west and the south-west, are going to see it for the very first time. There will be some that will do the run – member for Werribee. There will be some that do the walk – me. It is a great opportunity to experience this tunnel for the first time, which is a game changer for all of Melbourne's west. I am very excited to see the full West Gate Tunnel open later this year, and I am keen to hear about the benefits.

Richmond electorate

Gabrielle DE VIETRI (Richmond) (14:50): (1381) My question is for the Minister for Health. Some of my youngest constituents, three-year-olds at the Kangaroo Paw kindergarten class in Fitzroy, have written to me about how important their doctor is. They say it is really important to have doctors that are easy to reach in our community. Ayor says, 'We need doctors to keep us safe and healthy.' Milla says, 'We need lots of doctors.' 'We need them when a baby is sick,' says Amina. 'And when we're coughing,' says Imran. These three-year-olds are among some of the 12,500 people who are set to lose access to their local GP if Cohealth closes next month. Given that a motion passed in the upper house agreeing to fund Cohealth to save it from closing, will this government commit to providing this funding to ensure these services can continue?

Werribee electorate

John LISTER (Werribee) (14:51): (1382) My constituency question is for the Minister for Multicultural Affairs in the other place. What support is the Allan Labor government giving to our multicultural community in Wyndham, including the Karen community? I was proud to represent the Minister for Youth at the launch of the 'Access to justice' Karen community leaders consultation report. It was powerful hearing the voices of young people and parents talking about the impact of crime as well as the need for more support for this small but mighty community. The report identified not just barriers to access but also the incredible strength of the Karen community. Listening to victims, identifying opportunities – that is what I look forward to doing with this group as they move on to the journey towards stage 2. It was a fantastic evening which also included a fantastic meal. Ta bluh doh mah to the Karen community.

Rowville electorate

Kim WELLS (Rowville) (14:52): (1383) My question is to the Minister for Roads and Road Safety. Minister, when will you organise for the potholes along Stud Road to be properly repaired and this time fixed properly so they do not wash out again? The section between Wellington Road and Ferntree Gully Road was patched only a short while ago, but after the recent rain those repairs have already come apart. What were small patches a few weeks ago have now become deep, dangerous craters. Drivers are swerving to avoid them, tyres are being blown and suspensions are taking a beating. It is not just inconvenient anymore, it is unsafe. How stupid can the government be? They have a pothole, they pay for someone to go out there and fill it up, the rain comes along and washes it all out and all of a sudden we have got a larger pothole than what we had originally. Minister, enough is enough. Rowville residents deserve better than temporary patch jobs.

Kororoit electorate

Luba GRIGOROVITCH (Kororoit) (14:53): (1384) Can the minister please advise what work the Allan Labor government and Victoria Police are doing to improve safety for students and local commuters at train stations?

The SPEAKER: Which minister?

Luba GRIGOROVITCH: Sorry, Minister Carbines, the Minister for Police. In recent months, I have received a number of concerning reports from residents about safety issues at Deer Park, Rockbank and Caroline Springs train stations during school travel times. Parents and students have described bullying, harassment and, in some cases, physical altercations. One parent recounted a distressing incident in which his son was threatened and repeatedly teased by students from another school. While schools work hard to manage behaviour during school hours, it is important that we help ensure safe travel to and from schools for young people in our community.

South-West Coast electorate

Roma BRITNELL (South-West Coast) (14:54): (1385) My question is to the Minister for Women and Minister for Prevention of Family Violence. Emma House in Warrnambool, a specialist community legal centre offering free trauma-informed legal assistance to women and children experiencing family violence, has faced multiple closures, most recently six weeks ago, due to governance failures. When will the minister urgently intervene to ensure staffing support is provided to Emma House? Despite renewed federal funding and clear demand, the service has been severely impacted. Solicitors have reportedly resigned over ethical concerns, and staff warnings have been ignored. Alarmingly, full-time employees remain on payroll while unable to work. In health and aged care, agency staff are routinely used to maintain essential services, so we know it can be done. Women and children in the south-west are being left without critical legal support. In fact I understand there was a victim-survivor who felt she had no option but to return home to her abuser. Immediate action is needed to restore this vital service and protect women.

Pascoe Vale electorate

Anthony CIANFLONE (Pascoe Vale) (14:55): (1386) My constituency question is for the Minister for Roads and Road Safety. How can the Department of Transport and Planning make the Sydney Road corridor through North Coburg safer between O'Hea Street in the south and Boundary Road in the north? Sydney Road is a major north–south arterial corridor that facilitates thousands of freight, private vehicle, public transport, commuter and vulnerable road user movements every day. However, it is particularly through the North Coburg corridor that it continues to experience unacceptably high rates of fatalities, serious injuries, accidents, close calls and near misses where this portion becomes particularly narrow and hazardous. There were, concerningly, over 200 collisions recorded between 2012 and 2024. This included an estimated 77 fatal or serious injuries, and the highest collision rates were between the Bakers Road and Boundary Road intersections, with 73 per cent of accidents taking place from 7 am to 7 pm. That is why I am proud to be sponsoring a community petition led by Drew Roberts from the Liveable Sydney Road group that has so far accumulated 300 signatures and is calling for safer speeds; improved signage; safer tram, bus and transport interchanges and stops; enhanced pedestrian crossings; dedicated turning lanes; traffic-calming measures; and greater provisions and protections for pedestrians, cyclists and road users.

Mildura electorate

Jade BENHAM (Mildura) (14:56): (1387) My question is for the Minister for Emergency Services. My question is: what parameters need to be met for there to be a call of total fire ban in any district? Today in the Mallee district we have a top temperature of 29 degrees and winds of around 19 kilometres per hour, yet a total fire ban has been called. In other districts this may have very little consequences, but in a district where croppers have just started harvest and a total fire ban means that they cannot harvest or use machinery during the day of total fire ban, it halts a very important, if not

the most important, time of year. So my question to the Minister for Emergency Services is: what parameters need to be met for there to be a day of total fire ban?

Sunbury electorate

Josh BULL (Sunbury) (14:57): (1388) My question is to the Minister for Health. Minister, how many additional patients are able to receive treatment thanks to the additional dialysis and oncology services at the Sunbury community hospital? Speaker, as you will be aware, the Sunbury community hospital is an outstanding facility within my community. We were very pleased to be able to add to the existing services that were made possible for better local health care. I had the opportunity to join the minister some months ago now to speak to the wonderful staff and of course the patients that are receiving treatment at the Sunbury community hospital, and I want to thank and acknowledge the amazing team that do terrific work there supporting our local community and enabling those additional dialysis and oncology appointments for that important health care locally, when and where it is needed.

Rulings from the Chair

Constituency questions

The SPEAKER (14:58): I want to make some remarks on constituency questions. Constituency questions must ask questions of ministers and not seek an action. Members should take care in phrasing their matters to ensure that their constituency question seeks information and does not instead ask a minister to do something. On 30 October 2025 the member for Albert Park asked the minister to provide a progress report, which is an action, and the member for Hawthorn asked the minister to conduct an investigation, which is also an action. I rule both members' questions from 30 October out of order.

Nicole Werner: Speaker, I rise on a point of order regarding overdue questions, specifically questions 1184, 1298, 1326 and 1330. One of these questions relates directly to the CFA, which is particularly concerning as we enter bushfire season.

The SPEAKER: I ask members when they raise points of order in relation to unanswered questions that they only state the question and the minister.

Danny O'Brien: On a point of order, Speaker, also on overdue questions, I have 2796 and 2470, both to the Minister for Emergency Services, also relating to the CFA and well and truly overdue.

The SPEAKER: Again, I remind members that points of order on unanswered questions are to refer to the question and the minister without added commentary.

Martin Cameron: On a point of order, Speaker, I too have some unanswered questions I would like followed up: questions 2718, 1259 and 1292 and, for a seventh time, question 1985 to the Minister for Health.

Bills

Planning Amendment (Better Decisions Made Faster) Bill 2025

Second reading

Debate resumed.

Martin CAMERON (Morwell) (15:00): I rise today to talk on the Planning Amendment (Better Decisions Made Faster) Bill 2025. As we have received this bill and worked our way through it, there are some things in there which do help with our housing progression and building. We all know as we stand in this space – it does not matter what side of the house that we are on – that we do need more housing and more access for our constituents to be able to afford housing. What we do have concerns with in the bill are obviously the constant hold-ups and red tape in all manner of understanding. The member for Narracan spoke very well before when he stood up, and of course he is fully immersed in

the building side of his former job. Being myself a former tradie, it does make some difficult decisions that we feel do stymie that charge towards actually unlocking the government's move to build so many houses right across regional Victoria and right across metropolitan Melbourne.

One of the issues that I raise and I have raised before is that down in the Latrobe Valley, like everyone else around the state, we are looking for ways to build more cheap, affordable housing. We need to make sure that we are hitting targets. We have a parcel of land which has been 10 years in the making that is burdened with what we have down there: coal overlays. Obviously we have the power stations in and around the Latrobe Valley, and they have coal overlays, and rightly so in some areas. But we have coal overlays that are stymieing development. In one particular development down in the Traralgon East section of our town we have 2000 shovel-ready allotments that can be opened up for housing to be built. These are not reliant on funding by the government; these are particular individuals that have done their due diligence and homework and gone through the entire process of opening up this development. But the one thing that constantly holds them back is these coal overlays. We know that around the power stations we need to make sure that we do have these coal overlays, so we are not asking for all the coal overlays to be removed, we just need a proactive thought process.

I would even invite the Minister for Planning to come down. The Minister for the State Electricity Commission has been down and around in the area before, and I have spoken with her about the coal overlays and the impact that they are having. But I would encourage the Minister for Planning to actually come down and see firsthand just how far away this development is from the coalmine. The government are talking all the time about being constantly on the lookout to deliver our Big Housing Build, as they articulate so often in here. This is a 2000-house development which is going to be staged over the next decade, and they cannot even put a shovel in the ground and turn it over. I know that there are a lot of ministers on the other side that love getting a shovel in their hand and turning a sod of dirt over, so the minister can come down and take credit for removing this section of the coal overlay and opening up 2000 houses for regional Victoria. It seems to be a no-brainer in most people's thought process, and I think it fits in perfectly with the government trying to make more houses available through their Big Housing Build – 2000 houses, regional Victoria, ticking all the jobs, but it is just this one issue of coal overlay. So I would love the minister to come down and do that.

There are other coal overlays in and around the Latrobe Valley. I speak with our local council down there and they have got ideas for manufacturing precincts and so forth. There are certain parcels of land with coal overlays that have been there for over 40 years, and we know that the government and the people of Victoria realise that the power stations are shutting down, so we do not need to expand the mines. The actual mines are shutting, so we really do not need these coal overlays being detrimental and stopping the growth of the Latrobe Valley. As I said, as we move through to do this Big Housing Build, we need to think outside the square a little bit about what is shovel-ready and what are things that are in place in regional Victoria that are going to make a difference. It is going to open up jobs, because we are going to build 2000 houses. Plans have been done. The council have gone as far as to do their own geothermal work and the technical work of drilling holes in the ground and actually seeing the stability of that land. They have actually gone out on their own and done that because they are hitting roadblocks with the Labor government to be able to progress anywhere. The government does not even really need to come in and do that work to see what the ground is like, because it is already being done by the local council. They can see the need for it. We are trying to grow our region, trying to make sure that we are providing certainty with new housing and new manufacturing in the Latrobe Valley. We need to have government come down and actually look firsthand, not see a map and try and make decisions on that side of things – actually physically come down and stand in the paddock and look at the vision that people had 10 years ago because they knew, the developers knew, that regional housing was an issue.

It will not only be my area in the Latrobe Valley; they will be opening up blocks of land right around regional Victoria. There are developers and other members in here – I am sure every single person in the chamber that is out in the regions – with other stories that may not be coal overlays that are holding

up development, but it will be something small and minute. They would have ticked every single box to be able to move forward with a development, but there will be something small that just sits there and stops it from progressing forward. I think the minister should be proactive and come out and visit the regions and see and talk to the locals about not building these houses, not opening up for our younger generation to be able to build new and affordable housing and not being able to make sure that we are housing people that need our help as a government, those people that are fleeing domestic violence. We need to make sure we have housing stock online.

Some of our community housing that we do have down in the Latrobe Valley has gone backwards in the last 10 years. As we always constantly talk about the Big Housing Build and having social and affordable housing in our stock, not only in the Latrobe Valley but also down through East Gippsland – I clarify this with East Gippsland and the Latrobe Valley being number 1 and number 2 for domestic violence, unfortunately, and I think, Acting Speaker O'Keeffe, your electorate is probably number 4, high up there – we need to make sure that we have the access to affordable social housing so that we can make sure that our people are safe.

So please, minister, come down, have a look at these coal overlays. It is a stroke of a pen; it will not cost you anything. I am sure your driver will bring you down. I will even buy the minister a coffee. But come down, stand on the site, see what we are about and let us get on with building some houses for regional Victoria.

Lauren KATHAGE (Yan Yean) (15:10): I am so glad that we are in the house to debate this bill, because this gives those opposite a chance to come clean. This is the chance now for those opposite to come clean on their plans to cut infrastructure for growth areas. This is the time, and I would love to see the member for Sandringham –

Emma Kealy: On a point of order, Speaker, the member has strayed past the bill and is using it as an opportunity to attack. I ask you to bring her back to the bill in front of us.

The ACTING SPEAKER (Kim O'Keeffe): Could you come back to the bill, please.

Lauren KATHAGE: I am very happy to go into great detail and amazing emphasis so that the member opposite will understand why this is directly relevant to the bill, because those opposite seem to have a problem with the growth area infrastructure contributions, and in fact they have been very clear about that in this very chamber. This is the payment that is made by developers to pay for important transport and liveability infrastructure in our communities. We have recently seen funding from this to pay for our new 524 bus in Donnybrook, for example, and this bus means that people are able to access public transport to the shops, get to school and basically have improved liveability in our growth areas. You would think it would be a good thing for developers to contribute to the infrastructure of the communities from which they benefit; however, we have seen from, for example, the member for Sandringham an absolute wringing of hands for developers. He is worried about those developers. He is worried – he does not want them to have to contribute so much to what he calls a crippling tax. A crippling tax is how he describes the responsibility – and I will call it the moral responsibility – of developers to contribute to infrastructure in our growth areas. In fact the member for Sandringham has stood in this place and talked about the work it would take to unpick. He spoke about unpicking this if they were ever in government, and that is why I am saying that this bill, which speaks directly to growth area infrastructure contributions, is an opportunity for those opposite to stand here, to come into the chamber and tell us that they do not plan any reductions to the growth area infrastructure contribution and that they do not plan to reduce what developers contribute to our community. Building infrastructure for our communities is what we are about, and our communities certainly need it.

The member for Bulleen might have a bit of insight into that, because I spoke previously about Donnybrook. The name Donnybrook brings up bucolic scenes in your mind, and in fact it was a farm; they were farms. But with the stroke of a pen the member for Bulleen turned what were farms into

housing estates, and he has been here in this chamber crowing about that. 'I'm the king of housing,' he told us. 'I am the king of housing.' Well, through that change he was certainly kingly, because he definitely made some people very, very rich with those changes that he made. He made people very rich, but in that signing of the documents to create housing did he lift his finger or lift his pen to contribute anything towards infrastructure? No, nothing. The only thing that went into that community were the developers from those opposite – no contributions. So that is why this government has been working hard to deliver the infrastructure for those estates and those communities that the member for Bulleen created when he was the minister for planning.

For example, we have got the Donnybrook Road stage 1 upgrade, which is all about improving the flow on and off the Hume – we are partnering with the federal government on that – and we are busy doing the work to catch up to the changes that were made by the member for Bulleen when he was the Minister for Planning. But, you know what, they are at it again, and I am not sure if they realise that we know that we have got Liberal Party members –

Emma Kealy: On a point of order, Acting Speaker, the speaker is inappropriately using her time just to slag off our side of politics. I just ask her to pay respect to the people who actually want to see some improvements to planning across the state and come back to the legislation.

The ACTING SPEAKER (Kim O'Keeffe): I will ask the member to come back.

Nathan Lambert: On the point of order raised by the member for Lowan, Acting Speaker, part 9 of the bill goes directly to infrastructure contributions. The entire point of this house is to debate different approaches to bills, and the member is being entirely relevant in her contribution.

The ACTING SPEAKER (Kim O'Keeffe): The member was actually not being respectful to the member that she was referring to, so I do uphold the point of order and ask the member to come back to the bill.

Lauren KATHAGE: I am very willing to give due respect to the member for Bulleen, as he calls himself the king of housing. For the king of housing, we know that discussions are already happening in my community. We have got beautiful agricultural areas, we have got green wedge and we have got Liberal Party members going around to landowners saying, 'Hey, your land is probably worth a bit if the planning rules are changed.' That is what we have in my community.

Emma Kealy: On a point of order, Acting Speaker, the speaker must be factual in her contribution. She has no evidence of that and is speaking for members on this side of the chamber. We all have opportunities to provide our own contributions on this legislation. I ask her to go back to expressing her own views and putting them on the parliamentary record.

The ACTING SPEAKER (Kim O'Keeffe): I ask the member to come back to the bill.

Lauren KATHAGE: I am very happy to show the member the printed invitation after the debate. On their side, developers; on our side, communities. We are about helping communities get the infrastructure they need after those opposite have helped developers get the profit that they want, and that is the difference between those opposite and us. We are on the side of communities. We are introducing, through this bill, for example, changes to the superlots provision, which is going to help with bringing on infrastructure faster for our communities. At the moment there can be a barrier to developers getting going with their developments, which can mean that we have, for example, an issue like we do in Donnybrook of a footpath that comes and goes based on which developers have started their work. This superlot provision means that developers will be able to get going sooner with the first stage, which means that communities will not miss out on that linking infrastructure. This is a sensible and clever improvement by our Minister for Planning, and I welcome it very much in this bill.

We also have an understanding of the types of infrastructure that our communities need, and that is why this bill looks at making sure that the principal base and linking infrastructure that communities

need, even if it is not located right at their doorstep, to get from their doorstep to work is available and is funded, with developers giving their fair share.

I am not going to take a backward step, because I am not here to defend developers. I am not here to promote the interests of developers. That is not my role. I am here to represent the people of my communities. That is why I am working hard to make sure that this bill goes through the house, because last week when I was visiting a school I saw that there was no road out the front of the school. The developer had not seen fit to put a road there because there is no housing there yet. This is the mindset that we are facing. We will never be on the side of developers against our communities. We will always fight for our communities and push councils to make sure that developers are delivering what they promised and what they committed to for our communities, that what they put in their glossy brochures, which make them money, is made in reality and that what they use to sell their lots to my community happens lots, not just in a fantasy world. We want developers to do what they promise for our communities, and I am not taking a backward step on that. I commend this bill to the house.

Rachel WESTAWAY (Prahran) (15:20): I rise to oppose this bill, and not because I oppose better planning outcomes but because this legislation fundamentally fails to support the communities it is meant to serve. It is a bill that bypasses good governance, in my view, and our democratic rights. It is a bill that is setting us up for unwanted surprises with no ability to challenge them. The title promises 'decisions made faster'. What it delivers in your neighbourhood is the inability to object to the development next door, this Parliament unable to oversight bad planning decisions and communities locked out of choices – choices in their own communities. This bill arrives at a moment when the Allan government is advancing activity centre proposals for Windsor, Hawksburn, Prahran, Toorak and South Yarra stations. These are already amongst the most densely populated precincts in our state. Just walk through these neighbourhoods on any given morning and you will see the strain the existing infrastructure already bears: primary schools under pressure, trams and trains absolutely packed, childcare centres with waiting lists. Yet the government now seeks to strip away parliamentary oversight, diminish council input and remove notification rights for neighbours, all while fundamentally changing how these communities will grow. At the very moment that we need stronger community engagement in planning decisions that will transform inner Melbourne, this bill pulls the community further from the table. My deepest concern is the bill divorces planning entirely from the infrastructure our growing communities desperately need. There is no requirement that new development be matched with schools and no requirement that it be matched with transport, open space or even early childhood education. The bill simply assumes that dwellings can be approved faster if we stop worrying about whether there is a place for children to learn, spaces for families to gather or services to support them.

Let me give you a case study from my own electorate that crystallises everything that is wrong with this approach. The Windsor Community Children's Centre faces closure. Eighty local families will lose access to early education in a neighbourhood where demand already far exceeds supply, and 30 staff will be impacted. This is not a small community facility on the margins; this is a vital service in one of the proposed activity centre zones. It is already experiencing acute childcare shortages today, but it is an area where the government is planning thousands of new dwellings. The need for childcare at these activity centre sites will not diminish, it will multiply exponentially as development proceeds. These families have been advocating for months. They have written letters, they have attended meetings and they have made submissions. The Minister for Education has the power to intervene. As I have sat in this place, I have been stunned at the amount of times I have heard members from the opposite side of the chamber yell out, 'Well, what would you do?' I will tell you what the government should do: the Minister for Planning should ensure that any activity centre rezoning includes mandatory childcare requirements. Instead we have absolute silence and inaction – a government sitting on its hands while a vital community service disappears. And here is the brutal irony. This is happening at precisely the moment when planning reforms promise thousands more dwellings in Windsor, with no plan for the children who will live in them.

Under this bill a developer could lodge a low-impact planning application for a multistorey development and receive streamlined approval within guaranteed timeframes, with neighbours potentially totally unaware until construction began. Just imagine if you woke up one morning to find it all going on right next door to you with very little prior knowledge. Yet there is not a single provision for that development to contribute to the childcare, schools and open spaces those residents will need. You cannot build homes faster by ignoring the infrastructure families need. That is not progress. That is not even efficient planning. This is a planning system divorced from reality and divorced from the people that it is really meant to serve.

The bill introduces scaling systems for both planning permits and amendments, with mandated timelines. It does sound sensible in principle, but the definition remains unclear, the criteria underdeveloped and the regulations promised for the next two years. We are being asked to consider and vote on this framework without knowing which developments will qualify for which stream, which projects will bypass community consultation and which neighbours will wake to find construction next door or across the road without having been notified.

Then there is the question of parliamentary oversight. The bill removes Parliament's right to overturn a planning amendment without approval from the Scrutiny of Acts and Regulations Committee, a government-controlled body. Planning decisions that will shape the character of our suburbs for generations will no longer receive full parliamentary scrutiny unless the government permits it. This is not a technical reform; this is a fundamental shift in democratic accountability. And surprise, surprise, it is being rushed through without adequate consultation. The bill was released on the Melbourne Cup long weekend. Councils, industry groups and community organisations were given days to respond to legislation that rewrites the entire planning system. That is not consultation; this is window-dressing.

