



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
No. 1

No. 1 — Tuesday, 20 December 2022

- 1 The Council met at 11.03 am pursuant to the Proclamation of the Governor dated 13 December 2022, which was read by the Clerk and is as follows:

CONSTITUTION ACT 1975

PROCLAMATION

I, Linda Dessau AC, Governor of the State of Victoria, acting under sections 8 and 20 of the *Constitution Act 1975* and all other powers vested in me, fix Tuesday 20 December 2022 at 11.00 am as the time for the commencement and holding of the first session of the Sixtieth Parliament of Victoria for the dispatch of business, at Parliament House, Melbourne. The Members of the Legislative Council and the Members of the Legislative Assembly are required to attend at that time and place.

Given under my Hand and the Seal of the State of Victoria, at Melbourne, this 13th day of December 2022.

(L.S.)

LINDA DESSAU
Governor

By Her Excellency's Command
DANIEL ANDREWS MP
Premier

- 2 **INTRODUCTION OF COMMISSIONER** — The Usher of the Black Rod announced the Honourable Chief Justice, the Commissioner from the Governor appointed to open the Parliament.

The Honourable Chief Justice said —

MEMBERS OF THE LEGISLATIVE COUNCIL

The Governor has caused a Commission to be issued under the Seal of the State constituting her Commissioners to do in her name all that is necessary to be performed in this Parliament. This will more fully appear from the Commission which will now be read by the Clerk.

The Clerk read the Commission:

BY HER EXCELLENCY THE HONOURABLE LINDA DESSAU AC
GOVERNOR OF VICTORIA
TO THE HONOURABLE JUSTICE ANNE FERGUSON
CHIEF JUSTICE OF VICTORIA
AND
TO THE HONOURABLE JUSTICE KARIN EMERTON
PRESIDENT OF THE COURT OF APPEAL

GREETING:

Acting under all available powers and with the consent of the Premier, I commission each of you, on my behalf, to open the first session of the Sixtieth Parliament at 11.00 am on the morning of Tuesday the twentieth day of December 2022 and to do all other things that it is necessary or usual for me to do on the opening of a new Parliament (other than to give my speech).

GIVEN under my hand and the Seal of Victoria on this 19th day of December 2022.

(L.S.)

LINDA DESSAU
Governor

By Her Excellency's Command
DANIEL ANDREWS MP
Premier

3 COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS — The Honourable Chief Justice said —

MEMBERS OF THE LEGISLATIVE COUNCIL

I have to announce that I have received from the Governor a Commission to administer the Oath or Affirmation of Allegiance to Members.

The Clerk read the Commission:

BY HER EXCELLENCY THE HONOURABLE LINDA DESSAU AC
GOVERNOR OF VICTORIA
TO THE HONOURABLE JUSTICE ANNE FERGUSON
CHIEF JUSTICE OF VICTORIA

GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, in the Parliament Houses, Melbourne, on the twentieth day of December 2022, to administer the prescribed Oath or Affirmation of allegiance to Members of the Legislative Council.

GIVEN under my hand and the Seal of Victoria on this 19th day of December 2022.

(L.S.)

LINDA DESSAU
Governor

By Her Excellency's Command
DANIEL ANDREWS MP
Premier

4 RETURNS TO THE WRIT FOR THE ELECTION OF MEMBERS TO THE COUNCIL — The Clerk announced that the Governor issued a writ on 1 November 2022 for the election of members to eight Regions and according to the returned writ received from the Governor, the following members have been elected:

For the Eastern Victoria Region —

Melina BATH
Jeff BOURMAN
Renee HEATH
Tom McINTOSH
Harriet SHING

For the North-Eastern Metropolitan Region —

Matthew BACH
Shaun LEANE
Nick McGOWAN
Aiv PUGLIELLI
Sonja TERPSTRA

For the Northern Metropolitan Region —

Enver ERDOGAN
Evan MULHOLLAND
Samantha RATNAM
Adem SOMYUREK
Sheena WATT

For the Northern Victoria Region —

Gaelle BROAD
Wendy LOVELL
Georgie PURCELL
Jaclyn SYMES
Rikkie-Lee TYRRELL

For the South-Eastern Metropolitan Region —

Michael GALEA
Ann-Marie HERMANS
David LIMBRICK
Rachel PAYNE
Lee TARLAMIS

For the Southern Metropolitan Region —

Ryan BATCHELOR
John BERGER
Katherine COPSEY

Georgie CROZIER

David DAVIS

For the Western Metropolitan Region —

Lizzie BLANDTHORN

Moira DEEMING

David ETTERS HANK

Trung LUU

Ingrid STITT

For the Western Victoria Region —

Jacinta ERMACORA

Sarah MANSFIELD

Bev McARTHUR

Joe McCracken

Gayle TIERNEY

- 5 DECLARATION OF ALLEGIANCE** — Matthew Bach, Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Moira Deeming, David Ettershank, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nicholas McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Adem Somyurek, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell and Sheena Watt approached the Table, and took and subscribed the oath or affirmation required by law.

The Honourable Chief Justice attested the Roll and said —

MEMBERS OF THE LEGISLATIVE COUNCIL

The Governor will attend the Parliament later this day to inform you and members of the Legislative Assembly of the reasons for calling this Parliament together, and as it is necessary before you proceed with business that a President of the Legislative Council be chosen, the Governor requests that you proceed to the choice of a President.

The Honourable Chief Justice withdrew from the Chamber.

- 6 ELECTION OF PRESIDENT** — The Clerk announced that the time had arrived for the election of a President of the Council.

Jaclyn Symes nominated Shaun Leane to be President.

Georgie Crozier seconded the nomination.

Shaun Leane accepted the nomination.

There being no further nominations, the Clerk declared Shaun Leane to be elected President.

Shaun Leane having left his place took the Chair of the President, read the Prayer and made an Acknowledgement of Country.

The President made acknowledgements to the Council for the honour that had been conferred on him.

Jaclyn Symes, Georgie Crozier and Samantha Ratnam congratulated the President.

7 ELECTION OF DEPUTY PRESIDENT — The President called for nominations for Deputy President.

Georgie Crozier nominated Wendy Lovell to be Deputy President.

Jaclyn Symes seconded the nomination.

Wendy Lovell accepted the nomination.

There being no further nominations, the President declared Wendy Lovell to be elected Deputy President.

The President announced that the Governor would receive the President and members of the Council in the Library of Parliament House at 1.25 pm.

[Sitting suspended from 11.36 am to 2.00 pm]

8 APPROACH OF THE GOVERNOR — The Usher of the Black Rod announced the approach of the Governor.

The Governor came into the Council Chamber, and commanded the Usher of the Black Rod to desire the immediate attendance of the Legislative Assembly, who having come with their Speaker, the Governor made the Governor's speech as follows:

Introduction

Honourable President and Members of the Legislative Council:

Honourable Speaker and Members of the Legislative Assembly:

First, I acknowledge the Traditional Owners of the land upon which we are gathering and pay my respects to their Elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today.

Following the results of the general election on 26 November, I commissioned the Leader of the Victorian Labor Party, Mr Daniel Andrews, to form a government.

Accordingly, I have called you together on this day, the first session of the 60th Parliament, to outline the policy agenda and legislative intentions of the Government in its third term.

Summary

The Government has spent the last four years building the hospitals, schools and roads that Victorians need and removing level crossings as part of the Big Build. The Government has introduced free TAFE courses, invested in renewable energy, created thousands of well-paid jobs and made wage theft and workplace manslaughter a criminal offence to ensure workers' rights are protected.

In its third term, the Government will continue to do what matters to create a stronger Victoria.

The Government will deliver on improving hospitals, building new facilities and training thousands of nurses and paramedics to make sure Victorians get the best care. Kinder will be free, saving Victorian families money and time, and bringing back the State Electricity Commission will create new jobs and secure Victoria's renewable energy future.

Over the next four years, the Government will focus on energy, health, education, transport and jobs.

Energy

Bringing back the SEC

Bringing back the State Electricity Commission will deliver government ownership of energy generation and create thousands of jobs building new renewables like wind, solar and batteries.

The Government will step up renewable electricity targets to 95 per cent by 2035, with emissions reduction targets of 75-80 per cent by 2035 and net zero emissions by 2045. One hundred neighbourhood batteries will also be installed across Victoria to create localised energy storage.

The Government will seek to own a majority of new energy generation projects built by the SEC, ensuring that profits will go back into helping to keep bills down for Victorians.

The Government will invest at least \$20 million to prepare the SEC for its new role in our energy market, including setting up an office in Morwell.

\$6 million will be invested to create a purpose-built training centre for workers in our emerging offshore, and growing onshore, wind industry.

By building a government-owned energy company, the Government will support 59,000 jobs through to 2035, at least 6,000 apprenticeships and traineeships, and will put power back in the hands of Victorians.

Health

The Government understands that there's nothing more important than getting the very best care, close to home.

Investing in our healthcare system

The Government will fund a number of large-scale hospital projects across Victoria, which represents a significant increase in the size of the current health infrastructure delivery program.

This includes delivering the biggest hospital infrastructure project in Australia's history by building new Royal Melbourne and Royal Women's Hospitals alongside Metro Tunnel's new Arden Station, to give patients across Victoria access to the very best of care.

From 2025, both the Parkville and Arden medical precincts will have brand-new train stations and be linked, making it a two-minute trip between hospital campuses, and connecting them to the Monash Medical Centre in Clayton.

Once completed, the project will deliver an increased capacity of 10,500 elective surgeries per year, 1,000 patients receiving critical care per year, 2,500 births per year and 66,000 additional emergency department presentations per year.

Additionally, other new hospitals and upgrades to existing hospitals will include a new Queen Elizabeth II hospital in Melbourne's East, a new West Gippsland Hospital and upgrades to Wonthaggi Hospital, Austin Hospital, Dandenong Hospital, Northern Hospital and a bigger and better Monash Medical Centre.

Investing in Women's Health

The Government will continue its focus on women's health by delivering its \$71 million package to create 20 new women's health clinics at public hospitals, a new state-wide service and more sexual and reproductive health hubs across Victoria. The Government will also work with Aboriginal health organisations to deliver the first ever dedicated Aboriginal-led women's health clinic.

Delivering new women's health clinics will completely change the way women's health issues are treated in Victoria and will provide comprehensive care for Victorians experiencing conditions like endometriosis, pelvic pain, polycystic ovary syndrome, and perimenopause and menopause.

In response to women feeling ignored, dismissed and often undiagnosed, the Government will invest \$64.8 million to double the number of endometriosis and associated condition surgeries, delivering an estimated extra 10,800 laparoscopies over the next four years.

With an aim to find solutions, the Government will establish an Inquiry into Women's Pain Management, chaired by a panel of experts who will hear directly from women about their experience accessing treatment.

The Government will also invest \$5 million into women's health medical research to ensure better treatment and pain management for diseases that specifically impact women.

The Government will expand its network of sexual and reproductive health hubs, providing \$6.4 million to establish an additional nine locations across the State, and ensuring that women have access to services and advice on contraception, pregnancy and sexual health.

The Government will establish a mobile Women's Health Clinic to visit remote parts of the State to ensure all Victorian women have access to the care they need and will provide \$20,000 scholarships for 100 additional women's healthcare specialists to increase the State's network of specialist healthcare workers.

To ensure that lessons learned at the new Women's Health Clinics can inform the Inquiry and be used to improve patient care, \$4 million will be put into research support services, and \$2 million will be invested to establish support groups and mental health programs for women tackling challenging health issues like endometriosis.

Improving access to fertility services

The Government will continue to ensure that IVF is accessible to all and will invest an additional \$13.6 million into Australia's first public IVF service, to help further expand access for women and families. The Government will also ensure more availability and access to fertility services for Victorians living in regional areas, by establishing satellite services in Bendigo, Mildura, Shepparton, Geelong, Ballarat and Warrnambool. Satellite services will also be established in Epping, Sunshine and Heidelberg.

Once fully operational, this investment in free IVF will mean up to 5,000 people each year will have access to the services, saving up to \$10,000 for eligible Victorians.

Creating more paramedic positions

To ensure that sick and injured Victorians can receive the treatment they need when they need it, the Government, in an Australian-first, will create the new position of Paramedic Practitioner.

Paramedic Practitioners will receive advanced clinical training to ensure they are able to assess, diagnose and provide urgent care to patients in the field and make clinical decisions, taking pressure off our busy emergency departments by eliminating the need for a trip to the hospital.

The Government will invest \$20 million to establish the role of Paramedic Practitioner, with an agreed model of care that can strengthen the ambulance service while reducing pressure on the hospital system. Paramedic Practitioners will be rolled out in rural and regional areas first, and there will be at least 25 Paramedic Practitioners trained for free through government-provided scholarships and on the road by 2026.

The Government will also fund an additional 40 MICA paramedics. Having more of these highly skilled crews on the road will ensure patients are getting the best care in the most urgent circumstances.

The Government will also establish an Australian-first Centre for Paramedicine in partnership with Victoria University. The centre will focus on training the next generation of ambulance paramedics, providing advanced teaching methods – with the capacity to train around 1,500 paramedic students each year.

And to assess whether outsourcing remains the most effective model to deliver non-urgent transport, the Government will review the existing procurement arrangements for patient transport ambulances.

Education

The Government knows that education changes lives.

In its third term, the Government will continue its investment in kindergartens, local schools and specialist schools to ensure that all Victorians have access to quality education.

Free kinder and more childcare centres

To deliver greater access to kindergartens and give kids the best start in life, the Government will make three and four-year-old kinder free, saving families up to \$2,500 per child, per year.

The Government will build and expand around 180 government-owned kinders so it's easier to find a place, ensuring that families will have more choice in finding a kinder closer to home.

The Government will continue to support working families by opening 50 new government-owned and run childcare centres in the communities that need them most, building them near schools where possible to avoid the double drop-off for busy parents.

Upgrading local schools

The Government knows the importance of access to great local schools, which is why they will build and upgrade schools right across the State.

The Government will continue its delivery of good-quality schools by building and opening 100 brand-new schools to ensure that all families have access to a great school in their area.

Improving specialist schools

To support families of kids with disability, the Government will deliver a \$207 million package to transform specialist schools through upgrades and more support for students in the classroom.

The Government will also extend outside-hours care to every specialist school in the State with the next 25 rolling out from 2024 and will create onsite space for allied health appointments to better support families.

NDIS Navigators will be introduced in all 89 Victorian specialist schools, employed by the Government but working for families to help them navigate the NDIS system.

The Government's expansive package will also include,

- \$8.1 million for more extracurricular activities for specialist schools
- \$11.3 million to deliver scholarships to attract more speech pathologists and occupational therapists to regional areas
- \$2 million for professional development for health care workers, including how to communicate with people with autism
- \$8.2 million for TAFE transition officers to support students with a disability
- \$25 million to build aqua-therapy pools at specialist schools
- Establishing a Premier's Advisory Committee
- \$100,000 for specialist schools to apply for access to Proloquo2Go, an app for those who are non-verbal
- \$5 million to train more therapy animals.

The Government will abolish the age threshold for a "proof of age" card so that parents of non-verbal children, or children with an intellectual disability who wish for them to carry ID, can do so.

The Government will also undertake a review of current eligibility processes for specialist schools, including current cognitive thresholds, so that more families can choose the school that best suits their needs.

Transport

The Government is continuing the infrastructure Big Build, including removing level crossings, completing the Metro Tunnel, building the Suburban Rail Loop and capping V/Line fares at metro prices so that Victorians can get home sooner and safer.

Removal of more level crossings

Reducing congestion and improving travel for all Victorians, whilst creating thousands of jobs, is critical, which is why the Government will have removed 110 level crossings by 2030.

Completing the Metro Tunnel

The Government continues work on the Metro Tunnel, which will enable more trains to run, more often. Tunnelling is now finished, and five underground stations are taking shape beneath our city. These new stations will change the face of travel in Melbourne, and when Airport Rail is complete, trains in the Metro Tunnel will take Victorians to the airport in just 30 minutes.

Building the Suburban Rail Loop

The Suburban Rail Loop will change transport within Victoria. The loop will connect rail lines and make it easier for many Victorians to get to work, university, TAFE, hospitals and the airport. Regional Victorians will also benefit by no longer having to change at Southern Cross Station, so they'll get to where they're going faster. This is a big project that will create thousands of jobs.

More V/Line services, more often

In response to increasing financial pressures on Victorians, the Government will cap regional public transport fares, making it easier for families and commuters in regional Victoria to get around by train and bus.

Capping regional prices will deliver savings to passengers, with daily peak fares from Geelong, Bendigo and Ballarat all reduced to the daily metro rate.

The Government will also add almost 200 weekend services on regional lines around Victoria and will build another 23 VLocity 3 car sets to replace older trains so that there are enough trains to run these additional services.

Jobs

The Government believes that every Victorian deserves a good, stable job with a decent wage. To help put Victorian workers and Victorian jobs first, the Government is extending Free TAFE, making studying nursing and midwifery free and delivering the 2026 Commonwealth Games.

Extending Free TAFE

To support the further education of Victorian workers, the Government will expand eligibility for Free TAFE, so that all Victorians can study for in-demand jobs like healthcare, mental health, construction, early childhood and hospitality.

The Government will change the once-in-a-lifetime limit so Victorians can take multiple Free TAFE courses when they are continuing select training pathways and will build and upgrade TAFE campuses across the State so that Victorians can continue to study in quality facilities.

Investment from the Clean Energy TAFE Fund will support a number of TAFEs with a range of initiatives focused on renewable energy jobs.

