LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 164, 165 and 166

No 164 — Tuesday 21 June 2022

- 1 The House met according to the adjournment The Speaker took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **MENTAL HEALTH AND WELLBEING BILL 2022** Mr Merlino introduced 'A Bill for an Act to re-enact, with amendments, the law relating to the treatment of persons living with mental illness or experiencing psychological distress, to repeal the **Mental Health Act 2014** and the **Victorian Collaborative Centre for Mental Health and Wellbeing Act 2021**, to consequentially amend other Acts and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 VICTORIAN ENERGY EFFICIENCY TARGET AMENDMENT BILL 2022 Ms D'Ambrosio introduced 'A Bill for an Act to amend the Victorian Energy Efficiency Target Act 2007 and the Essential Services Commission Act 2001 and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 RESIDENTIAL TENANCIES, HOUSING AND SOCIAL SERVICES REGULATION AMENDMENT (ADMINISTRATION AND OTHER MATTERS) BILL 2022 Mr Wynne introduced 'A Bill for an Act to amend the Residential Tenancies Act 1997 in relation to rented premises which are public housing for which Homes Victoria is the residential rental provider, to amend the Housing Act 1983 and the Residential Tenancies Act 1997 in relation to the provision of affordable housing, to amend the Housing Act 1983 to provide for Homes Victoria, to extend the default commencement date of the Social Services Regulation Act 2021 and amend the Supported Residential Services (Private Proprietors) Act 2010 to extend the operation of expiring regulations under that Act, to consequentially amend other Acts and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 BUILDING, PLANNING AND HERITAGE LEGISLATION AMENDMENT (ADMINISTRATION AND OTHER MATTERS) BILL 2022 Mr Wynne introduced 'A Bill for an Act to amend the Building Act 1993, the Architects Act 1991, the Heritage Act 2017, the Planning and Environment Act 1987, the Surveying Act 2004, the Domestic Building Contracts Act 1995, the Building and Construction Industry Security of Payment Act 2002, the Victorian Civil and Administrative Tribunal Act 1998, the Sale of Land Act 1962, the Owners Corporations Act 2006, the Cladding Safety Victoria Act 2020 and for other purposes'; and the Bill was read a first time and ordered to be read a second time tomorrow.

6 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms Connolly tabled the Alert Digest No 9 of 2022 from the Scrutiny of Acts and Regulations Committee on the:

Children and Health Legislation Amendment (Statement of Recognition and Other Matters) Bill 2022

Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2022 Independent Broad-based Anti-corruption Commission Amendment (Facilitating Timely Reporting) Bill 2022

Local Government Legislation Amendment (Rating and Other Matters) Bill 2022 Meat Industry Amendment (Rabbit Farms) Bill 2021 Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022 Treaty Authority and Other Treaty Elements Bill 2022

Victims of Crime (Financial Assistance Scheme) Act 2022

together with appendices.

Ordered to be published.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents under Acts of Parliament:

Crown Land (Reserves) Act 1978:

Orders under s 17B granting licences over: Lynch's Bridge Historical Precinct Reserve Queen Victoria Gardens and Memorial Statue Reserve Orders under s 17D granting leases over Lakeside Stadium Reserve (two leases)

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Greater Dandenong — C237

Mornington Peninsula — C291

Towong — C36

Victoria Planning Provisions — VC216

Whitehorse — C240

Yarra — C304, C305

Rail Safety National Law Application Act 2013 — Rail Safety National Law National Regulations (Reporting Requirements) Amendment Regulations 2022

Statutory Rules under the following Acts:

Australian Consumer Law and Fair Trading Act 2012 — SR 42 Dangerous Goods Act 1985 — SR 41 Education and Training Reform Act 2006 — SR 43 Marine (Drug, Alcohol and Pollution Control) Act 1988 — SR 40 Subordinate Legislation Act 1994 — SR 39 Tobacco Act 1987 — SR 44

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 38, 40, 41, 42

Documents under s 16B in relation to the *Gambling Regulation Act 2003* — Keno Technical Standard Version 3.3

University of Melbourne — Report 2021.