The bill also expands how growth areas infrastructure contributions can be used, allowing funds raised in one area to be spent outside that area, and it will now enable these funds to be used to cover administrative costs. What that means is that developer contributions can fund government administration rather than the roads, parks and community facilities residents were promised. Can I say that again – developer contributions can be directed to fund government administration. That is pretty alarming. I do not trust this government with their track record of financial mismanagement, and nor should the good people of Victoria.

My community is not opposed to growth. I am not opposed to growth. I am not opposed to housing. We welcome new residents, new businesses and new energy. Prahran has always been a place of change, of diversity and of opportunity. It is beautiful. It has got a mixture of heritage buildings, fabulous retail and contemporary new builds. I do not want to see the make-up of our area and the rights of my constituents quashed. Growth without infrastructure is not progress; it is a recipe for overcrowded schools, strained transport networks, disappearing open space and waiting lists for childcare that stretch for years. Prahran deserves planning reform that delivers infrastructure in line with proposed growth, not as an afterthought; community engagement strengthened and not diminished; parliamentary oversight maintained and not abolished; and action on existing deficits like the Windsor childcare centre – before we approve thousands more homes.

The government says this bill addresses Victoria's housing crisis – but Victoria does not have a planning crisis. We have an affordability crisis. We have a construction crisis. We have an infrastructure crisis. This bill does nothing to address affordability, nothing to accelerate construction and nothing to ensure infrastructure keeps up with growth. What it does do is shift blame onto communities, onto councils and onto existing residents for crises created by policy failure at a state level. And now we are being asked to shut up and put up. This is a moment that will decide what will be built in your neighbourhood. My residents have chosen Prahran because of what it looks like and what it offers. They invested in their homes. They bought or rented based on their local surroundings. This bill will ruin our neighbourhoods. The seat of Prahran will oppose this bill – not because we oppose better planning but because we demand planning that is truly better, more accountable, more

community focused and more connected to the infrastructure that makes great neighbourhoods possible.

You cannot close a childcare centre with one hand and approve thousands of new homes with the other and then call it progress, you cannot strip communities of their voice and then call it efficiency and you cannot remove parliamentary oversight and call it reform. I urge the government to withdraw this bill and return with legislation that genuinely serves Victorian communities, return with a bill that puts infrastructure in line with growth, return with a bill that strengthens community engagement rather than diminishing it and return with a bill that actually addresses these issues that I have raised today. Our communities deserve better, Prahran deserves better, and I will not support legislation that promises speed but delivers only the erosion of democratic accountability and the abandonment of the infrastructure that our growing communities depend on.

Tim RICHARDSON (Mordialloc) (15:30): We have heard from the Liberals and Nationals that they are opposed to housing. To gen Z and millennials: 'Sorry, we're too busy opposing housing and building the houses that our communities need.' That is what we have heard time and time again from speeches. We have heard from those opposite that there is not enough housing, but there is not one solution that the Liberals and Nationals have brought to this Parliament, or brought to this discussion ever, other than opposing. That is the legacy that we see each and every time. It is why gen Zs and millennials have had enough of the Liberals and Nationals. We have seen this time and time again as they walk away from action on climate change and they walk away from building more homes for more Victorians.

Those opposite are the biggest NIMBYs, blocking the progress and impact that we need for our communities. Where are these houses going to come from if we do not have modern adaptive planning schemes that enable us to build the homes of tomorrow? I was at an outer suburban councils discussion with the Leader of the Opposition and the member for Narre Warren South at the City of Casey only a few months ago – there were a few other legends along there as well from the south-east – and what did we hear? The Leader of the Opposition talked about being on the side of developers at that time and opening up more growth in the growth corridor. Well, hello: 70 per cent of that has been the number that has gone in. The message to gen Zs and millennials living anywhere near the suburbs they grew up in, like Greater Dandenong and the City of Kingston, is: you are priced out. It is someone else's problem. You do not deserve to have a house. Basically 'You don't deserve to have a roof over your head' is the message and narration, because they have not come up with any alternative to the activity centre plans that have been put forward.

We see time and time again former leaders of the opposition on the back of utes, the former Minister for Planning and now – he might still be – the Shadow Attorney-General marching down the street saying Bayside should have no houses. For anyone under the age of 40, what is their story and their narration? What is their aspiration and their journey? How do we ensure that those that grew up in the suburbs and municipalities that they love and live in now have the option to have a house?

The message to gen Zs and millennials here is: we want you priced into the housing market. We do not want you priced out. Labor backs more housing to support gen Zs and millennials, not like the Liberals and Nationals, who say, 'You need to work 50 times harder and sacrifice so much more and keep paying rent for the next 50 years before you get anywhere near it.' That is the message loud and clear from the opposition's approach to this bill. The member for Prahran literally just said, 'Get rid of the bill. Don't modernise the planning scheme. Don't build more homes. Don't have a fast track and streamlining through of planning services.' We have seen this time and time again: on one side they say we should have more homes but then oppose every single measure to try to deliver more homes and more outcomes for Victorians. That just is not the policy and the approach that our communities expect. They expect solutions.

Those opposite can talk also about the infrastructure needs. We have opened more new schools than ever before in our state. We have seen a hundred new schools coming through under the leadership of

the Minister for Education and Deputy Premier. When we came to government, I do not know if people remember how many schools there were: zero. Zero was the number of schools that we had to open when we came to government in 2014. How many new rail projects and upgrades were delivered during that time – they talk about needing more infrastructure to support the needs of communities that are growing? Zero. What did they give our communities? They put stickers down at Southern Cross for an airport rail that does not exist. The biggest infrastructure contribution was to the printing company that got the contract to print about 50 stickers that confused passengers coming out of Southern Cross station trying to look for airport rail and ended up back at the Warrnambool line wondering where the airport rail was. That was the infrastructure and planning and thinking and contribution that went into infrastructure planning.

We have a massive build agenda with the Building Blocks early childhood reforms that we are seeing right now. We have seen kinders modernised and increased in size – an aspiration that we have never seen in Victoria – and an early childhood sector that has been supported with capital and funding to give all the youngest Victorians hopes and aspirations for their future and to their parents and grandparents and guardians, who want to see the very best future for them.

We have had a huge build agenda that complements our work and a huge investment in healthcare and the modernisation of our hospitals, at record levels – billions of dollars that have gone in. So to cheapen this to 'Oh, we won't have the infrastructure for some of this housing growth and these targets' – well, guess what, there are people in Victoria now that are in high school and uni wondering where their aspiration lies in this Victorian Parliament. When they hear messages from some in this Parliament that are opposed to more housing, they realise that their aspirations are going to be smothered, and it will make it harder and harder into the future. That is the inequity that was addressed in the Minister for Planning's *Plan for Victoria*, because we have had too many municipalities that have taken high levels of growth. I think of the growth corridors that I grew up in: Casey and Cardinia, out through Melton and through Wyndham, through Hume, and some of the Surf Coast council areas. Armstrong Creek is one of the fastest growing as well. When you see that – and 70 per cent has been in interface council areas and growth corridors – we need to find a better way to do things. We have seen success in a number of communities where we are able to leverage existing transport infrastructure, arterials, on buses, on trains and on tram routes and can deliver greater outcomes and affordable housing and tap into that aspiration that makes us truly Victorian.

That is the *Plan for Victoria* strategy. That has the activity centres that have been put forward, which have been vehemently opposed by those opposite. Once again, it is 53 weeks until we face the Victorian people, and I wonder what the message is. Is it to keep pushing people out to the growth corridors – just keep pushing people out further? Those opposite are opposed to working from home as well, which takes the pressure off infrastructure in our communities. It allows people to have that balance in their community, to be closer to the people that they love and support and to have that balance. It is a very much a gendered policy, where we support women returning to the workforce with more flexible outcomes. I absolutely love the community I grew up in in Berwick and Beaconsfield, but it can be a long trundle on that Monash Freeway. It can be a hard slog on the train after five days of work. Well, guess what, we can break it up and balance it. If you can work from home, we will legislate that and protect those two days.

That is an infrastructure argument; that is a planning outcome. Those opposite are opposed to that. So you would have even more infrastructure pressure coming in, more pressure on our services and more pressure on our transport and road networks. Where are the solutions? I do not know. Acting Speaker, you might be able to give me a steer here, because it is a riddle that I cannot solve, and I was not the best at riddles in the day. Those opposite claim that they support more housing, but they oppose our activity centres. They support more Victorians in work but then oppose work from home. Is that right? They oppose the flexibility and the impact that will have. They have opposed all major infrastructure projects that we have put forward. Remember, they shelved Metro Tunnel, a key infrastructure project

that opens up next month, in December. They opposed the Suburban Rail Loop, which is enhancing housing and access to education, to housing and to work precincts.

So what is the solution, then, for millennials and gen Zs, who are very tech savvy and who are looking at their aspirations going further and further away in a cost-of-living challenging environment and finding housing affordability more of a struggle? We have seen support from the federal government to get first home buyers in and support them with deposits. We have teamed up with the Albanese government to give more support to people to find housing as well. Yet we see here again the blockers, the naysayers and the NIMBYs telling gen Zs and millennials that there is no plan for them in the future.

The choice is clear on this bill. I would caution the Leader of the Opposition about being so opposed to building more houses for gen Zs and millennials. We have a collective purpose here that should be truly Victorian – not Liberals first, not Liberals first in your council areas, but Victorians first. What are the housing outcomes and aspirations to really give people? I mean, where are the kids in City of Kingston going to live? The median price has gone up. We need more and more housing. What is the story for the kids going through Mordialloc and Parkdale secondary colleges now? For the kids who are going up the road to Monash or down the road to TAFE in Frankston who want to be close to their families in Greater Dandenong and Kingston, what is their option right now? Well, we have got a plan to price them in. We have got a plan to build the rail connections, like the Suburban Rail Loop, and say, 'Guess what, you can be up the road, jump on the Mordi freeway, jump on the Frankston train line and go see your mum and dad. Go connect with your community and raise a family in our patch.' We are not going to tell you that you have to go and get out of our community. That is the message from those opposite: 'You can't be any more in our community. You've got to go out and come back in, because that's how it's done.' Well, that is not the message of this Allan Labor government that is going to build the houses of tomorrow and support Victorians and the aspirations of our gen Zs and millennials, who will be the engine room of our nation's economy going forward.

Will FOWLES (Ringwood) (15:40): It is my very great pleasure to rise to make a contribution on this planning bill. It is a topic very close to my heart. I have got significant experience in this industry, and I have heaps to say. There is no way it can be contained to 10 minutes, but I did want to hit on a few of the areas contained within this bill, because they are important not just for my community but for the future of housing in the state of Victoria. There are a great many things that are contemplated in this bill. A number of those reforms, in fact the overwhelming majority of those reforms, I do not just support, I strongly support. More than that, I argued for them inside government. The former Minister for Planning Minister Wynne and I had many, many conversations about a number of the things that we are finally seeing produced in this bill, and I commend the Minister for Planning for having produced such a comprehensive package of reforms.

Necessarily, congratulatory speeches do not add much to the public debate, and I will be focusing my contribution today on a couple of things I think there is opportunity to revisit down the line and maybe do just a bit better. Before I do that though, I do want to pick up on the mention of the disallowance trigger. The special disallowance rule for planning matters has been shamelessly exploited for political purposes by the LNP and the Greens in the other place over the life of this government, and they did it most particularly in relation to Markham estate in my former electorate of Burwood. That was done purely for political reasons. It had nothing to do with the merits of the project. We now have the Markham estate, we have that important bit of public housing, but it was shamelessly exploited. I think it is terrific that we have now normalised the way in which disallowance motions are treated. If this bill is passed, particularly upstairs, there will be a normalisation of the way in which those matters are dealt with.

But I do want to speak today about the elephant in the room, the great missed opportunity with this planning reform bill, and that relates to the privatisation of building surveyors. I will indulge, if I can, in a little bit of education for the chamber. The privatisation of municipal surveyors commenced under the Kennett government in 1993, and it became law in 1994. Like many of the Kennett government's

legacies, it is bloody awful. This was just a terrible decision then, and – no disrespect to all the governments that have been and gone since, Labor and Liberal – no-one has taken it on and still no-one is taking it on. There is a baked-in conflict of interest in town planning in Victoria, because the job of the building surveyor is not to go, 'This is lovely. I love the colour scheme you've picked, and isn't this a nice apartment, I'd love to live here.' The job of the building surveyor is to assess compliance with the planning permit and the code. That is their job. Their job, ultimately, when you boil it down, is to say no to things if things have not been done properly.

Cast our minds back. The previous government, the Andrews government, had to deal with an enormous problem in relation to cladding. That problem was derived in no small part from corrupt building surveyors signing off on buildings that were not built to code, that were not built in line with the regs. An entire and very expensive set of infrastructure and compensation measures were put in place to address the cladding problems right across the state because of the failures of building surveyors – building surveyors who are by design structurally on the payroll of the people they are being asked to say no to. It is a baked-in conflict of interest that can only be untangled by the reintroduction of municipal surveyors or by creating a disconnect between those private building surveyors and their clients. That is, the client builder or developer ought to pay their money for the building survey to be done but have no say whatsoever in which building surveyor is retained and have no ability to direct that building surveyor in any way; they must only cooperate with the building surveyor.

I presume the Kennett government's motivation was largely about privatisation and efficiencies in the sector and all of that, and probably there were some hopeless municipal surveyors getting around. But, oh my Lord, there are some hopeless building surveyors getting around now. The reality is that until you break the nexus between the developer and the surveyor, you will continue to have corrupt surveyors signing off on buildings that are not built to code. Just metres from my office is an apartment building of some 30 units. So bad is the construction of this building that the developer retains ownership of 17 of the 30 apartments because he has not been able to sell them, because the thing leaks like a sieve. They have had water ingress in the basement and they have had water ingress through all the apartments, and it all comes about because a corrupt building surveyor on the payroll of a corrupt developer signed off on a building that is not fit for purpose. This is a building that will now probably have an economic life in the order of 10 to 15 years. The rust is in the pylons, the rust is in the very structural foundation of the buildings because of the issues with a building surveyor corruptly signing off on a building that is simply not built to code.

Whether it is from the cladding disaster that has cost Victorian taxpayers millions and millions of dollars or whether it is from this spray of apartment buildings now right around our city that are simply not fit for purpose, not built for code, I would hazard a guess that every metropolitan MP in this place has had someone come to them and say, 'I live in a new apartment building. The basement leaks. We've got a problem.' I see the member for Preston nodding. I would guess almost every metropolitan MP in this this place – I am seeing some more nodding over here – has had that experience, and they have had it because building surveyors are paid by the very people they have to say no to. It does not work. It is a failed system, a failed Kennett policy and a policy that, regrettably, has been allowed to survive all through the Bracks government, the Brumby government, the Baillieu government, the Napthine government, the Andrews government and now, sadly, the Allan government. No-one has taken on this fundamental flaw in our planning system, and until such time as we get building surveyors that will act in the public interest – a public interest that they are duty-bound to uphold, mind you – we need to make that economic disconnect between them and their developer or builder clients because the conflict is just so obvious and so substantial as to render much of their work meaningless.

At the end of the day, it is the government who pays the bill. Cladding – the government has paid the bill. For all of these trash apartment buildings that are not built fit to purpose the government will end up paying the bill, because that is what happens when you have a systemic problem. This is not a one-off; there is a systemic problem with building surveyors in the same way that there was a systemic

problem with flammable cladding, and that is the issue. That is the issue on which I think I would provide the strongest of encouragement to the planning minister – who I commend on these reforms – to take on that big one. It will not be easy, but there is a fair bit of courage in this bit of legislation, and I am always all for courageous legislating.

I do want to make a couple of comments about rezoning. I dealt with a number of rezoning matters in my previous life, and the process was a complete absurdity. Council needed to first agree that they wanted to explore it, then it would go off to a planning panel and then the panel had to make a decision. Then it came back to council, and council, only then, after it had been to the planning panel, would determine whether they would even put it up to the minister for signature or for consideration. Then the minister might go off and get her or his own advice – the process was just diabolically bad. The process laid out in this bill is much, much better. Not perfect – heaps better. Make no mistake, when you have got buildings – I can think of one example in Abbotsford – where a whole street is zoned mixed use but for legacy reasons one of the sites is zoned commercial and it needs to be zoned mixed use, the process takes four years before you actually get the development that that site needs. It is absolute trash, nonsense. This improves it dramatically, and that is a very, very good thing.

In relation to the growth areas infrastructure contribution, I do want to say that it is very, very sensible to broaden the applicability of those GAIC funds. What we do not want to see is a loss of hypothecation. It is so, so important that the funds that are derived from those developments in those communities are used for the for the benefit of those communities. I absolutely accept the premise that extending a railway line might fall out of the LGA and that still benefits that community – absolutely it does, of course it does. But what I would not want to see is going down the slippery slope of severing the hypothecation of the GAIC from the communities that it is in fact meant to serve, because at the end of the day – and the economists will debate this until they are blue in the face – it is the home owners who are contributing to that GAIC because it is factored in at the cost base for the developers. So those home owners deserve to have that money for the GAIC, that general infrastructure contribution – I have forgotten what the A stands for; the member for Preston might assist me – the infrastructure contribution fee spent for the benefit of that community. That is absolutely and critically important.

I have spent a lot of time speaking about housing in this place; I have barely had a chance to get to it in this speech. I think it is a good bill, and I encourage the government to go better and harder in delivering all of the housing supply that Victoria so desperately needs.

Luba GRIGOROVITCH (Kororoit) (15:50): To pick up on the member for Ringwood, the GAIC, the growth areas infrastructure contribution, is something that I am very familiar with in my neck of the woods. The area that I represent is Kororoit; we are Deer Park through to the cusp of Melton. Melton, one of the city councils also covering the area, is the fastest growing LGA in the country. We are currently having 72 babies per week and cannot keep up with demand, so it is an absolutely huge area for us and a place where GAIC is very much important to my residents and to making sure that we are the first ones to put our hand up for any funding that is available. I have got to say Melton City Council are fantastic at actually partnering with the state government and making sure that they deliver on the partnership that has been put forward and the money that is coming from the state government. So GAIC is something that I too am very proud of, and I am very glad that we are able to tap into that in that part of my electorate.

As *Hansard* will show, this is not the first time that I have risen to speak in this place about planning systems in Victoria, and I am sure that it absolutely will not be the last. Infrastructure is absolutely needed, and there has been a lot of red tape. I really want to commend Minister Kilkenny for all of the work that she has done in this space to make sure that we can get these planning amendments through. Better decisions made faster: that is what this bill is all about. Planning is not only about paperwork and permits; rather it is about people and where they live and where they work. It speaks to the kind of future that we are building for generations to come.

As members of this Parliament know only too well, our planning system has for too long been a source of frustration for councils, for communities and for industry alike. It is complex and at times it is very much outdated, and this bill is planning to clean that up. That is why I rise today in strong support of the Planning Amendment (Better Decisions Made Faster) Bill 2025. It seeks to deliver the next stage in this government's commitment to making Victoria's planning system faster, fairer and of course more responsive for our growing state. We are a very attractive state and a state that many people want to be part of, and that is evident in our increasing population. Through the housing statement and *Plan for Victoria* this government has made it clear that we are using every policy lever available to increase the supply of land, to make redevelopment opportunities available and of course to deliver more homes where they are needed the most – close to amenities, close to where people work, close to where people can catch a train and go to shops et cetera. Housing targets have been set for every local government area. They are ambitious – that is the truth of it – but they are fair. Those targets have now been incorporated into planning schemes across the state through amendments to the Victorian planning provisions. By providing legislative foundations for these commitments, we are equipped with the necessary tools to deliver housing both efficiently and of course transparently.

Right now it takes far too long to make the planning changes that allow homes and jobs to be delivered. On average over the last five years it has taken around 433 business days, which is almost two years, just to get a planning scheme amendment to move from initial authorisation over to final approval. For some people that is just far too long. This is an average of two years to rezone land and unlock housing and development. And this is only a tentative average; some projects take even longer. Every member sitting in this chamber would be able to tell a story about a reform or a project of theirs that has been stuck in the system for years. I know I have got plenty in my neck of the woods, and many members often tell me about it. Not only do these delays hurt the developers, they hurt the communities. By driving up housing costs they stall investments, and by stalling investments families are denied the opportunity to build a home in the community which they love and where they want to live – often close to family, often close to a school that they want to send their children to, often close to friends. This bill recognises that the delay is not neutral and the delay has consequences.

At the heart of this bill is a new and proportionate approach for the assessment of planning scheme amendments. This helps recognise that not all amendments carry the same level of risk, of complexity or of impact. To ensure that the processes are proportionate to the proposal, the bill introduces three new pathways. Firstly, for simple or low-impact changes, a streamlined pathway will be used. This permits for more targeted consultation, so ultimately for faster decision-making. For moderate-impact proposals, there will be a standard pathway which balances both community input and of course efficiency. Finally, for more complex high-impact amendments, a more comprehensive pathway will be implemented. This ensures the inclusion of thorough public engagement as well as rigorous scrutiny.

Right now too many low-impact amendments are forced through a one-size-fits-all process, a process that is designed for major projects, and that is what we are trying to fix up. We do not call this good regulation. We call this inefficiency. The new pathways established by this bill ensure that the process fits the project, saving time and costs and ensuring that decisions are each made on merit rather than on how long someone can wait, and by freeing up resources currently tied up in low-risk cases, councils and the department can focus their expertise on the projects that matter most, the complex proposals that need the greatest scrutiny.

It should be noted that local governments play a vital role in Victoria's planning system, and this bill aims for nothing more than to strengthen it. By providing clearer statutory frameworks, performance expectations and procedural guidance, councils will have the tools that they need to make timely, consistent and high-quality decisions. It gives councils the confidence to focus their time and deliver on what truly matters to their communities by giving them assurances that their voices are and will always be heard.

One of the most important features of this bill is its emphasis on transparency. For the first time, planning authorities will be required to publish information about amendment pathways and consultation outcomes and to make sure that performance metrics are met. That means that the public can see in real time how efficiently and effectively decisions are being made. Doing so helps to build trust, strengthen accountability and make sure that our planning system continues to serve the public interest. Planning reforms are not about choosing between growth and sustainability, they are about achieving both, and this is what this bill plans to achieve. In doing so, it supports the delivery of housing and infrastructure that not only meet today's needs but will stand the test of time.