And the Government will legislate to ensure that TAFE funding is protected. Free TAFE is helping Victorians train for their future.

Making nursing free

To help train the next generation of healthcare workers, the Government will make studying nursing and midwifery free.

More than 10,000 students will have the cost of their nursing or midwifery undergraduate studies paid for, while scholarships will be available for thousands more who complete postgraduate studies in areas of need including intensive care, cancer care, paediatrics and nurse practitioner specialities.

The Government will provide \$20 million to support the growing number of graduate and postgraduates as they transition to working in our hospitals, ensuring they have access to the clinical educators, preceptors and study time they need.

The Government will also provide a \$5,000 sign-on bonus for nurses who graduate in the next three years - rewarding those who choose to take up careers in Victoria's public health system.

Commonwealth Games

Victoria will host the Commonwealth Games across regional Victoria in March 2026.

The Games will bring together athletes, communities, cultures and businesses in an exciting program of events expected to support more than 7,500 Victorian jobs, with the majority in regional Victoria.

As part of delivering the games, the state will invest in new and upgraded infrastructure that will provide both a first-class games experience and improved facilities for Victorians into the future.

More social and affordable housing will also be created as part of the athletes' villages that will be constructed as part of the games, supporting more Victorians to have a place to call home.

Closing

Honourable Members, I have outlined for you the Government's program for this Parliament.

It is a positive plan that demonstrates the Government's commitment to creating a stronger Victoria.

This Parliament is diverse and offers a range of different perspectives, which is critical for the functioning of democracy.

I trust that you will work together and serve the people of Victoria with integrity and conviction.

A copy of the Governor's speech was delivered to the President, and a copy to the Speaker, and the Governor withdrew from the Council Chamber.

The Legislative Assembly withdrew.

[Sitting suspended from 2.33 pm to 4.04 pm]

- 9 The President resumed the Chair at 4.04 pm.

10 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Victorian floods frontline response (QwN 3)** — substantive and supplementary questions asked by Wendy Lovell — response from Harriet Shing due Wednesday, 21 December 2022.
- **Duck hunting season (QwN 4)** — substantive and supplementary questions asked by Jeff Bourman — response from Harriet Shing due Thursday, 22 December 2022.
- **Aboriginal babies – child protection (QwN 7)** — substantive and supplementary questions asked by Matthew Bach — response from Lizzie Blandthorn due Wednesday, 21 December 2022.
- **Emergency management days – prisons (QwN 8)** — substantive and supplementary questions asked by Bev McArthur — response from Enver Erdogan due Wednesday, 21 December 2022.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

11 APPOINTMENT OF PARLIAMENTARY OFFICERS — The President announced the appointment of Robert McDonald as the Clerk of the Legislative Council and Bridget Noonan as the Clerk of the Parliaments, effective from 28 October 2022.

12 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (RESTORATION OF EXAMINATION POWERS) BILL 2022 — David Davis introduced *A Bill for an Act to amend the Independent Broad-based Anti-corruption Commission Act 2011 to restore certain examination powers of the Commission and for other purposes.*

On the motion of David Davis, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

David Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

David Davis moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

13 STATUTE LAW AMENDMENT BILL 2022 — Enver Erdogan introduced *A Bill for an Act to Revise the Statute Law of Victoria, to make minor amendments to the Competition Policy Reform (Victoria) Act 1995 and for other purposes.*

On the motion of Enver Erdogan, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Enver Erdogan laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Enver Erdogan moved, That the Bill be now read a second time.

On the motion of Enver Erdogan, by leave, the second reading speech was incorporated in Hansard.

On the motion of Georgie Crozier, the debate was adjourned for two weeks.

- 14 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (FACILITATION OF TIMELY REPORTING) BILL 2022** — David Davis introduced *A Bill for an Act to amend the Independent Broad-based Anti-corruption Commission Act 2011 to facilitate timely reporting by the IBAC.*

On the motion of David Davis, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

David Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006.*

David Davis moved, That the Bill be now read a second time.

On the motion of David Davis, by leave, the second reading speech was incorporated in Hansard.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 15 CHILDREN, YOUTH AND FAMILIES AMENDMENT (RAISE THE AGE) BILL 2022** — Samantha Ratnam introduced *A Bill for an Act to amend the Children, Youth and Families Act 2005, to make consequential amendments to the Crimes Act 1958, the Fines Reform Act 2014 and the Infringements Act 2006 and for other purposes.*

On the motion of Samantha Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 16 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (NO NEW OIL OR GAS ACTIVITIES) BILL 2022** — Samantha Ratnam introduced *A Bill for an Act to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to prohibit the grant or renewal of petroleum titles that authorise petroleum activities to be carried out in the offshore area and for other purposes.*

On the motion of Samantha Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 17 ANTI-CORRUPTION AND HIGHER PARLIAMENTARY STANDARDS (PROMOTING AND STRENGTHENING INTEGRITY) BILL 2022** — Samantha Ratnam introduced *A Bill for an Act to reform the standards for Ministers, Parliamentary Secretaries, Members of Parliament, Ministerial officers and lobbyists by establishing the Independent Parliamentary Integrity Commissioner and amending the Members of Parliament (Standards) Act 1978, the Independent Broad-based Anti-corruption Commission Act 2011 and the Public Administration Act 2004 and for other purposes.*

On the motion of Samantha Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 18 PARLIAMENTARY COMMITTEES AMENDMENT (PREVENTING GOVERNMENT DOMINATED INVESTIGATORY COMMITTEES) BILL 2022** — Samantha Ratnam introduced *A Bill for an Act to amend the Parliamentary Committees Act 2003 to ensure that the membership and chairperson of Parliament's Joint Investigatory Committees is sufficiently independent of the government and executive of the day when carrying out their functions and for other purposes.*

On the motion of Samantha Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

19 PAPERS —

PAPERS PRESENTED BY DIRECTION OF THE GOVERNOR — Jaclyn Symes presented, by direction of the Governor, the:

Children’s Court of Victoria Report, 2021-22 (*Ordered to be tabled*).

County Court of Victoria Report, 2021-22 (*Ordered to be tabled*).

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PAPERS PRESENTED BY ORDER OF THE COUNCIL —

Jaclyn Symes, by leave, presented the:

Victoria Law Foundation Report, 2021-22 (*Ordered to be tabled*).

Judicial College of Victoria Report, 2021-22 (*Ordered to be tabled*).

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Lizzie Blandthorn, by leave, presented the Final Report of the Local Government Rate Capping Mechanism Review, December 2021 and the Victorian Government Response to the Final Report of the Local Government Rate Capping Mechanism Review (*Ordered to be tabled*).

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Harriet Shing, by leave, presented the Visit Victoria Limited Report, 2021-22 (*Ordered to be tabled*).

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Enver Erdogan, by leave, presented the Consumer Policy Research Centre Report, 2021-22 (*Ordered to be tabled*).

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COMMITTEE REPORTS — INTEGRITY AND OVERSIGHT COMMITTEE — Pursuant to section 35(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk tabled the:

Report on Performance of the Victorian integrity agencies 2020/21, focus on witness welfare, (including an Appendix, Extract of Proceedings and a Minority report) from the Integrity and Oversight Committee (*released on 6 October 2022 – a non-sitting day*) (*Ordered to be published*), together with the Transcripts of Evidence.

Report on The independent performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate (including Appendices, Extracts of Proceedings and a Minority report) from the Integrity and Oversight Committee (*released on 31 October 2022 – a non-sitting day*) (*Ordered to be published*).

On the motion of David Davis, the Integrity and Oversight Committee reports were ordered to be taken into consideration on the next day of meeting.

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PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Accident Compensation Conciliation Service — Report, 2021-22.

Adult, Community and Further Education Board – Report, 2021-22.

Adult Parole Board of Victoria — Report, 2021-22.

Agriculture Victoria Services Pty Ltd — Report, 2021-22.

Albury Wodonga Health — Report, 2021-22.

Alexandra District Health — Report, 2021-22.

Alfred Health — Report, 2021-22.

Alpine Health — Report, 2021-22.
Alpine Resorts Co-ordinating Council — Report, 2021-22.
Ambulance Victoria — Report, 2021-22.
AMES Australia — Report, 2021-22.
Architects Registration Board of Victoria — Minister's report of receipt of the 2021-22 Report.
Auditor-General's Reports on —
 the Annual Financial Report of the State of Victoria, 2021-22, October 2022 (*released on 28 October 2022 – a non-sitting day*) (*Ordered to be published*).
 Regulating Victoria's Native Forests, October 2022 (*released on 6 October 2022 – a non-sitting day*) (*Ordered to be published*).
 Victoria's Alcohol and Other Drug Treatment Data, October 2022 (*released on 6 October 2022 – a non-sitting day*) (*Ordered to be published*).
Austin Health — Report, 2021-22.
Australian Centre for the Moving Image (ACMI) — Report, 2021-22.
Australian Grand Prix Corporation — Report, 2021-22.
Australian Health Practitioner Regulation Agency — Report, 2021-22.
Bairnsdale Regional Health Service — Report, 2021-22.
Ballarat General Cemeteries Trust — Report, 2021-22.
Barwon Health — Report, 2021-22.
Barwon Region Water Corporation — Report, 2021-22.
Bass Coast Health — Report, 2021-22.
Beaufort and Skipton Health Service — Report, 2021-22.
Beechworth Health Service — Report, 2021-22.
Bendigo Health — Report, 2021-22.
Boort District Health — Report, 2021-22.
Breakthrough Victoria Pty Ltd — Report for 16 March 2021 to 30 June 2022.
Calvary Health Care Bethlehem Ltd — Report, 2021-22.
Cenitex — Report, 2021-22.
Central Gippsland Health Service — Report, 2021-22.
Central Gippsland Region Water Corporation — Report, 2021-22.
Central Highlands Region Water Corporation — Report, 2021-22.
Cohuna District Hospital — Report, 2021-22.
Colac Area Health — Report, 2021-22.
Coliban Region Water Corporation — Report, 2021-22.
Commercial Passenger Vehicles Commission — Report, 2021-22.
Commission for Children and Young People — Report, 2021-22 (*Ordered to be published*).
Commissioner for Environmental Sustainability — Minister's report of receipt of the 2021-22 Report.
Confiscation Act 1997 — Asset Confiscation Operations Report, 2021-22.
Consumer Affairs Victoria — Report, 2021-22 (*Ordered to be published*).
Corangamite Catchment Management Authority — Report, 2021-22.
Coroners Court of Victoria — Report, 2021-22.
Coronial Council of Victoria — Report, 2021-22.
Corryong Health — Report, 2021-22.
Country Fire Authority — Report, 2021-22.

- Court Services Victoria — Report, 2021-22.
- Criminal Organisations Control Act 2012 — Report, 2021-22, under section 133 by Victoria Police.
- Dairy Food Safety Victoria — Report, 2021-22.
- Dental Health Services Victoria — Report, 2021-22.
- Development Victoria — Report, 2021-22.
- Disability Services Commissioner — Report, 2021-22.
- Docklands Studios Melbourne Pty Ltd — Report, 2021-22.
- Duties Act 2000 — Treasurer's Reports of —
- Concessions and exemptions arising out of corporate reconstructions and consolidations for 2021-22, under section 250B(4) of the Act.
 - Foreign purchaser additional duty exemptions for 1 January 2022 to 30 June 2022, under section 3E of the Act.
- East Gippsland Catchment Management Authority — Report, 2021-22.
- East Gippsland Region Water Corporation — Report, 2021-22.
- East Grampians Health Service — Report, 2021-22.
- East Wimmera Health Service — Report, 2021-22.
- Echuca Regional Health — Report, 2021-22.
- Emergency Services Superannuation Scheme (ESSSuper) — Report, 2021-22.
- Emergency Services Telecommunications Authority (ESTA)— Report, 2021-22.
- Energy Safe Victoria — Report, 2021-22.
- Essential Services Commission — Report, 2021-22.
- Falls Creek Alpine Resort Management Board — Report, 2021.
- Fed Square Pty Ltd — Report, 2021-22.
- Film Victoria (VicScreen) — Report, 2021-22.
- Financial Management Act 1994 —
- Financial Report for the State of Victoria, 2021-22 (incorporating Quarterly Financial Report No. 4) *(released on 14 October 2022 – a non-sitting day) (Ordered to be published)*.
- Ministers' reports that 2021-22 Reports have not been received, together with an explanation for the delay, under section 46(3)(a) of the Act —
- Minister for Education — Victorian Curriculum and Assessment Authority.
 - Minister for Environment —
 - Caulfield Racecourse Reserve Trust.
 - Dhelkunya Dja Land Management Board.
 - Environment Protection Authority (EPA).
 - Gunaikurnai Traditional Owner Land Management Board.
 - Trust for Nature.
 - Yorta Yorta Traditional Owner Land Management Board.
 - Minister for Health —
 - Benalla Health.
 - Casteron Memorial Hospital.
 - Central Highlands Rural Health.
 - Dhelkaya Health.
 - Gippsland Southern Health Service.
 - Kilmore District Health.
 - Kyabram District Health.

- Omeo District Health.
Peter MacCallum Cancer Institute.
Portland District Health.
Minister for Planning —
Cladding Safety Victoria.
Victorian Building Authority.
Minister for Tourism, Sport and Major Events —
Emerald Tourist Railway Board.
State Sports Centres Trust.
- Fisheries Act 1995 — Report on the disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2021-22.
- Fire Rescue Victoria — Report 2021-22.
- Forensic Leave Panel — Report, 2021-22.
- Game Management Authority — Report, 2021-22.
- Geelong Cemeteries Trust — Report, 2021-22.
- Geelong Performing Arts Centre Trust — Report, 2021-22.
- Geoffrey Gardiner Dairy Foundation — Report, 2021-22.
- Gippsland and Southern Rural Water Corporation — Report, 2021-22.
- Glenelg Hopkins Catchment Management Authority — Report, 2021-22.
- Goulburn Broken Catchment Management Authority — Report, 2021-22.
- Goulburn Valley Health (GVHealth) — Report, 2021-22.
- Goulburn Valley Region Water Corporation — Report, 2021-22.
- Grampians Wimmera Mallee Water Corporation (GWM Water) — Report, 2021-22.
- Great Ocean Road Coast and Parks Authority — Report, 2021-22.
- Great Ocean Road Health — Report, 2021-22.
- Greater Metropolitan Cemeteries Trust — Report, 2021-22.
- Greyhound Racing Victoria — Report, 2021-22.
- Harness Racing Victoria — Report, 2021-22.
- Health Purchasing Victoria (HealthShare Victoria) — Report, 2021-22.
- Heathcote Health — Report, 2021-22.
- Heritage Council of Victoria — Minister's report of receipt of the 2021-22 Report.
- Hesse Rural Health Service — Report, 2021-22.
- Heywood Rural Health — Report, 2021-22.
- Independent Broad-based Anti-corruption Commission —
Report, 2021-22 (*Ordered to be published*).
Special reports on —
Corruption risks associated with donations and lobbying, October 2022 (*released on 12 October 2022 – a non-sitting day*) (*Ordered to be published*).
Police misconduct issues and risks associated with Victoria Police's Critical Incident Response Team, October 2022 (*released on 25 October 2022 – a non-sitting day*) (*Ordered to be published*).
- Infrastructure Victoria — Report, 2021-22.
- Inglewood and Districts Health Service — Report, 2021-22.
- Interpretation of Legislation Act 1984 — Notice under section 32(3)(a)(iii) in relation to Statutory Rule No. 112 (*Gazette G45, 10 November 2022*).
- Kardinia Park Stadium Trust — Report, 2021-22.

Kerang District Health — Report, 2021-22.
Kooweerup Regional Health Service — Report, 2021-22.
Labour Hire Licensing Authority — Report, 2021-22.
LanguageLoop — Report, 2021-22.
Latrobe Regional Hospital — Report, 2021-22.
Legal Practitioners' Liability Committee — Report, 2021-22.
Legal Profession Uniform Law Application Act 2014 — Practitioner Remuneration Order 2023.
Legal Services Council and Commissioner for Uniform Legal Services Regulation — Report, 2021-22.
Library Board of Victoria — Report, 2021-22.
Liquor Control Reform Act 1998 — Report, 2021-22 by the Chief Commissioner of Victoria Police, under section 148R of the Act.
Lower Murray Urban and Rural Water Corporation — Report, 2021-22.
Mallee Catchment Management Authority — Report, 2021-22.
Mallee Track Health and Community Service — Report, 2021-22.
Mansfield District Hospital — Report, 2021-22.
Maryborough District Health Service — Report, 2021-22.
Melbourne and Olympic Parks Trust — Report, 2021-22.
Melbourne City Link Act 1995 — Deeds of Leases in relation to the Western Link Upgrade, under section 60(9) of the Act —
WLU Company Lease.
WLU Trust Concurrent Lease.
Melbourne Convention and Exhibition Trust — Report, 2021-22.
Melbourne Market Authority — Report, 2021-22.
Melbourne Recital Centre — Report, 2021-22.
Mental Health Complaints Commissioner — Report, 2021-22.
Mental Health Tribunal — Report, 2021-22.
Mercy Hospitals Victoria Ltd — Report, 2021-22.
Mildura Base Public Hospital — Report, 2021-22.
Mildura Cemetery Trust — Minister's report of receipt of the 2021-22 Report.
Mount Buller and Mount Stirling Alpine Resort Management Board — Report, 2021.
Mount Hotham Alpine Resort Management Board — Report, 2021.
Moyne Health Services — Report, 2021-22.
Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of the 2021-22 Report.
Museums Board of Victoria — Report, 2021-22.
National Health Funding Pool — Victoria State Pool Account — Report, 2021-22.
National Health Practitioner Ombudsman and Privacy Commissioner — Report, 2021-22.
National Parks Act 1975 — Report, 2021-22 on the working of the Act.
National Parks Advisory Council — Report, 2021-22.
NCN Health (Nathalia Cobram Numurkah) — Report, 2021-22.
North Central Catchment Management Authority — Report, 2021-22.
North East Catchment Management Authority — Report, 2021-22.
North East Link State Tolling Corporation — Report, 2021-22.
North East Region Water Corporation — Report, 2021-22.