7 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Appropriation (2022–2023) Bill 2022 Appropriation (Parliament 2022–2023) Bill 2022.

8 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS — APPROPRIATION BILLS** — Informing the Legislative Assembly that she had today given the royal assent to the following bills, presented to her by the Speaker:

Appropriation (2022–2023) Bill 2022
Appropriation (Parliament 2022–2023) Bill 2022.

9 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 15 June 2022, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Agriculture Legislation Amendment Bill 2022 State Taxation and Treasury Legislation Amendment Bill 2022.

10 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2022 Treaty Authority and Other Treaty Elements Bill 2022.

11 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 5.00 pm on Thursday 23 June 2022:

Children and Health Legislation Amendment (Statement of Recognition and Other Matters) Bill 2022

Education Legislation Amendment (Adult and Community Education and Other Matters) Bill 2022

Local Government Legislation Amendment (Rating and Other Matters) Bill 2022 Sustainable Forests Timber Amendment (Timber Harvesting Safety Zones) Bill 2022 Treaty Authority and Other Treaty Elements Bill 2022

(Ms Allan) — after debate, put and agreed to.

MESSAGE FROM THE LEGISLATIVE COUNCIL — COUNCIL VACANCY — Proposing that the Council meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Council rendered vacant by the resignation of Mr David Limbrick and that the place and time of such meeting be the Assembly Chamber on Wednesday 22 June 2022 at 6.15 pm.

Ordered — That the message be taken into consideration immediately.

JOINT SITTING — LEGISLATIVE COUNCIL VACANCY — Motion made and question — That this House agrees to the Council's proposal for a joint sitting on Wednesday 22 June 2022 at 6.15 pm in the Legislative Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Council rendered vacant by the resignation of Mr David Limbrick (Ms Allan) — put and agreed to.

Ordered — That a message be sent to the Legislative Council informing them accordingly.

- 14 **STATEMENTS BY MEMBERS** Members made statements.
- 15 EDUCATION LEGISLATION AMENDMENT (ADULT AND COMMUNITY EDUCATION AND OTHER MATTERS) BILL 2022 Order read for resuming debate on question That this Bill be now read a second time; debate resumed.

Business was interrupted at 2.00 pm under sessional orders.

- 16 **QUESTION TIME** (Under Sessional Order 9).
- 17 EDUCATION LEGISLATION AMENDMENT (ADULT AND COMMUNITY EDUCATION AND OTHER MATTERS) BILL 2022 Debate continued on question That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (Ms Williams) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

18 SUSTAINABLE FORESTS TIMER AMENDMENT (TIMBER HARVESTING SAFETY ZONES) BILL 2022 — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business was interrupted at 7.00 pm under sessional orders.

19 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived and, after debate, left the Chair at 7.26 pm.

BRIDGET NOONAN

Clerk of the Legislative Assembly

COLIN BROOKS MP Speaker

No 165 — Wednesday 22 June 2022

- 1 The Speaker took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **CRIMES LEGISLATION AMENDMENT BILL 2022** Ms Hutchins introduced 'A Bill for an Act to amend the **Crimes Act 1958** to create a new offence of engaging in grossly offensive public conduct and to abolish the common law offence of outraging public decency, to amend the **Summary Offences Amendment (Decriminalisation of Public Drunkenness) Act 2021** to extend its default commencement date and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **PETITION** The Clerk announced that the following petition had been lodged for presentation:

Review Mount Alexander's public transport — Requesting that the Legislative Assembly and the Minister for Public Transport review Mount Alexander's public transport services, bearing 626 signatures (*Ms Edwards*).

Ordered to be tabled.

- 4 **PETITION REVIEW MOUNT ALEXANDER'S PUBLIC TRANSPORT** Motion made and question That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Ms Edwards*) put and agreed to.
- 5 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** The Clerk tabled the following documents under Acts of Parliament:

Auditor-General:

Kinship Care — Ordered to be published Melbourne Metro Tunnel Phase 2: Main Works — Ordered to be published

Ombudsman — Report on investigations into the use of force at the Metropolitan Remand Centre and the Melbourne Assessment Prison — Ordered to be published

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rule 44

Documents under s 16B in relation to the *Dairy Act 2000* — Dairy Food Safety Victoria Determination of Licence Classes and Fees for Dairy Businesses — 1 July 2022 to 30 June 2023.