The bill delivers on key commitments in the government's housing statement and *Plan for Victoria*, and those commitments include delivering 800,000 new homes over the next decade, ensuring housing growth is distributed fairly across all local government areas, supporting redevelopment and infill housing in established areas, and reducing red tape and unnecessary duplication in approvals. To achieve those targets the system needs to work efficiently, and this bill makes sure that it does. These reforms have been meticulously developed in consultation with councils, with industry and with community organisations. It responds directly to the concerns we have all heard from around the state. Peak bodies like the Master Builders Association of Victoria, the Housing Industry Association and the Urban Development Institute of Australia have all recognised this bill as a step in the right direction, a step that is both pragmatic and balanced, unlocking housing supply and investment across Victoria.

Some may ask whether faster decisions mean less scrutiny, and the answer is: absolutely not. These reforms maintain all existing safeguards for environmental, for heritage and for community consultation. They simply ensure that the process applied is proportionate to the risk and impact of the proposal. By striking the correct balance, we are able to enable timely decisions without having to compromise on transparency or quality. We are not cutting corners, we are cutting the red tape. A faster, a more predictable planning system is not only good policy, it is good economics. Planning delays cost money. They inflate housing prices, they deter investment and they limit job creation. By improving efficiencies, this bill will reduce costs for builders and developers. It will stimulate construction activity. It will support the broader economic recovery, which is exactly what we need. It will also help deliver housing, infrastructure and commercial developments that drive productivity and prosperity in every region of Victoria. By ensuring better coordination between agencies and levels of government, it will make sure that those benefits are shared sustainably. This bill recognises that good planning is good governance and that timely, balanced decisions are the foundation of livable and sustainable communities. I am well informed that the member for Brighton has a protest planned this week, and it is great to see him in here in the chamber. Again, it is one of those NIMBYs – not in my backyard. I commend this bill to the house.

Business interrupted under sessional orders.

Matters of public importance

Education

The SPEAKER (16:01): I have accepted a statement from the member for Albert Park proposing the following matter of public importance for discussion:

> That this house commends the Allan Labor government's nation-leading investments in school infrastructure, safety, learning supports and cost-of-living relief to set Victorian students up for the future and enhance state productivity.

The member for Albert Park is not present. Therefore the matter of public importance lapses.

Bills

Planning Amendment (Better Decisions Made Faster) Bill 2025

Second reading

Debate resumed.

Michael O'BRIEN (Malvern) (16:02): I cannot say it is a pleasure to rise to speak on the Planning Amendment (Better Decisions Made Faster) Bill 2025. This is another Orwellian title of a bill from this Labor government. Who can ever forget the Bail Amendment (Tough Bail) Bill 2025 the government introduced earlier this year, a bail bill which actually weakened bail in many respects? If we are going to have truth in political advertising and we are going to have bill titles that reflect what is actually in the bill, perhaps this bill should be called the planning amendment 'shut up and you'll take what we give you' bill, because that is exactly what its fundamental message is to Victorians: shut up and take what this Labor government will give you – shut up, you no longer have a right to object to developments that directly impact you, your family and your community; shut up, the Labor government will impose high-rise high-density towers in your streets regardless of what it will do to congestion, parking and local infrastructure; and shut up because doing the bidding of Labor-donating property developers is more important to this government than is listening to the community.

This bill facilitates Labor's so-called activity centres by centralising planning control with the Minister for Planning, sidelining local government and sidelining the community. For those of you watching or listening who do not know what an activity centre is, this is Labor terminology for an area where normal planning controls are thrown out the window. It is where normal rights to express a view or to lodge an objection to inappropriate development are also thrown out the window. An activity centre means the right of councils to reject inappropriate development is thrown out the window as well. This is Labor's idea of cutting red tape: gagging communities, gagging councils and sidelining them both. Labor first announced 10 principal activity centres and then another 50 major activity centres across Melbourne. If activity centres are so good for local residents, so good for local communities, you might expect that the Minister for Planning would have announced a number of activity centres in her own electorate. These are so popular, according to members opposite – activity centres are what everyone wants – so presumably the Minister for Planning would have looked after her own patch, looked after her own community and had lots of activity centres in the Carrum electorate.

Do you know how many activity centres have been nominated in the Carrum electorate? Zero, nada, zilch, nil, doughnuts, none, nothing, nothing at all – not a single activity centre in the entire Carrum electorate of the Minister for Planning. Colour me shocked. Bonbeach station: why not have an activity centre around that? No, that is in the Carrum electorate. Carrum station: why not have an activity centre there? No, that is in the Carrum electorate. Seaford station: no, we cannot have an activity centre there – that is in the Carrum electorate. Okay. Right. Good enough for the rest of us; not good enough for the Minister for Planning's own electorate. That is right. So the contrast is my Malvern electorate: of the 60 activity centres across the entire state, do you know how many of them are in my electorate?

James Newbury interjected.

Michael O'BRIEN: Fourteen, member for Brighton – 14 out of 60. Nearly 25 per cent of the entire number of activity centres are in one electorate alone, and it happens to be mine. It is disgraceful. We get 14 activity centres.

We will give the house an indication of the sorts of housing choices that this is going to give, because even before the activity centre around Malvern station was designated we had a 20-storey apartment tower approved – 20 storeys. You can almost see it from the moon, that is how big it is. I will give the house information as to what this government thinks is affordable housing, entry-level housing. I heard the member for Mordialloc banging on about gen Z and how they are going to create more houses for gen Z. Well, if the member for Mordialloc thinks anybody in gen Z wants to pay $750,000 for a one-bed, one-bathroom apartment behind Malvern station, he has got another thing coming. They are not

all on the member for Mordialloc's salary. Most of them would not think that $750,000 for a one-bedder is anything like good value. So this is exactly what the member for Mordialloc and everyone on the Labor side thinks; that is their example of affordable housing: three-quarters of a million dollars for a one-bedroom studio apartment. You have got to be kidding me.

As I said, the government now wants to impose 14 activity centres on my Malvern electorate, and I will put them on the record: Toorak Village, Hawksburn station, Toorak station, Armadale station, Malvern station, Tooronga station, Gardiner station, Glen Iris station, Darling station, East Malvern station, Holmesglen station and Chadstone shopping centre. And then there are two outside my electorate but which are effectively in my electorate: Murrumbeena station and Caulfield station. There are 14 in my tiny little electorate of Malvern, and what this means is that we are going to have high-density, high-rise apartment towers built without the local infrastructure to support it.

Where is this government's commitment to investing in schools in my electorate? There is none. My schools get nothing. Where is the government's commitment to even fixing the potholes on the roads in my electorate? None. This government will not even remove the level crossings at Tooronga station and Glen Iris station, but they have designated both of those stations as major activity centres. Talk about wanting to have your cake and eat it too. You cannot approve planning changes that will lead to massive towers, increase massive congestion and keep the level crossings at those stations, yet that is exactly what this Labor government, this Labor Premier and this planning minister propose to do. That is why I oppose this bill, because this bill is fundamentally unfair. This is about the government imposing high-rise, high-density apartment buildings on local communities, cutting them out of the process, cutting local government out of the process and not investing in the infrastructure that is needed to facilitate development.

As much as the member for Mordialloc might want to slag off so-called NIMBYs, let me tell you, and let me tell him: I support more housing in my electorate. It is not a question of whether we build more houses, it is a question of how we build more houses. The City of Stonnington has released a housing strategy that will lead to more new homes in Stonnington than the government's own targets – 17,000 more. The City of Stonnington has a housing strategy to deliver 67,000 new homes across Stonnington by the year 2050 as opposed to the government's target, which is 50,000 new homes. The difference is the City of Stonnington actually listens to the residents, listens to the community and knows that not everybody wants to live in a 20-storey tower behind Malvern station, paying three quarters of a million dollars for a one-bedroom studio apartment.

The City of Stonnington understands people want a mix of housing – they want townhouses, they want flats, they want homes, they want a choice. That is what people want; they want a choice. And this government proposes to take that away by saying, 'We know what's best. We and our developer mates know what's best.' I talk about developer mates because of an example of the government's use of the planning facilitation development program: 173 Bourke Road in Glen Iris, in my electorate. It was knocked back by council as being an overdevelopment and knocked back by VCAT as being an overdevelopment, but of course the minister called it in, used the facilitation development program and decided to grant the permit. And who was the developer? None other than a donor to the Labor Party. What a shock. So this government has got no room to talk about transparency. Where were the reasons for approving that proposal which had been knocked back by VCAT and knocked back by council? It is absolutely disgraceful.

We will stand up for more homes by listening to the community, by working with the community, by working with councils. There is a way to build more homes that does not involve doing the bidding of Labor-donating property developers. It is called listening to the community. Members opposite should try it some time. At a time when this government wants to impose 14 activity centres in my little electorate alone – more than any other state, more than any other electorate in the state – it just shows you that this government is not about building more homes, they are about lining their own pockets with the contributions from their developer mates. That is no way to build for the future. There is a

better way. The Liberals and Nationals have that better way, and that is why we are opposing this bill. This bill is about bad building, bad planning, bad development and Labor donations and nothing more.

Anthony CIANFLONE (Pascoe Vale) (16:12): I rise to speak on the Planning Amendment (Better Decisions Made Faster) Bill 2025 before the chamber now, and as the state member for Pascoe Vale, Coburg and Brunswick West but also as a lifetime local person now raising my own young family in my community and as the son of migrants who migrated and bought a house and worked hard to raise our family in our community, I am committed to doing everything I can to keep supporting more homes across Merri-Bek so future generations of migrants and young people in our community can continue to live, learn and work locally, whether it be homes for young people or first home buyers, young families, seniors, retirees or downsizers, renters or some of our most vulnerable, through affordable social and community housing. Everyone has the right to a place to call home that is close to jobs, kinder, schools, shops, services, open spaces, family, friends and transport corridors that connect them to the things they need.

The Pascoe Vale electorate in the Merri-Bek municipality is the best place to live, learn and work and raise a family and retire in. We are known for our cultural diversity, our vibrant local economy, good quality education opportunities, beautiful nature and waterway corridors, and a thriving local arts, sporting and social scene. But what is true for Merri-Bek is also true for Victoria more broadly of course, which is why more people continue to come here to live and work and build a better life, with Victoria's population expected to grow from 7.2 million residents in 2025 to 10.3 million residents in 2050. With more people, we need to continue to plan for more homes to support this growth whilst ensuring we maintain Victoria's and my community of Merri-Bek's livability and vibrancy. But importantly, we must continue to plan for more growth to help young people so the next generation of young people have that same chance and right to save and buy for a home that is affordable and accessible in the area they love. It is incumbent on current and older generations to support – not deny, fight against or protest against – the rights of young people to also be able to buy a home.

But the biggest issue in buying a home and house prices is supply, and that is why we need to build more homes – to improve supply. That is why as a Victorian Labor government we have been proudly driving efforts to help more young people into homes via a range of initiatives, including through the *Plan for Victoria* blueprint for future housing development across the state over coming decades. We are planning for the 60 new train and tram activity centres, including through central Coburg, Brunswick and the Sydney Road corridor; the housing statement, which sets the target of 800,000 new homes over the next decade; the Big Housing Build, the $5.3 billion pipeline of 13,300 new social, community and affordable homes; the rental reforms we have passed, 130-plus standards to improve housing for people who rent; and stamp duty concessions and reforms to continue stimulating construction and purchase of new apartments, multidwelling developments and townhouses. We have created of course the new Building and Plumbing Commission, a more powerful watchdog to oversee building and plumbing construction standards to protect consumers as we deliver more of these homes. What this all equates to is that Victoria is where we are building more homes, with more approvals and more homes in the pipeline than any other state or territory across the country. That is a fact.

However, notwithstanding these reforms, we know that many Victorians, especially younger Victorians, continue to find it difficult to find a home. It is a challenge that has been decades in the making. It is a challenge that is compounded by significant delays and obstacles associated with the current and largely outdated planning application, building approval and engagement process that is associated with building new homes. That is why we are progressing this planning amendment bill to modernise our planning laws, bringing them into the modern era to build and help more young people into homes via three key reforms, essentially.

The first is around faster timelines for simpler projects. Currently a planning permit on average takes 140 days to get approved, and if there is an objection, it blows out to even more than 300 days. That is time Victorian families, renters and builders should not have to wait. Under the existing act most projects, no matter how big or small, go through the same process, and this can mean a single home is

assessed the same way as a multistorey apartment block. This bill fixes that. It creates three separate pathways for planning approval so the process matches the type of home being built. Simpler projects will not get stuck in the same queue as those major high-density developments. The three streams will slash timeframes so homes can get off the ground sooner, with standalone homes and duplexes to take 10 days to process, townhouses and low-rise developments to take 30 days and larger apartment buildings to take 60 days to approve. These changes will save weeks or even months at a time on applications, saving, again, precious money, time, energy and resources for builders, new home owners, families and communities alike and providing greater certainty for everyone involved.

Secondly, we are reforming commonsense appeal rights. This bill will establish those commonsense rights, because Victoria currently has the broadest third-party appeal rights in the country, allowing anyone to object to a planning permit no matter where they live – even if they live nowhere near the proposed development. This has led to homes being delayed for years by people who are not directly impacted. The new streams for homes, duplexes and townhouses will require minimal notice and minimal third-party appeal rights and processes. For the third stream, higher density apartments, only those who are directly impacted, like neighbours in the area, will get that notice and be able to appeal.

Thirdly, faster processes – we are going to make it easier for councils and government to update local planning rules or planning scheme amendments. Every council has a planning scheme which outlines what can be built and where, but changing those rules is slow and complicated, even for small fixes. This reform introduces a smarter way to address those changes.

Together these changes are expected to unlock more than $900 million in economic value each year, getting more homes off the ground faster, providing greater certainty, again, for everyone involved. It builds on those major steps that we have been taking to boost housing supply through setting housing targets for every local government area, including in Merri-Bek, unlocking space for homes near trains and trams and making it easier to build townhouses. Within Merri-Bek we are also working to help deliver more new homes for local young people, which is why we have designated central Coburg, Brunswick and the Sydney Road corridor as one of the state's newest activity centres to help deliver more of those homes but, importantly, to also ensure we continue to invest in the infrastructure, facilities, services and local spaces we need and to help drive those ongoing central Coburg and Sydney Road revitalisation efforts to solidify Coburg as that jobs, skills, cultural and housing hub for the northern suburbs.

Some of the key housing projects we have approved over recent years are progressing, including, firstly, the central Coburg Assemble project at 511–537 Sydney Road. That is 326 new build-to-rent apartments and 195 new affordable homes. Residents can lease the property for five years while they save to purchase a home. It is a 60 per cent affordable housing project; it is now under construction and well and truly underway. Secondly, in central Coburg there is Development Victoria's pilot site at 541 Sydney Road. It is approximately 60 homes with a minimum 10 per cent affordable housing, with construction due to start next year. Thirdly, we have the Pace 3058 housing project in Wardens Walk in Pentridge. I officially opened that with Minister Harriet Shing on 4 November 2024, the day of my wedding anniversary, for 312 new homes, 140 affordable homes and new spaces and retail spaces. Six hundred jobs were generated during construction of that project. The new Pentridge housing precinct as well on Champ Street has just recently been approved and construction has started on 245 new homes. Development Victoria's former Kangan TAFE site on The Avenue in Coburg has 274 new homes and 169 car spaces – again, a minimum 10 per cent affordable with a minimum 10-year tenure period. A new park will accompany that project on The Avenue as well, and I will continue to work very closely with the Kids on the Avenue, KOTA, kinder and the relevant authorities, including Development Victoria, in relation to the delivery of this project, particularly during the demolition process, which is currently underway. We will continue to do so through the construction process so those impacts are mitigated on the KOTA community.

The UnitingCare project in Coburg is a $45 million mixed-use development of 75 new dwellings – 56 affordable homes, 19 social homes, new social services and a northern jobs hub for UnitingCare

workers. 140 jobs will be associated ongoingly with the site. I commend the residents of Florence Street, Hall Street, Station Street and Jessie Street on the project, many of whom I have met with and will continue to engage with very closely as this evolves and progresses. Finally, the Harvest Square project in Brunswick West: proudly we have delivered with Women's Housing Ltd an $86 million landmark project with 198 new homes – 119 new social and community homes – all for women and children in need.

These and future projects within central Coburg very much build on the investments we have been making to improve infrastructure as we build more homes. That is what we are doing. Projects include a $22.5 million new Coburg special development school and a $17.8 million Coburg High technology building. Coburg Primary has been allocated funding to plan for future upgrades as well. Merri-bek Primary – I have supported them to deliver a new concept master plan, which I advocate to the Minister for Education for delivery over the coming years. There is also the Shirley Robertson Children's Centre, a $6 million upgrade of Coburg City Oval and $6 million for the new Bachar Houli academy of sport. We have officially opened the Pentridge visitor, entertainment and cultural precinct.

The Upfield rail corridor – we have delivered those landmark stations at Coburg and Moreland. We have removed the four level crossings at Moreland, Reynard, Munro and Bell streets along the world-class active transport corridor. We have announced improved services off the back of the Metro Tunnel to 20-minute off-peak services on weeknights and weekends, down from the current 40 minutes. We have secured $7 million from the federal government to prepare a business case for ongoing improvements, including duplication and extension. There is the $115 million redevelopment of the Brunswick tram depot to improve local tram services on routes 6, 19 and 1. Free public transport rolls out from next year, and we are continuing to improve road safety on Sydney Road, Moreland Road, Bell Street, Nicholson Street and surrounding roads and streets. We have funded the revitalisation of Merri Creek, Edgars Creek and the Moonee Ponds Creek – local environmental outcomes. We are consulting with the community on the future of the Kangan Batman TAFE site in North Coburg as a future jobs, skills, cultural and social enterprise and community hub. We have heard loud and clear from the community through the consultation process. I will outline that in a future contribution, but for now, I commend this bill to the chamber.

Matthew GUY (Bulleen) (16:22): It is nice to be back again and to talk on a bill on planning. I was actually very interested to speak on this bill because when you have been around long enough in this place like me, the word 'hypocrisy' starts to come back and come back and come back. I have seen the Labor Party say – you know crime is bad – 'There's no problem with crime in this state.' Last year they were saying the age of criminal responsibility was 14, and now they are off to life imprisonment – in the space of a few months.

This bill, of course, is on planning. Developers were their best friend – John Woodman and the past Premier et cetera. Now, of course, developers are evil, but not really evil – kind of evil. I am waiting for the Labor Party to come in and say, 'Look, we get it. The North East Link is going to end in a T-intersection. We're going to build the east–west link.' I am just waiting for that or for one of the ministers to come in and say, 'Look, I just accept it. The SRL is not properly funded. The value-capture stuff is a great comedy skit, it's just not real. We're just going to borrow $25 billion and make it happen.' I am just waiting for it all to happen.

But you see, all these things come around. This bill I find stunning because I have been a Minister for Planning and faced the Labor Party and then opposition leader Daniel Andrews and then shadow minister Brian Tee as they ranted and ranted and ranted about the need for revocation motions and how they could potentially save the community from the evils of the little man who loves skyscrapers. A forest of towers was going to be the case. Daniel Andrews, the then opposition leader, said that Melbourne will have a forest of towers that no-one will live in, and now we are short of them. Oh,

what a shock. When you do not approve anything for 10 years, you kind of get that way. Brian Tee said on 29 February 2012:

> It is with some sadness that we find ourselves here again. It is another week and we have another decision made by this Minister for Planning to ride roughshod over local communities …

Lo and behold, the same party 10 years later is taking all of those powers, and more, off every community and every council, and they are coming in here saying, 'It's for your good.' It is kind of like when you take your Spriggy card off your son because he has been buying Red Bulls, and you say, 'Son, it's for your good.' The government are saying to councils, 'Look, I'm sorry. We have to do it all,' despite having had 20 years against the Kennett government and the Baillieu government and then in government themselves saying how important it was to have these revocation motions. As I said again, on 22 August 2013, we need to ensure we do not ride roughshod over people's rights, that we do not cut corners and unnecessarily destroy the fabric of our society. That is what the Labor Party thought of community participation in planning.

I found it stunning listening to some Labor members who came in here, and particularly some in the growth areas, who railed against developers and outer urban development. I found this absolutely stunning, considering in the history of this country it was one government that expanded the urban growth boundary of Melbourne greater than any other government in Australian history has expanded an urban growth boundary of any capital city. Was it Matthew Guy and the Baillieu government? No. We expanded the boundary by 7000 hectares, but the Brumby government under Justin Madden expanded the growth area of Melbourne by 40,000 hectares. I will give you an indication. That would be unable to be revoked by this bill. That is 100 times the size of the City of Melbourne.

I found it fascinating that the member for Yan Yean railed against boundary expansions, blamed them all on me and failed to acknowledge the fact that virtually all of the land expanded in the growth boundary in her own electorate was expanded by the Brumby government. All of the plans failed to deliver intersections, upgrades on Donnybrook Road or on Epping Road and the level crossing in Donnybrook and that failed to provide all of the footpaths along Donnybrook Road. They are all failings of their own side, every single one of them. I thought, 'Goodness me,' when you come back into this chamber after 20-odd years, then you see a revocation motion being revoked by legislation, by this bill, which would give either chamber the chance to say, 'Hang on, whoa, this is going a little bit too far.'

Then Labor members have been running in saying, 'Oh, these developers, they are evil' – except that it was the now Premier Jacinta Allan who sat in the cabinet when that boundary expansion was approved. She sat in the cabinet when 40,000 hectares, a third of the size of metropolitan Adelaide – the largest expansion in Australian history and more than five times the size that any Liberal government has ever done in Victoria's history – was singularly expanded by Justin Madden into the now seats of Tarneit, Werribee, Point Cook, Yan Yean, Sunbury, Kororoit and Melton. But oh no, has that featured in any debate? No, no, no – it is just the evils of developers.

I thought, 'Oh well, you know, you see everything in this job.' You see it all, about how they are going to make precinct structure plans – 'Oh, we're going to make them work.' You have had 11 years to make precinct structure plans work. Why doesn't the Minister for Planning just say, 'I'm going to put an end date on every PSP, whenever that might be, so everyone knows'? Developers, those putting in growth areas contributions, those putting in works in kind, councils, everything – the planning minister could give that certainty tomorrow. The planning minister has more power than any other planning minister in Australia. She does not need this bill. She has got the P and E act now – 20(4) and 20A of the Planning and Environment Act 1987 – to do everything that is contained in that bill.

Instead, no, we have got to rush this in to test it politically, to put 14 activities in the member for Malvern's electorate but none in the minister's electorate – oh no! No, no, no, somehow this bill is one of merit. Everything that is contained in the bill can be done in the Planning and Environment Act. I hazard a guess, though, that not many on the Labor side who are speaking on this bill, if any – maybe

even including the minister – have read it. I know the P and E act – I wrote and rewrote many parts of it – and what I do know is that that act gives, as I said, more power to the planning minister in Victoria than any other planning minister in Australia.