Northeast Health Wangaratta — Report, 2021-22.
Northern Health — Report, 2021-22.
Office of the National Rail Safety Regulator — Report, 2021-22.
Office of Public Prosecutions — Report, 2021-22.
Office of the Public Advocate — Report, 2021-22 (*Ordered to be published*).
Ombudsman —
 Ombudsman’s recommendations – fourth report, September 2022 (*released on 28 September 2022 – a non-sitting day*) (*Ordered to be published*).
 Report — 2021-22 (*released on 20 October 2022 – a non-sitting day*) (*Ordered to be published*).
Orbost Regional Health — Report, 2021-22.
Parks Victoria — Report, 2021-22.
Peninsula Health — Report, 2021-22.
Phillip Island Nature Parks — Report, 2021-22.
Phytogene Pty Ltd — Minister’s report of receipt of the 2021-22 Report.
Planning and Environment Act 1987 — Notices of approval of the —
 Ararat Planning Scheme — Amendment C46.
 Ballarat Planning Scheme — Amendments C233 and C238.
 Banyule Planning Scheme — Amendments C119, C162, C167 and C171.
 Bass Coast Planning Scheme — Amendment C163.
 Baw Baw Planning Scheme — Amendment C147.
 Bayside Planning Scheme — Amendments C160 and C193.
 Bayside, Kingston, Monash and Whitehorse Planning Schemes — Amendment GC197.
 Boroondara Planning Scheme — Amendments C333 (Part 2) and C383.
 Brimbank Planning Scheme — Amendment C212.
 Brimbank, Hobsons Bay and Wyndham Planning Schemes — Amendment GC199.
 Brimbank, Maribyrnong and Moonee Valley Planning Schemes — Amendment GC207.
 Campaspe Planning Scheme — Amendments C118 and C121.
 Cardinia Planning Scheme — Amendments C238 and C266.
 Casey Planning Scheme — Amendments C259 and C287.
 Colac Otway Planning Scheme — Amendments C111 and C119.
 East Gippsland Planning Scheme — Amendment C162.
 Glen Eira Planning Scheme — Amendment C248.
 Golden Plains Planning Scheme — Amendment C91.
 Greater Dandenong Planning Scheme — Amendments C241 and C242.
 Greater Geelong Planning Scheme — Amendments C391, C408, C448 and C449.
 Greater Shepparton Planning Scheme — Amendments C234 and C228.
 Horsham Planning Scheme — Amendment C83.
 Hume Planning Scheme — Amendments C211 and C264.
 Knox Planning Scheme — Amendment C174.
 Macedon Ranges Planning Scheme — Amendment C143.
 Manningham Planning Scheme — Amendments C135 and C137.
 Mansfield Planning Scheme — Amendment C52.
 Maribyrnong Planning Scheme — Amendments C164 and C180.

- Maroondah Planning Scheme — Amendments C134, C136 and C149.
- Melbourne Planning Scheme — Amendments C364, C394, C402, C404, C409, C436 and C439.
- Melton Planning Scheme — Amendments C182 and C230.
- Mildura Planning Scheme — Amendment C113.
- Moonee Valley Planning Scheme — Amendments C224, C225 and C230.
- Moreland Planning Scheme — Amendment C212.
- Mornington Peninsula Planning Scheme — Amendments C227, C228 and C282.
- Murrindindi Planning Scheme — Amendment C72.
- Nillumbik Planning Scheme — Amendment C150.
- Port Phillip Planning Scheme — Amendment C180.
- Stonnington Planning Scheme — Amendments C319, C323 and C327.
- Strathbogie Planning Scheme — Amendment C78.
- Surf Coast Planning Scheme — Amendment C142.
- Swan Hill Planning Scheme — Amendment C77.
- Victoria Planning Provisions — Amendments VC201, VC222, VC224, VC226, VC227 and VC228.
- Wangaratta Planning Scheme — Amendments C91 and C92.
- Warrnambool Planning Scheme — Amendment C205.
- Whittlesea Planning Scheme — Amendment C267.
- Wodonga Planning Scheme — Amendment C138.
- Wyndham Planning Scheme — Amendments C252 and C264.
- Yarra Planning Scheme — Amendments C280, C310 and C311.
- Yarra Ranges Planning Scheme — Amendments C148, C195, C213 and C214.
- Police Informants Royal Commission Implementation Monitor Act 2021 — Royal Commission into the Management of Police Informants, Progress Report, 2021-22, under section 28(2) of the Act.
- Police Registration and Services Board — Report, 2021-22.
- Port of Hastings Corporation — Report, 2021-22.
- Portable Long Service Benefits Authority — Report, 2021-22.
- Ports Victoria — Report, 2021-22.
- Post Sentence Authority — Report, 2021-22.
- PrimeSafe — Report, 2021-22.
- Professional Standards Council of Victoria — Report, 2021-22.
- Project Development and Construction Management Act 1994 — Nomination Order and Application Order of 25 October 2022, under sections 6 and 8 of the Act and a statement of reasons for making a Nomination Order of 12 October 2022, under section 9 of the Act.
- Public Health and Wellbeing Act 2008 —
Documents under section 165AQ of the Act in relation to the making of pandemic orders implemented on —
8 September 2022.
22 September 2022.
- Reports of the Independent Pandemic Management Advisory Committee, under section 165CG of the Act —
Review of COVID-19 Communications in Victoria.
Review of COVID-19 Mandatory Vaccination Orders in Victoria.

Public Interest Monitor — Report, 2021-22.
Queen Elizabeth Centre (QEC) — Report, 2021-22.
Queen Victoria Women’s Centre — Minister’s report of receipt of the 2021-22 Report.
Radiation Advisory Committee — Report, 2021-22.
Remembrance Parks Central Victoria — Report, 2021-22.
Renewable Energy (Jobs and Investment) Act 2017 — Victorian Renewable Energy Target — 2021-22 Progress Report, under section 8 of the Act.
Residential Tenancies Bond Authority — Report, 2021-22.
Robinvale District Health Service (RDHS) — Report, 2021-22.
Rochester and Elmore District Health Service — Report, 2021-22.
Rolling Stock (Victoria-VL) Pty Limited — Report, 2021-22.
Rolling Stock (VL-1) Pty Limited — Report, 2021-22.
Rolling Stock (VL-2) Pty Limited — Report, 2021-22.
Rolling Stock (VL-3) Pty Limited — Report, 2021-22.
Royal Botanic Gardens Board — Report, 2021-22.
Royal Victorian Eye and Ear Hospital — Report, 2021-22.
Royal Women’s Hospital — Report, 2021-22.
Rural Northwest Health — Report, 2021-22.
Sentencing Advisory Council — Report, 2021-22.
Seymour Health — Report, 2021-22.
Shrine of Remembrance Trustees — Report, 2021-22.
South Gippsland Hospital — Report, 2021-22.
South Gippsland Region Water Corporation — Report, 2021-22.
South West Healthcare — Report, 2021-22.
Southern Alpine Resort Management Board — Report, 2021.
Southern Metropolitan Cemeteries Trust — Report, 2021-22.
St Vincent’s Hospital (Melbourne) Limited — Report, 2021-22.
State Electricity Commission of Victoria — Report, 2021-22.
State Trustees Limited — Report, 2021-22.
Statutory Rules under the following Acts of Parliament —
 Accident Towing Services Act 2007 — No. 128.
 Bail Act 1977 — No. 116.
 Building Act 1993 — No. 122.
 Child Wellbeing and Safety Act 2005 — Nos. 118 and 119.
 Children, Youth and Families Act 2005 — No. 100.
 Circular Economy (Waste Reduction and Recycling) Act 2021 — No. 94.
 Community Based Sentences (Transfer) Act 2012 — No. 92.
 Coroners Act 2008 — No. 109.
 County Court Act 1958 — No. 90.
 Crimes Act 1958 — No. 110.
 Crown Land (Reserves) Act 1978 — No. 83.
 Dangerous Goods Act 1985 — No. 115.
 Domestic Animals Act 1994 — No. 77.
 Drugs, Poisons and Controlled Substances Act 1981 — Nos. 96, 112 and 113.
 Electoral Act 2002 — No. 127.
 Electricity Safety Act 1998 — No. 103.

- Environment Protection Act 2017 — Nos. 85, 86 and 120.
Family Violence Protection Act 2008 — No. 123.
Fire Rescue Victoria Act 1958 — No. 82.
Forests Act 1958 — No. 84.
Health Services Act 1988 — No. 121.
Juries Act 2000 — No. 78.
Liquor Control Reform Act 1998 — Nos. 81, 111 and 124.
Local Government Act 2020 — No. 126.
Local Government Act 2020 — City of Melbourne Act 2001 — No. 104.
Magistrates' Court Act 1989 — Nos. 79, 101 and 102.
Mineral Resources (Sustainable Development) Act 1990 — No. 97.
Mutual Recognition (Victoria) Act 1998 — No. 107.
Planning and Environment Act 1987 — No. 114.
Port Management Act 1995 — No. 105.
Public Health and Wellbeing Act 2008 — Nos. 88 and 89.
Residential Tenancies Act 1997 — No. 125.
Retail Leases Act 2003 — No. 99.
Road Safety Act 1986 — Nos. 98, 106, 129 and 130.
Subordinate Legislation Act 1994 — Nos. 80 and 95.
Surveillance Devices Act 1999 — No. 117.
Terrorism (Community Protection) Act 2003 — No. 91.
Trans-Tasman Mutual Recognition (Victoria) Act 1998 — No. 108.
Victorian Energy Efficiency Target Act 2007 — No. 93.
Wildlife Act 1975 — No. 87.
- Subordinate Legislation Act 1994 —
Documents under section 15 in relation to —
Orders under the Occupational Health and Safety Act 2004 relating to the
Managing exposure to crystalline silica, Engineered stone compliance
code.
Statutory Rule Nos. 55, 56, 70, 74, 77, 82, 85, 86, 88, 89, 90, 91, 92, 94, 95,
96, 98, 99, 100, 101, 102, 103, 104, 105, 106, 109, 110, 112, 113, 114, 115,
116, 117, 118, 119, 120, 121, 122, 123, 125, 126, 127, 128, 129, 130, 131,
132 and 133.
- Legislative Instruments and related documents under section 16B in respect
of —
Declaration of the Great Ocean Road Coast and Parks under the Great
Ocean Road and Environs Protection Act 2020.
Exemption Order under section 120W of the Electricity Safety Act 1998.
General Exemption Order 2022 under section 17 of the Electricity Industry
Act 2000.
Ministerial Order No. 1388 – Teaching Service (Employment Conditions,
Salaries, Allowances, Selection and Conduct) Order 2022 under the
Education and Training Reform Act 2006.
Ministerial Order on licensee record keeping under section 18D of the
Liquor Control Reform Act 1998.
Municipal Association of Victoria Rules under the Municipal Association
Act 1907.

Secretary Approval, Nurse Immunisers – SARS-CoV-2 (COVID-19) VACCINE, under the Drugs, Poisons and Controlled Substances Act 1981.

Secretary Approval, Pharmacist Immunisers – SARS-CoV-2 (COVID-19) VACCINE, under the Drugs, Poisons and Controlled Substances Act 1981.

Victorian Duty of Candour Guidelines under the Health Services Act 1988.

Suburban Rail Loop Authority — Report, 2021-22.

Surveillance Devices Act 1999 — Reports, 2021-22, under section 30L, by the — Australian Criminal Intelligence Commission.

Game Management Authority.

Victorian Fisheries Authority.

Surveyors Registration Board of Victoria — Minister's report of receipt of the 2021-22 Report.

Sustainability Victoria — Report, 2021-22.

Swan Hill District Health — Report, 2021-22.

Tallangatta Health Service — Report, 2021-22.

Terang and Mortlake Health Service — Report, 2021-22.

Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian Inspectorate on Victoria Police records inspected in February 2022, under section 37D of the Act.

Timboon and District Healthcare Service — Report, 2021-22.

Treasury and Finance Department — Report, 2021-22.

Tweddle Child and Family Health Service — Report, 2021-22.

V/Line Corporation — Report, 2021-22.

Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of the 2021-22 Report.

VicForests — Report, 2021-22.

Victims of Crime Assistance Tribunal — Report, 2021-22.

Victims of Crime Commissioner — Report, 2021-22.

Victoria Legal Aid — Report, 2021-22.

Victoria State Emergency Service Authority (SES) — Report, 2021-22.

Victoria's Mental Health Services — Report, 2021-22.

Victorian Arts Centre Trust — Report, 2021-22.

Victorian Assisted Reproductive Treatment Authority — Report, 2021-22.

Victorian Civil and Administrative Tribunal (VCAT) — Report, 2021-22.

Victorian Disability Worker Commission and Disability Worker Registration Board of Victoria — Report, 2021-22.

Victorian Electoral Commission — Report, 2021-22.

Victorian Environmental Assessment Council — Report, 2021-22.

Victorian Environmental Water Holder — Report, 2021-22.

Victorian Equal Opportunity and Human Rights Commission —

2021 Report on the Operation of the Charter of Human Rights and Responsibilities (*Ordered to be published*).

Report, 2021-22 (*Ordered to be published*).

Victorian Fisheries Authority — Report, 2021-22.

Victorian Funds Management Corporation (VFMC) — Report, 2021-22.

Victorian Health Promotion Foundation (VicHealth) — Report, 2021-22.

- Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — Guidelines No. 1/2022, effective 26 November 2022, under section 36 of the Act.
- Victorian Inspectorate —
Report, 2021-22.
Special report on IBAC’s referral and oversight of Emma’s complaints about Victoria Police’s response to family violence by a police officer, October 2022 (*released on 11 October 2022 – a non-sitting day*) (*Ordered to be published*).
- Victorian Institute of Forensic Medicine — Report, 2021-22.
- Victorian Institute of Sport Trust — Report, 2021-22.
- Victorian Institute of Teaching — Report, 2021-22.
- Victorian Law Reform Commission — Report, 2021-22 (*Ordered to be published*).
- Victorian Legal Services Board and Legal Services Commissioner — Report, 2021-22 (*Ordered to be published*).
- Victorian Marine and Coastal Council — Report, 2021-22.
- Victorian Multicultural Commission — Report, 2021-22.
- Victorian Pharmacy Authority — Minister’s report of receipt of the 2021-22 Report.
- Victorian Planning Authority — Report, 2021-22.
- Victorian Plantations Corporation — Report, 2021-22.
- Victorian Registration and Qualifications Authority — Report, 2021-22.
- Victorian Responsible Gambling Foundation — Report, 2021-22.
- Victorian Small Business Commission — Report, 2021-22 (*Ordered to be published*).
- Victorian Strawberry Industry Development Committee — Minister’s report of receipt of the 2021-22 Report.
- Wannon Region Water Corporation — Report, 2021-22.
- West Gippsland Catchment Management Authority — Report, 2021-22.
- West Gippsland Healthcare Group — Report, 2021-22.
- West Wimmera Health Service (WWHS) — Report, 2021-22.
- Western District Health Service — Report, 2021-22.
- Western Health — Report, 2021-22.
- Westernport Region Water Corporation — Report, 2021-22.
- Wimmera Catchment Management Authority — Report, 2021-22.
- Witness Protection Act 1991 — Report, 2021-22 by Victoria Police, under section 20R of the Act.
- Yarram and District Health Service — Report, 2021-22.
- Yarrawonga Health — Report, 2021-22.
- Yea and District Memorial Hospital — Report, 2021-22.
- Youth Parole Board — Report, 2021-22.
- Zoological Parks and Gardens Board (Zoos Victoria) — Report, 2021-22.

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PROCLAMATIONS — The Clerk tabled proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

- Agriculture Legislation Amendment Act 2022 — Part 1, Part 2, Part 3 (except sections 31, 32, 33, 34, 35, 36, 37, 38 and 49), Part 5 (except sections 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88), Part 7 (except sections 112, 113, 114, 115 and 135) and Part 10 — 1 October 2022; Part 6 — 31 October 2022; and Part 4,

the remaining provisions of Part 5, Part 11 and Part 12 — 1 January 2023 (*Gazette S506, 27 September 2022*).

Circular Economy (Waste Reduction and Recycling) Act 2021 — Divisions 1, 2, 3 (other than section 87), 4 (other than section 88), 6, 8 and 11 of Part 6 and section 111 — 27 September 2022; and Division 5 of Part 6 — 1 March 2023 (*Gazette S506, 27 September 2022*).

The Clerk tabled proclamations of the Lieutenant-Governor in Council fixing operative dates in respect of the following Acts:

Education Legislation Amendment (Adult and Community Education and Other Matters) Act 2022 — Section 54 — 21 September 2022 (*Gazette S489, 20 September 2022*).

Gambling and Liquor Legislation Amendment Act 2022 — Part 4 — 4 October 2022 (*Gazette S489, 20 September 2022*).