- 6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** Agreeing to the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022 without amendment.
- 7 **STATEMENTS BY MEMBERS** Members made statements.
- 8 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** Members made statements on committee reports.
- 9 **ADDRESSES BY MEMBERS OF FIRST PEOPLES' ASSEMBLY** Under the resolution of the House on Thursday 9 June 2022, the Speaker welcomed Co-Chairs of the First Peoples' Assembly, Bangerang and Wiradjuri Elder, Aunty Geraldine Atkinson and Nira illim bulluk man of the Taungurung Nation, Mr Marcus Stewart, and invited them to address the House.

The Co-Chairs read the names of members of the First Peoples' Assembly, who walked through the Chamber. The Co-Chairs then addressed the House.

The Speaker thanked the Co-Chairs and visitors for their attendance.

The visitors then withdrew from the House.

10 **TREATY AUTHORITY AND OTHER TREATY ELEMENTS BILL 2022** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business was interrupted at 2.00 pm under sessional orders.

- 11 **QUESTION TIME** (Under Sessional Order 9).
- 12 **TREATY AUTHORITY AND OTHER TREATY ELEMENTS BILL 2022** Debate resumed on question That this Bill be now read a second time.

Business was interrupted at 4.00 pm under sessional orders.

13 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GAMBLING HARM AND POOR MENTAL HEALTH** — The Speaker read Mr Northe's proposal to the House —

That this House notes the linkages between gambling harm and poor mental health and the subsequent devastating impacts upon many Victorian individuals and families, and calls upon the State Government to consider the following initiatives to help prevent and better support those experiencing gambling harm:

(1) appropriate data collection by the Coroners Court of Victoria to understand the number of suicides occurring as a result of gambling related issues;

- (2) advocacy to the Federal Government to provide for better regulation and oversight of online gambling companies, given there are few checks and balances with respect to a person having experienced gambling harm being able to open new online betting accounts;
- (3) encouraging the Federal Government to abolish or at least reduce the high volume of betting and sports betting advertisements that saturate our televisions, media and social media outlets, noting that there are limits and/or bans on the advertising of the selling of alcohol and cigarettes, yet despite the significant harm of excessive gambling, there are few constraints to gambling advertising; and
- (4) introducing a Magistrates' Court gambling intervention program (GIP), similar to that which operates in South Australia, where a therapeutic approach is applied for offenders who have committed low level criminal offences, and upholding the same application that occurs in Victoria's Drug Courts for those with drug and/or alcohol dependencies.'

Mr Northe addressed the House — Discussion followed.

TREATY AUTHORITY AND OTHER TREATY ELEMENTS BILL 2022 — Debate continued on question — That this Bill be now read a second time.

[Business was interrupted at 6.15 pm for a joint sitting and resumed at 6.23 pm]

Debate continued on question — That this Bill be now read a second time.

Business was interrupted at 7.00 pm under sessional orders.

15 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived and, after debate, left the Chair at 7.29 pm.

BRIDGET NOONAN

Clerk of the Legislative Assembly

COLIN BROOKS MP Speaker

No 166 — Thursday 23 June 2022

- 1 The Speaker took the Chair, read the Prayer and made an Acknowledgement of Country.
- JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2022 Ms Neville introduced 'A Bill for an Act to amend the Sex Offenders Registration Act 2004, the Victoria Police Act 2013 and the Aboriginal Heritage Act 2006 and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

Upper Kiewa Valley raw water offtake — Requesting that the Legislative Assembly calls on the Government to reject sites along Embankment Drive in Mount Beauty for the Upper Kiewa Valley's raw water offtake, and establish an independent assessment team to work with North East Water to identify a different location for it, bearing 361 signatures (*Mr McCurdy*).