You do not need these extra powers if you use the act sensibly and wisely, and through the Victorian Planning Authority you can bring and facilitate it, whether it is land, whether it is higher density development, whether it is growth area development or whether it is adopting council structure plans, which they have asked the government to do, from Boroondara to Stonnington to Bayside to Manningham and all through the east of Melbourne. Adopt our structure plans. Stick it in the VC as a Victorian planning provision. Put it in the state planning system and you will achieve more homes than what the government is now saying they need to achieve. I will say that again. If we actually put it in the Victoria planning provisions – what is called a VC amendment – which means you actually list the council structure plan as state policy, we would have more homes than what the government are saying they want to achieve.

Hang on a tick, the government is now saying councils have got to get out of the way. But if the government decided to work with communities, unlike with this bill, and work with councils, we would achieve more homes for gen Z, which the member for Mordialloc quite rightly said we need to have housing for. We would achieve more homes for them, more homes for first home buyers and more homes for those seeking to downsize. We would have more homes in sensible activity areas, which councils have already done all the work to approve. No, not for this government, because it is all politics. I tried to put capital city zones in regional centres, through Bendigo, Geelong and Ballarat. No, that was the end of the world. 'We can't have high-rise in regional cities,' said the then Manager of Opposition Business and member for Bendigo East. 'No-one wants high-rise in those areas.' But it is okay for high-rise now, isn't it? Hypocrisy comes back in every way, and this bill is a massive amount of hypocrisy by a tired and lazy government that has just been there too long. Labor have had their time. Their time is expiring. This planning bill is a hoax. If Labor wanted to work with communities, they would get more homes rather than trying to ram through stupid policy that everyone dislikes except a couple of boffins in the department.

Dylan WIGHT (Tarneit) (16:32): It is a pleasure this afternoon to rise and make a brief contribution on the Planning Amendment (Better Decisions Made Faster) Bill 2025. It is always a pleasure of course to follow the member for Bulleen in any contribution that I make. The member for Bulleen spoke at significant length about being stunned and about hypocrisy. The thing that stuns me is that the member for Bulleen has the audacity as a former planning minister, every single time there is a bill about planning, to stand up in this place and make a contribution. It stuns me that he has the audacity to do that. I have spoken at length in this place about some of the planning failures in my electorate of Tarneit, chief amongst them the Tarneit North precinct structure plan, ticked off by the very former planning minister that just made the previous contribution, the member for Bulleen. That PSP deprives residents of basic amenity and basic services, like being able to put a bus route through an estate. We are left with residents in Tarneit North that cannot access a bus route. We are working diligently to retrofit a bus route through that PSP, and hopefully we will have a positive announcement soon. That PSP did not have triggers for developers to deliver critical infrastructure at critical times. If the member for Bulleen wants to continue to have the audacity to stand up in this place and make contributions on planning and blame this government for failings, he should come and doorknock with me throughout Tarneit North, and he can explain to residents there why they cannot get a bus and why they struggle to get out of their estates. That is the legacy that the Liberal Party have left in the west. There is only one legacy from this Liberal Party in my electorate of Tarneit. There is only one thing that they have delivered, and that is the Tarneit North PSP, which ensures that people that have bought into that PSP cannot move around and cannot access services as they should. It is an utter disgrace. To have the member for Bulleen stand up in this place and gaslight Victorians, time after time after time, every time that there is a planning amendment – honestly, have a good, hard look at yourself.

This piece of legislation is an incredibly important part of delivering our housing statement, which is an incredibly important part of how we are going to account for population growth and build more houses in this state in the future. The key pillar of that housing statement is making sure that we share the load, because places like my electorate of Tarneit and like the member for Point Cook's, the member for Werribee's, the member for Yan Yean's and the member for Pakenham's – I am trying to not miss anyone – and those outer suburban areas of Melbourne have shouldered the lion's share of the load for population growth and an increase in housing supply for too long. This housing statement will mean that 70 per cent of new dwellings will be built near existing infrastructure, near existing train stations, near existing amenities and near existing services, because we know that works and we know that is what people want. People want the basic services, the infrastructure, the transport infrastructure and the schools that allow them to live the fruitful life that they deserve and that they want. They want to be able to afford to buy a house close to home, close to their family and close to their support networks, and continuing with urban sprawl as far as the eye can see does not deliver that.

The NIMBYs opposite – the chief amongst them sitting there – know that. Their opposition to this – walking with your Liberal branch down the main street of Brighton – is nothing more than rank political opportunism. They say that they support an increase in housing supply. The member for Malvern said that he supports an increase in housing supply in Malvern. Yet at every single turn they oppose everything we do to try and increase housing supply. Anything that we do to try and fix this issue or make it easier on people or make housing more affordable in those inner suburbs both the Liberal Party and the Greens oppose. They oppose us at every single turn.

This is an incredibly important bill. Like I said, it is part of the journey that we are undertaking with this housing statement to make sure that we are sharing the load geographically across Melbourne and Victoria and that people can afford homes close to all the amenities, services and transport infrastructure that they need. I commend it to the house.

Nicole WERNER (Warrandyte) (16:37): I rise to speak on the Planning Amendment (Better Decisions Made Faster) Bill 2025. I rise first to say that with such a landmark bill and with so much time that has been put into it, with a timeline that is not due for implementation before October 2027, to give the opposition barely any notice to be able to go to stakeholders to consult on the bill and also scrutinise legislation with such a landmark change is offensive. It is offensive to the parliamentary system and it is offensive to our democracy to not allow the opposition the time to do the due diligence and actually scrutinise the bill – look at its contents, look at the implications for our communities – and go to stakeholders in a week that is reduced because of a public holiday. The insult that it is to Victorians to give the opposition no time, as we represent our communities in this place, for such a landmark change to planning is not only offensive to our democracy but offensive to Victorians. The timeframe for consultation, if I can start with that point, has been just terrible.

Secondly, local councils and communities with this bill are going to be deprived and cut out of deciding the opportunities for growth in their own communities. Next-door neighbours will not be notified of development plans with these reforms. We all want planning systems that are clear, efficient and fair. We all want homes that people can afford, thriving activity centres and infrastructure that keeps pace with growth. But big change requires big trust. This bill does not build trust; it narrows community voice, it weakens parliamentary oversight, it leaves too much to regulations that do not yet exist and it risks switching off the very safety checks that protect families from flood, fire, landslip and contamination. It promises speed but delivers uncertainty. It talks about affordability but offers no mechanism to make housing more affordable. It moves money without clear guardrails and asks communities to simply believe that all will be worked out later.

The government asks us to sign a blank check on process, on safety and on accountability. That is not good enough for my community, and that should not be good enough for this Parliament. Just last week, in the midst of trying to consult on these bills, we held in my community a planning forum in conjunction with the Park Orchards Ratepayers Association. This is a great community group. This is a great ratepayers association. They do so much for our community in terms of local advocacy. They

run our local market, the Park Orchards market, which runs every month in our community, and they are there to advocate for the ratepayers and for the residents of Park Orchards. Residents from across Park Orchards, Warrandyte and surrounding suburbs turned out in force to say planning must put people and communities first, not speed and not the letting go of safeguards.

We walked through the state targets applied to Manningham council and the dwellings that have been dictated to them by the state government. The councils at large have been speaking to us and have told us that they object to this riding over the top of their planning that they have already done. These councils have been looking at the growth of our suburbs and the growth of our LGAs. They are intimately acquainted with where the growth is and know that Doncaster East is very, very different to, say, a place like Wonga Park and Doncaster East is very, very different to a place like Warrandyte. There are different applications for different areas. So in my community they have spoken out about the fact that they are the best placed to define where there should be appropriate housing that is true to the area, true to neighbourhood character, true to where there is amenity, true to where there is access to services, true to where there is access to schools and true to where there are the roads to be able to keep pace with growth. Yet what the state government has done has centralised these powers and instead has acted as the dictator, as it does with its big government, by telling the community and by telling the council, 'No, this is where you should grow, this is how many houses you should build and this is what you should be doing.' That is offensive to these councils, which have undertaken work on where they should plan to position housing in our areas, in our LGAs, in consultation with the community, as is due process.

As the planning forum went ahead it was made clear to us that locals objected to the proposed neighbourhood activity centre at the Park Orchards village because it is out of sync with neighbourhood character, with talk of three- or four-storey forms and fewer VCAT appeal rights for code-assessed projects, that it was not acceptable, that no real consultation took place, that there was no notice given to the residents and that there were no ironclad safety checks. This entire suburb – we talk about it in my community; it is where the city meets the country in my electorate – sits in a bushfire-prone area where the evacuation risk is real, and residents will not accept a model that weakens hazard scrutiny whilst inviting height creep and lot splits as sewer coverage expands. The message from the room was simple: to restore the voice of the community, to protect the safety of the community and to give them rights to be able to appeal and object to what is going on in their very own suburbs or, in the case of some of the residents, what is happening next door to their very own homes.

The SPEAKER: Member for Warrandyte, through the Chair, please.

Nicole WERNER: The message from the room was simple: restore voice, protect safety and be honest about infrastructure before growth. For decades Parliament has had the power to disallow planning scheme amendments. That has been a vital control to protect against overreach, to ensure transparency and to maintain public confidence. This bill moves that power behind committee process and regulation making. It reduces the ability of the elected chamber to say no. It compresses consultation windows and relocates critical detail into future instruments, some not expected for years. We are being told, 'Trust us; we will sort out the details later.' Victorians deserve better than just 'Trust us. Give us control. Give us centralised power. Give us the ability to dictate to communities. This is what is meant to happen in the suburb that you live in. This is what your community should look like.'

There is no right to appeal. There is no right to be able to take it to VCAT. There is no right to even have a voice from the community to speak out against or to be consulted as to what happens in their own neighbourhood, in their own suburb. In my community people buy – they establish homes, make a family and grow their family in areas like Warrandyte, in areas like Ringwood North, in areas like Park Orchards – for a purpose, and it is a purpose of lifestyle. It is a purpose of the area that they have known to have this low residential code that has been applied to it, where it is meant to be semirural. So to have this application now in semirural areas where there is no right to appeal, there is no right to object and to actually just be slapped in the face and to be told, 'No, it doesn't matter if you have

bought in this suburb' – these residents have no ability to appeal or to object or even have a say about what the planning looks like. Local residents do not want a veto on change, but they do expect a fair say, timely notice and basic respect.

This bill narrows who must be told when, and it shifts more notice online and relies on people to have the time, the technology and the luck to spot the development next door or down the street as it is about to go ahead. It formalises fast tracks that can exclude third-party review, even when the impacts are real. In Warrandyte, Park Orchards, Donvale and Templestowe neighbours help each other every day. They coach our kids, keep our clubs going and step up in disaster. They deserve to be told before bulldozers arrive on their doorstep. They deserve a chance to be heard when a project will change traffic, overshadow homes or strain local services. Real reform should make notice simpler and more reliable, not weaker and easier to miss, and it should expand accessible face-to-face engagement rather than hiding change in a web portal. And then that speaks to the issue of: what if there are residents that are elderly that are not able to access these web portals? What about accessibility for them? What about inclusion for them? The government purports to support inclusivity and accessibility; that is not available for many of these elderly residents in my electorate. That is who I am standing up and fighting for: these residents who have been vocal about their appeals, been vocal about saying, 'Would you stand up and fight for us?' We oppose this.

Mathew HILAKARI (Point Cook) (16:47): I follow on from the member for Warrandyte of course, and it was a combination of fearmongering and out-and-out mistruths, really. There was a suggestion that there would be activity centres in the beautiful area of Warrandyte. It is a beautiful part of the world and I know it well, but I am not aware of the activity centre, and the member for Warrandyte was just claiming in this Parliament that there will be an activity centre built there. Well, it is not true. The beautiful suburb of Warrandyte has not got an activity centre. Do not believe the member for Warrandyte, because she is spreading falsehoods to spread fear. She has left the chamber for that exact reason.

The member for Warrandyte also said infrastructure should be there before growth. If only she spoke to the member for Bulleen about that, that would be a wonderful thing, because communities like mine are suffering because –

James Newbury: On a point of order, Speaker, the member for Warrandyte is repeatedly called out for the way she presents in the chamber, but other members like this member are speaking out to anywhere.

The SPEAKER: There is no point of order.

James Newbury: There is clearly a pattern of behaviour in what is happening to the member for Warrandyte.

The SPEAKER: I ask you to resume your seat, member for Brighton. There is no point of order.

Mathew HILAKARI: When members attempt to mislead the house, they are rightly called out, because community members deserve a truthful conversation from this place and they deserve truthful members. They deserve truthful members who will talk to the community about what is real and what is fantasy.

I come back to it: the member for Warrandyte should speak to the member for Bulleen about building infrastructure and building that infrastructure for the growth that they propose through changing the community and the activity centres, including precinct structure plans in communities like mine. For example, Aviator Fields in the community of Point Cook is getting a new development. That new development is likely to have 20,000 people and no viable north–south roadway that takes people to the freeway, that takes people to the shops and that takes people to the train stations so that they can participate in community life in a wholesome and fulsome way. There was no provision by the member for Bulleen when he was the minister to make sure that there was the infrastructure there. In

fact they did quite the opposite. They left a distance of about 5 kilometres with no north–south transport route – and there never will be one because it is all housed in. So we are needing to retrofit this. We are needing to build more infrastructure to make up for this now, and we will do so. Of course this government will do so, because we must, and we must do it before those houses come in. We are doing that at the moment on Central Avenue and Point Cook Road.

I followed on from the member for Malvern earlier, and he has got a certain style, a certain way about him so that you just want to believe him. But he mentioned the plan by Stonnington council, and I just thought there might be a few things that I might pick him up on. He said by 2050 there will be 67,000 new residents in Stonnington – that is a substantial number, there is no doubt about that – and that is more than the 50,000 in the plan by the government for 2050. He was a year out there; it is by 2051 of course. But he was actually completely wrong. He was a mile off. Stonnington's plan, if you just google it, does not go till 2050, it goes till 2040. That covers between 10 and 15 years, they say, and it covers an extra 12,950 homes for the community of Stonnington, not anywhere near the 50,000. But of course that is people, not homes. So what would 67,000 people in those 12,950 homes look like? Well, it would look like somewhere near five, 5.2 people per home. For those people who know the communities well, you probably get about two, 2½ people per home depending on where you live. So what he is actually advocating for is the equivalent of rooming houses across all of Stonnington. I do not think that was his point when he was verballing the council in Stonnington, yet that is where he ended up. He said there would be 14 activity centres. He will be very sad to hear it is actually 15. Again, the style does not match the substance of what he is saying.

What do Stonnington say about themselves? I will take him to page 10 of their plan, and I quote, on activity centres:

> The City of Stonnington has an existing network of well-connected and evenly distributed activity centres of varying sizes and roles …

It goes on to talk about those wonderful activity centres that they do have. They have activity centres like Chadstone of course. They have wonderful places like Toorak Village and Hawksburn Village. They have Chapel Street, Glenferrie Road – all these places that we actually enjoy as a city. So I ask him: please get your facts straight before you stand up in this chamber. Your style makes me want to believe you, member for Malvern, but it has got to be backed up by the substance.

And the member for Bulleen – well, isn't Brian Tee living rent-free? What a wonderful expression of his fears. I might finish on Ventnor, another thing that lives rent-free. The community was opposed to it, Miley Cyrus was opposed to it, but not Matthew Guy and his Liberal friends, who wanted to make a buck. I will finish it there –

The SPEAKER: Member for Bulleen.

Mathew HILAKARI: Pardon me – member for Bulleen of course. I might finish up there. I support this bill's swift passage through the house.

The SPEAKER: I would like to remind members and those that are listening through the broadcast that contributions in this chamber are to be made through the Chair, not through the many cameras in this building, nor across the other side of the table. I remind members that contributions, irrespective of whether it is government side, opposition side or wherever, are to be made through the Chair.

Melissa HORNE (Williamstown – Minister for Ports and Freight, Minister for Roads and Road Safety, Minister for Health Infrastructure) (16:55): I move:

> That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

Labour Hire Legislation Amendment (Licensing) Bill 2025

Second reading

Debate resumed on motion of Danny Pearson:

That this bill be now read a second time.

Bridget VALLENCE (Evelyn) (16:56): I rise to speak on the Labour Hire Legislation Amendment (Licensing) Bill 2025. The government will try to spruik that this bill has the objective of stamping out corruption in the construction industry and protecting workers, but unless it is seriously amended it will fail to do so. The minister in his second-reading speech said that the bill had been introduced to implement recommendations made by Mr Greg Wilson as a result of his review into the Victorian government body's engagement with construction companies and construction unions. The review exposed what most of us have known for a very long time: there is a rotten culture in the construction sector.

Regrettably but not surprisingly, this bill does not take the strong action required to eradicate the rotten culture that this Labor government has not only enabled but allowed to flourish in Victoria's construction industry. For over a decade this tired Labor government has continually turned a blind eye to the culture of thuggery and intimidation that the militant CFMEU engaged in on construction sites across Victoria, especially on the government's rotten Big Build. Instead this bill makes very minor changes directed at the construction industry in Victoria and does not even fully implement the recommendations that Mr Wilson made in his report to the Labor government. Rather, this bill seeks to make a number of amendments to the labour hire regime that formed no part of the Wilson review, and it has not been subject to any proper consultation with relevant stakeholders or the general public. To put it quite bluntly, this bill will do nothing to restore integrity and decency in Victoria's construction industry. Instead it appears to do no more than impose regulatory burdens on the labour hire industry and make amendments that have nothing to do with the construction industry.

Given the minister says that this bill seeks to implement recommendations 3 to 6 of the review, I think it would be valuable for the house to understand the history of how the Wilson review came about. The minister in his speech noted that the Wilson review had highlighted a rotten culture in the construction sector, but regrettably the minister was being completely disingenuous, because the Wilson review did not highlight that at all. As Mr Wilson himself noted, it was the *60 Minutes* program and the *Age* which exposed the systemic culture of corruption and violence in the Victorian construction industry caused by the militant CFMEU. In response to the public outcry and embarrassment that these allegations of criminal behaviour on Victoria's government construction sites – embarrassment that was being caused to the Allan Labor government – the Premier announced that she would establish an independent review in order to, using the Premier's own words, tear 'this rotten culture out by its roots'.

The review was established in July 2024 and became known as the Wilson review. It is to this Labor government's eternal shame that it did nothing to stop thuggery and corruption on Victoria's construction sites until 'Building bad' was aired by *60 Minutes*. Mr Wilson himself found:

> … it appears the bulk of the issues raised relate to large transport projects funded by the Victorian Government.

Who was the transport infrastructure minister during this time? That is right: for five years before she became Premier, the Premier herself was the transport infrastructure minister, and it was during this time that the seeds of corruption, thuggery and abuse took root in what has become the rotten Big Build. That all happened on the Premier's watch, yet she did nothing to protect taxpayers money from being rorted and she did nothing to stop the CFMEU's intimidation and abuse thriving on government construction projects.

Even before this we knew that the Premier herself knew about the corruption and thuggery that was occurring on construction sites as far back as 2016, a decade ago. Victoria Police told the Royal

Commission into Trade Union Governance and Corruption that it knew outlaw motorcycle gangs were engaging in illegal activities on Victorian construction sites and were doing so in concert with the CFMEU. The then employment minister – guess what, now the Premier – said in response to Victoria Police's concerns back in 2016 that she took them seriously. She said she took seriously the views expressed by Victoria Police and she would take on board their issues. But the Premier then went on to do nothing. As employment minister, then transport infrastructure minister and then Premier, she continued to do nothing. For 10 years the Premier allowed these illegal activities to flourish and for thuggery and intimidation to become entrenched on Victoria's construction sites.

For over 20 years the courts all over this country have repeatedly condemned the CFMEU for its blatant and recidivist offending. The CFMEU has been found to have committed more than 1500 contraventions of Australia's workplace laws and been ordered to pay over $24 million in penalties, yet the Allan Labor government continued to do nothing. In his report, Mr Wilson quoted the findings of Mr Geoffrey Watson SC, who found:

> … violence was an accepted part of the culture within the union …

He also found, which is relevant to this bill:

> that organised crime figures and outlaw motorcycle gangs (OMCG) have infiltrated the CFMEU and placed themselves and colleagues in delegate positions through employment with third parties, often through labour hire agencies, with the aim of being "placed in positions of commercial, as well as industrial, power."

On 29 November 2024 Mr Wilson submitted his final report to the government, which included the recommendations that now form part of the bill before us. Again, it is outrageous that after the Premier said she was committed to tearing the culture out by its roots it has taken a year for the Premier to act on these recommendations and put this bill before the Parliament.

In his report, Mr Wilson found the labour hire industry had been identified as opening a path for corruption. It was identified that members of outlaw motorcycle gangs or former members of the CFMEU who had been removed from positions on government projects had found their way back onsite, onto government projects, through labour hire providers. They found their way back onto Labor government project sites as labourers through labour hire providers. Given the construction industry is the third-largest user of labour hire workers, it was clearly a target for corruption and abuse. While some of the measures in the bill seek to improve the integrity of the industry, they are completely inadequate.

Recommendation 3 of the Wilson review recommended the fit and proper person test, which applies to persons who want to become labour hire providers, and that it be broadened to include additional matters that the Labour Hire Authority was required to take into account when considering licence applications. The review recommended that matters such as previous convictions or findings of guilt for indictable offences should be considered, as well as whether the person had been an officer of a company in the previous five years that had become insolvent or had a previous labour hire licence cancelled. In addition, Wilson also recommended the fit and proper person test should include whether the person had close associates who would not be considered fit and proper. As the minister said in his speech, the actual amendments go much further than what Wilson recommended. Whilst we agree in principle with some of the amendments, we do think there are problems with this bill that need to be fixed. The first problem relates to the insertion of the new ground that states:

> whether the person is under the control of, or substantially influenced by, another person whom the Authority considers is not a fit and proper person …

This amendment is inconsistent with Wilson's recommendations. Rather, Mr Wilson recommended that the phrase 'close associate' be inserted, which is the same phrase used in the Social Services Regulation Act 2021. A close associate would be defined to include family members such as a spouse,

partner, parent, child or sibling. However, the government has ignored Mr Wilson's advice and opted to include a much harder threshold, namely:

> … the person is under the control of, or substantially influenced by, another person …

When we asked the minister's office during the bill briefing how the authority could prove if someone had control or influence over someone else, their response was totally inadequate. Rather than including the simpler definition of 'close associate', which is already used in other acts and was recommended by Mr Wilson, the government has opted to include a new attribute that appears to be incredibly difficult to prove. This appears to be a clear case of the government ignoring its own independent advice and opting to include a clause that seems impossible for the Labour Hire Authority to prove. It seems to be making the authority's job harder, not easier, in terms of weeding out disreputable and corrupt people from the industry.