Liquor Control Reform Amendment Act 2021 — Sections 4(4)(a), 5, 7, 14 and 56 — 27 September 2022 (*Gazette S489, 20 September 2022*).

Monitoring of Places of Detention by the United Nations Subcommittee on Prevention of Torture (OPCAT) Act 2022 — Whole Act — 11 October 2022 (*Gazette S540, 11 October 2022*).

Public Health and Wellbeing Amendment Act 2022 — Sections 4, 10, 11, 12, 13, 16, 17, 18 and 19 — 1 October 2022; and Section 9 — 1 January 2023 (*Gazette S489, 20 September 2022*).

Road Safety Legislation Amendment Act 2022 — Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 — 5 October 2022 (*Gazette S524, 4 October 2022*).

Victims of Crime (Financial Assistance Scheme) Act 2022 — Sections 1 and 2 and Division 6 of Part 8 — 31 October 2022 (*Gazette S524, 4 October 2022*).

- 20 MEAL BREAK** — Ordered — That the meal break scheduled for this day be suspended.
- 21 SITTING OF THE COUNCIL** — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 7 February 2023.

Question — put and agreed to.

- 22 RECEPTION OF THE PRESIDENT BY THE GOVERNOR** — The President reported that he, accompanied by members of the Council, had presented to the Governor as the choice for President of the Legislative Council, and that the Governor had addressed him as follows:

President

I have pleasure in congratulating you on your election to the high and distinguished office of President of the Legislative Council.

The able manner in which you have discharged the duties you have undertaken during your parliamentary career is recognised by the members of the Legislative Council who in their wisdom have selected you as their President.

I have confidence that you will fulfil the duties of this important office and hold fast to its traditions and customs.

- 23 COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The President announced the receipt of a Commission from the Governor, which was read by the Clerk, and is as follows:

BY HER EXCELLENCY THE HONOURABLE LINDA DESSAU AC
GOVERNOR OF VICTORIA
TO THE HONOURABLE SHAUN LEANE
PRESIDENT OF THE LEGISLATIVE COUNCIL OF VICTORIA

GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, from time to time, in the Parliament Houses, Melbourne, to administer the prescribed Oath or Affirmation of allegiance to any Member of the Legislative Council who has not already taken and subscribed the same since his or her election to the Legislative Council.

GIVEN under my hand and the Seal of Victoria on this 20th day of December 2022.

(L.S.)

LINDA DESSAU
Governor

By Her Excellency's Command
DANIEL ANDREWS MP
Premier

24 ADDRESS IN REPLY TO GOVERNOR'S SPEECH — The President reported the Governor's speech on the Opening of Parliament.

Michael Galea moved, That this House agrees to the following address to the Governor in reply to the Governor's speech:

GOVERNOR

We, the Legislative Council of Victoria assembled in Parliament, express our loyalty to Australia and the people of Victoria, and thank you for the speech which you have made to the Parliament.

We declare that we will faithfully carry out the important duties entrusted to us by the people of Victoria to advance the best interests of all sections of the community.

Jacinta Ermacora seconded the motion.

Debate ensued.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

25 ADJOURNMENT — Jaclyn Symes moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 7.23 pm until Tuesday, 7 February 2023.

ROBERT McDONALD
Clerk of the Legislative Council



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 2, 3 and 4

No. 2 — Tuesday, 7 February 2023

1 The President took the Chair at 12.04 pm, read the Prayer and made an Acknowledgement of Country.

2 **THE LATE HONOURABLE JOHN MICHAEL LANDY AC, CVO, MBE** — Jaclyn Symes moved, That this House expresses its sincere sorrow at the death, on 24 February 2022, of the Honourable John Michael Landy AC, CVO, MBE, and places on record its acknowledgement of the valuable services rendered by him to the people of Victoria as Governor of Victoria from 2001 to 2006.

Other members addressed the House.

Members rose in their places for one minute's silence as a mark of respect and the question was agreed to unanimously.

As a further mark of respect, the sitting was suspended for one hour.

[Sitting suspended from 12.17 pm to 1.20 pm]

3 **QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Foster carer allowance KPMG report (QwN 11)** — substantive and supplementary questions asked by Matthew Bach — response from Lizzie Blandthorn due Wednesday, 8 February 2023.
- **Duck hunting season 2023 (QwN 15)** — substantive and supplementary questions asked by Jeff Bourman — response from Harriet Shing due Thursday, 9 February 2023.

- **Births, Deaths and Marriages Registry Office (QwN 16)** — supplementary question asked by Georgie Crozier — response from Jaclyn Symes due Thursday, 9 February 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 4 ACTING PRESIDENTS** — The President laid on the Table the following Warrant nominating Acting Presidents:

LEGISLATIVE COUNCIL

VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council,
I hereby nominate —

Mrs Beverley McArthur

Ms Sonja Terpstra

to be an Acting President whenever requested to do so by the President or
Deputy President.

Given under my hand on 7 February 2023.

SHAUN LEANE

President of the Legislative Council

- 5 BAIL AMENDMENT (REDUCING PRE-TRIAL IMPRISONMENT OF WOMEN, ABORIGINAL AND VULNERABLE PERSONS) BILL 2023** — Samantha Ratnam introduced *A Bill for an Act to amend the Bail Act 1977 to simplify the process for making bail decisions, to make related amendments to that Act and for other purposes.*

On the motion of Samantha Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 6 PAPERS** —

PAPERS PRESENTED BY DIRECTION OF THE GOVERNOR — Jaclyn Symes presented, by direction of the Governor, the:

Magistrates' Court of Victoria Report, 2021-22 (*Ordered to be tabled*).

Supreme Court of Victoria Report, 2021-22 (*Ordered to be tabled*).

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PAPER PRESENTED BY ORDER OF THE COUNCIL — Jaclyn Symes, by leave, presented the Judicial Commission of Victoria Report, 2021-22 (*Ordered to be tabled*).

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PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Australian Criminal Intelligence Commission — Chair of the Board of the Australian Criminal Intelligence Commission — Report, 2020-21.

Benalla Health — Report, 2021-22.

Casterton Memorial Hospital — Report, 2021-22.

Caulfield Racecourse Reserve Trust — Minister's report of receipt of the 2021-22 Report.

Central Highlands Rural Health — Report, 2021-22.

Crown Land (Reserves) Act 1978 —

Order of 11 January 2023 giving approval to the granting of a lease at Yarra Bend Park.

Order of 11 January 2023 giving approval to the granting of a lease and licence at Mount Doboobetic Bushland Reserve.

Order of 23 January 2023 giving approval to the granting of a licence at Point Cook Coastal Park.

Dhelkaya Health — Report, 2021-22.

Drugs, Poisons and Controlled Substances Act 1981 — Documents under section 12H in relation to —

Minister's Notice of preparation of amendment to the Poisons Code.
Poisons Code.

Therapeutic Goods (Poisons Standard—February 2023) Instrument 2022, that the Poisons Code incorporates by reference.

Education and Care Services National Law Act 2010 —

Education and Care Services National Amendment Regulations 2022, under section 303 of the Act.

National Education and Care Services Freedom of Information Commissioner, Privacy Commissioner and Ombudsman — Report, 2021-22.

Financial Management Act 1994 —

Minister for Industry and Innovation's report that the Department of Jobs, Precincts and Regions Report, 2021-22 has not been received, together with an explanation for the delay, under section 46(3)(a) of the Act.

Victorian Budget 2022-23 Quarterly Financial Report No. 1 (*released on 23 December 2022 – a non-sitting day*) (*Ordered to be published*).

Gippsland Southern Health Service — Report, 2021-22.

Grampians Health — Report, 2021-22.

Kilmore District Health — Report, 2021-22.

Kyabram District Health Service — Report, 2021-22.

Land Tax Act 2005 — Treasurer's Report for 1 July 2021 to 30 June 2022 of Land Tax Absentee Owner Surcharge Exemptions, under sections 3B and 3BA of the Act.

Omeo District Health — Report, 2021-22.

Peter MacCallum Cancer Centre — Report, 2021-22.

Planning and Environment Act 1987 —

Infrastructure Contributions and Development Contribution Levies — Report, 2021-22, under section 46GZJ of the Act.

Notices of approval of the —

Ararat Planning Scheme — Amendment C42.

Boroondara Planning Scheme — Amendments C390 and C393.

Cardinia Planning Scheme — Amendment C270.

Darebin Planning Scheme — Amendments C170, C203 and C212.

Glenelg Planning Scheme — Amendment C106.

Greater Bendigo Planning Scheme — Amendment C271.

Hume Planning Scheme — Amendment C253.

Manningham Planning Scheme — Amendment C133.

Mansfield Planning Scheme — Amendment C48 (Part 1).

Melbourne Planning Scheme — Amendments C420, C422, C445 and C446.

Moreland Planning Scheme — Amendment C227.

Port Phillip Planning Scheme — Amendments C184 and C204.

Surf Coast Planning Scheme — Amendment C133.

Towong Planning Scheme — Amendment C37.

Whittlesea Planning Scheme — Amendment C270.

Statutory Rules under the following Acts of Parliament —

County Court Act 1958 — No. 131/2022.

Health Practitioner Regulation National Law Act 2009 — No. 1/2023.

Health Practitioner Regulation National Law — No. 2/2023.

Independent Broad-based Anti-corruption Commission Act 2011 — No. 3/2023.

Land Conservation (Vehicle Control) Act 1972 — No. 6/2023.

Magistrates' Court Act 1989 — No. 134/2022.

Public Interest Monitor Act 2011 — No. 4/2023.

Supreme Court Act 1986 — Nos. 132/2022 and 133/2022.

Victorian Inspectorate Act 2011 — No. 5/2023.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 97/2021, 153/2021, 171/2021, 37/2022, 81/2022, 93/2022, 111/2022, 124/2022, 134/2022, 3/2023, 4/2023, 5/2023 and 6/2023.

Victorian Institute of Forensic Mental Health (Forensicare) — Report, 2021-22.

Victorian Public Sector Commission — Report, 2021-22.

7 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 8 February 2023 —

- (1) order of the day No. 3, second reading of the Children, Youth and Families Amendment (Raise the Age) Bill 2022;
- (2) order of the day No. 6, second reading of the Parliamentary Committees Amendment (Preventing Government Dominated Investigatory Committees) Bill 2022;
- (3) notice of motion No. 3 standing in Georgie Crozier's name on the production of documents relating to the staff shortages in the public health system;
- (4) order of the day No. 1, resumption of debate on the second reading of the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2022;
- (5) order of the day No. 2, resumption of debate on the second reading of the Independent Broad-based Anti-corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022;
- (6) notice of motion No. 11 standing in Samantha Ratnam's name on the group voting system;
- (7) notice of motion given this day by Jeff Bourman on the native timber industry; and the resumption of debate on the address in reply to the Governor's speech be postponed until Thursday, 9 February 2023.

Question — put and agreed to.

8 MEMBERS' STATEMENTS — Members made statements.

9 ADDRESS IN REPLY TO GOVERNOR'S SPEECH — Debate resumed on the question, That this House agrees to the address to the Governor in reply to the Governor's speech (*for address see item 24 on page 28, Minutes No. 1 — Tuesday, 20 December 2022*).

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

10 SESSIONAL ORDERS — Jaclyn Symes moved, That until the end of the Session, unless otherwise ordered by the Council —

(1) The following Sessional Orders be adopted, to come into operation on the next sitting day:

1. Interruption of debate — Messages

In Standing Order 4.07(7) for “will” substitute “may”.

2. Order of business

Standing Orders 5.02(2) and (3) are suspended and the following order of business will apply on Wednesday —

Messages

Formal business

Members’ statements (up to 15 members)

General business

At 12.00 noon Questions

General business (until 5.15 pm)

At 5.15 pm Statements on tabled papers and petitions (30 minutes)

Petitions (qualifying for debate) (30 minutes)

Government business (maximum 60 minutes)

At 7.15 pm Adjournment (up to 20 members)

3. Time limits

(1) Standing Order 5.03 Time limits — *Budget debate* is suspended and the following will apply:

Budget debate

Total time	No limit
Main Government lead speaker	30 minutes
Main Opposition lead speaker	30 minutes
Other lead speakers	30 minutes
Remaining speakers	15 minutes

(2) Standing Order 5.03 Time limits — *General business (Standing Order 5.07)* is suspended and the following will apply:

General business (Standing Order 5.07)

Total time	90 minutes
Mover/Sponsor	20 minutes
Lead speakers	10 minutes
Remaining speakers	10 minutes
Mover/Sponsor, in reply	5 minutes

(3) In Standing Order 5.03 Time limits, insert the following:

Private member bills — second reading debate

Total time	No limit
Mover/Sponsor	30 minutes
Main Government lead speaker	30 minutes
Other lead speakers	30 minutes
Remaining speakers	15 minutes

(4) Standing Order 5.03 Time limits — *Government bills — second reading debate* is suspended and the following will apply:

Government bills — second reading debate

Total time	No limit
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Main Government lead speaker	30 minutes
Main Opposition lead speaker	30 minutes
Other lead speakers	30 minutes
Remaining speakers	15 minutes

- (5) Standing Order 5.03 Time limits — *Government business (Standing Order 5.06)* is suspended and the following will apply:

Government business (Standing Order 5.06)

Total time	No limit
Main Government lead speaker	30 minutes
Main Opposition lead speaker	30 minutes
Other lead speakers	30 minutes
Remaining speakers	15 minutes

- (6) Standing Order 5.03 Time limits — *Statements on tabled papers and petitions (Standing Order 9.10)* is suspended and the following will apply:

Statements on tabled papers and petitions (Standing Order 9.10)

Total time	30 minutes (<i>a member with the call at the expiration of the total time will be permitted to complete their contribution</i>)
Each member	5 minutes

4. Disorderly conduct — Member ordered to withdraw: application during questions without notice

Notwithstanding Standing Order 13.03(2), if —

- (1) a member is ordered to withdraw from the House under Standing Order 13.03(1) during questions without notice; and
- (2) the time for questions without notice concludes before the expiration of the suspension period —

the member may return to the Chamber at the conclusion of question time and must serve the remainder of their suspension during the next occurrence of questions without notice.

- (2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.
- (3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Debate ensued.

Georgie Crozier moved, as an amendment, That before Sessional Order 4, **insert** the following new Sessional Order:

'X. Ministers' statements

Standing Order 8.04(3) is suspended and the following will apply:

At the conclusion of formal business, and prior to members' statements under Standing Order 5.13 (where applicable), up to four Ministers may seek the call to make a Minister's statement of up to two minutes each, to advise the House of new Government initiatives, projects, and achievements.

In Standing Order 8.04(4), **omit** the words "and four Ministers' statements have been made".'.

Debate ensued.

Samantha Ratnam moved, as an amendment, That in paragraph (1), after Sessional Order 3, **insert** the following new Sessional Order:

'X. Presenting a petition

In Standing Order 11.03(10)(i) for "10,000" substitute "5,000".'

Debate ensued.

Question — That the amendment moved by Samantha Ratnam be agreed to — put.

The Council divided — The President in the Chair.

AYES, 10

Jeff Bourman; Katherine Copsey; David Ettershank; David Limbrick; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 28

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Tom McIntosh; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Question — That the amendment moved by Georgie Crozier be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Rikkie-Lee Tyrrell.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 23

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Original question — put and agreed to.

11 ADJOURNMENT — Jaclyn Symes moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.56 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 3 — Wednesday, 8 February 2023

1 The President took the Chair at 9.34 am, read the Prayer and made an Acknowledgement of Country.

2 **ROAD SAFETY AMENDMENT (MEDICINAL CANNABIS) BILL 2023** — David Ettershank introduced *A Bill for an Act to amend the Road Safety Act 1986 to provide that prescription medicinal cannabis that does not impair driving is to be treated in the same manner as other prescription drugs and for other purposes.*

On the motion of David Ettershank, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

3 **MEMBERS' STATEMENTS** — Members made statements.

4 **CHILDREN, YOUTH AND FAMILIES AMENDMENT (RAISE THE AGE) BILL 2022** — Samantha Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Samantha Ratnam moved, That the Bill be now read a second time.

On the motion of Jaclyn Symes, the debate was adjourned for two weeks.

5 **PARLIAMENTARY COMMITTEES AMENDMENT (PREVENTING GOVERNMENT DOMINATED INVESTIGATORY COMMITTEES) BILL 2022** — Samantha Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Samantha Ratnam moved, That the Bill be now read a second time.

On the motion of Jaclyn Symes, the debate was adjourned for two weeks.

6 **PRODUCTION OF DOCUMENTS — STAFF SHORTAGES IN THE PUBLIC HEALTH SYSTEM** — Georgie Crozier moved, That this House, in accordance with Standing Order 10.01, requires the Leader of the Government to table in the Council, within 14 calendar days of the House agreeing to this resolution, a copy of any and all briefings provided by the Department of Health or any other department, agency, or public official to the Minister for Health and/or the Premier, from 1 July 2022 to date, concerning staff shortages in the public health system.

Debate ensued.

Question — put and agreed to.

7 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (RESTORATION OF EXAMINATION POWERS) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

8 **QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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ANSWERS TAKEN INTO CONSIDERATION — On the motion of David Davis, the answers given by Harriet Shing to questions relating to Maribyrnong River Flood Review Chair (QwN 20) were ordered to be taken into consideration on the next day of meeting.