Ordered to be tabled.

4 **PETITION** — **UPPER KIEWA VALLEY RAW WATER OFFTAKE** — Motion made and question — That the petition presented by the Member for Ovens Valley be taken into consideration tomorrow (*Mr McCurdy*) — put and agreed to.

5 **DOCUMENTS**

MINISTERIAL RESPONSE TO THE INDEPENDENT REVIEW OF THE SERVICE VICTORIA ACT 2018 — Tabled by leave (Mr Pearson).

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents under Acts of Parliament:

Multicultural Victoria Act 2011 — Victorian Government report in multicultural affairs 2020–21

Service Victoria Act 2018 — Independent review of the operation of the Act — Final Report

Victorian Inspectorate — Annual Plan 2022–23.

- JOINT SITTING LEGISLATIVE COUNCIL VACANCY The Speaker reported that the House met on Wednesday 22 June 2022 with the Council for the purpose of choosing a person to hold the seat in the Council rendered vacant by the resignation of Mr David Limbrick and that Mr David Limbrick was duly chosen to hold the vacant place.
- 7 **SITTING OF THE HOUSE** Motion made and question That the House, at its rising, adjourns until Tuesday 2 August 2022 (*Ms Allan*) put and agreed to.
- 8 **STATEMENTS BY MEMBERS** Members made statements.
- 9 **VICTORIAN ENERGY EFFICIENCY TARGET AMENDMENT BILL 2022** Ms D'Ambrosio tabled a statement of compatibility in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

Motion made and question proposed — That this Bill be now read a second time (Ms D'Ambrosio).

The second reading speech was incorporated into Hansard.

Motion made and question — That the debate be now adjourned (Mr Wakeling) — put and agreed to.

Ordered — That the debate be adjourned for two weeks. Debate adjourned until Thursday 7 July 2022.

10 RESIDENTIAL TENANCIES, HOUSING AND SOCIAL SERVICES REGULATION AMENDMENT (ADMINISTRATION AND OTHER MATTERS) BILL 2022 — Mr Wynne tabled a statement of compatibility in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

Motion made and question proposed — That this Bill be now read a second time (Mr Wynne).

The second reading speech was incorporated into Hansard.

Motion made and question — That the debate be now adjourned (Mr Riordan) — put and agreed to.

Ordered — That the debate be adjourned for two weeks. Debate adjourned until Thursday 7 July 2022.

BUILDING, PLANNING AND HERITAGE LEGISLATION AMENDMENT (ADMINISTRATION AND OTHER MATTERS) BILL 2022 — Mr Wynne tabled a statement of compatibility in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

Motion made and question proposed — That this Bill be now read a second time (Mr Wynne).

The second reading speech was incorporated into Hansard.

Motion made and question — That the debate be now adjourned (Mr Smith, Warrandyte) — put and agreed to.

Ordered — That the debate be adjourned for two weeks. Debate adjourned until Thursday 7 July 2022.

12 **CRIMES LEGISLATION AMENDMENT BILL 2022** — Ms Hutchins tabled a statement of compatibility in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

Motion made and question proposed — That this Bill be now read a second time (Ms Hutchins).

The second reading speech was incorporated into Hansard.

Motion made and question — That the debate be now adjourned (Mr Wakeling) — put and agreed to.

Ordered — That the debate be adjourned for two weeks. Debate adjourned until Thursday 7 July 2022.

13 **MENTAL HEALTH AND WELLBEING BILL 2022** — Mr Merlino tabled a statement of compatibility in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

Motion made and question proposed — That this Bill be now read a second time (Mr Merlino).

Motion made and question — That the debate be now adjourned (Ms Kealy) — put and agreed to.

Ordered — That the debate be adjourned for two weeks. Debate adjourned until Thursday 7 July 2022.

14 LOCAL GOVERNMENT LEGISLATION AMENDMENT (RATING AND OTHER MATTERS)
BILL 2022 — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business was interrupted at 2.00 pm under standing orders.