The second strange amendment to the fit and proper test is whether a person is a member of a criminal organisation, such as an outlaw motorcycle gang. Under the bill the Labour Hire Authority will now be required to have regard to whether the person is a member of a criminal organisation in assessing whether they are a fit and proper person to hold a labour hire licence. I struggle to comprehend how on earth a member of an outlaw motorcycle gang could even be allowed to apply for a labour hire licence. Last year this Parliament passed legislation that banned members of criminal organisations from entering government construction sites. When the former Attorney-General was spruiking these laws, she said:

> Organised crime and thuggish behaviour has no place in Victoria – we're making that clear with some of the toughest laws in the country.

If organised crime and thuggish behaviour have no place in Victoria, then why under this bill is this Labor government continuing to allow outlaw motorcycle gang members to apply to become labour hire providers? If a person is a member of an outlaw motorcycle gang, then surely this attribute should automatically disqualify them from applying for a licence. In fact Mr Wilson made this very point in his review where he stated:

> If it is illegal for a person to enter a prescribed Victorian Government worksite, then there is an argument that that person should not be able to hold a licence to provide labour hire services.

Seriously, what was the government thinking? Is the Premier prepared to come into this chamber right now and say she is happy for an outlaw motorcycle gang member to be allowed to apply to be given a labour hire licence under this bill? Because that is exactly what this bill allows for.

Earlier I referred to Mr Watson's findings, in which he said that labour hire firms had been used as a vehicle for organised crime to infiltrate the construction industry. Yet this government again has completely ignored these findings. This is just incredible stupidity, it is hypocrisy and it is inconsistency from this tired Labor government. On one hand this government is saying we do not want motorcycle gang members on Victorian construction sites, but on the other hand it is saying it is okay for them to apply for and run labour hire companies that will provide workers to the very same sites. Seriously, you could not make this incompetence up. This government has completely lost the plot, and the bill absolutely must be amended to automatically disqualify criminal organisation and outlaw motorcycle gang members from holding labour hire licences – as simple as that. Unless this bill is amended, the Labor government will continue to allow outlaw motorcycle gangs and other criminal organisations to obtain licences to operate labour hire businesses on Victorian construction sites, and as a consequence the scourge of corruption and intimidation will continue to plague Victoria's construction industry. It is an absolute debacle.

Now to recommendation 4 of the review, where Mr Wilson recommended that the labour hire regulations should be amended to define certain activities as coming within the construction industry to provide greater certainty to the industry in relation to work that comes within the jurisdiction of the labour hire regulatory framework. Mr Wilson noted a similar approach had been taken in relation to

other industries, such as commercial cleaning and horticulture. Yet the government has completely ignored this recommendation and decided to do something completely different. Instead of doing what was recommended by Wilson, the government has decided to change the definition of 'labour hire services' under the act. This new definition will not just apply to the construction industry, it will apply to every single industry that uses labour hire in Victoria. This is a massive change to the labour hire scheme and does not in any way bear any resemblance to what Mr Wilson recommended in his report. Yet this government has sought to disguise this change as having its genesis from the Wilson review. Nothing could be further from the truth.

This new definition will have much broader reach and potentially capture many different types of commercial arrangements that previously did not come within the jurisdiction of this scheme. There has been no consultation with stakeholders about this new definition or how far its new scope will extend. The new definition seeks to extend the labour hire scheme to businesses that have the character of the supply of labour. What is meant by 'having the character of the supply of labour' is left completely ambiguous in this bill. Quite unhelpfully, this bill says that the character will depend on the 'terms of the arrangement' entered into and the 'totality of the relationship'. These new provisions are utterly useless and will create further uncertainty and confusion. They are completely open to subjective interpretation and inconsistency.

The government has completely ignored what Wilson recommended, and instead the minister, even in his speech, said that he sought to capture arrangements involving supply chains and intermediary businesses in any industry. When we asked the minister's office in the bill briefing how many businesses would be captured by this new definition, we received stunned silence. The minister's office could not even tell us how many new businesses were likely to be impacted by this change and come under the Labour Hire Authority's jurisdiction. No modelling had been undertaken about the impacts of the change. Instead the minister's office told us they wanted the amendments to be as broad as possible and did not believe they would have any material impact. What an extraordinary response. How can anyone say significant legislative changes such as the ones that we are debating today will have no material impact if they have not done any modelling or analysis? Clearly the government does not care that there will be a surge in businesses that will come under the jurisdiction of the Labour Hire Authority which have received no prior warning about these changes and will face significant compliance costs as a result.

This new definition also casts doubt on the genuine subcontracting arrangements that exist through the construction industry. As everyone in this chamber would know, the construction industry relies heavily on subcontracting in order for specialised work to be performed by skilled labourers. In the minister's speech he said the amended definition was not intended to cover genuine subcontracting arrangements, but the bill is absolutely silent on this issue. Nowhere in the bill is there a specific carve-out or protection for genuine subcontracting arrangements from being covered by the changes introduced in this bill. This is either laziness or incompetence, but to be honest, I think it is actually both.

When we asked the minister's office why there were no express protections for subcontracting arrangements in the bill, we were told that they did not think it was necessary. How can it not be necessary? The government is making significant changes to the definition of 'labour hire services', which by their own admission is intended to cover many new types of labour supply arrangements. And they do not think that there could be a risk that genuine subcontracting arrangements could be impacted? What an absolute recipe for disaster. All the government needs to do is insert a new provision in the bill that specifically carves out and protects the subcontracting arrangements from the new broader definitions contained in this bill. Not only is this consistent and does it give effect to the minister's stated intention in his speech, but it also provides certainty and assurances to the thousands of businesses that rely on their subcontracting arrangements to remain viable.

Given that the amendments will have retrospective application to licence applications under clause 29 of the bill, the government needs to make urgent amendments to protect businesses from facing

noncompliance with the act. In recommendation 5 of the review Mr Wilson recommended that additional powers be given to the Labour Hire Authority to assist its investigations and prosecute providers. Specifically, the review recommends that the Labour Hire Authority be given the power to compel the production of documents where they consider the documents are necessary to ensure compliance with the act. As a matter of principle, we do not object to the government regulators being given the powers they need to ensure licence-holders and businesses are complying with the act. However, the new powers the government is proposing to provide the Labour Hire Authority amount to nothing more than a wet lettuce leaf. These so-called new powers to compel the production of documents and information are completely useless. Under the bill, if a person receives a notice to produce documents, the person can simply refuse to provide anything. They do not even need to provide an excuse – what a farce. What is this provision even for? It is a complete waste of the inspector's time. If the inspector wants to try again, they can issue another notice. But they are required to tell the person, and if they think the documents might incriminate them and expose them to a penalty, they can refuse to provide the information. It is an absolute joke. This bill was meant to clean up the labour hire industry from corruption and thugs. Instead these new powers will continue to give cowboy operators and thugs a free ride.

When Wilson recommended that the new powers be given to inspectors, he referred to the powers used by other Victorian regulators, such as the Essential Services Commission. The powers in sections 39B and 39ZC of the Essential Services Commission Act 2001 expressly removed the ability of a person to refuse to hand over documents on the basis the documents might incriminate them. Even at federal law, the Fair Work ombudsman can compel the production of documents, such as payslips, in order to prove if an employer has been underpaying their employees. There is no ability for the employer to withhold this information.

If these powers are good enough for these regulators, which are the same powers that Wilson recommended, why is the Labor government refusing to give meaningful powers to the Labour Hire Authority to clean up the industry? If people in labour hire are breaking the law and exploiting workers, then they should have no right to withhold and refuse to hand over documents. Why would this Labor government want to protect cowboy providers from disclosing documents and information that proves they are exploiting workers, giving them a get-out-of-jail-free card? I really hope that government members on the other side reflect deeply when they look at clause 24 of the bill and realise workers will continue to be exploited under Labor's watch by allowing cowboy operators the ability to continue to hide and keep secret their unlawful conduct from the Labour Hire Authority under this provision. This is just another example of why this bill is in urgent need of amendment.

In recommendation 6 of the review, Mr Wilson recommended that the Labour Hire Authority be given the ability to include 'contextual information' in its register in relation to the suspension and cancellation of licences. However, Mr Wilson was quick to point out that there needed to be careful consideration of what information should be published, and there should be explicit protections to ensure people's private information was respected and 'constraints on the type and degree of detail in information shared'. Now, regrettably, the Labor government has yet again failed to follow the recommendations of Mr Wilson here. Under clause 20 of the bill, the Labour Hire Authority will be given new powers to publish information, not only about cancelling and suspending licences but also about people they are investigating and monitoring for compliance with the act.

There is also an additional power under clause 28 of the bill that will allow the Labour Hire Authority to disclose any information it considers appropriate in the public interest. As the minister himself said, these amendments 'go further than the Wilson recommendation' and will allow the Labour Hire Authority to publish information about a broad range of matters that were not even contemplated by the review. There is another example of this government engaging in massive overreach and simply going far beyond what the Wilson review recommended. Given the sheer breadth of these new powers, there is a dangerous risk that these powers could be misused to name and shame completely innocent businesses. In complete contrast to what Wilson recommended, there are no safeguards in this bill for

the potential misuse of this power, which has the real potential to destroy people's reputations and ruin businesses and jobs. When we communicated these concerns to the minister's office, they simply said they were happy to consider any of our suggestions, clearly demonstrating that the minister and his office had failed to consider the impact and dangerous misuse of these powers.

These powers were considered by the Australian Law Reform Commission in its report titled *Principled Regulation*. The report has been relied on around the country by regulators to ensure they conduct themselves appropriately. On page 615 of the report, the Law Reform Commission observed:

> … as a general principle no publicity should be attached –

to the –

> preliminary investigations, or to the execution of warrants or other exercise of regulators' coercive powers … irrespective of the regulators' private views of the likely guilt of a person under investigation, the regulators' inquiries are incomplete and any comment as to liability is accordingly based on inchoate information.

So the Labor government's amendments are completely contrary to the Law Reform Commission's recommendations. As the commission recommended, regulators should first develop guidelines on publishing information to ensure their powers are not abused and only appropriate information is disclosed. We think this legislation goes too far and should be pared back to ensure people and businesses are not subjected to inappropriate naming and shaming.

The final amendment this bill makes is to the Workforce Inspectorate Victoria Act 2020 to provide protections for whistleblowers who call out illegal activities on Victorian construction sites. Members may recall earlier this year that when this government repealed its unconstitutional wage theft laws it made a swathe of other amendments, including removing whistleblower protections. Section 76 of the former Wage Theft Act 2020 was repealed, meaning the new Workforce Inspectorate Victoria Act did not include any protections for whistleblowers. It seems the government has now realised that this was a stupid mistake and is now attempting to reinsert it via this bill.

However, the protections included in the amendment are still insufficient. As the new provision reads in clause 30, it will only protect whistleblowers that provide information about public construction in Victoria. There is no definition in this bill of what 'public construction' means, but the minister's office advised it was only intended to cover government-funded construction sites. That means that any person who seeks to complain about illegal activities on private construction sites will not be covered by the whistleblower protections in this bill. Not long ago we saw Melbourne, our city, our central business district, come to a complete standstill after the CFMEU-organised massive blockades of the Myer Emporium site. Under this bill no-one would be protected if they made complaints about the conduct engaged in on these types of projects. It makes no sense to discriminate between public and private construction projects. The CFMEU certainly does not. The CFMEU will engage in thuggery on any site that they consider will further their interests, and we saw this just recently with their behaviour and thuggery on the North East Link Program and the West Gate Tunnel Project. This provision should be amended to cover both private and public construction sites.

The minister also said in his speech that people who took retaliatory action against people who made complaints under this provision would be investigated and prosecuted by Victoria Police. When we asked the minister's office if any additional funding or resources had been provided to Victoria Police to undertake this work, we were told 'not at this stage'. Given Labor's funding cuts to Victoria Police there appears to be little hope Victoria Police will have any resources to prosecute people under this provision, which makes the supposed protection completely hollow. We also discovered that if people wanted to make complaints, they could do so by using the new complaints referral service that was legislated earlier this year. However, as the minister's office confirmed, the complaints service has not even begun operation. Here we are, a year after the Wilson report was submitted to this Labor government and the complaints service that Wilson recommended is still not operational.

While we will not oppose the passage of this bill through the Assembly, the shadow minister for industrial relations in the other place intends to move amendments to the bill in the Council, otherwise corruption in construction in Victoria will fester. Clearly this Labor government have no real desire to take strong action to stamp out corruption and thuggery on their Big Build infrastructure projects in Victoria. The Allan Labor government's failure to act has enabled corrupt practices to infiltrate their rotten Big Build projects. Labor has allowed intimidation, bullying of workers – of women – and corruption to thrive in Victoria's construction industry. Under Premier Allan and Labor the roots of corruption in construction are alive and well. That is why we need a fresh start.

Only the Victorian Liberals and Nationals will establish a royal commission into the CFMEU's misconduct, corruption and rotten culture, which have plagued the Labor government's Big Build projects, costing the Victorian economy billions in cost overruns. We will establish Construction Enforcement Victoria, an independent watchdog with real teeth to clean up intimidation, bullying, thuggery and corruption in construction. We will introduce a tough code of practice that construction companies, contractors and unions will have to comply with or risk being banned from tendering for government contracts. For 11 long years this Labor government has allowed the corrupt CFMEU, Labor's donors, to control construction sites in Victoria through thuggery, intimidation and bullying, and it has led to corruption. Only a Liberals and Nationals government will stand up for workers and contractors, end this era of corruption and clean up the construction industry from intimidation and thugs; the bullying of workers, which has led to the deaths of workers; and the bullying of women, which is outrageous and disgusting. Only the Liberals and Nationals will restore law and order on our building sites in Victoria.

I urge the Labor government to consider the many amendments that we will move in the Council on this bill, otherwise corruption will be allowed to continue to fester on construction sites in Victoria, because it only includes government sites, it does not include private construction and it does not include sub-tier construction sites. It is a failure, this bill. It does not implement the recommendations of Wilson, and we would urge the government to consider these amendments to strengthen this bill to ensure that we eradicate corruption from construction sites in Victoria.

Tim RICHARDSON (Mordialloc) (17:25): It is great to rise and speak on the Labour Hire Legislation Amendment (Licensing) Bill 2025 and acknowledge the important work that has been done to implement the recommendations of the Wilson review. These are the recommendations that follow some very concerning behaviours in the construction industry that were highlighted and responded to when the Premier announced the Wilson review and its recommendations that were forthcoming. It is a review that has been extensively quoted by the shadow minister for 25 or 26 minutes until the sum-up. It was substantially attacked and politicised at the time yet relied on in terms of the substantive nature, saying it does not go far enough. Then, according to other comments from the shadow minister, it goes too far in its application here as well. Then there was a bit of a discussion around the construction industry. It is curious, some of the commentary around the construction workforce, which is hundreds of thousands of workers across Australia, and some of the members of that union live in all of our electorates as well. The characterisation of the entire construction industry and the way that workers are described is of great concern to me – how they are narrated. They are people who are helping to build our state and contribute to some of its projects. We did not have a Big Build 10 or 15 years ago, did we? We did not have a Big Build at all. There was barely a major project. There was a major project at Southern Cross station. It was the deployment of stickers by the Napthine government, trying to find an airport rail that did not exist. That was the major construction and big build agenda at that time.

We have got a pipeline of construction work at the moment that is generational in its significance, and we need to make sure that those that work in that important sector, the construction industry, are supported and protected in their place of work and that they feel safe. This is an element of the Wilson review that we go to. I will touch on some of those changes and recommendations. This amendment enhances Victoria's labour hire scheme into a stronger and more effective approach to stamping out

some of the very concerning corrupt and criminal conduct that we saw on construction sites. It was important that the Premier stood up and called it out. The Premier was strong in her words and had a significant review that has underpinned these recommendations. The bill also amends the Workforce Inspectorate Victoria Act 2020 to create an offence of causing detriment or threatening to cause detriment to a person making a complaint, which is really important for the protection of those that come forward to detail their experiences. That is a hallmark of some of the recommendations that have come forward here and the really important work here.

The reforms that we are passing now are specifically focused on Victoria's labour hire regulatory scheme to better weed out those who seek to do the wrong thing and ensure that labour hire workers and those businesses that are doing the right thing are protected from unscrupulous operators. That is some of the really important policy work that has gone through most recently. I want to particularly call out recommendation 3 that is acquitted in this. The bill will strengthen the current fit and proper person test. It will amend current criteria within the legislation, implement new criteria and provide the Labour Hire Authority with broad discretion to consider any matter it considers relevant in deciding whether a person is fit and proper to hold that licence. That gives regulatory flexibility to make those considerations and to consider some of those new factors of the authority. It will enable it to consider a person's character, honesty, integrity and professionalism and whether a person has been found guilty of an indictable offence in certain circumstances.

It is important, around the narration of some of the parties that we saw featured in some of the really poor behaviour and criminal conduct, that they are restricted, they are not part of infrastructure projects going forward and they are held to account. As union people on this side of the house, as people that support workers in every form and every fashion, that is a critical element of that work and that engagement. This new test will provide the Labour Hire Authority with greater flexibility to consider a wider range of those assessments, and I really welcome that. With the definition of 'construction activities', I think people can work out what construction activities are from the definition that we have seen and the discussion that has been had. The narration by the shadow minister was as if that could not be understood, but I think it is the plain meaning of the definition. I do not see it as confusing or riddled, as the shadow minister has put forward, but I acknowledge that it is a subject of their considerations and what has been put forward.

In acquitting recommendation 5 around the labour hire search powers, we acknowledge that this strengthens the authority's powers with respect to their ability to request a labour hire provider to provide documents and better align their powers to require information within the modern regulations. This amendment in the bill will allow the authority to request information in the manner and form specified, which can include electronic production as well as from third parties. I was really interested in recommendation 6 as well, and the bill also confirms the ability of the Labour Hire Authority to produce additional contextual information about suspensions and cancellations of licences and appropriate limitations.

So we are providing a substantial response there for the authority to make sure that operators, those participating in the construction industry, are held to the highest account. It goes to the hallmarks of the review that was undertaken, at the time attacked by the Liberals and Nationals, and then narrated and quoted with such significant coverage in the shadow minister's speech. It was literally, I think, 25 minutes of going through how substantial some of those recommendations were. Whether they went further or not is maybe a departure from some of the shadow cabinet's position just to attack the review. I thought it was a smart presentation from the shadow minister to really acknowledge just how important this review was, the extensive nature of what has been undertaken and how important it is to strengthening the labour hire sector, so I appreciated the shadow minister not going down the pathway of rank politicisation. To the shadow minister's credit, I thought there was a little bit of leadership there, having the intellectual discussion around the recommendations: not just looking at the word and the person and attacking them and the review but actually analysing and going through the recommendations. I do not share the views of the shadow minister and how they were presented,

but they got the work done and said amendments will be moved. Well, that is a lot further from that media release at the time: the review dropped, and the coalition just attacked it all. At least the shadow minister has come in with a bit more consideration and a bit more effort and at least rocked up to the bill brief to interrogate it. I cannot say the same for other shadow colleagues on that side, but at least the work was done on that.

The bill makes other amendments to improve the overall operation of the act and complement the implementation of other Wilson review recommendations, and the bill also makes amendments to the recent passing of the Workforce Inspectorate Victoria Act. I did note the shadow minister's criticism of the changes to the wage theft bill. Did anyone tune in to hear that – you know, that one that they vehemently opposed? They were all up for a bit of wage theft. They were opposed to our legislation criminalising this sort of conduct and making sure that workers are protected. I just thought that sort of volley was a bit interesting, because it was this Labor government who absolutely smashed wage theft and who protected workers. The values of this Allan Labor government are to be on the side of workers and protect workers into the future. It would not have been a coalition government that would have bundled up better wage theft protection, would it? It would not have been that crew over there. Talk about turning a blind eye. We would not have seen any action on that into the future either. So the volley before was curious because the only reason that exists is the leadership of the former Premier Daniel Andrews and the leadership of the Allan Labor government to get that in. Now it is a model for the rest of the nation and how we protect the rights, wages and conditions of working Victorians.

We have seen significant reforms in this space. This government leans in when there is a challenge that is presented like this that is significant on a particular sector and industry. The Premier fronted up, answered the questions and delivered the review, and now we are implementing the recommendations. That is true leadership here – not the rank politicisation that we see too often on that side but leadership around supporting workers in the future and protecting people in their place of work. These reforms under the labour hire legislation here today strengthen that and complete the Wilson recommendations, and I commend the bill to the house.

Jade BENHAM (Mildura) (17:35): I rise to contribute to the Labour Hire Legislation Amendment (Licensing) Bill 2025. This is the second of the Allan Labor government's legislative responses to the Wilson review into alleged criminal activity on Victorian government construction sites. Let us remember how we got here. The shadow minister of course touched on this and contributed a very strong 30 minutes, and you could probably go for longer on this as well. A string of damning media investigations – *60 Minutes*, the *Age* and others – is what it took to expose what many in the industry had whispered for years about these serious allegations.

Tim Richardson interjected.

Jade BENHAM: But what I like to do in this place is of course give my electorate's perspective on these bills and the real-world implications, member for Mordialloc. This is overreach. We know that; that has been illustrated. And it is in response to the Wilson review, all about government construction sites and the CFMEU; we know all that. What it does do, though, is make life incredibly hard, more difficult, for food producers in the Mildura electorate – in fact everywhere in Victoria. And how does it do that? Story time; indulge me. The Labour Hire Authority, when it came in, was imposed on small agribusinesses – anyone that uses a contractor. That is how farms operate these days, particularly in irrigated horticulture, where they need a large workforce. Those out harvesting wheat, barley, oats, whatever at the moment, tend to do it with a much smaller workforce, but those that need large workforces for harvest time – with permanent plantings, pruning, spraying, all that kind of stuff, and picking of course – require the services of contractors, as they used to be known. Now they are labour hire services. When the Labour Hire Authority was first established I was in local government, and the sentiment of food producers in the region was one of confusion, it was one of anger and it was one of frustration because of the added bureaucratic red-tape timelines that this creates for, in a lot of cases, family businesses that are already being strangled in red tape. I talk about this all the time: the amount of audits that they have to go through, the amount of paperwork for visas and now the Labour

Hire Authority. It is making life so much more difficult for food producers than it has ever been before. I say this along with all the other challenges that they have to put up with.