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Duck hunting season (QwN 19)** — substantive and supplementary questions asked by Georgie Purcell — response from Harriet Shing due Friday, 10 February 2023.
- **Maribyrnong River Flood Review Chair (QwN 20)** — substantive and supplementary questions asked by David Davis — response from Harriet Shing due Thursday, 9 February 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 9 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (RESTORATION OF EXAMINATION POWERS) BILL 2022** — Debate continued on the question, That the Bill be now read a second time.

Samantha Ratnam (*SR123C*) circulated amendments proposed to be moved during Committee of the whole.

On the motion of Gaelle Broad, the debate was adjourned until later this day.

- 10 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (FACILITATION OF TIMELY REPORTING) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Gaelle Broad, the debate was adjourned until later this day.

- 11 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (RESTORATION OF EXAMINATION POWERS) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Gaelle Broad, the debate was adjourned until later this day.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of notice of motion, general business, No. 11, be postponed until later this day.

- 13 NATIVE TIMBER INDUSTRY** — Jeff Bourman moved, That this House —

(1) notes that —

- (a) the native timber industry will not last until 2030 as planned given the ongoing throttling of timber supply and the constant ‘green lawfare’;
- (b) the timber industry provides jobs both directly and downstream to rural and regional areas which need these jobs as our society urbanises;
- (c) trees are a renewable resource, they can and are replanted completing the cycle of life;
- (d) carbon is captured by new trees and trapped in harvested timber providing a vessel to store it; and

(2) calls on the Government to immediately mobilise all its available and appropriate resources to reinvigorate the timber industry and allow the industry to flourish and provide regional areas with security and a future.

Debate ensued.

On the motion of Bev McArthur, the debate was adjourned until later this day.

- 14 GROUP VOTING SYSTEM** — Samantha Ratnam moved, That this House —

(1) acknowledges that Victoria continues to be the only jurisdiction in Australia that uses the undemocratic group voting system to elect members to this place;

(2) notes that after the 2021 Western Australian state election, where a representative from the Daylight Saving Party was elected with 98 primary votes, the re-elected Western Australian Government initiated an independent review of the state's electoral system which recommended abolishing the group voting system;

and calls on the Government to show similar leadership and urgently establish an independent expert panel to review Victoria's undemocratic group voting system and make recommendations to Parliament on options for reform.

Debate ensued.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

15 BUSINESS POSTPONED — Ordered — That the consideration of the remaining notices of motion and orders of the day, general business, be postponed until later this day.

16 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

17 ADJOURNMENT — Lizzie Blandthorn moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.54 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 4 — Thursday, 9 February 2023

1 The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

2 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Emerald Tourist Railway Board (Puffing Billy Railway) — Report, 2021-22.

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Primary Returns, 16 January 2023 (*Ordered to be published*).

Mine Land Rehabilitation Authority — Report, 2021-22.

Racing Integrity Commissioner — Report, 2021-22.

Victorian Racing Integrity Board — Report, 2021-22.

3 SITTING OF THE COUNCIL — Harriet Shing moved, That the Council, at its rising, adjourn until Tuesday, 21 February 2023.

Question — put and agreed to.

4 COMMITTEE MEMBERSHIP — Harriet Shing moved, by leave, That David Davis, David Limbrick, Sonja Terpstra and Sheena Watt be members of the Scrutiny of Acts and Regulations Committee.

Question — put and agreed to.

5 MEMBERS' STATEMENTS — Members made statements.

- 6 ADDRESS IN REPLY TO GOVERNOR'S SPEECH** — Debate resumed on the question, That this House agrees to the address to the Governor in reply to the Governor's speech (*for address see item 24 on page 28, Minutes No. 1 — Tuesday, 20 December 2022*).
Business interrupted at 12.00 noon.

7 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Pill testing trial (QwN 28)** — substantive and supplementary questions asked by Aiv Puglielli — response from Jaclyn Symes due Monday, 13 February 2023.
- **Foster carer allowance – KPMG report (QwN 29)** — substantive question asked by Matthew Bach — response from Lizzie Blandthorn due Friday, 10 February 2023.
- **National Firearms Registry (QwN 30)** — substantive and supplementary questions asked by Jeff Bourman — response from Enver Erdogan due Monday, 13 February 2023.

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QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE — The President directed a minister to provide a further written response to a question without notice pursuant to Standing Order 8.07 as follows:

- **Maribyrnong River Flood Review Chair (QwN 20)** — supplementary question asked by David Davis on Wednesday, 8 February 2023 — response from Harriet Shing due Friday, 10 February 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 8 ADDRESS IN REPLY TO GOVERNOR'S SPEECH** — Debate continued on the question, That this House agrees to the address to the Governor in reply to the Governor's speech (*for address see item 24 on page 28, Minutes No. 1 — Tuesday, 20 December 2022*).
On the motion of Sheena Watt, the debate was adjourned until later this day.

- 9 BUILDING AND PLANNING LEGISLATION AMENDMENT BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993, the Architects Act 1991, the Surveying Act 2004 and the Planning and Environment Act 1987 and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn (for Harriet Shing), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for David Davis), the debate was adjourned for one week.

10 RACING AMENDMENT (UNAUTHORISED ACCESS) BILL 2022 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Racing Act 1958 to prohibit unauthorised access to certain areas of race-courses during race-meetings and official trial meetings and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn (for Enver Erdogan), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, the debate was adjourned for one week.

11 ADJOURNMENT — Lizzie Blandthorn moved, That the House do now adjourn.
Debate ensued.

The Council adjourned at 5.55 pm until Tuesday, 21 February 2023.

ROBERT McDONALD
Clerk of the Legislative Council



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 5, 6 and 7

No. 5 — Tuesday, 21 February 2023

1 The President took the Chair at 12.02 pm, read the Prayer and made an Acknowledgement of Country.

2 **QUESTION TIME —**

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Legal and Social Issues Committee Report on criminal justice system — Government response (QwN 35)** — substantive question asked by Matthew Bach — response from Enver Erdogan due Wednesday, 22 February 2023.
- **Homelessness (QwN 36)** — substantive and supplementary questions asked by David Ettershank — response from Lizzie Blandthorn due Thursday, 23 February 2023.
- **Traffic cameras (QwN 38)** — substantive and supplementary questions asked by David Limbrick — response from Harriet Shing due Thursday, 23 February 2023.
- **Short stay properties regulation (QwN 40)** — substantive and supplementary questions asked by Sarah Mansfield — response from Enver Erdogan due Thursday, 23 February 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

3 **PUBLIC HEALTH AND WELLBEING AMENDMENT (HEALTH SERVICES PERFORMANCE TRANSPARENCY AND ACCOUNTABILITY) BILL 2023 —** Georgie Crozier introduced *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 to require the reporting of data relating to the performance of health services and for other purposes.*

On the motion of Georgie Crozier, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 4 SUSTAINABLE FORESTS (TIMBER) AMENDMENT (END NATIVE FOREST LOGGING) BILL 2023** — Samantha Ratnam introduced *A Bill for an Act to amend the Sustainable Forests (Timber) Act 2004 to prohibit the logging of native forests, to repeal the Forests (Wood Pulp Agreement) Act 1996 and for other purposes.*

On the motion of Samantha Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 5 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:

Crown Land (Reserves) Act 1978 — Order of 14 February 2023 giving approval to the granting of a licence at Birrarung Park.

Interpretation of Legislation Act 1984 — Notices under section 32(3)(a)(iii) in relation to —

Statutory Rule No. 120/2022 (*Gazette G5, 2 February 2023*).

Statutory Rule No. 171/2021 (*Gazette G7, 16 February 2023*).

Ombudsman — Good Practice Guide: Complaint handling in a crisis, February 2023 (*released on 16 February 2023 – a non-sitting day*) (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of approval of the —

Benalla Planning Scheme — Amendment C44.

Boroondara Planning Scheme — Amendment C389.

Brimbank Planning Scheme — Amendment C236.

Greater Bendigo Planning Scheme — Amendment C277.

Greater Shepparton Planning Scheme — Amendment C240.

Hobsons Bay Planning Scheme — Amendment C114.

Kingston Planning Scheme — Amendment C211.

Moorabool Planning Scheme — Amendment C100.

Moreland Planning Scheme — Amendment C225.

Stonnington Planning Scheme — Amendment C328.

Statutory Rules under the Road Safety Act 1986 — Nos. 7, 8 and 9.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 97/2022.

Legislative Instruments and related documents under section 16B in respect of the Essential Services Commission Act 2001 —

Electricity Distribution Code of Practice (Distributor Reporting Obligations) Amendment 2022.

Gas Distribution System Code of Practice (Unaccounted for Gas Benchmarks) Amendment 2022.

- 6 PRODUCTION OF DOCUMENTS — STAFF SHORTAGES IN THE PUBLIC HEALTH SYSTEM** —

The Clerk tabled a letter from the Attorney-General, dated 16 February 2023, in response to a resolution of the Council on 8 February 2023 (on the motion of Georgie Crozier), relating to staff shortages in the public health system, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

- 7 BUSINESS OF THE COUNCIL** — David Limbrick moved, by leave, That the following general business take precedence on Wednesday, 22 February 2023 —

(1) order of the day No. 1, second reading of the Road Safety Amendment (Medicinal Cannabis) Bill 2023;

- (2) notice of motion No. 13 standing in Georgie Crozier's name referring matters relating to the state's preparedness for and response to Victoria's major flooding event of October 2022 to the Environment and Planning Committee;
- (3) notice of motion No. 12 standing in David Limbrick's name referring matters relating to land transfer duty fees to the Economy and Infrastructure Committee;
- (4) notice of motion given this day by David Limbrick referring matters relating to drug harm reduction to the Legal and Social Issues Committee;
- (5) order of the day No. 7, resumption of debate on a motion moved by Samantha Ratnam relating to the group voting system;
- (6) order of the day No. 1, listed for a future day, resumption of debate on the second reading of the Children, Youth and Families Amendment (Raise the Age) Bill 2022; and the resumption of debate on the address in reply to the Governor's speech be postponed until Thursday, 23 February 2023.

Question — put and agreed to.

- 8 MEMBERS' STATEMENTS** — Members made statements.
- 9 ADDRESS IN REPLY TO GOVERNOR'S SPEECH** — Debate resumed on the question, That this House agrees to the address to the Governor in reply to the Governor's speech (*for address see item 24 on page 28, Minutes No. 1 — Tuesday, 20 December 2022*).
On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.
- 10 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining notices of motion and orders of the day, government business, be postponed until the next day of meeting.
- 11 ADJOURNMENT** — Enver Erdogan moved, That the House do now adjourn.
Debate ensued.
The Council adjourned at 5.58 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 6 — Wednesday, 22 February 2023

- 1** The President took the Chair at 9.35 am, read the Prayer and made an Acknowledgement of Country.
- 2 TÜRKIYE-SYRIA EARTHQUAKE TRAGEDY** — The President made a statement of condolence for the people of Türkiye and Syria impacted by the devastating earthquakes.
Members rose in their places for one minute's silence as a mark of respect.
- 3 ACTING PRESIDENT** — The President laid on the Table the following Warrant nominating an Acting President:

LEGISLATIVE COUNCIL

VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council,
I hereby nominate —

Mr John Berger

to be an Acting President whenever requested to do so by the President or Deputy President.

Given under my hand on 22 February 2023.

SHAUN LEANE

President of the Legislative Council

4 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Auditor-General — Regulating Private Pool and Spa Safety, February 2023 (*Ordered to be published*).

Independent Broad-based Anti-corruption Commission — Special report on Operation Clara, February 2023 (*Ordered to be published*).

Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017 —

Birrarung Council Report on the implementation of Burndap Birrarung Burndap Umarkoo — Yarra Strategic Plan 2022.

Burndap Birrarung Burndap Umarkoo — Yarra Strategic Plan, Report 2021-22 — Reporting on five months of implementation, from 24 February 2022.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 7, 8 and 9.

5 STATUTE LAW AMENDMENT BILL 2022 — Jaclyn Symes moved, by leave, That the Statute Law Amendment Bill 2022 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

Question — put and agreed to.

6 STANDING COMMITTEES PORTFOLIO ALLOCATIONS — Jaclyn Symes moved, by leave, That Departments (including agencies and public entities within those Departments) be allocated to standing committees as follows:

(1) Economy and Infrastructure Standing Committee —

Department of Jobs, Skills, Industry and Regions;

Department of Treasury and Finance;

Department of Transport and Planning for all matters falling within that Department, except for planning related matters;

(2) Environment and Planning Standing Committee —

Department of Energy, Environment and Climate Action;

Department of Government Services;

Department of Premier and Cabinet;

Department of Transport and Planning for all planning related matters;

(3) Legal and Social Issues Standing Committee —

Department of Education;

Department of Families, Fairness and Housing;

Department of Health; and

Department of Justice and Community Safety.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Members made statements.

8 ROAD SAFETY AMENDMENT (MEDICINAL CANNABIS) BILL 2023 — David Ettershank laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

David Ettershank moved, That the Bill be now read a second time.

On the motion of Jaclyn Symes, the debate was adjourned for two weeks.

9 ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO PREPAREDNESS FOR AND RESPONSE TO VICTORIA'S MAJOR FLOODING EVENT OF OCTOBER 2022 —

David Davis (for Georgie Crozier) moved, That this House requires the Environment and Planning Committee to inquire into, consider and report, by 30 June 2024, on the state's preparedness for and response to Victoria's major flooding event of October 2022 (the Flood Event), including but not limited to the —

- (1) causes of and contributors to the Flood Event;
- (2) adequacy and effectiveness of early warning systems;
- (3) resourcing of the State Emergency Service, the adequacy of its response to the Flood Event and the adequacy of its resourcing to deal with increasing floods and natural disasters in the future;
- (4) implementation and effectiveness of the 2016 Victorian Floodplain Management Strategy in relation to the Flood Event;
- (5) location, funding, maintenance and effectiveness of engineered structures, such as floodwalls, rural levees and culverts, as a flood mitigation strategy;
- (6) Flood Event as a whole, including but not limited to, the catchments and floodplains of the —
 - (a) Avoca River;
 - (b) Barwon River;
 - (c) Broken River;
 - (d) Campaspe River;
 - (e) Goulburn River;
 - (f) Loddon River;
 - (g) Maribyrnong River;
 - (h) Murray River;
- (7) the 2007 decision of the Minister for Planning to approve the construction of a flood wall around Flemington Racecourse and whether the growing impacts of climate change were considered;
- (8) the implications for future planning decisions including —
 - (a) how the Victorian planning framework can ensure climate mitigation is a consideration in future planning decisions;
 - (b) how corporate interests may influence decision-making at the expense of communities and climate change preparedness; and
- (9) any other related matters.

Debate ensued.

Question — put and agreed to.

10 ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO LAND TRANSFER DUTY FEES —

David Limbrick moved, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, within six months of the House agreeing to this resolution, on issues around land transfer duty fees and its instruments within the *Duties Act 2000*, including but not limited to —

- (1) analysing the current situation regarding the land transfer duty tax, and reviewing —
 - (a) impacts on labour and capital mobility;

- (b) revenue predictability;
 - (c) efficiency of resource allocation;
 - (d) effects on housing supply and development;
 - (e) overall tax efficiency;
- (2) examining potential alternatives to land transfer duty, assessing models from interstate and international jurisdictions, noting the pros and cons of various proposed or implemented solutions; and
- (3) any other related matters.

Debate ensued.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

11 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Duck hunting season (QwN 42)** — substantive and supplementary questions asked by Katherine Copsey — response from Harriet Shing due Friday, 24 February 2023.
- **Export of greyhounds (QwN 43)** — substantive and supplementary questions asked by Georgie Purcell — response from Enver Erdogan due Friday, 24 February 2023.
- **Drug harm reduction (QwN 46)** — substantive and supplementary questions asked by Aiv Puglielli — response from Jaclyn Symes due Friday, 24 February 2023.
- **Rivervue Retirement Village – Melbourne Water (QwN 47)** — supplementary question asked by David Davis — response from Harriet Shing due Thursday, 23 February 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

12 ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO LAND TRANSFER

DUTY FEES — Debate continued on the question, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, within six months of the House agreeing to this resolution, on issues around land transfer duty fees and its instruments within the *Duties Act 2000*, including but not limited to —

- (1) analysing the current situation regarding the land transfer duty tax, and reviewing —
- (a) impacts on labour and capital mobility;
 - (b) revenue predictability;
 - (c) efficiency of resource allocation;
 - (d) effects on housing supply and development;
 - (e) overall tax efficiency;
- (2) examining potential alternatives to land transfer duty, assessing models from interstate and international jurisdictions, noting the pros and cons of various proposed or implemented solutions; and
- (3) any other related matters.

Question — put and agreed to.

13 BUSINESS POSTPONED — Ordered — That the consideration of notice of motion, general business, No. 27, be postponed until later this day.

14 GROUP VOTING SYSTEM — Debate resumed on the question, That this House —

- (1) acknowledges that Victoria continues to be the only jurisdiction in Australia that uses the undemocratic group voting system to elect members to this place;
- (2) notes that after the 2021 Western Australian state election, where a representative from the Daylight Saving Party was elected with 98 primary votes, the re-elected Western Australian Government initiated an independent review of the state's electoral system which recommended abolishing the group voting system;

and calls on the Government to show similar leadership and urgently establish an independent expert panel to review Victoria's undemocratic group voting system and make recommendations to Parliament on options for reform.

Question — put and agreed to.