- 15 **QUESTION TIME** (Under Sessional Order 9).
- 16 LOCAL GOVERNMENT LEGISLATION AMENDMENT (RATING AND OTHER MATTERS)
 BILL 2022 Debate resumed on question That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (Mr McGhie) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

17 CHILDREN AND HEALTH LEGISLATION AMENDMENT (STATEMENT OF RECOGNITION AND OTHER MATTERS) BILL 2022 — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (Mr Carroll) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** Agreeing to the Gambling and Liquor Legislation Amendment Bill 2022 without amendment.
- 19 **POSTPONEMENT OF ORDERS OF THE DAY** Ordered That the consideration of Government Business, Orders of the Day, Nos 8 and 9, be postponed until later this day.
- 20 SUSTAINABLE FORESTS TIMBER AMENDMENT (TIMBER HARVESTING SAFETY ZONES)
 BILL 2022 Order read for resuming debate on question That this Bill be now read a second time; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 21 June 2022 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put.

The House divided (the Speaker, Mr Brooks, in the Chair) —

Ayes 70

Juliana Addison; Jacinta Allan; Brad Battin; Lizzie Blandthorn; Chris Brayne; Roma Britnell; Josh Bull; Tim Bull; Anthony Carbines; Ben Carroll; Darren Cheeseman; Christine Couzens; Jordan Crugnale; Ali Cupper; Lily D'Ambrosio; Steve Dimopoulos; Paul Edbrooke; Maree Edwards; John Eren; Martin Foley; Matt Fregon; Danielle Green; Bronwyn Halfpenny; Katie Hall; Dustin Halse; Paul Hamer; Jill Hennessy; David Hodgett; Melissa Horne; Natalie Hutchins; Emma Kealy; John Kennedy; Sonya Kilkenny; Gary Maas; Tim McCurdy; Stephen McGhie; Frank McGuire; Cindy McLeish; Lisa Neville; James Newbury; Danny O'Brien; Michael O'Brien; Martin Pakula; Danny Pearson; Pauline Richards; Tim Richardson; Richard Riordan; Brad Rowswell; Steph Ryan; Robin Scott; Michaela Settle; Suzanna Sheed; Ryan Smith; Tim Smith; David Southwick; Ros Spence; Nick Staikos; Natalie Suleyman; Meng Heang Tak; Jackson Taylor; Kat Theophanous; Mary-Anne Thomas; Bill Tilley; Bridget Vallence; Nick Wakeling; Peter Walsh; Vicki Ward; Kim Wells; Gabrielle Williams; Richard Wynne.

Noes 2

Sam Hibbins; Tim Read.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

21 LOCAL GOVERNMENT LEGISLATION AMENDMENT (RATING AND OTHER MATTERS) BILL 2022 — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

22 CHILDREN AND HEALTH LEGISLATION AMENDMENT (STATEMENT OF RECOGNITION AND OTHER MATTERS) BILL 2022 — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

23 **TREATY AUTHORITY AND OTHER TREATY ELEMENTS BILL 2022** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put.

A division having been called, the Speaker advised that there was only one vote for the 'noes' and accordingly, declared that the question was agreed to. Mr Smith (Kew) asked that his dissent be recorded.

Bill sent to the Legislative Council and their agreement requested.

24 EDUCATION LEGISLATION AMENDMENT (ADULT AND COMMUNITY EDUCATION AND OTHER MATTERS) BILL 2022 — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

25 **EDUCATION LEGISLATION AMENDMENT (ADULT AND COMMUNITY EDUCATION AND OTHER MATTERS) BILL 2022** — The Speaker announced that he had received a report from the Clerk that, under SO 81, she has made the following correction in the Bill:

In clause 33, line 9, she has deleted '(1)' so that it now correctly refers to s 3.3.28 of the *Education and Training Reform Act 2006*.

Business was interrupted at 5.11 pm under sessional orders.

ADJOURNMENT — The Speaker announced that the time for the adjournment of the House had arrived and, after debate, left the Chair at 5.33 pm.

BRIDGET NOONAN

Clerk of the Legislative Assembly

COLIN BROOKS MP Speaker