Under this bill the definition of 'labour hire services' is expanded to include arrangements defined by their character and the totality of the relationship. That means the Labour Hire Authority could decide that any farm that sources, coordinates or even facilitates workers between different growers – and that happens – might suddenly be classed as a labour hire business, even if that is not their main role and even if they are using labour hire providers. In my electorate, where growers often share workers or they sharefarm, they use local contractors, like I said, for pruning, harvest, packing, picking. They might pool staff to save a bit of money. Those arrangements could now fall under the Labour Hire Authority's remit, meaning extra licensing fees and paperwork for small farm businesses and the real risk of unintentional noncompliance. This is a real fear for food producers and for farm managers in the larger corporate structure farms, of which we are seeing more now because it is simply not viable for family farms to continue to farm the way they used to – they simply cannot do it. Those unintentional noncompliance issues are a real problem. Again, it adds to the load that farmers are under with regard to their mental health.

They struggle. Not only are they growing food to put on your plate, they are going through all this administrative rigmarole day after day after day and then being made to feel like they are already criminals before they have even commenced any work – before anything has even been proven or alleged. They feel like this is being imposed on them because of what has allegedly happened with the CFMEU on taxpayer-funded worksites. That is a real risk and a real concern for food producers.

There is also the potential for – and this is not just a potential – regulatory confusion between farms, farmers, managers, contractors and pack houses, especially those in mixed use or sharefarming, like I said, which happens. Farmers already have very, very limited faith in the Labour Hire Authority. It is viewed across the Mallee as bureaucratic, inconsistent and city-centric – surprise, surprise – and it is an authority that makes regional operators jump through hoops while often turning a blind eye to what is going on in the city.

This bill also means for farmers and agribusinesses more inspectors on farms looking for records. We have had issues of course with the VicGrid bill and VicGrid workers being able to waltz onto farms unannounced, which is a massive biosecurity risk. Biosecurity is a real issue for us in this state. I am not sure that anyone on that side is aware of how much of an issue it is, but it absolutely is. I was talking to some people from the citrus industry at lunchtime about fire blight and fruit fly. You have the ground-borne diseases that can be in someone's shoes, and if they do not know who is coming onto the farm and when and where they have been, that is such an issue. It also gives the Labour Hire Authority the power to publish the names of companies even before decisions are made, to compel information and delegate coercive powers to contractors and to judge character without defined criteria. That is not integrity, that is overreach. That creates uncertainty and reputational risk, and in such small rural communities reputation is everything. It opens the door to selective and inconsistent enforcement.

Procedural fairness, you would think, should not be optional. It should be built into laws like this. So, no, we are not a fan of it, because of the unintended consequences that I am sure have not been given a second thought by this government. Farmers are never given a second thought by this government. That has been proven time and time again by the mere fact that farmers are at the end of their tether – they really are – with the bureaucracy, the administration and the ever-continuing changes in laws and regulation and compliance. It is just getting beyond a doubt. And despite all this, the CFMEU loophole still remains. The fit and proper person test applies only to the licence-holder, not to the individuals actually sent onto worksites. Guess who ends up liable on a farm? The owner or the manager. That is before anything has been proven – the owner or the manager. I just cannot get my head around the complete lack of common sense in some of this legislation, honestly.

Also, let me point out – and this was pointed out when the Labour Hire Authority was first established – that it is not hard to go and find someone with an ABN or an ACN, get a legitimate one of those and then go to a Labour Hire Authority website and find their Labour Hire Authority provider number and match them up so that a labour hire provider can have these two numbers and go to a farmer and give them both of those numbers and they match. What is the farmer supposed to do? He can look them up on those websites, but they match. So how is he to know that that is not a holding company that is under this person? And it could be someone completely illegal that is not licensed or registered. It is so fraught with danger, and the one who ends up responsible for it is the bloody farmer again, and we are so sick of it. Time and time and time again I stand up in this place for our farmers, and it is just absolutely ridiculous.

Meng Heang TAK (Clarinda) (17:45): I am delighted to rise today to make a contribution on the Labour Hire Legislation Amendment (Licensing) Bill 2025 and speak on this bill a number of times, and I will come back to the bill just a little bit later. But just to continue on from the member for Mildura from the other side, who talked about standing up for farmers, I have much appreciation for farmers and farming business operators, but we also stand up for the workers. I just would like to say that labour hire is an issue for many in my electorate, and I try to make an effort to speak on and support positive change in this policy area whenever I can, because it really does affect many living in my district of Clarinda and communities like mine.

It is an interesting experience if you come to Springvale South, especially in the early hours of the morning around the Springvale South market, where you will see streams of white minibuses, still today, 20 to 30 years on, moving through the suburb around the market, picking up passengers as they go and heading off to different locations in the south-east. The vans might be heading south to one of our farms in the outer south-east or further to out to Gippsland, or they may be heading into the city, to construction sites, to conduct asbestos removal, labouring or general construction, or to factories across metropolitan Melbourne. It is a real sight. These minibuses vans are everywhere in the early morning.

When I came to this place, at the same time as you, Deputy Speaker, in 2018, our labour hire licensing laws were just taking effect. I have seen up close what it was like for so many of those workers. I just would like to add my own experience. Back in 1998 during summer school I actually went with my father to Mildura to pick oranges. We did not know much about our rights as workers. It was cash in hand, $6 or $8 per hour. We would stay with many other workers potentially from the south-east all the way to Mildura and for 8 hours a day with no penalty rates. It could be hot, winter or rainy; it did not really matter, so long as we could get some money in the pocket for summer. These are the things. But imagine it for those who come across the sea to our wonderful state and work. Imagine the working conditions if we do not have proper protections for those workers. Imagine what would be missing. That is why I am very passionate and honoured to make a contribution on this bill.

There were some really great examples that were uncovered during the Forsyth inquiry and in the media, where single labour hire contractors were exploiting hundreds of workers at a time. Covino Farms was one example. It was one of Australia's biggest salad and vegetable growers, supplying supermarket chains and fast-food outlets, including KFC, Red Rooster, Subway and so on and so forth.

The inquiry heard that around 100 migrant workers engaged at Covino Farm through Sam Huor were grossly underpaid, worked excessive hours and did not receive superannuation. These are the things that we are standing for. Once again, imagine those who come across the sea to find a better life and do not know much about workers rights – so long as they get a job, get paid, come home and put food on the table. These are the kinds of things that we cannot allow to happen in our wonderful state. At the time the then National Union of Workers established that these 100 workers were owed at least $1.2 million in unpaid wages. Many of my constituents and family members of my constituents were caught up in that exploitation, and unfortunately there were many other examples of exploitation of people in similar situations and on other farms all across the state. So I give thanks to the National Union of Workers, now the United Workers Union, for their hard work and their dedication to

supporting those workers and for helping so many of my electorate across the state to raise their voice, to come together to collectively bargain to end that exploitation for so many and to so significantly improve the work conditions across a big part of the industry. It was a really humbling experience to see that happening back in 2008 and see this place make a contribution.

Allow me to commend the member for Narre Warren South in his role then as the Victorian branch secretary and Dr Carina Garland, now the federal member for Chisholm, in her role with that union then. It was great to work alongside these friends and colleagues and the amazing organisations and members to see those changes taking place. The wages and conditions that we see now are a testament to those workers who decided to take a stand, were supported by the union and as a result had some really significant victories that have made our community a better place. These are the things that we are standing up for – for the workers – so thank you to everyone involved in that campaign. The improvements to our labour hire licensing scheme continue here today in this bill.

The Labour Hire Legislation Amendment (Licensing) Bill 2025 key objective is to give effect to the government's commitment to implementing recommendations 3 to 6 of the Wilson review by amending the Victorian labour hire licensing laws. These amendments, as has already been pointed out by the great member for Mordialloc, will strengthen the fit and proper person test with respect to labour hire licensing, amend the definition of 'labour hire provider' to align more closely with industry practices and to provide a greater clarity, and streamline the Labour Hire Authority's information-gathering powers to allow the Labour Hire Authority greater scope to publish information with respect to licensing decisions. These are very important.

As I spoke about before, we have had the Forsyth and Wilson reviews, both of which have played a very important part in informing our labour hire laws. We see that these changes here will give effect to recommendations 3 to 6 of the Wilson review by replacing the current fit and proper person test with a new test which enables the Labour Hire Authority to consider a broader range of matters when assessing the suitability of an applicant for labour hire licensing, which is very relevant to this.

The bill will also make additional amendments to the Labour Hire Licensing Act 2018 aimed at improving the overall operations of the Victorian labour hire licensing scheme, including a financial viability requirement and a broader public interest disclosure power.

These are strong changes, informed by the Wilson review, and changes that I am so proud to support here today. I am also proud to be part of a government that stands up with Victorian workers on labour hire licensing, on wage theft, on workplace manslaughter, on occupational health and safety and on so much more. I commend the minister for bringing this bill forward, and I commend it to the house.

Wayne FARNHAM (Narracan) (17:55): I am happy to rise on the Labour Hire Legislation Amendment (Licensing) Bill 2025. It has been stated why we are where we are today. A lot of this bill has come about because of the CFMEU's behaviour and obviously recommendations from the Wilson review. That being said – and we have heard a bit from people today – we have to understand construction to understand why this has happened and why we are here. It is no secret. I am going to start with this. First and foremost, there are very, very good people in the CFMEU. I was a member of the CFMEU, I employed people that were members of the CFMEU and I still have friends in the CFMEU that work on government construction sites. That is very important to remember. A very small portion of people in the CFMEU are why we have ended up where we are today, and we have ended up here today with this labour hire bill because of the protections that are needed now.

But it cannot be taken away that the government ignored this problem for the best part of a decade. It is no secret that the now Premier, who was the minister for infrastructure, knew about the corruption. She knew about the bullying, and she knew it as Premier. There is no doubt about that. You cannot deny that. You cannot be a minister in this state doing the biggest infrastructure program this state has seen and say, 'I knew nothing about it.' That is rubbish – that is absolute rubbish.

The Wilson review came about because of the behaviour of a small portion of members of the CFMEU, and their behaviour has been disgraceful. We do not oppose this bill, but I see holes in this bill, and the problem I see is that we have to have a fit and proper person test now for the principal of the labour hire company. Everybody knows I have been in this industry a long time, 30-odd years. The problem I see in the industry is we used to use labour hire as a last resort; now we are using it as a first resort. The principal contractors in Victoria have become lazy. They do not want to employ people, and they grab labour hire. The corruption that has come through because of this has come through labour hire companies. Yes, there could be principals involved. But the problem I am having is with the people the labour hire companies are employing. That is where the bullying is coming from, and that is where the intimidation is coming from onsite.

As I said, I have friends in there, and I know what is going on. This is where this bill misses the mark. We cannot stamp out corruption. You may have a fit and proper principal, but if they are employing bikies, if they are employing drug dealers, if they are employing people that have been charged with assault and they are coming on to our construction sites, how are we going to stop the corruption? That is the question that cannot be answered.

The member for Mordialloc mentioned in his contribution that this side of the chamber is turning a blind eye. The Labor government turned a blind eye for the best part of a decade, and it was not until Nick McKenzie and the *Age* and *60 Minutes* came out and exposed the corruption with video footage of cash handouts, intimidation and phone calls that this came to bear. This has been a failure of government, which is why we are where we are today. Even yesterday John Setka was arrested for threatening Mark Irving KC. Even when he is not in the union, he is still behaving like a thug. And who can forget the footage we saw of those women getting beaten up and intimidated? This does nothing to protect them. You may have the fit and proper principal, but it is the people underneath. This does nothing to protect those women. Who can forget the story of the young man that went home and suicided because of the behaviour of CFMEU reps? They were not principals. That young man went home and suicided. Who can forget the footage of the CFMEU reps that were threatening the Aboriginal labour hire company guys, who were just sitting down having a smoko, and the language they used and the threats that they made. This bill does nothing to protect them – absolutely nothing.

Between 2010 and 2014 we had a building and construction commission that was there to curb the behaviour of corrupt individuals within the CFMEU, and it worked. I had to ring that commission when I had CFMEU reps come onsite and go beyond their remit. It worked; it curbed the behaviour. So the real question is: is this bill going to curb that behaviour? Is this bill going to quell the behaviour of the CFMEU or the people on the labour hire companies on government sites? I do not see it.

I will say this: I agree that the principal of the company should pass a fit and proper person test – totally agree, 100 per cent. I have no problem with that; the problem for me is the employment. As I said, part of this problem in this industry now is that principal contractors have become lazy. They do not want to employ people directly anymore. They want to go through labour hire. I guarantee if they were employing the people directly to work on government Big Build sites, they are not going to employ a bikie from the Hells Angels or someone that has been charged with aggravated assault. This is where the problem lies. It is not necessarily the principals, it is the people underneath them.

The other concern I have at the moment – and I would like the government to address this because this is still a concern – is we know that Incolink gave money to the CFMEU for, loosely worded, 'training purposes'. Millions and millions of dollars go to the CFMEU, an organisation that at the moment is in administration. They are still getting the money for 'training', but there is no reporting on that. We also know that money ends up back in Labor. If this government was serious about getting rid of the corruption, they would cease that donation. You should not let Incolink donate to the CFMEU when they are under administration and known to be dishonest. Why would we let that happen?

I am more passionate about the construction industry than anyone in this chamber. They all know it, and this is why I am saying it. This will not go far enough. When the federal Labor government got

rid of the union watchdog federally, the CFMEU just went nuts. That is when the floodgates really opened up. The corruption has always been there from the BLF, which morphed into the CFMEU. Mechanisms were put in place to quell that behaviour and that corruption. But both Vic Labor and federal Labor got rid of both corruption watchdogs, and now we are where we are today.

I feel for every member of the CFMEU that has had to put up with the intimidation, the bullying and the threats from the small portion of the CFMEU. They are the ones we want to get out, but they are coming in through the labour hire companies. It is no secret. That is why in 2024 we introduced a bill for police checks on government building sites, and I still think that should happen. I am a firm believer in that. Police checks are not unusual. They take about 24 to 48 hours to do. It is not onerous. Let us really weed out the corruption. Let us get rid of it, because I hate it in this industry. My friends are still putting up with this corruption and bullying going on. We do not oppose this bill, but I think it misses the mark.

John LISTER (Werribee) (18:05): I am here to speak in support of the Labour Hire Legislation Amendment (Licensing) Bill 2025. It is part of a series of legislation that we have had at least since my time here in Parliament, since the start of the year, that goes to strengthening our system around employment and what we are doing on our government sites as well and strengthening that labour hire system, protecting the rights and safety of workers across our state, including in my electorate of Werribee. I will get to that in just a moment.

In Werribee we are a proud growing community. We have got a local economy powered by hardworking men and women across construction, logistics, warehousing, cleaning and manufacturing – industries that rely heavily on labour hire. These are the people who are building our new schools, laying the foundations for our housing estates, expanding the Werribee Mercy Hospital precinct and keeping our local economy moving. This bill is about protecting them – our workers, our families and our community – from those who think that they can cut corners, exploit labour or profit from corruption. It is particularly important in my electorate because construction and similar industries are about the third-largest employer in my electorate. People who are in this industry are not just working on projects in Werribee but working right across the state on many of our Big Build projects to help the rest of Melbourne.

The Labour Hire Authority does vital work regulating an industry that underpins so much of Victoria's economy, but it needs the right tools, and that is what this bill delivers. It strengthens the fit and proper person test for those seeking a labour hire licence and it ensures the authority can consider not just a company's financial record but the honesty, integrity and professionalism of the people behind it. I note in the bill clause 10 substitutes section 22 of the act to include that fit and proper person test. It provides that in determining if someone is fit and proper they need to have a person's history of compliance with the laws specified in the act, the person's capacity to comply with those laws, whether the person has previously held a licence that has been cancelled or suspended, whether the authority has imposed one or more conditions on a licence held by the person and, within the preceding 10 years, whether that person has been found guilty of an indictable offence, if a conviction was recorded or the authority considers the offence to be relevant to the person's suitability to provide labour hire services. This matters deeply in places like Werribee, where small and medium businesses play a huge role in local construction and logistics.

Most operators in Werribee do the right thing. They follow the rules, pay their workers fairly and contribute to our community. This bill protects those honest businesses by cracking down on the ones that do not. We have all heard of cases where workers have been underpaid, and we have had legislation recently in the Parliament around that with contractors where workers have been misled or even intimidated. Sadly, some of those stories have come from worksites not far from home. This government's message is simple: that kind of behaviour has no place in my electorate, and it has no place anywhere in Victoria.

The reforms in the bill respond directly to the Wilson review, which examined the conduct of companies and unions on government construction projects. Greg Wilson's review exposed examples of criminal and coercive behaviour that undermine the safety and trust of our worksites. His recommendations were clear: strengthen oversight, empower regulators and make sure corruption has nowhere to hide.

In Werribee we are seeing major government investment in our roads, schools, rail and health services. From the Princes Freeway upgrades and the work that we are doing on the interchange to the Werribee Open Range Zoo expansion, government projects are creating jobs and shaping our city's future. We need to make sure that every dollar spent on these projects is going to ethical, law-abiding businesses that treat their workers with dignity and respect.

Earlier in the week I went out to one of our Big Build sites that we are working on at the Ison Road–Werribee Main Road interchange. It was night works, and I had a chance to speak to some of the contractors and some of their managers who were there and talk about the processes that they had in place to make sure that the people who were on that site were the right people and make sure that they took value from that work as well. A lot of them are local people. It was great to speak to one person who was from just up the road in Wyndham Vale. He said it was great doing night works because he could get home to bed in only a few minutes. This is the important reason for having these protections. It is to protect the rights of workers like that who are just trying to do their job the best they can for the community that they love.

This bill delivers on four of Wilson's recommendations, including those search powers for the Labour Hire Authority, clearer definitions of 'construction activities' and new publication powers to increase transparency. That means that when a dodgy operator is caught out, the community, including people in my electorate, can see it. That transparency helps rebuild public trust in the industry. This bill also amends the Workforce Inspectorate Victoria Act 2020 to create a new offence for causing detriment or threatening someone who makes a complaint or provides information to the workforce inspectorate. Coming from a school, I know there is the adage that 'snitches get stitches', but that is just not an acceptable way to behave, particularly when you should be a professional in what is one of our biggest industries. It does not matter if you are on the tools or not. Everyone should be acting professionally when they are in the workplace. It is important for workers who come from my electorate. Many of them are young, new to Australia or working casually in industries where they might feel they cannot speak up. They need to know that if they see wrongdoing, they can report it safely without fear of intimidation or reprisal.

Speaking of some of these potential new workers, I took some of the students I used to teach at Wyndham Central College out to one of our Big Build sites. They are all in our vocational education and training program, and one of the things they noted about these sites was it is not just the jobs that you are doing around there and the different types of systems that you are installing, whether or not they are electrical or plumbing at the Werribee Hospital site, but just the way that the worksite is set up. It had the right posters up. It had clear information about who was in charge. There were good safety practices on the site. When you walk in, it almost feels like you are walking into a corporate office in Melbourne, and you feel that professionalism. That is taken into the worksite once you cross that threshold with your PPE. You feel that professionalism in the workplace once you are actually on the build site. It is really important to make sure that we have those rules in the background to continue to maintain that professional culture on our worksites, particularly those that the government is funding.

Anyone who tries to threaten or silence a whistleblower will now face harsh penalties of up to 10 years in prison. That sends a strong message to anyone who thinks they can operate above this law. It is part of a broader package of reforms, delivering all eight of Greg Wilson's recommendations, which I touched on before, and there have been quite a few different pieces of legislation through the Parliament this year, including the Wage Theft Amendment Bill 2025, which I know I spoke on quite passionately here as well. That was about implementing recommendations 3 through 6, strengthening

the Labour Hire Authority's regulatory reach and improving accountability across the sector. And we are not stopping there. Work is underway to ensure that principal contractors on government-funded projects must report any criminal conduct onsite. This is about creating a system that works not just in the Melbourne's CBD but in regional and outer-metro communities like mine, where those major government projects are transforming lives and creating job opportunities.

This bill also aligns with the government's wider efforts to make the construction industry safer and more inclusive. In my electorate we have seen real progress through initiatives like the *Building Equality Policy*, which is opening up new training and employment pathways for women in trades. We have got local women working on projects like the Werribee Hospital expansion and level crossing removals, and some of the young women from the school training program had a chance to meet with a few of the women who were working on the Werribee Hospital contract and see that these sites do not need to be that old vision of a gendered worksite. Your ability to work on a building site should depend on the ticket that you hold and the skills that you have, not on what your identity may be as a person. That is the kind of cultural change this government is proud to support, and it goes hand in hand with stamping out that criminal and exploitative practice that holds people back and makes those worksites unsafe places for people to be.

The Labour Hire Legislation Amendment (Licensing) Bill is about fairness, safety and accountability. It gives the Labour Hire Authority the power to keep bad actors in check. It protects whistleblowers. It strengthens public confidence in our construction sector. Most importantly, it ensures that communities like mine, where hard work, honesty and fairness are part of who we are, can continue to thrive. To every worker in my electorate who turns up each morning to build, clean, drive or deliver, this bill is about protecting you. I commend this bill to the house.

Peter WALSH (Murray Plains) (18:15): I rise to make my contribution on the Labour Hire Legislation Amendment (Licensing) Bill 2025. In starting off I ask the rhetorical question of the house: whatever happened to an honest day's work for an honest day's pay? The fact that we are here debating this bill just says the system is broken. That is very sad for us as a state and us as a nation in our international standing and in our competitiveness in the world market. I will touch on some of the things out of that as I go through.

I think there should be absolute outrage from the Victorian public that we have got to where we are now, because it is the Victorian public, it is the Victorian taxpayer, who pays for the cost overruns on our major projects and who pays for the bad work practices on our major projects. On all government projects where there are bad work practices and cost overruns, it is the Victorian taxpayer that pays. Who knows what the real number is – it is somewhere between $40 billion and $50 billion in cost overruns on major projects here in Melbourne. Some of that is around poor contractual arrangements and allowing costs to blow out with variations in the contract. But most people think that it is the Big Build and the poor work practices on the Big Build that have led to a lot of those cost overruns and part of the huge debt that the Victorian taxpayers will have into the future.

As other people who have contributed this bill have talked about, there was the Wilson inquiry, and this is legislation to respond to some of the Wilson inquiry. The fact, again, that we had to have the Wilson inquiry says our system here in Victoria is broken. Having this cosy relationship between big construction companies and the CFMEU in particular has not delivered well for Victoria. It has delivered a very, very poor outcome if you look at those cost overruns and if you look at the work practices that then flow through to other worksites, because there is competition in the marketplace for building workers. If the government is paying a higher wage, people will obviously want to go and work there; I do not begrudge people getting the higher wage if it is being paid. But it has driven up the cost of construction for the rest of Victoria. Even in regional Victoria, there are plenty of people that come to Melbourne to work on those projects if they can get the big dollars – and I do not blame them doing that. But it has driven up the cost of all construction right across Victoria.