15 CHILDREN, YOUTH AND FAMILIES AMENDMENT (RAISE THE AGE) BILL 2022 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

16 LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO DRUG HARM REDUCTION — David Limbrick moved, That this House —

- (1) notes that —
 - (a) Melbourne will host the 27th International Harm Reduction Conference from 16 to 19 April 2023;
 - (b) despite the Government implementing some of the recommendations from the 2018 *Inquiry into Drug Law Reform*, there remains significant problems and opportunities;
- (2) requires the Legal and Social Issues Committee to inquire into, consider and report, within six months of the House agreeing to this resolution, on drug harm reduction policies, including —
 - (a) improvements in opioid substitution therapy service delivery;
 - (b) the establishment of a drug checking service;
 - (c) safe consumption sites and prescription hydromorphone program;
 - (d) nicotine harm reduction including e-cigarettes and their role in smoking cessation; and
 - (e) any other related matters.

Debate ensued.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

17 BUSINESS POSTPONED — Ordered — That the consideration of the remaining notices of motion and orders of the day, general business, be postponed until later this day.

18 SESSIONAL ORDER — COMMITTEE MEMBERSHIP — Jaclyn Symes moved, by leave, That until the end of the Session, unless otherwise ordered by the Council, the following Sessional Order be adopted, to come into operation immediately:

5. Standing Committees — membership

Standing Order 23.05(1) is suspended to the extent necessary to allow the following committees to consist of the following number of members:

- (1) Economy and Infrastructure Standing Committee will consist of nine members; and
- (2) Environment and Planning Standing Committee will consist of nine members.

Question — put and agreed to.

19 COMMITTEE MEMBERSHIP — Jaclyn Symes moved, by leave, That —

- (1) members be appointed to joint investigatory committees as follows:
 - (a) **Electoral Matters Committee** — David Ettershank, Evan Mulholland and Lee Tarlamis;
 - (b) **Integrity and Oversight Committee** — Ryan Batchelor;
 - (c) **Public Accounts and Estimates Committee** — Michael Galea, Nicholas McGowan and Bev McArthur;
 - (d) **Scrutiny of Acts and Regulations Committee** — Rachel Payne;
 - (e) **Dispute Resolution Committee** — Lizzie Blandthorn, David Davis, David Ettershank, Wendy Lovell and Jaclyn Symes;
 - (f) **House Committee** — Jeff Bourman, David Davis, Enver Erdogan, Rachel Payne and Ingrid Stitt;
- (2) members be appointed to Council committees as follows:
 - (a) **Privileges Committee** — Matthew Bach, Lizzie Blandthorn, Jeff Bourman, Georgie Crozier, Wendy Lovell, Harriet Shing and Gayle Tierney;
 - (b) **Procedure Committee** — President, Matthew Bach, Georgie Crozier, Enver Erdogan, Wendy Lovell, Jaclyn Symes and Sonja Terpstra;
 - (c) **Economy and Infrastructure Standing Committee** — John Berger, Katherine Copsey, David Davis, Jacinta Ermacora, David Limbrick, Bev McArthur, Tom McIntosh, Evan Mulholland and Georgie Purcell;
 - (d) **Environment and Planning Standing Committee** — Ryan Batchelor, Melina Bath, Moira Deeming, David Ettershank, Wendy Lovell, Samantha Ratnam, Sonja Terpstra, Rikkie-Lee Tyrrell and Sheena Watt; and
 - (e) **Legal and Social Issues Standing Committee** — Matthew Bach, Ryan Batchelor, Michael Galea, Trung Luu, Joe McCracken, Rachel Payne, Aiv Puglielli and Lee Tarlamis.

Question — put and agreed to.

20 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

21 ADJOURNMENT — Lizzie Blandthorn moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.57 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 7 — Thursday, 23 February 2023

- 1 The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.
- 2 **PETITION — AMEND THE HEALTH LEGISLATION (INFORMATION SHARING) BILL 2023** — David Limbrick presented a Petition bearing 10,790 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to amend the Health Legislation Amendment (Information Sharing) Bill 2023 to ensure that patient consent and privacy is maintained in line with the Australian Charter of Healthcare Rights (*Ordered to be tabled*).
The petition having received the required number of signatures, David Limbrick listed the petition for future debate during Petitions (qualifying for debate).
- 3 **PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:
 - Auditor-General — Results of 2021-22 Audits: Local Government, February 2023 (*Ordered to be published*).
 - Cladding Safety Victoria — Report, 2021-22.
 - Environment Protection Authority — Report, 2021-22.
 - Family Violence Protection Act 2008 — Report on the implementation of the Family Violence Multi-Agency Risk Assessment and Management Framework, 2021-22.
 - Portland District Health — Report, 2021-22.
 - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 11.
- 4 **SITTING OF THE COUNCIL** — Lizzie Blandthorn moved, That the Council, at its rising, adjourn until Tuesday, 7 March 2023.
Question — put and agreed to.
- 5 **MEMBERS' STATEMENTS** — Members made statements.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of order of the day, No. 1, for the resumption of debate on the motion for the address in reply to the Governor's speech and notices of motion, government business, Nos. 2 to 7, be postponed until later this day.
- 7 **BUILDING AND PLANNING LEGISLATION AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.
Business interrupted at 12.00 noon.
- 8 **QUESTION TIME** —
QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.
* * * * *
- ANSWERS TAKEN INTO CONSIDERATION** — Ordered that the following answers be taken into consideration on the next day of meeting —
 - On the motion of David Davis, the answer given by Gayle Tierney to a substantive question relating to agriculture grants (QwN 51).
 - On the motion of David Davis, the answer given by Gayle Tierney to a substantive question relating to training and skills grants (QwN 53).

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Hemp taskforce (QwN 50)** — substantive and supplementary questions asked by Rachel Payne — response from Gayle Tierney due Friday, 24 February 2023.
- **First Peoples' naming of significant places (QwN 52)** — substantive and supplementary questions asked by Aiv Puglielli — response from Jaclyn Symes due Monday, 27 February 2023.
- **Duck hunting season 2023 arrangements (QwN 55)** — substantive and supplementary questions asked by Jeff Bourman — response from Harriet Shing due Monday, 27 February 2023.
- **Economic benefit of foster carers (QwN 56)** — substantive question asked by Matthew Bach — response from Lizzie Blandthorn due Friday, 24 February 2023.

* * * * *

QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE — The President directed a minister to provide a further written response to a question without notice pursuant to Standing Order 8.07 as follows:

- **Duck hunting season 2023 (QwN 15)** — substantive question asked by Jeff Bourman on Tuesday, 7 February 2023 — response from Harriet Shing due Monday, 27 February 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

9 BUILDING AND PLANNING LEGISLATION AMENDMENT BILL 2022 — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

10 RACING AMENDMENT (UNAUTHORISED ACCESS) BILL 2022 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 29

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaele Broad; Georgie Crozier; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Tom McIntosh; Evan Mulholland; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 7

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 11 HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Health Services Act 1988 to establish a centralised electronic system to enable public hospitals and other specified health services to share specified patient health information, to make consequential amendments to the Health Records Act 2001 and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt (for Lizzie Blandthorn), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, the debate was adjourned for one week.

- 12 HUMAN SOURCE MANAGEMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the registration, use and management of human sources by Victoria Police, to provide for the external oversight of the use of human sources, to consequentially amend the Victoria Police Act 2013 and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for Matthew Bach), the debate was adjourned for one week.

13 ADJOURNMENT — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.52 pm until Tuesday, 7 March 2023.

ROBERT McDONALD
Clerk of the Legislative Council

Published under the authority of the Legislative Council, Parliament of Victoria

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 5, 6 and 7

BUILDING AND PLANNING LEGISLATION AMENDMENT BILL 2022

Committed Thursday, 23 February 2023

Clauses 1 to 40 — put and agreed to.

Bill reported without amendment.

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RACING AMENDMENT (UNAUTHORISED ACCESS) BILL 2022

Committed Thursday, 23 February 2023

Clauses 1 to 7 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 8, 9 and 10

No. 8 — Tuesday, 7 March 2023

1 The President took the Chair at 12.03 pm, read the Prayer and made an Acknowledgement of Country.

2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

On 28 February 2023 —

Building and Planning Legislation Amendment Act 2023

On 7 March 2023 —

Racing Amendment (Unauthorised Access) Act 2023.

3 **QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

PRESIDENT'S RULING TAKEN INTO CONSIDERATION — On the motion of David Davis, the ruling made by the President in relation to questions asked by David Davis and directed to Jaclyn Symes relating to an IBAC Commissioner letter (QwN 57) was ordered to be taken into consideration on the next day of meeting.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to questions without notice pursuant to Standing Order 8.07 as follows:

- **Recreational duck hunting advice (QwN 62)** — substantive and supplementary questions asked by Jeff Bourman — response from Harriet Shing due Thursday, 9 March 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

4 **PUBLIC ADMINISTRATION AND PLANNING LEGISLATION AMENDMENT (CONTROL OF LOBBYISTS) BILL 2023** — David Davis introduced *A Bill for an Act to amend the Public*

Administration Act 2004 and the Victorian Planning Authority Act 2017 to provide more control over lobbyists.

On the motion of David Davis, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

5 PAPERS —

COMMITTEE REPORT — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 1 of 2023 (including Appendices and Extracts of Proceedings) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT —

Pursuant to section 27 of the *Parliamentary Budget Officer Act 2017*, on behalf of the Public Accounts and Estimates Committee, Nicholas McGowan tabled the Parliamentary Budget Office's Report of operations for the Victorian 2022 general election.

* * * * *

Pursuant to section 28 of the *Parliamentary Budget Officer Act 2017*, on behalf of the Public Accounts and Estimates Committee, Nicholas McGowan tabled the Parliamentary Budget Office Report, 2021-22.

* * * * *

The Clerk tabled the following papers:

Local Government Act 2020 — Commission of Inquiry into Moira Shire Council (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of approval of the —

Frankston Planning Scheme — Amendment C140.

Greater Geelong Planning Scheme — Amendment C431.

Melbourne Planning Scheme — Amendment C413.

Stonnington Planning Scheme — Amendment C329.

Victoria Planning Provisions — Amendment VC215.

Yarra Planning Scheme — Amendment C313.

Safe Drinking Water Act 2003 — Drinking water quality in Victoria — Report, 2021-22.

Statutory Rules under the following Acts —

Port Management Act 1995 — No. 13.

Residential Tenancies Act 1997 — No. 10.

Victorian Civil and Administrative Tribunal Act 1998 — No. 12.

Water Industry Act 1994 — No. 11.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 12.

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PAPER PRESENTED UNDER STANDING ORDERS —

The Clerk tabled the President's Report on overdue government responses to standing committee reports, as at 28 February 2023.

6 BUSINESS OF THE COUNCIL —

Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 8 March 2023 —

- (1) order of the day No. 2, second reading of the Public Health and Wellbeing Amendment (Health Services Performance Transparency and Accountability) Bill 2023;
- (2) order of the day made this day, second reading of the Public Administration and Planning Legislation Amendment (Control of Lobbyists) Bill 2023;
- (3) order of the day No. 1, listed for a future day, resumption of debate on the second reading of the Road Safety Amendment (Medicinal Cannabis) Bill 2023;
- (4) notice of motion given this day by Georgie Crozier on the production of documents relating to briefs to the Assistant Treasurer on the banking and financial services contract;
- (5) order of the day No. 6, resumption of debate on the second reading of the Independent Broad-based Anti-corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022;
- (6) order of the day No. 5, resumption of debate on the second reading of the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2022;
- (7) notice of motion No. 19 standing in Bev McArthur's name establishing a Joint Committee to inquire into road trauma and road safety;
and the resumption of debate on the address in reply to the Governor's speech be postponed until Thursday, 9 March 2023.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Members made statements.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of order of the day No. 1, for the resumption of debate on the motion for the address to the Governor in reply to the Governor's speech, and notices of motion, government business, Nos. 2 to 7, be postponed until later this day.

- 9 STATUTE LAW AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill transmitted to the Assembly with a Message requesting their agreement.

- 10 LOCAL GOVERNMENT (MOIRA SHIRE COUNCIL) BILL 2023** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to dismiss the Moira Shire Council, to provide for a second general election for the Moira Shire Council, to make consequential amendments to the Local Government Act 2020 and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn, the Bill was read a first time.

Pursuant to Standing Order 14.35, Lizzie Blandthorn declared the Bill to be an urgent bill and moved, That the Bill be treated as an urgent bill.

Question — put and agreed to.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

Debate ensued.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 11 HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Georgie Crozier (*GC37C, GC38C and GC43C*) circulated amendments proposed to be moved during Committee of the whole.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

- 12 ADJOURNMENT** — Harriet Shing moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.17 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 9 — Wednesday, 8 March 2023

- 1** The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.

- 2 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:

Crimes (Assumed Identities) Act 2004 — Reports, 2021-22, under section 31, by — Australian Criminal Intelligence Commission.
Victoria Police.

Evidence (Miscellaneous Provisions) Act 1958 — Reports, 2021-22, under section 42BI, by — Australian Criminal Intelligence Commission.
Victoria Police.

Office of the Victorian Information Commissioner (OVIC) — Process versus Outcome: Investigation into VicForests' handling of a series of FOI requests (*Ordered to be published*).

Surveillance Devices Act 1999 — Reports, 2021-22, under section 30L, by — Department of Environment, Land, Water and Planning.
Environment Protection Authority.
Office of the Special Investigator.
Victoria Police.

- 3 PETITIONS QUALIFYING FOR DEBATE — ANTICIPATION RULE** — David Limbrick moved, by leave, That Standing Order 12.17 be suspended to the extent necessary to allow the debate on the question, That the petition titled Amend the Health Legislation (Information Sharing) Bill 2023 be taken into consideration, to occur today.

Question — put and agreed to.

- 4 MEMBERS' STATEMENTS** — Members made statements.

- 5 PUBLIC HEALTH AND WELLBEING AMENDMENT (HEALTH SERVICES PERFORMANCE TRANSPARENCY AND ACCOUNTABILITY) BILL 2023** — Georgie Crozier laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Georgie Crozier moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 6 PUBLIC ADMINISTRATION AND PLANNING LEGISLATION AMENDMENT (CONTROL OF LOBBYISTS) BILL 2023** — David Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

David Davis moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 7 ROAD SAFETY AMENDMENT (MEDICINAL CANNABIS) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

- 8 PRODUCTION OF DOCUMENTS — ASSISTANT TREASURER BRIEFS ON THE BANKING AND FINANCIAL SERVICES CONTRACT** — Georgie Crozier moved, That this House, in accordance with Standing Order 10.01, requires the Leader of the Government to table in the Council, by 3.00 pm on Thursday, 9 March 2023, the following briefs to the Assistant Treasurer —

- (1) Banking and Financial Services State Purchase Contract Request for Tender (B20/922);
- (2) Mandating all Victorian Government agencies to use the new Banking and Financial Services State Purchase Contract (B20/1092);
- (3) Cash and Banking State Purchase Contract: Deed of Variation (B20/1206);
- (4) Cash and Banking State Purchasing Contract (B20/1983);
- (5) Cash and Banking State Purchase Contract (B21/165);
- (6) Banking and Financial Services State Purchase Contract Request for Tender Process (B21/1053); and
- (7) Banking and Financial Services State Purchase Contract Implementation and Data Inclusions (B21/1073).

Debate ensued.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

- 9 QUESTION TIME —**

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

ANSWERS TAKEN INTO CONSIDERATION — On the motion of Melina Bath, the answers given by Harriet Shing to questions relating to the Commonwealth Games village in Morwell (QwN 68) were ordered to be taken into consideration on the next day of meeting.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Supervised injecting room (QwN 66)** — substantive and supplementary questions asked by Aiv Puglielli — response from Jaclyn Symes due Friday, 10 March 2023.
- **Solar e-waste (QwN 70)** — substantive question asked by David Limbrick — response from Ingrid Stitt due Thursday, 9 March 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

10 PRODUCTION OF DOCUMENTS — ASSISTANT TREASURER BRIEFS ON THE BANKING AND FINANCIAL SERVICES CONTRACT — Debate continued on the question, That this House, in accordance with Standing Order 10.01, requires the Leader of the Government to table in the Council, by 3.00 pm on Thursday, 9 March 2023, the following briefs to the Assistant Treasurer —

- (1) Banking and Financial Services State Purchase Contract Request for Tender (B20/922);
- (2) Mandating all Victorian Government agencies to use the new Banking and Financial Services State Purchase Contract (B20/1092);
- (3) Cash and Banking State Purchase Contract: Deed of Variation (B20/1206);
- (4) Cash and Banking State Purchasing Contract (B20/1983);
- (5) Cash and Banking State Purchase Contract (B21/165);
- (6) Banking and Financial Services State Purchase Contract Request for Tender Process (B21/1053); and
- (7) Banking and Financial Services State Purchase Contract Implementation and Data Inclusions (B21/1073).

Question — put and agreed to.

11 BUSINESS POSTPONED — Ordered — That the consideration of order of the day, general business, No. 4, be postponed until later this day.

12 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (RESTORATION OF EXAMINATION POWERS) BILL 2022 — Debate resumed on the question, That the Bill be now read a second time.

Katherine Copsy circulated amendments (*SR124C*) proposed to be moved during Committee of the whole.

Trung Luu moved, That debate be adjourned until the Integrity and Oversight Committee have inquired into, considered and reported, by Thursday, 30 November 2023, on the matters raised in the amendments circulated by Katherine Copsy to the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2022, and as part of their investigation the Committee must —

- (1) examine arguments for and against expanding the capacity of the Independent Broad-based Anti-corruption Commission (IBAC) to hold public hearings and, in particular, whether the “exceptional circumstance” provision under section 117 of the *Independent Broad-based Anti-corruption Commission Act 2011* excessively restrict the capacity of IBAC to hold public hearings;
- (2) consider whether other jurisdictions have reached a more appropriate balance in respect of public hearings; and
- (3) report on recommendations for the best practice legislative framework for the conduct of public hearings.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Katherine Cosey; Georgie Crozier; David Davis; Moira Deeming; David Ettershank; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 15

Ryan Batchelor; John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Tom McIntosh; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

13 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (FACILITATION OF TIMELY REPORTING) BILL 2022 — Debate resumed on the question, That the Bill be now read a second time.

Trung Luu (for David Davis) circulated amendments (*GC40C*) proposed to be moved during Committee of the whole.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

14 JOINT COMMITTEE — ROAD TRAUMA AND ROAD SAFETY — Bev McArthur moved, by leave, in an amended form, That —

- (1) a Joint Committee be established to inquire into, consider and report to both Houses on any proposal, matter or thing concerned with —
 - (a) road trauma;
 - (b) safety on roads and related matters;
- (2) the Committee shall consist of —
 - (a) four Assembly members nominated by the Leader of the House in the Assembly and the Manager of Opposition Business in the Assembly;
 - (b) three Council members nominated by the Leader of the Government in the Council and the Leader of the Opposition in the Council;
- (3) the members be appointed by lodgement of the names with the Speaker and President no later than 28 March 2023;
- (4) a majority of the members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;
- (5) the Committee may conduct all or any part of a meeting or public or private hearing by audio or audio visual link;
- (6) the Committee shall operate under the provisions laid out under Joint Standing Order 15;
- (7) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses; and
- (8) a message be sent to the Legislative Assembly requesting their agreement.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

15 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (FACILITATION OF TIMELY REPORTING) BILL 2022 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Harriet Shing, the debate was adjourned until later this day.

Business interrupted at 5.15 pm, pursuant to Sessional Orders.

16 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

Business interrupted at 5.50 pm, pursuant to Sessional Orders.

17 PETITIONS (QUALIFYING FOR DEBATE) — AMEND THE HEALTH LEGISLATION (INFORMATION SHARING) BILL 2023 — David Limbrick moved, That the petition be taken into consideration.

Debate ensued.

Question — put and agreed to.

18 ADJOURNMENT — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.40 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 10 — Thursday, 9 March 2023

- 1 The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.
- 2 **PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:
 - Auditor-General — Maintaining Railway Assets Across Metropolitan Melbourne, March 2023 (*Ordered to be published*).
 - Crown Land (Reserves) Act 1978 — Order of 26 September 2022 giving approval to the granting of a licence at Treasury Gardens.
 - Jobs, Precincts and Regions Department — Report, 2021-22.
 - Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2022-23 Budget Estimates.
 - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 13 and 15.
- 3 **SITTING OF THE COUNCIL** — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 21 March 2023.
Question — put and agreed to.
- 4 **MEMBERS' STATEMENTS** — Members made statements.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of order of the day No. 1, for the resumption of debate on the motion for the address to the Governor in reply to the Governor's speech, and notices of motion, government business, Nos. 2 to 36, be postponed until later this day.
- 6 **HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.
Sonja Terpstra (for Lizzie Blandthorn) (*LB05C*) and David Limbrick (*DL44C and DL45C*) circulated amendments proposed to be moved during Committee of the whole.
Question — put and agreed to.
Bill read a second time.
David Limbrick moved, That, pursuant to Standing Order 14.12(b), the Health Legislation Amendment (Information Sharing) Bill 2023 and all amendments that have been circulated for the Bill be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report by Tuesday, 21 March 2023.
Debate ensued.
Question — put.
The Council divided — The President in the Chair.

AYES, 17

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Bill committed to a Committee of the whole.

House in Committee.

Business interrupted at 12.00 noon.

7 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Hemp industry grants (QwN 74)** — substantive and supplementary questions asked by David Ettershank — response from Jaclyn Symes due Friday, 10 March 2023.
- **Beach Energy Environment plan (QwN 76)** — substantive and supplementary questions asked by Sarah Mansfield — response from Ingrid Stitt due Tuesday, 14 March 2023.
- **Health IT systems – cyber security (QwN 78)** — substantive and supplementary questions asked by Rikkie-Lee Tyrrell — response from Lizzie Blandthorn due Tuesday, 14 March 2023.
- **Alternative practices to chick shredding (QwN 80)** — substantive and supplementary questions asked by Georgie Purcell — response from Jaclyn Symes due Friday, 10 March 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

8 HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2023 — Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Lizzie Blandthorn moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 9 ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, this day, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

Local Government (Moirā Shire Council) Act 2023.

- 10 CHILDREN AND HEALTH LEGISLATION AMENDMENT (STATEMENT OF RECOGNITION, ABORIGINAL SELF-DETERMINATION AND OTHER MATTERS) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, the Social Services Regulation Act 2021, the Child Wellbeing and Safety Act 2005, the Commission for Children and Young People Act 2012, the Magistrates' Court Act 1989, the Health Services Act 1988 and the Public Health and Wellbeing Act 2008, to make minor and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for Matthew Bach), the debate was adjourned for one week.

- 11 HERITAGE AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Heritage Act 2017 to provide for exclusion determinations and to make other amendments to improve the operation of the Act and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn (for Harriet Shing), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for David Davis), the debate was adjourned for one week.

12 SELECT COMMITTEE — VICTORIA'S RECREATIONAL NATIVE BIRD HUNTING ARRANGEMENTS — Lizzie Blandthorn moved, That —

- (1) a select committee of nine members be established to inquire into, consider and report by 31 August 2023 on Victoria's recreational native bird hunting arrangements, including but not limited to —
 - (a) the operation of annual native bird hunting seasons;
 - (b) arrangements in other Australian jurisdictions;
 - (c) their environmental sustainability and impact on amenity;
 - (d) their social and economic impact;
- (2) the committee will consist of three members from the Government nominated by the Leader of the Government in the Legislative Council, three members from the Liberal-National Coalition nominated by the Leader of the Opposition in the Legislative Council and three members from among the remaining members in the Council;
- (3) the members will be appointed by lodgement of the names with the President no later than 10 March 2023;
- (4) the first meeting of the Committee will be held within one week of members' names being lodged with the President; and
- (5) the Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.

Debate ensued.

Business interrupted at 6.30 pm.

On the motion of Lee Tarlamis, the meal break scheduled for this day was suspended.

Debate continued.

David Limbrick moved, as an amendment, That in paragraph (1), **omit** "31 August 2023" and **insert** "31 October 2023" in its place.

Debate ensued.

Question — That the amendment moved by David Limbrick be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 20

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

AYES, 20

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

13 ADJOURNMENT — Lizzie Blandthorn moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 7.41 pm until Tuesday, 21 March 2023.

ROBERT McDONALD
Clerk of the Legislative Council

Published under the authority of the Legislative Council, Parliament of Victoria

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 8, 9 and 10

HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2023

Committed Thursday, 9 March 2023

Amendments circulated: Lizzie Blandthorn (LB05C) (see pp. 69-71), Georgie Crozier (GC37C, GC38C and GC43C) (see pp. 71-2) and David Limbrick (DL44C and DL45C) (see pp. 73-5)

Clauses 1 to 3 — put and agreed to.

Clause 4 — Lizzie Blandthorn moved amendment No. 1 (LB05C).

Question — That the amendment be agreed to — put and agreed to.

Georgie Crozier moved amendment Nos. 1 to 3 (GC37C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Georgie Purcell; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 20

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

David Limbrick moved amendment No. 1 (DL44C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Georgie Crozier moved amendment Nos. 1 and 2 (GC38C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nicholas McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Lizzie Blandthorn moved amendment Nos. 2 and 3 (LB05C).

Question — That the amendments be agreed to — put and agreed to.

Clause 4, as amended — put and agreed to.

Clauses 5 and 6 — put and agreed to.

Bill reported with amendments.

AMENDMENTS CIRCULATED IN RELATION TO —**1. HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2023***Amendments circulated by Lizzie Blandthorn (LB05C)*

1. Clause 4, page 4, after line 26 insert—

"Privacy Management Framework means the Privacy Management Framework established under section 134ZT;"

2. Clause 4, page 14, line 17, omit "**1982.**!" and insert "**1982.**".

3. Clause 4, page 14, after line 17 insert—

"Division 6—Privacy Management Framework**134ZT Minister must establish Privacy Management Framework**

- (1) The Minister, by order published in the Government Gazette, must establish a Privacy Management Framework for the Electronic Patient Health Information Sharing System as soon as practicable after the day on which this Part comes into operation.
- (2) In establishing the Privacy Management Framework, the Minister must consult with the following persons and bodies in relation to whether certain health information or classes of health information should require additional levels of protection under the Privacy Management Framework—
 - (a) relevant groups and organisations that represent the interests of patients, carers or health care workers;
 - (b) any relevant public sector body within the meaning of the **Public Administration Act 2004**;
 - (c) participating health services.
- (3) The Privacy Management Framework must—
 - (a) specify categories of health information that are sensitive in nature and include a process to safeguard that information; and
 - (b) include a process to safeguard the identity of patients who may be at risk of harm, including patients who identify as being at risk of family violence; and
 - (c) include a process to facilitate patients accessing reports that specify who has accessed their health information through the Electronic Patient Health Information Sharing System; and
 - (d) include a process for regular audits and compliance checks of the Electronic Patient Health Information Sharing System.

- (4) The Privacy Management Framework takes effect on—
 - (a) the day on which it is published in the Government Gazette; or
 - (b) a later day as specified in the order.

Note

Section 41A of the **Interpretation of Legislation Act 1984** provides that the power to make an instrument includes the power to repeal, revoke, rescind, amend, alter or vary the instrument in the exercise of that power.

134ZU Compliance with Privacy Management Framework

Any person who is authorised or permitted under this Part to access the Electronic Patient Health Information Sharing System must comply with the Privacy Management Framework to the extent reasonably practicable.

Division 7—Independent review of this Part

134ZV Independent review by expert panel

- (1) The Minister must cause an independent review of the operation of this Part, including the Privacy Management Framework, to be conducted by an expert panel after the second anniversary of the day on which this Part comes into operation.
- (2) The independent review must examine and make recommendations in relation to the following—
 - (a) whether health information is sufficiently protected;
 - (b) which health services should be participating health services for the purposes of this Part;
 - (c) the misuse of specified patient health information;
 - (d) the costs of compliance and the administrative burden imposed on participating health services by this Part;
 - (e) whether the Electronic Patient Health Information Sharing System is operating as intended.
- (3) The independent review may examine and make recommendations in relation to the following—
 - (a) current issues and trends relating to health information systems;
 - (b) data management;
 - (c) information technology security;
 - (d) patient privacy;
 - (e) any other relevant matter.
- (4) The independent review must be completed no later than the third anniversary of the day on which this Part comes into operation.

- (5) The Minister must cause a copy of a report of the independent review to be laid before each House of Parliament no later than 3 sitting days after the day on which the final report of the independent review is given to the Minister.
- (6) The Minister must consider any recommendations made by the independent review, including any recommendations to amend this Act, and within 18 months of receiving the final report—
 - (a) implement the recommendations made by the independent review; or
 - (b) advise Parliament why the recommendations have not been implemented.

134ZW Appointment of expert panel

- (1) For the purposes of section 134ZV, the Minister must appoint 3 persons to form the expert panel.
- (2) The Minister must ensure that each person appointed to the expert panel has experience in one or more of the following—
 - (a) human rights and privacy matters;
 - (b) legal and regulatory compliance;
 - (c) health information systems;
 - (d) clinical care;
 - (e) health care quality and patient safety;
 - (f) consumer or patient advocacy.
- (3) The Minister must not appoint a person to the expert panel if the person is—
 - (a) a current employee or executive officer of a registered political party within the meaning of the **Electoral Act 2002**; or
 - (b) a current or former member of Parliament.'."

Amendments circulated by Georgie Crozier (GC37C)

1. Clause 4, page 5, after line 17 insert—

"(3) In establishing and maintaining the Electronic Patient Health Information Sharing System, the Secretary must ensure that there is a mechanism to allow a person to opt-out of the Electronic Patient Health Information Sharing System in accordance with section 134ZLA."
2. Clause 4, page 5, line 20, before "The" insert "(1)".
3. Clause 4, page 5, after line 24 insert—

"(2) The Electronic Patient Health Information Sharing System must not contain any health information about a person who has opted-out of the Electronic Patient Health Information Sharing System in accordance with section 134ZLA."

4. Clause 4, page 5, line 27, omit "The" and insert "Subject to subsection (5), the".
5. Clause 4, page 6, after line 28 insert—
 - "(5) The Secretary must not specify health information in a notice published under subsection (1) about a person who has opted-out or made an application to opt-out of the Electronic Patient Health Information Sharing System in accordance with section 134ZLA."
6. Clause 4, page 8, after line 26 insert—
 - "134ZLA Person may opt-out of Electronic Patient Health Information Sharing System**
 - (1) A person who is or has been a patient in, or has received health services from, a participating health service, may apply to the Secretary not to be included on the Electronic Patient Health Information Sharing System.
 - (2) An application under subsection (1) must—
 - (a) be made in the prescribed manner; and
 - (b) be made in the prescribed form (if any); and
 - (c) include any prescribed particulars (if any).
 - (3) If a person makes an application under subsection (1), the Secretary must ensure that the Electronic Patient Health Information Sharing System does not include any health information about that person.
 - (4) If a person who is included on the Electronic Patient Health Information Sharing System subsequently makes an application under this section, the Secretary must ensure that any health information about that person is removed from the Electronic Patient Health Information Sharing System as soon as practicable."

Amendments circulated by Georgie Crozier (GC38C)

1. Clause 4, page 13, line 26, omit "141." and insert "141.'".
2. Clause 4, page 14, lines 1 to 17, omit all words and expressions on those lines.

Amendments circulated by Georgie Crozier (GC43C)

1. Clause 4, page 4, line 23, omit "**2022**; or" and insert "**2022**;".
2. Clause 4, page 4, lines 24 to 26, omit all words and expressions on these lines.

Amendments circulated by David Limbrick (DL44C)

1. Clause 4, page 5, after line 17 insert—

"(3) In establishing the Electronic Patient Health Information Sharing System, the Secretary must ensure that—

(a) there is a mechanism to allow a person to consent to be included in the Electronic Patient Health Information Sharing System in accordance with section 134ZL; and

(b) specified patient health information about a person is only collected, used and disclosed under this Part in accordance with that person's consent."

2. Clause 4, page 6, after line 6 insert—

"(2A) The Secretary must not specify health information in a notice published under subsection (1) about a person who has not provided consent in accordance with section 134ZL."

3. Clause 4, page 8, omit lines 16 to 26 and insert—

"134ZL Consent

- (1) A participating health service may only collect, use or disclose specified patient health information about a person as permitted or authorised by this Part if that person has consented to being included in the Electronic Patient Health Information Sharing System.
- (2) The Secretary may only collect, use or disclose specified patient health information about a person as permitted or authorised by this Part if that person has consented to being included in the Electronic Patient Health Information Sharing System.
- (3) A person who is or has been a patient in, or has received health services from, a participating health service, may consent to being included in the Electronic Patient Health Information Sharing System in a form determined by the Secretary.
- (4) A person may consent to some or all of the specified patient health information that is collected or held about them by a participating health service being included in the Electronic Patient Health Information Sharing System.
- (5) If a person has consented to being included in the Electronic Patient Health Information Sharing System, that person may specify—
 - (a) which participating health services are authorised to access the Electronic Patient Health Information Sharing System under this Part in relation to that person; or
 - (b) that all participating health services are authorised to access the Electronic Patient Health Information Sharing System under this Part in relation to that person.

- (6) A person may seek advice, including from a registered medical practitioner (whether or not employed by a participating health service), before giving consent under this section.
- (7) The power to give consent under this section may be exercised on behalf of a person who is incapable of giving consent by an authorised representative of that person.
- (8) For the purposes of subsection (7), a person is incapable of giving consent if that person—
 - (a) is under 18 years of age; or
 - (b) does not have decision-making capacity within the meaning of the **Medical Treatment Planning and Decisions Act 2016**.
- (9) In this section, **authorised representative** has the same meaning as it has in section 85(6) of the **Health Records Act 2001**."

Amendments circulated by David Limbrick (DL45C)

1. Clause 4, page 5, after line 24 insert—

"134ZGA Audit function of Electronic Patient Health Information Sharing System

The Secretary must establish and maintain an audit function that records access to specified patient health information in the Electronic Patient Health Information Sharing System."

2. Clause 4, page 11, after line 20 insert—

"134ZOA Person may apply for access report

- (1) A person who is or has been a patient in, or has received health services from, a participating health service, may apply to the Secretary for a report that sets out the information referred to in subsection (2).
- (2) On request under subsection (1), the Secretary must provide to the applicant a report that sets out the following information—
 - (a) which participating health services have accessed specified patient health information about the applicant through the Electronic Patient Health Information Sharing System;
 - (b) whether the Secretary, or any person employed or engaged by the Secretary and authorised under section 134ZO, have accessed specified patient health information about the applicant through the Electronic Patient Health Information Sharing System;
 - (c) when specified patient health information in the Electronic Patient Health Information Sharing System about the applicant has been accessed by a person or entity referred to in paragraph (a) or (b);

- (d) which participating health services have given specified patient health information about the applicant to the Secretary for the purposes of the Electronic Patient Health Information Sharing System."