The member for Mildura made some comments around labour hire and farming and particularly the horticulture industry. I want to endorse the comments that the member for Mildura made, because a lot of farmers are caught in a catch 22 situation in that historically they have used labour hire companies to provide them labour. Depending on the season and depending on what they are doing in that particular season, whether they are pruning, thinning, picking or packing, they need large numbers of people for a short period of time but then maybe not for a period of time after that. It is impractical for them to directly employ all those people because they would be pulling them on and off, and a labour hire company working with other growers in a similar area can actually manage the work that is available to the people that come there to work. It gives them, whether they be backpackers or casual employees, the consistency of work when they come to a particular region. A labour hire company can make sure they have got work all the time, rather than individual farmers pulling them on and off and those workers having to then go and find another place to work. That worked well for many years.

We have now come to the situation under the chain of command with the contract labour hire legislation that we have in this state that a worker could work for a labour hire company and not have the appropriate visa or the right paperwork and the labour hire company actually allows them to work. There is a contract between the worker and the labour hire company, and there is a contract between the labour hire company and the farmer. The farmer pays the labour hire company in good faith that he or she provide X number of workers for that particular property. But if it is then found later on that the labour hire company did not actually have the paperwork right and some of those workers did not have the right visas to actually be working in those jobs, it is the farmer that is ultimately responsible.

That puts a huge onus on the farmer to check what the labour hire company should be doing in their own business about the validity of those workers to work. I think that is wrong. Again, if there is a relationship between the worker and the labour hire company, that is where the liability should lie. It should not be passed onto the farmer as someone who is liable for something they do not actually have any control over.

It is important that we create the best environment in Victoria for people to create jobs and actually be able to get the employees they need to do that, for those employees to be treated fairly and paid correctly and for all the rules to be followed. No-one wants to get outside the rules as far as pay and conditions for workers go, but ultimately there needs to be trust in the steps – that this person is responsible for the hire, and the labour hire company and the farmer have a contractual arrangement to deliver that service. It should not be the farmer that is liable for what the labour hire company does or does not do about vetting those workers that come onto that particular property.

I would like to endorse what the member for Mildura said and see some changes to that, because at the moment a lot of the large horticultural businesses here in Victoria are starting to say, 'This is just getting all too hard; we actually don't want to be doing this,' because there are enough cost pressures for them. Most of the prices are export prices, so there is competition from Chile and South Africa in a lot of their markets, and they are worried about the cost of energy and the cost of water, with the Commonwealth in the water market competing against farmers being a big issue. And then there is this issue around labour – getting the labour and then the responsibilities they have for things that are effectively outside their control because they have to do the labour hire company's work for them in vetting all those things.

The other thing I want to touch on is that the cost overruns and the failures of major projects here in Victoria are not limited to Melbourne. People in this house that have been here for a while would have heard me talk a number of times about a project called the Murray Basin rail project, a project that was going to standardise and modernise all the freight rail line network in west and north-west Victoria to give farmers the freight efficiency they need to get their product to port to export. It would take trucks off the roads, make it easier for farmers to get to port and keep the roads in a lot better condition – and we see how bad the roads are in Victoria. But that particular project fell foul of poor engineering control but particularly of poor workforce. There are numerous photos around of how poorly the job was done, how the standardised track was laid. The plates that go on to actually hold the railway line

down were not driven in with the spikes properly or not even done; they just sat there because there just was not the work control over the contractors that were doing that particular work.

That is a project that meant so much to north-west Victoria. Six hundred million dollars went west. The Mildura line is the only line that is standardised. It has not been standardised to the condition where we get the line speeds that we need to get 24-hour train services to cart freight from Mildura to Melbourne. It is an issue of labour hire contract management by the Labor government not delivering for regional Victoria – surprise, surprise. Who was the minister responsible at that particular time? It was the now Premier, who eventually, after a lot of debates and a lot of criticism, particularly from our side of the house, effectively got to the end of it. After getting another $200 million out of the federal government to try and finish that project she put her hand up and said, 'I've done what I can do. This is an issue for a future government.' Six hundred million dollars was gone, and one railway line was upgraded and standardised and not to the standard that was needed. That is just another example of how poor this government has been at project management and contract labour management. We have had all that money spent and a very, very poor outcome for north-west Victoria. Given the debt that we have here in Victoria, it is going to be a big challenge and a long time before another government will actually have the resources to go in and try and fix that project in the future.

This bill is a necessary step forward, but it is very sad that we have actually come to this and that we have got this cosy relationship that has enabled very poor work practices to flourish on Victorian building sites. I would like to see that stamped out in the future so Victorian taxpayers get better value for their dollar.

Anthony CIANFLONE (Pascoe Vale) (18:25): I rise to contribute to the debate on the Labour Hire Legislation Amendment (Licensing) Bill 2025, which goes to the heart of fairness, integrity and safety in Victoria's construction and building sectors. This is a bill that is about restoring confidence in an industry that builds our schools, our transport, our hospitals and our homes. It is about saying clearly and unequivocally that corruption, criminality and intimidation have no place on Victorian construction sites and no place in a sector that employs thousands of hardworking Victorians, including many from my communities of Pascoe Vale, Coburg and Brunswick West, who I will touch on soon. It is about supporting the many honest labour hire providers, contractors and workers – good people doing the right thing every day who deserve a system that protects them, not one that is exploited by those who seek to do wrong.

Last year the Victorian Labor government of course commissioned the Wilson review, a comprehensive and independent investigation led by the highly respected public servant Greg Wilson. The review examined how Victorian government bodies interact with construction companies and construction unions, in the wake of harrowing and deeply troubling allegations of criminal and unlawful conduct at Victorian government worksites. The findings of the Wilson review were sobering. They highlighted a rotten culture of coercion, intimidation and lawlessness in parts of the construction supply chain, and they identified labour hire as one of the most problematic areas. Workers were being exposed to threats, businesses were structuring themselves to evade regulation and some operators were hiding in the shadows of a complex supply chain designed to frustrate oversight. And yet despite these challenges the review also told us something incredibly important – that Victoria does have the tools to fix this if we strengthen the laws, enforce the rules and give regulators the power they need to act, and this bill does exactly that.

This bill delivers on recommendations 3, 4, 5 and 6 of the Wilson review, and it builds on the strong track record of this government in cleaning up the construction sector. On (1) strengthening the fit and proper person test, which is recommendation 3 of the report, currently the test is too narrow and too prescriptive. The Wilson review found that it failed to capture individuals with serious red flags, including criminal history, systemic coercive behaviour and a pattern of evasion. The bill broadens the test substantially. It aligns Victoria's framework with the best elements of the Queensland model and ensures the Labour Hire Authority can consider a person's honesty, integrity and professionalism, the presence of indictable offences in certain circumstances and, critically, whether a person is under the

influence or control of another who is not a fit and proper person. The wider net ensures the Labour Hire Authority can weed out bad actors before they are able to exploit vulnerable workers. This is a preventative regulation, not a reactive clean-up, and that is exactly what the sector needs.

On (2) clarifying which construction activities are covered – that is recommendation 4 of the Wilson review – we know some operators have deliberately structured themselves to avoid regulation. They have found loopholes in definitions. They have split work across entities. They have hidden behind intermediaries to dodge scrutiny. The Wilson review identified this behaviour as a serious threat to transparency and accountability. This bill fixes that. It tightens the definition of 'provides labour hire services', ensuring it captures arrangements where the real character of the agreement is the supply of labour and that labour is performed by workers of the provider or another provider. It focuses on the substance of the arrangement, not the window-dressing. This is a major step forward in stopping the avoidance tactics that have undermined the integrity of the entire regulatory system.

With (3) we are strengthening the powers to obtain documents, which goes to recommendation 5. Under the current model, inspectors often need to conduct a physical entry before they can request documents, an outdated approach that does not reflect the complexity of modern labour hire operations, and this bill modernises those powers. It allows the authority to request documents, including electronically, without first needing to enter a premises. It allows requests from third parties connected to the business, and it establishes a formal notice-to-produce mechanism. This matters because investigations often hinge on records that can vanish on short notice when unscrupulous operators catch wind of enforcement. This reform gives the authority the tools it needs to enforce the law properly.

With (4) we are expanding publication powers, which goes to recommendation 6. Transparency of course is one of the best disinfectants. This bill expands the Labour Hire Authority's ability to publish contextual information about licence cancellation, licence suspension, investigations and enforcement actions. This is about ensuring the public and the industry know who is doing the wrong thing and what the consequences are. It shines a light on the behaviour the Wilson review found was often deliberately hidden from the public eye. For reputable labour hire firms this transparency is a welcome protection, while for those who engage in shady conduct it is a warning.

Of course this bill will also include several other complementary reforms to lift overall integrity across the building and construction sector, including expanding the list of laws that licence-holders must comply with, requiring providers to demonstrate the financial viability of their businesses, strengthening the offence of hindering or obstructing Labour Hire Authority staff and allowing the labour hire commissioner to disclose information to other government agencies where it is in the public interest.

These improvements help ensure the system functions cohesively and responds to emerging risks. No reform effort, no matter how strong, will succeed unless the people on the ground feel safe enough to report the wrongdoing, and the Wilson report made it clear that intimidation, threats and retaliation were being used to silence those who tried to raise concerns. This bill responds by creating a new offence in the Workforce Inspectorate Victoria Act 2020 – causing detriment or threatening to cause detriment to a person for making a complaint or providing information – and the penalties are deliberately severe: up to 1200 penalty units, up to 10 years imprisonment or both. This is how seriously this government takes intimidation and threats on construction sites. No worker, no subcontractor, no clerk and no apprentice should ever be afraid to speak up about wrongdoing. This offence makes it clear that if you threaten someone to keep quiet you will face serious consequences.

We are also looking at delivering on the Wilson review's every single recommendation. Earlier this year we passed amendments to establish the Workforce Inspectorate complaints referral function, acquitting recommendation 1. The policy work is underway to implement recommendation 7, and the final recommendation provides for an evaluation of the reforms two years after implementation. By

passing this bill, Victoria will have acquitted all legislative reforms arising from the Wilson review, ensuring we have a modern, robust and accountable labour hire system.

In my electorate, Pascoe Vale is home to many hardworking families, tradies, apprentices, engineers, labourers and subcontractors. Many come from culturally and linguistically diverse and migrant communities, bringing skills, determination and pride to their work. According to the 2021 ABS census, my community of Merri-bek is home to many workers associated with the building and construction industry. There are 6500 people directly employed in the construction sector; that is 7 per cent of local workers. There are 4500 in the manufacturing sector; that is almost 5 per cent of local workers. There are 3900 transport sector workers – almost 4.2 per cent of local workers. In terms of jobs associated with the construction industry, there are 9700 employed as technical or trade workers; that is 10.5 per cent of local workers. There are 5800 labourers; that is 6.2 per cent, which is a big margin in my community. There are 3400 machinery operators – 3.7 per cent. In terms of businesses in the construction industry, 2500 are businesses directly engaged in the construction industry – 15.5 per cent. The biggest cohort of businesses in my community is from the construction industry. 2200 are in transport – that is 13.5 per cent of local businesses – and 490 are in manufacturing, at just around 3 per cent. Every one of these construction and building associated workers and businesses deserves a construction sector that is free from criminal infiltration, coercive behaviour and unsafe practices. They deserve an industry where jobs are allocated fairly, where safety is paramount and where wage entitlements are respected. People in my community expect government to act firmly against wrongdoing, especially when public money is involved. They expect transparency, they expect accountability and they expect that if someone is doing the wrong thing the law will deal with them, and this bill delivers on those expectations.

As one of the fastest growing states in Australia, Victoria depends on a strong, robust and ethical construction industry. We are building more infrastructure than at any other time in our history, with major roads, new hospitals, rail upgrades, new schools and thousands of new homes. The construction boom must be built on integrity and not on intimidation. Unlike some of those opposite, who like to talk tough on crime while voting down reforms that actually tackle it, Labor's approach is very clear. We identify the problem, we investigate it, we consult widely and then we legislate decisively, and that is what this bill does exactly. The opposition have no credibility when it comes to talking about integrity and governance. This is a Liberal Party that is at internal war with itself. It is a Liberal Party taking itself to the Federal Court. It is a Liberal Party that has taken itself now to the Supreme Court. It is a Liberal Party that is tearing itself apart in Canberra, and they have no credibility in this space at all. If they cannot govern themselves, how can they govern the rest of Victoria?

The Labour Hire Legislation Amendment (Licensing) Bill 2025 strengthens the integrity of the labour hire sector, enhances transparency, targets criminal conduct and protects workers and whistleblowers. It gives regulators the powers they need. It holds back bad actors. It restores confidence for workers and employers doing the right thing, and it helps ensure that every dollar of public infrastructure spending is delivered by an industry held to its highest standards of conduct. More importantly, it helps protect the safety, dignity and rights of hundreds of thousands of people who work across Victoria's construction sector. This is practical reform, strong reform and necessary reform, and I commend the bill to the house.

Chris CREWTHER (Mornington) (18:35): I rise this evening to speak on the Labour Hire Legislation Amendment (Licensing) Bill 2025. Firstly, I do commend the principle behind better regulation of labour hire licensing arrangements in our state. The Parliament has a clear responsibility to ensure that work arrangements are fair, lawful and transparent, especially for those who may be vulnerable or subject to exploitative practices. I am particularly passionate about combating modern slavery and protecting workers from exploitation in all forms. But of course any regulation needs to be done right and to get the balance right as well.

Many years ago, from 2013 to 2015, I was the CEO of Mildura Development Corporation in the north-west of Victoria, and I came across and heard many, many stories in the media about modern slavery

and labour exploitation in horticulture but also in many other industries. This was also a concern for many farmers in the region. This is not just an issue of human rights but also about competition. Most farmers and labour hire contractors do the right thing, but those who are doing the right thing cannot compete fairly on price with those doing the wrong thing, particularly those who might be selling to Woolworths and Coles and others who often do look at price. Many busy farmers, particularly during picking season or otherwise, do not want to have to go out of their way to ensure that someone they take on in terms of a labour hire contractor is getting everything right within their operations and supply chains as well. It was an issue that I felt was very important to deal with, and we did need to have better regulation across Australia and in Victoria.

In 2016, when I was a federal MP, I instigated and led the modern slavery inquiry in Australia as the chair of the Liberal government's foreign affairs and aid subcommittee. In 2017 we put out a large number of recommendations, which included that we should have a modern slavery act in Australia. This was then introduced as an act in 2018 and came into force in 2019, which means that those like Woolworths and Coles who are buying products, say, from Mildura or elsewhere have not just to look at price but look at their own operations and supply chains to work on eliminating modern slavery practices and occurrences.

In addition, we made recommendations under recommendation 48 that there should be uniform national labour hire licensing. I note that our particular recommendation said that we should have the establishment of a uniform national labour hire licensing scheme consistent with a number of other recommendations in the past. One of these was a 2016 Victorian inquiry, which I note was led at the time by, in particular, Professor Anthony Forsyth for the Victorian government. It was an inquiry into labour hire licensing and insecure work, and recommendation 13 was that Victoria advocate for a national, sector-specific labour hire licensing scheme.

But what has happened since? Reflecting a lot of these conversations about modern slavery and labour hire licensing in conjunction with the inquiry I was leading and otherwise, Queensland and South Australia introduced labour hire licensing laws in 2017, Victoria in 2018 and the ACT in 2021. Regulation was needed, and it needed to be nationally consistent. It also needed to be done well, but in many regards it was not done well. It was not done consistently across jurisdictions, and it was not done in a uniform, national way, as recommended in our inquiry. It has a lot of problems, particularly in border zones like Mildura and other places where you might be drawing labour for farmers or others from Victoria or New South Wales in a situation where, say, Victoria has labour licensing laws but New South Wales does not. Victoria's laws were not necessarily written in such a way that they would stop modern slavery and those doing the wrong thing. They in many ways created regulatory burdens or did not do things well in terms of trying to help and encourage those farmers and labour hire contractors who were actually trying to do the right thing.

This bill seeks to amend the Labour Hire Licensing Act 2018 to strengthen the definition of 'labour hire services', sharpen the fit and proper person tests for licence-holders, enhance the powers of the Labour Hire Authority to investigate and monitor, and expand transparency around licensing decisions. We know that in industries such as construction, agriculture, security and others, labour hire providers and host businesses have sometimes used multi-tiered supply chains to evade obligations, leading to wage theft, misclassification, unsafe conditions and worker vulnerability. The government has stated that it will stamp out the rotten culture in parts of the construction sector, but we have seen many instances of that, particularly through the CFMEU and others over the last few years. This bill does also implement recommendations 3 to 6 of the Wilson review into construction industry misconduct, and it does strengthen a number of other areas as well.

While the intent of this bill is sound, there are several issues that have been raised by stakeholders. One is that the definition of 'labour hire' may unintentionally capture recruiters, consultants or legitimate subcontractors, as there is no explicit carve-out. Also, the publication powers could allow naming of businesses under investigation without notice or review rights, creating risks of reputational damage. Also, the delegation powers are broad and lack conflict-of-interest safeguards, and the fit and

proper test may treat minor administrative breaches the same as serious offences. The opposition supports the principle of protecting workers and stamping out exploitation, which is why we are not opposing this bill. But I do hope, particularly in the upper house, that there can be consideration of the introduction of and support for amendments to tackle some of these issues that I have raised.

As I have mentioned, we have a number of concerns. Our concerns include small business impact. Many employers, local employers as well, including family-run businesses in Mornington, Mount Martha, Mount Eliza, Mildura and elsewhere, rely on casual labour or subcontractors to operate efficiently. Overly broad definitions or regulatory burdens may unintentionally penalise them. We also have concerns about the clarity of definitions. The term 'labour hire services' must be clearly defined to avoid capturing legitimate contracting arrangements and causing confusion for compliant businesses. We also need proper resourcing of enforcement. Strong laws require strong enforcement. There are many strong laws, not only in Victoria but in Australia and around the world, where if you do not have proper enforcement in place, the laws can almost mean nothing if they are not done well. If people know that they can actually get away with something, then they will do it more and more, and as I have seen in Mildura and elsewhere, you get back to the situation where farmers and labour hire contractors who are actually trying to do the right thing cannot compete fairly. And you have people whose human rights are abused, whether it is in a debt bondage situation where they may have their passports taken or where someone is abusing backpackers or Pacific Islanders or anyone who has come who is especially vulnerable to abuse here in Australia and may not have the language skills or knowledge of our local laws to be able to cope.

I note as well some opposition concerns around whistleblower protections. Workers must feel confident to report breaches without fear of detriment or retaliation, so we definitely need to get this balance right. We do support the government's aim of raising standards, but we call for constructive amendments to ensure this legislation is fair and practical and delivers real protections, not unnecessary burdens on farmers, labour hire contractors or others who are trying to do the right thing.

Steve McGHIE (Melton) (18:44): I rise to contribute on the Labour Hire Legislation Amendment (Licensing) Bill 2025. There have been quite a few speakers on this matter and on this bill, and I will go to a bit of the history first. The Victorian government commissioned the Wilson review back in July of 2024, with the government's response to that back in December of last year accepting all of the recommendations either in full or in principle. The review found that most of the relevant interventions sit with the Commonwealth under its broad industrial relations powers under the Fair Work Act 2009 and the regulation-of-employee-association powers but that there are a number of actions that Victorian government agencies can take to enhance oversight and management to deter criminal and unlawful activity. The measures that our government is adopting aim to complement the Commonwealth reforms and the placement of the construction division of the CFMEU into administration. We passed anti-bikie laws in 2024, and that was to make it easier to prevent certain individuals from associating with each other.

The key objective of the bill is to give effect to the government's commitment to implementing the Wilson review recommendations 3 to 6 by amending Victoria's labour hire licensing laws. Those amendments will strengthen the fit and proper person test with respect to labour hire licensing, amend the definition of 'labour hire provider' to align more closely with industry practices and provide greater clarity, streamline the Labour Hire Authority's information-gathering powers and allow the LHA greater scope to publish information with respect to licensing decisions. One of the proposals was, as I said earlier, replacing the current fit and proper person test with a new test which enables the LHA to consider a broader range of matters when assessing the suitability of an applicant for a labour hire licence, and that came out of recommendation 3. It also went to amending the definition of 'provides labour hire services' to give greater clarity about who is covered by the scheme – noting that the amendments to the regulations proposed in recommendation 4 will be considered following the preparation of the requisite regulatory impact statement – and providing the LHA with a broader notice-to-produce power to obtain relevant documentation and information, and that is really

important. That came out of recommendation 5. It also clarifies the scope of existing publication powers and introduces a new power for the LHA to publish information about licensing decisions, and that was recommendation 6 – so recommendations 3 to 6.

It provides greater protection to all LHA staff as well as the commissioner in circumstances where they may have been dealing with matters and allegations arising out of the review. It could expand the list of laws that licence-holders and applicants must comply with to include laws relating to education, training, bankruptcy, competition, consumer protection and fair trading, corporate regulation and security interests in personal property. It also amends the Workforce Inspectorate Victoria Act 2020 to prohibit persons from causing or threatening to cause detriment to other persons for making a complaint or providing information to Workforce Inspectorate Victoria as part of their new complaints referral function. It has already been alluded to by previous speakers that people are being intimidated, harassed and threatened in some cases, and no-one in any workplace – no employee – should be put through that situation and be pressured in that situation. If they have an issue, they have a right to raise their issue. If they are not fairly treated, they have a right to raise that. That is their right within a workplace, and they need to be treated appropriately. The government is committed to supporting all of the recommendations of the review, as I said earlier, either in principle or in full. Again, that is what this bill is all about. There are many cases, as I said, of employees being intimidated, harassed and threatened, and there are many situations where it is necessary that, when people make a complaint and provide information to the workforce inspectorate, they be protected. But in many cases they are too scared to come forward, and many of them have been threatened, unfortunately.

There was a lot of consultation about this bill. The Department of Justice and Community Safety, Victoria Police, the Office of Public Prosecutions, the LHA and the workforce inspectorate were consulted during the development of this bill. Industrial Relations Victoria also undertook targeted consultation with employers, the construction industry, peak bodies and of course the unions, which is really important – making sure that unions were consulted and their members were well aware of what was happening. As I said, there was extensive consultation on these issues.

I did have some dealings with labour hire companies through my time as the secretary of the ambulance union. The ambulance service used labour hire in some cases for back-of-house operations. It was quite interesting in regard to whether you could obtain the relevant information on wages and conditions for those employees. It also put some of those employees in a very insecure position. They could not speak up, or they were scared to speak up, about their entitlements, and whether they were being paid the appropriate entitlements was another thing and whether we as a union could prosecute on that basis. But it was very difficult to deal with and very difficult for those employees to come forward. As I said, there are many industries, not just the construction industry, and I know some speakers have spoken about farming and things like that where labour hire companies are used. As I said, it is difficult at times to deal with some of the circumstances around employees that are employed by labour hire companies.

I will just make some short, brief comments about recommendation 5. It proposes providing the LHA with the power to request that a person provide information or documents that an inspector has a reasonable belief are necessary for monitoring or enforcing compliance with the act. Currently this power is broadly linked to an entry power which first must be exercised before making the request for the documents. The recommendation is implemented by the proposed amendments in this bill, and it specifies that the request should give the recipient the option to consent to providing the document or information in the first instance. That is an important component. And then recommendation 6, as I referred to earlier, proposes that the LHA be provided with expanded publication powers. It recommends that the Labour Hire Licensing Act 2018 be amended to empower the LHA to publish additional contextual information about suspensions and cancellations of licences on the register of licensed labour hire providers, and that is obviously to keep people aware of what we would probably say are companies that should not be in practice. This is a really important bill. It comes out of the Wilson review, and I commend the bill to the house.

Cindy McLEISH (Eildon) (18:53): Let us be clear as to the reason why we are here with this bill that we have before us at the moment, the Labour Hire Legislation Amendment (Licensing) Bill 2025. It is here because some pretty dodgy stuff was happening on Victorian government construction projects. The government may or may not have known this; I suspect they had probably heard all of the stories. We had a bit of a blend here of organised crime and the CFMEU on government construction projects, and some of the things that were happening on these projects were intimidation, coercion and anti-competitive behaviour. It was exposed by the media, and many members in the chamber I am sure would be aware that the *Age* and *60 Minutes* exposed a whole lot of this, and it was ugly. Once it was exposed, only then did the Premier act. I think there were rumours for quite some time; people had heard all sorts of stories. But then in the middle of last year the Premier said that the government would establish an independent review to consider the recommendations to strengthen the powers of the bodies who are engaged with or have oversight of construction companies and the like, and here we are today with the labour hire review.

The Wilson review was tabled 12 months ago, so the government have sat on this for 12 months and decided that they perhaps did not really need to do something. I am just going to comment for a moment. The Wilson review was indeed quite a broad review for what was a particularly acute issue, and surprisingly, the scope of works only related to public works. There were eight recommendations made, and of those recommendations the bill here seeks to address recommendations 3 to 6.

I, like many others, have organisations, companies and family-owned businesses in my electorate that rely on labour hire firms. In the horticultural industry particularly, whether that is in the vineyards or the horticulture where there are apples and cherries and different things, they rely on labour hire to come in and do particular work at a particular period of time. It is very, very useful. I know in other farms further away labour hire is also very valued. So we need to make sure that it is right. The changes that were made by the government into labour hire a number of years ago I thought were a bit dodgy, but the opposition is not opposing the ones that we have before us at the moment. The purposes of this bill are to amend the Labour Hire Licensing Act 2018 to further provide for the meaning of 'labour hire services', provide for determining if a person is a fit and proper person and provide for the authority's monitoring, investigation and enforcement powers. There are clauses around information sharing, subject matter for regulations, and as always there are some minor consequences.

But I just want to talk momentarily about the fit and proper person test, because we have had issues, as I have said, on these construction projects – the blending of the CFMEU and organised crime and outlaw motorcycle gangs as well. Interestingly, the bikies were banned. They are not allowed onto worksites, but we notice that they can still have a labour hire firm. I think the government probably should have another look at this, because they can still call the shots in a different way. The practices that we saw of intimidation and coercion particularly are troubling. I think that there is still scope for further work here to make sure that, if they are not allowed on worksites, the outlaw motorcycle gangs and the organised crime, they should not be able to have labour hire firms. More should be done to monitor this activity and to look at who is licensed in a better way. The fit and proper person test I do not think currently hits the mark.

We had several concerns that I know others have mentioned here very briefly: they are broadening the definition of 'labour hire' and some of the expansion of the powers and procedural fairness. Interestingly, there is a lack of any element that addresses the CFMEU's corrupt practices directly. There has been a lot about the CFMEU. Certainly on this side of the chamber we are acutely aware of the CFMEU links with the Labor Party and members in this place. There is no additional funding planned for some of the bodies, including Victoria Police, to service these new powers. With only one exception, there was not consultation with the industry association stakeholders. We asked this at the bill briefing as well – we are reasonably thorough in those bill briefings – and that is a little bit frustrating. There is certainly scope creep and unlimited discretionary power for the Labour Hire Authority.

If we think about the authorities that are in place and that they have been given particular powers – and I understand that sometimes it is a little bit fuzzy around the edges, that you have to allow a little bit of flexibility there – the new definitions focus on the character of the service provider rather than the structure of the business and the totality of the relationships between the provider and the other person. This gets back to some of the issues that I talked about just a moment ago. For the labour hire, the report on the number of workers placed by the applicant will result in too many not really labour hire businesses being captured in the labour hire net.

Business interrupted under sessional orders.

Adjournment

The DEPUTY SPEAKER: The question is:

That the house now adjourns.

Elsternwick village parking

David SOUTHWICK (Caulfield) (19:00): (1399) Say no to paid parking in Elsternwick village. That is my adjournment matter tonight. It is to the Premier, and the action that I seek from the Premier is to scrap the congestion levy that is costing our retailers a bomb. We know small businesses are really struggling. I want to give a big shout-out to all the small businesses in my electorate, but particularly those around Elsternwick village, which at the moment may potentially be hit with – nothing that you would call a Christmas present, but quite the opposite – a bill for paid parking. We all know that many people who go shopping have choice, and in a cost-of-living crisis they will decide whether they go and park in the village to do their shopping – and it is a fine array, whether it is food or whether it is health and beauty services, a whole range of goods. They can do it at their local shopping strip, or they can go to a shopping centre and park for free. This is a real call to action to the Premier to ensure that the City of Glen Eira does not hit our small businesses with another bill and ultimately enforce paid parking right through the shopping strip. I know that a number of small businesses have got a petition. The Elsternwick village traders have come together, and they have been working really hard. The Posh Opp Shoppe, a charity which raises a lot of money for the community and has volunteers working there, knows that that will deter many of the shoppers that go to their small business, which is a social enterprise, along with many of the other struggling businesses. I call on the government to ensure that we do not end up with paid parking that will destroy the village. It will destroy the great vibe there, and it is not the Christmas present that these retailers are looking for.

Cape-to-cape resilience plan

Jordan CRUGNALE (Bass) (19:02): (1400) My adjournment matter is for the Minister for Environment, and the action I seek is an update on the release date of the cape-to-cape resilience plan. The coastline around Inverloch, Venus Bay and Anderson Inlet is revered by locals and visitors alike. It is certainly dramatic and dynamic. Natural processes such as wind, waves, tides, storms, currents and catchment flows move sand and sediments and are reshaping the coastline. To proactively plan for managing future changes, the cape-to-cape resilience plan has been developed as a long-term plan to manage important places, assets and other values in the future. It has been based on the latest scientific modelling, technical assessments and recommendations from experts including coastal engineers, and is guided by community aspirations and values.

Recently, Ed Thexton, president of the South Gippsland Conservation Society, and I met with the minister at Inverloch surf beach to discuss the milestone of the first action of the cape-to-cape resilience plan, the Inverloch surf beach dune reconstruction project, set to start this coming February, after our busy holiday season. The extension and remediation of the geotextile sandbag wall at the surf lifesaving club, funded by our government, will be delivered by Bass Coast shire, as the land managers, prior to Christmas. Locals have consistently voiced their wish to retain sandy beaches for as long as possible, which in turn helps to protect both public and private assets. The draft cape-to-cape plan went out for feedback and consultation, which closed in October 2024, and we are all keen

for the final plan to be released now. We understand it is a living document and not set and forget. Our government has already implemented a number of mitigation treatments in the Inverloch area specifically and has allocated funding and worked closely with agencies including the local council. I look forward to sharing when the final plan will be released and welcome another visit, as always. I thank the team at the Department of Energy, Environment and Climate Action for their work and dedication to this project and our community for being so actively engaged in this adaptation plan.

Regional patient transport

Annabelle CLEELAND (Euroa) (19:04): (1401) My adjournment matter is for the Minister for Health, and the action I seek is for the minister to fund the Royal Flying Doctor Service volunteer community transport program and to strengthen non-urgent patient transport across regional Victoria. Across my electorate I continue to hear distressing stories from people who simply cannot reach the medical care they need. These are locals already managing serious illness who are now carrying the added stress of figuring out how to get to treatment safely and affordably.

Belinda from Alex travels to Seymour three times a week for dialysis. She recently waited an hour and a half for a vehicle that never arrived and was left to pay $183 for a taxi home. Victor from Shepparton and Boyd from Seymour relied on subsidised transport for their dialysis, but lost that support after the government tightened eligibility rules. These are not isolated stories. They are becoming far too common across our region. In Benalla, the largest regional town in Victoria without a dialysis chair, patients must travel to Wangaratta and Shepparton several times a week just to receive essential treatment. For many, transport was the only way they could manage those trips and now it is unreliable, unaffordable or even not available at all. These pressures are only made worse in communities like Benalla, where services simply do not exist, forcing people to travel even further and absorb higher costs on top of the emotional and physical load of illness.

This is not only a transport issue. It goes to fairness, dignity and basic access to health care. A recent report by my Parliament intern Flynn Healey from the Australian Christian College found that every licensed non-urgent patient transport provider in Victoria is based in Melbourne. Not one operates in regional Victoria. That leaves country patients completely dependent on Ambulance Victoria, which last year met its 15-minute emergency target only 36 per cent of the time, with even poorer outcomes across regional Victoria. When non-urgent trips spill over to Ambulance Victoria, local crews are pulled away from time-critical emergencies. It is not safe and it is certainly not sustainable.

At the same time, we have a model that works: the Royal Flying Doctor Service volunteer community transport program has been a lifeline for older residents and for people who fall through the gaps of non-emergency patient transport, the Victorian patient transport assistance scheme and the NDIS. Clients say it has made it easier to reach care. It supports small hospitals, eases pressure on overstretched ambulances and strengthens local communities. The program will lose its Commonwealth funding at the end of this year. Without it, those 22,000 annual trips to health appointments will vanish, leaving vulnerable Victorians with no safe way to reach treatment. The RFDS has put forward a clear, cost-effective proposal to maintain current sites and expand a statewide service. Their model is reliable, respectful and provides true equity for regional Victorians. I want to thank Flynn for his thorough and compassionate work, which has shone a light on the real consequences of decisions made in this place. I urge support of the Royal Flying Doctors volunteer transport program, because regional Victorians already travel further, pay more and wait longer.

Laverton electorate early childhood education and care

Sarah CONNOLLY (Laverton) (19:07): (1402) My adjournment is for the Minister for Children in the other place. The action I seek is that the minister update me on the works being done to build not one but two brand new onsite kindergartens at schools in my electorate in Sunshine West. As the minister knows, our government's Best Start, Best Life reforms are making a world of difference for families right across Victoria. Part of these reforms involves building more kindergartens across Victoria, because it is absolutely a great thing that more and more kids in our community are going to

kinder, and they are starting earlier, at three and four years of age, to benefit from early childhood education. We know that every extra year of learning helps these kids. As part of these changes we are getting on with building 50 new early learning centres right across Victoria, which are government-run and importantly, where possible, located next to or on the site of our primary schools. This means that parents taking their kids to school in the morning can avoid the dreaded double drop-off. I am very pleased to say that the Laverton electorate was one of the lucky first to benefit from these new early learning centres, with Muyan early learning centre located onsite at Sunshine Primary School opening earlier this year. That early learning centre is a beautiful, brand new facility and it is easy to get to, but I am pleased to say that we are not stopping there. Another two kindergartens are well and truly on their way in the Laverton electorate, and both of them are in Sunshine West. We have got one coming for Ardeer South Primary School and another one right next door at Glengala Primary School. These are both areas which I know would benefit greatly from having access to government-run public kindergarten services right next to their local – and fabulous – primary schools. These new kinders are close, and I believe that they open early next year, which is why I and my community in Sunshine West would greatly appreciate an update from the minister on how works at both of these two kinder sites are progressing.

Windsor Community Children's Centre

Rachel WESTAWAY (Prahran) (19:09): (1403) My adjournment matter is directed to the Minister for Skills and TAFE in the other place. The action I seek is for the minister to use her powers to intervene with Swinburne University, convene negotiations with Stonnington council and the Commonwealth government and secure a lease extension while the matter is resolved. The Windsor Community Children's Centre faces closure. Swinburne is planning to sell the land and has given notice that the lease ends in December, and 80 families in the seat of Prahran will lose access to early education in a neighbourhood where demand already far exceeds supply. This land was gifted to Swinburne University by the Baillieu state government. They received it at no cost whatsoever. They plan to sell it for a massive windfall while walking away from 80 families. And here is the real stinger: under this government's windfall gains tax legislation, universities can claim an exemption if sales proceeds are used for charitable objectives. Swinburne stands to benefit from gifted land and avoid windfall tax by claiming charitable purposes, all whilst closing a childcare centre that serves families in our inner-city community.

But it gets worse. This week Swinburne wrote to the Windsor community childcare centre asking if they will accept trainee placements for their certificate III and diploma in early childhood education for 2026. Swinburne is closing this centre, forcing out 80 families, but still wants to use it as a training facility for their students. It would appear the right hand is not speaking to the left. Swinburne recognises Windsor community childcare centre as a valuable enough place to train the next generation of early childhood educators – but apparently not valuable enough to keep open for the 80 families who absolutely depend on it. If this is not institutional hypocrisy, I do not know what is.

Swinburne falls under this minister's portfolio. It receives substantial Commonwealth and state funding, and I urge the minister to use her authority over funding arrangements and work with her colleagues and the Minister for Children, who holds regulatory powers under the Education and Care Services National Law 2010. Work with the Commonwealth government. Make it clear to Swinburne that a university gifted land by government and seeking a windfall tax exemption while wanting to use this centre for student placements cannot simply walk away from 80 families.

Windsor sits within a proposed activity centre zone where thousands of new dwellings are planned. The need for child care will absolutely multiply, yet Swinburne is walking away at precisely the moment this infrastructure is being developed, and it will become more essential for families. Minister, I hope you will convene the negotiations; bring Swinburne, Stonnington council and the Commonwealth government together; and secure a lease extension for the 80-something families, who should not be displaced at this point in time. Our community is watching; 80 families are waiting. The lease expires in December, and the silence from this government grows louder with each passing day.

You Yangs and Serendip Sanctuary

Ella GEORGE (Lara) (19:12): (1404) My adjournment matter is for the Minister for Environment. The action that I seek is for the minister to visit the You Yangs Regional Park and Serendip Sanctuary in Lara to observe progress on the $11 million investment from the Victorian state government. This investment is enhancing visitor facilities, expanding and remodelling car parks, improving picnic areas and upgrading trails, including the epic loop trail for mountain bikers. Final touches are also being applied to the new sensory garden at Serendip, which is set to officially open soon. The sensory garden is a unique space designed for people of all ages and abilities, featuring five individual zones, each representing a different sense. It is a special place that fosters a calm and inclusive connection to nature, and this is just the beginning of a long-awaited revitalisation of Serendip Sanctuary. Over the next year upgrades will be made to bird-viewing areas, walking trails, outdoor education amenities and even more at Serendip Sanctuary. There is a lot happening at both Serendip and the You Yangs, and I look forward to visiting with the minister.

Housing

Gabrielle DE VIETRI (Richmond) (19:13): (1405) My adjournment matter today is for the Minister for Housing and Building, and the action that I seek is that the government produce a report and a plan to provide to public housing residents for people currently living in Melbourne's public housing towers but not registered as occupants. Sergei Pavlov's mother Tatiana lived at Barak Beacon public housing estate in Port Melbourne for 40 years. When Tatiana's health took a turn for the worse, Sergei moved in with her to provide the care that she needed. A few years later, when Homes Victoria began pressuring residents to leave so that they could demolish and privatise their homes, only Tatiana was formally registered as living in her home. She was shown home after home to move into, just to have agreements fall through, offers withdrawn before she could accept them, and the final home she was offered was completely inaccessible for her as a wheelchair user. Tragically, Tatiana passed away during this ordeal, and while dealing with the death of his mother Sergei was forced by Homes Victoria to leave Barak Beacon. Homes Victoria would not acknowledge Sergei as Tatiana's carer or as a legitimate resident of his home. He was not able to take any of his belongings with him from his mother's unit. He lost his mother, all his possessions and his home in one fell swoop. Sergei's story is emblematic of the utter lack of understanding and care shown for public housing residents by this Labor government.

The government say that their new demolition plan for the 44 public housing towers across the state will displace 10,000 people living there. That is not only well below the tower's capacity but also well below the number of people actually living in these buildings. We know that because of unprecedented living difficulties in finding secure, affordable housing there are a large number of people living there unofficially in the towers, not on Homes Victoria's systems. Whether they are living with family members, staying with friends, occupying vacant apartments, couch surfing or flat sharing, we know that they exist. If Labor persists with this disastrous plan to demolish all 44 public housing towers, both registered and unofficial residents alike will face disregard, displacement and dehumanising treatment, just like Sergei. That is why I am asking the housing minister, if she will not abandon this disastrous plan altogether, to at least audit and plan for the people who call these towers home – all of them.

Bellarine electorate bus services

Alison MARCHANT (Bellarine) (19:16): (1406) My adjournment matter is for the Minister for Public and Active Transport, and the action I seek is for the minister to provide an update on how the recent announcement of the new bus route from Lara station to Avalon Airport will benefit the Bellarine and Geelong region, with that additional part of the Bellarine bus review. It was my pleasure to be at Avalon Airport on Monday with the Premier, other local Geelong MPs and the Minister for Public and Active Transport to celebrate a series of exciting announcements for our region. From March next year Jetstar are going to reintroduce flights from Avalon to Bali, launch new Avalon-to-

Adelaide services and increase the frequency of flights to Brisbane. Complementing the expansion of these flight options is the introduction of route 18, a new bus connecting Lara station with Avalon Airport and creating easier and more direct access for travellers and for commuters going out to the precinct. This is a fantastic outcome for the community, and I congratulate also the member for Lara.

The expanded flight schedule has improved our transport connections and is going to make it far more convenient for our local residents, reducing the need to travel to Melbourne for flights but also encouraging more visitors to fly directly into our Greater Geelong region. But importantly, this announcement has come at an opportune time, aligning with the upcoming Bellarine bus network review, which is going to explore ways to enhance our public transport across the peninsula. Strengthening these local connections is vital to ensuring that both residents and visitors can easily access the Bellarine's outstanding attractions, so I look forward to the minister's update and sharing the benefits of this initiative with the Bellarine community.

Nursing graduates

Tim BULL (Gippsland East) (19:18): (1407) My adjournment tonight is to the Minister for Health, and the action that I seek is for her to ensure that our graduating nurses have a graduate placement after responding to the call from the government to take on a role that was needed to replace the attrition in our nursing workforce. The Australian Nursing and Midwifery Federation says that there is a shortfall of 2000 placements for graduating nurses in this state after the first wave of nursing students to come from the free training that was on offer. Cate, a local girl from East Gippsland, moved to Melbourne for uni, and she has applied for many, many positions across the state with absolutely no luck at all. She has not received a place, and now she is looking at having to move interstate, possibly to the Northern Territory, to find a placement. After promoting the free undergraduate study program, the government has been a little short-sighted, I might suggest, on the graduate placement program, which is critical to being employable in our health system here in Victoria. Cate's uni lecturer, she actually told us, passed on to her that she is basically unemployable without undertaking this program, but she just cannot get a placement. So I ask the minister: what are the intentions to provide additional graduate placements in Victoria?

Springvale activity centre

Eden FOSTER (Mulgrave) (19:19): (1408) My adjournment is for the Minister for Planning, and the action I seek is for her to join me in a visit to the Springvale activity centre to see what impact the Victorian government's train and tram zone program will have on this vibrant hub. Phase 1 consultation is now open for the train and tram zone activity centres program, where locals are asked about what they love and value most about our local area and where more housing should go. Springvale is a beautiful community that I am so proud to represent and am so proud to have grown up in, and as a new train and tram activity centre, it will increase development and investment in our area. The Springvale Asian Business Association is strongly in favour of Springvale being designated an activity centre in this program, as they believe it will further enhance the growth and vibrancy of Springvale. I would also like to note the support from the City of Greater Dandenong, who have always been a big supporter of increasing housing in our jurisdiction. This is a great initiative not only for housing but for Springvale, the electorate of Mulgrave, local businesses and the vibrancy of my electorate.

Responses

Vicki WARD (Eltham – Minister for Emergency Services, Minister for Natural Disaster Recovery, Minister for Equality) (19:20): The member for Caulfield had a matter for the Premier, seeking the scrapping of the congestion tax for private car parks, ensuring that this does not affect his community. The member for Bass had an adjournment matter for the Minister for Environment, seeking an update on the progress of the cape-to-cape resilience plan. The member for Euroa sought for the Minister for Health to fund the Royal Flying Doctor Service volunteer community transport program, which will lose Commonwealth funding at the end of the year. The member for Laverton's adjournment was

directed to the Minister for Children, seeking an update on the works for two new preschools in her electorate co-located at local schools. The member for Prahran had a matter for the Minister for Skills and TAFE in the other place regarding stopping Swinburne TAFE from selling off land that had been gifted to them and for them to not close their early learning centre.

The member for Lara sought for the Minister for Environment to visit the You Yangs in her electorate to see the benefits state government funding has brought to this unique space. The member for Richmond's adjournment matter was for the Minister for Housing and Building, seeking a report detailing public housing residents who live in public housing in central Melbourne but are not on the lease. The member for Bellarine had a matter for the Minister for Public and Active Transport, seeking an update on new bus route 18 connecting to Lara station, benefiting her community in accessing Avalon Airport. The member for Gippsland East's adjournment matter was for the Minister for Health to ensure graduate nurses have a placement on completion of their studies, which has been supported by the state government. The member for Mulgrave's action was for the Minister for Planning to come and visit vibrant Springvale to discuss the train activity centre in her electorate. I will pass all of these on to the relevant ministers.

The DEPUTY SPEAKER: The house stands adjourned until tomorrow.

House adjourned 7:22 pm.