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 11, 12 and 13

No. 11 — Tuesday, 21 March 2023

1 The President took the Chair at 12.02 pm, read the Prayer and made an Acknowledgement of Country.

2 **QUESTION TIME —**

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Assistant Treasurer conflicts of interest (QwN 81)** — substantive and supplementary questions asked by David Davis — response from Jaclyn Symes due Thursday, 23 March 2023.
- **Monkey deaths (QwN 86)** — supplementary question asked by Georgie Purcell — response from Gayle Tierney due Wednesday, 22 March 2023.
- **TikTok installed on DEECA computers (QwN 87)** — substantive and supplementary questions asked by David Davis — response from Ingrid Stitt due Wednesday, 22 March 2023.
- **Policing of protests (QwN 88)** — substantive and supplementary questions asked by Aiv Puglielli — response from Enver Erdogan due Thursday, 23 March 2023.

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QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE — The President directed a minister to provide a further written response to a question without notice pursuant to Standing Order 8.07 as follows:

- **Export of greyhounds (QwN 43)** — supplementary question asked by Georgie Purcell — response from Enver Erdogan due Thursday, 23 March 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

3 COMMITTEE MEMBERSHIP — The President advised the House that James Newbury, Member for Brighton, resigned from the House Committee, effective from today.

4 PETITIONS —

IMMEDIATELY CEASE LOGGING — Samantha Ratnam presented a petition bearing 2,410 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately close VicForests, stop all logging and bring forward, for immediate effect, the schemes to assist and retrain all employees affected by the closure (*Ordered to be tabled*).

* * * * *

IMMEDIATELY STOP LOGGING NATIVE AND PUBLIC FORESTS — Samantha Ratnam presented a petition bearing 666 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately close VicForests, stop all logging of native and public forests and bring forward, for immediate effect, the schemes to assist and retrain all employees affected by the closure (*Ordered to be tabled*).

5 PAPERS —

COMMITTEE REPORT — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sheena Watt tabled Alert Digest No. 2 of 2023 (including Appendices and Extracts of Proceedings) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Municipal Association of Victoria — Report, 2021-22.

Planning and Environment Act 1987 — Notices of approval of the —

Boroondara Planning Scheme — Amendments C391 and C392.

Glen Eira Planning Scheme — Amendment C218.

Golden Plains Planning Scheme — Amendment C101.

Greater Bendigo Planning Scheme — Amendment C266.

Greater Geelong Planning Scheme — Amendment C451.

Greater Shepparton Planning Scheme — Amendment C244.

Indigo Planning Scheme — Amendment C78.

Merri-bek Planning Scheme — Amendment C201.

Moira Planning Scheme — Amendment C97.

Moyne Planning Scheme — Amendment C78.

Victoria Planning Provisions — Amendment VC229.

Yarra Ranges Planning Scheme — Amendment C215.

Statutory Rules under the following Acts —

Conservation, Forests and Lands Act 1987 — No. 14.

County Court Act 1958 — No. 16.

Planning and Environment Act 1987 — No. 17.

Subordinate Legislation Act 1994 — No. 15.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 10, 14 and 16.

Financial Management Act 1994 — 2022-23 Mid-Year Financial Report (incorporating Quarterly Financial Report No. 2), March 2023 (*released on 10 March 2023 – a non-sitting day*).

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice No. 1/2023 (*Gazette S112, 14 March 2023*).

* * * * *

PROCLAMATION — The Clerk tabled a proclamation of the Governor in Council fixing an operative date for the following Act:

Major Crime and Community Safety Legislation Amendment Act 2022 — Part 4 — 3 April 2023 (*Gazette S116, 15 March 2023*).

6 PRODUCTION OF DOCUMENTS — ASSISTANT TREASURER BRIEFS ON THE BANKING AND FINANCIAL SERVICES CONTRACT — The Clerk tabled a letter from the Attorney-General, dated 21 March 2023, in response to a resolution of the Council on 8 March 2023 (on the motion of Georgie Crozier), relating to Assistant Treasurer briefs on the banking and financial services contract, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

7 BUSINESS OF THE COUNCIL — Samantha Ratnam moved, by leave, That the following general business take precedence on Wednesday, 22 March 2023 —

- (1) notice of motion given this day by Georgie Purcell on digital tracking of racing greyhounds;
- (2) notice of motion given this day by Georgie Crozier establishing a Select Committee to inquire into matters relating to the Independent Broad-based Anti-corruption Commission and the Integrity and Oversight Committee;
- (3) order of the day No. 2, resumption of debate on the second reading of the Independent Broad-based Anti-corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022;
- (4) notice of motion No. 16 standing in Melina Bath's name referring matters relating to Victoria's education system across government schools to the Legal and Social Issues Committee;
- (5) notice of motion given this day by Sarah Mansfield on the production of documents relating to the Hydrogen Energy Supply Chain project;
- (6) order of the day No. 3, resumption of debate on the second reading of the Children, Youth and Families Amendment (Raise the Age) Bill 2022;

and the resumption of debate on the address in reply to the Governor's speech be postponed until Thursday, 23 March 2023.

Question — put and agreed to.

8 MEMBERS' STATEMENTS — Members made statements.

9 BUSINESS POSTPONED — Ordered — That the consideration of order of the day No. 1, for the resumption of debate on the motion for the address to the Governor in reply to the Governor's speech, and notices of motion, Nos. 2 to 36, government business, be postponed until later this day.

10 HUMAN SOURCE MANAGEMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Katherine Copsey (KC03C) circulated amendments proposed to be moved during Committee of the whole.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

11 HERITAGE AMENDMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

12 ADJOURNMENT — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.37 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 12 — Wednesday, 22 March 2023

1 The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

2 PETITIONS —

STOP THE DEMOLITION OF THE BARAK BEACON PUBLIC HOUSING ESTATE TO SAVE \$88 MILLION — Katherine Copsey presented a petition bearing 654 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to consider, investigate and respond to the feasibility study, report and plans by OFFICE regarding the Barak Beacon public housing estate, stop demolition activities on the estate so that any tenderer can consider the options put forward by OFFICE and allow all tenants to remain in their homes while the report and options put forward by OFFICE are considered (*Ordered to be tabled*).

* * * * *

WITHDRAW THE SUNSHINE STATION MASTERPLAN — Moira Deeming presented a petition bearing 366 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to withdraw the Sunshine Station Masterplan proposal and reopen the community consultation process to allow for consideration of alternative accessible means to facilitate active transport routes that are inclusive of all community members while maintaining the overpass' current utilisation (*Ordered to be tabled*).

3 PAPERS —

PAPERS PRESENTED BY ORDER OF THE COUNCIL — Wendy Lovell, by leave, presented the:

Department of the Legislative Council Report, 2021-22 (*Ordered to be tabled*).

Department of Parliamentary Services Report, 2021-22 (*Ordered to be tabled*).

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PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Auditor-General — Fair Presentation of Service Delivery Performance 2022, March 2023 (*Ordered to be published*).

- Members of Parliament (Standards) Act 1978 — Returns submitted by Members of the Legislative Council — Ordinary Returns, 28 February 2023 (*Ordered to be published*).
- Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 17.
- Trust for Nature (Victoria) — Report, 2021-22.
- Water Efficiency Labelling and Standards Act 2005 —
2020 Independent Review of the Water Efficiency Labelling and Standards Scheme and Intergovernmental Agreement.
Water Efficiency Labelling and Standards scheme, Report, 2021-22.
- 4 COMMITTEE MEMBERSHIP** — Jaclyn Symes moved, by leave, That Rachel Payne be a member of the Integrity and Oversight Committee.
Debate ensued.
Question — put and agreed to.
- 5 BUSINESS OF THE COUNCIL** — Georgie Crozier moved, by leave, That the resumption of debate on the second reading of the Public Administration and Planning Legislation Amendment (Control of Lobbyists) Bill 2023 replace the current order of the day No. 1, general business.
Question — put and agreed to.
- 6 COMMITTEE MEMBERSHIP** — Georgie Crozier moved, by leave, That —
- (1) Nicholas McGowan be a participating member of the Economy and Infrastructure Standing Committee;
 - (2) Gaele Broad and Joe McCracken be participating members of the Environment and Planning Standing Committee; and
 - (3) Melina Bath and Wendy Lovell be participating members of the Legal and Social Issues Standing Committee.
- Question — put and agreed to.
- 7 MEMBERS' STATEMENTS** — Members made statements.
- 8 DIGITAL TRACKING OF RACING GREYHOUNDS** — Georgie Purcell moved, That this House —
- (1) notes that —
 - (a) there is no digital whole of life tracking scheme for Victorian racing greyhounds;
 - (b) the manual tracking of Victorian racing greyhounds increases the risk of greyhounds going missing, being illegally exported or illegally euthanised, and makes it more difficult to hold those responsible to account;
 - (c) a whole of life digital tracking scheme will improve Victorian greyhound welfare and ensure community expectations are met;
 - (2) calls on the Government to implement a digital system to improve greyhound traceability through an automated whole of life tracking system that —
 - (a) tracks every individual racing greyhound pre and post registration for racing, including puppies born into the industry that are never registered to race;
 - (b) provides the industry with the ability to account for every greyhound registered in Victoria;

- (c) streamlines transparency and industry processes by providing one system for all industry transactions;
- (d) provides accurate euthanasia data for all greyhounds, including those in the industry rehoming program, the Greyhound Adoption Program;
- (e) uses integrated scanning technology to enable Greyhound Racing Victoria to record and track the location of every registered greyhound in Victoria, in real time, at every stage of their life, including when retired; and
- (f) is supported by Greyhound Racing Victoria rules, requiring owners of pre-racing, racing, and retired greyhounds to regularly check-in every individual greyhound in their care via the digital tracking system.

Debate ensued.

The President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put and agreed to.

9 HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2023 — The President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.

10 SELECT COMMITTEE ON THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE INTEGRITY AND OVERSIGHT COMMITTEE — Georgie Crozier moved, That —

- (1) a Select Committee of six members be appointed to inquire into, take public evidence as required, report, and make recommendations, by 28 November 2023, on —
 - (a) matters referred to in the letter, dated 15 December 2022, from the Commissioner of the Independent Broad-based Anti-corruption Commission (IBAC), the Hon. Robert Redlich AM KC, to the President of the Legislative Council and the Speaker of the Legislative Assembly, including but not limited to —
 - (i) appropriate protocols and procedures to ensure the independence of performance audits of integrity agencies by the Integrity and Oversight Committee (IOC) and safeguards to prevent potential improper interference by committee members;
 - (ii) the adequacy of the legislative framework for integrity agency performance audits under the *Independent Broad-based Anti-corruption Commission Act 2011* and the *Victorian Inspectorate Act 2011*;
 - (iii) protocols for the handling of correspondence and reports passing between integrity agencies and the IOC;
 - (iv) whether it is appropriate for the IOC or an independent performance auditor to seek access to information relating to current IBAC operations;
 - (v) whether procedural fairness should be afforded to integrity agencies by the IOC;
 - (vi) the structure, composition and operation of the IOC;
 - (b) the adequacy of IBAC's funding and its effect on IBAC's capacity to discharge its functions relating to serious police misconduct and public sector corruption;

- (c) the appropriateness of provisions in IBAC's legislation that limit the ability of IBAC to undertake public examinations;
- (d) options for improving arrangements for the oversight of IBAC's operations by Parliament, the determination of IBAC's budget and IBAC's legislative charter;
- (2) the Committee will consist of two members from the Government nominated by the Leader of the Government in the Council, two members from the Opposition nominated by the Leader of the Opposition in the Council, and two members from among the remaining members in the Council as agreed to by these members;
- (3) the members will be appointed by lodgement of the names with the President no later than 4.00 pm two business days after the Council agrees to this resolution;
- (4) the first meeting of the Committee must be held no later than 4.00 pm on the eighth business day after the Council agrees to this resolution;
- (5) the Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy;
- (6) four members of the Committee will constitute a quorum of the Committee;
- (7) the Chair of the Committee will be a non-Government member and the Deputy Chair will be a Government member, and in the absence of any such nominations for the Deputy Chair, the position may be filled by another member of the Committee;
- (8) the Committee will advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee orders otherwise;
- (9) the Committee may commission persons to investigate and report to the Committee on any aspects of the inquiry;
- (10) the Committee may commission persons to provide advice, including legal advice, to the Committee on any aspects of the inquiry;
- (11) the presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions; and
- (12) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Debate ensued.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

11 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Thomas Embling Hospital – staff safety (QwN 89)** — substantive question asked by Matthew Bach — response from Jaclyn Symes due Friday, 24 March 2023.
- **Closure of prison units (QwN 92)** — substantive question asked by Matthew Bach — response from Enver Erdogan due Thursday, 23 March 2023.

- **Princes Freeway, Gippsland (QwN 94)** — substantive question asked by Jeff Bourman — response from Harriet Shing due Friday, 24 March 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

12 SELECT COMMITTEE ON THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE INTEGRITY AND OVERSIGHT COMMITTEE — Debate continued on the question, That —

- (1) a Select Committee of six members be appointed to inquire into, take public evidence as required, report, and make recommendations, by 28 November 2023, on —
 - (a) matters referred to in the letter, dated 15 December 2022, from the Commissioner of the Independent Broad-based Anti-corruption Commission (IBAC), the Hon. Robert Redlich AM KC, to the President of the Legislative Council and the Speaker of the Legislative Assembly, including but not limited to —
 - (i) appropriate protocols and procedures to ensure the independence of performance audits of integrity agencies by the Integrity and Oversight Committee (IOC) and safeguards to prevent potential improper interference by committee members;
 - (ii) the adequacy of the legislative framework for integrity agency performance audits under the *Independent Broad-based Anti-corruption Commission Act 2011* and the *Victorian Inspectorate Act 2011*;
 - (iii) protocols for the handling of correspondence and reports passing between integrity agencies and the IOC;
 - (iv) whether it is appropriate for the IOC or an independent performance auditor to seek access to information relating to current IBAC operations;
 - (v) whether procedural fairness should be afforded to integrity agencies by the IOC;
 - (vi) the structure, composition and operation of the IOC;
 - (b) the adequacy of IBAC's funding and its effect on IBAC's capacity to discharge its functions relating to serious police misconduct and public sector corruption;
 - (c) the appropriateness of provisions in IBAC's legislation that limit the ability of IBAC to undertake public examinations;
 - (d) options for improving arrangements for the oversight of IBAC's operations by Parliament, the determination of IBAC's budget and IBAC's legislative charter;
- (2) the Committee will consist of two members from the Government nominated by the Leader of the Government in the Council, two members from the Opposition nominated by the Leader of the Opposition in the Council, and two members from among the remaining members in the Council as agreed to by these members;
- (3) the members will be appointed by lodgement of the names with the President no later than 4.00 pm two business days after the Council agrees to this resolution;
- (4) the first meeting of the Committee must be held no later than 4.00 pm on the eighth business day after the Council agrees to this resolution;
- (5) the Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy;
- (6) four members of the Committee will constitute a quorum of the Committee;

- (7) the Chair of the Committee will be a non-Government member and the Deputy Chair will be a Government member, and in the absence of any such nominations for the Deputy Chair, the position may be filled by another member of the Committee;
- (8) the Committee will advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee orders otherwise;
- (9) the Committee may commission persons to investigate and report to the Committee on any aspects of the inquiry;
- (10) the Committee may commission persons to provide advice, including legal advice, to the Committee on any aspects of the inquiry;
- (11) the presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions; and
- (12) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

13 COMMITTEE MEMBERSHIP — The Deputy President advised the House that Gary Maas, Member for Narre Warren South, resigned from the Integrity and Oversight Committee, effective from today.

14 PUBLIC ADMINISTRATION AND PLANNING LEGISLATION AMENDMENT (CONTROL OF LOBBYISTS) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

15 BUSINESS POSTPONED — Ordered — That the consideration of notice of motion, general business, No. 16, be postponed until later this day.

16 PRODUCTION OF DOCUMENTS — HYDROGEN ENERGY SUPPLY CHAIN PROJECT — Sarah Mansfield moved, That this House —

- (1) notes the reports that the Minister for Trade and Investment was recently in Japan finalising funding for a coal to hydrogen project known as the Hydrogen Energy Supply Chain project;
- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within three weeks of the House agreeing to this resolution —
 - (a) any and all briefings related to the Hydrogen Energy Supply Chain project provided by the Department of Jobs, Skills, Industry and Regions, the Department of Energy, Environment and Climate Action, and any other agency or public official, to the Minister for Trade and Investment and the Minister for Climate Action, and any former related portfolios, since January 2020; and
 - (b) all assessments, analyses, examinations, modelling and consultancy reports, created since January 2020 relating to the Hydrogen Energy Supply Chain project.

Debate ensued.

Question — put and agreed to.

- 17 CHILDREN, YOUTH AND FAMILIES AMENDMENT (RAISE THE AGE) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

- 18 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining notices of motion and orders of the day, general business, be postponed until later this day.

- 19 STATEMENTS ON TABLED PAPERS AND PETITIONS** — Members made statements on reports, papers and petitions.

- 20 ADJOURNMENT** — Enver Erdogan moved, That the House do now adjourn.
Debate ensued.

The Council adjourned at 6.01 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 13 — Thursday, 23 March 2023

- 1** The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

- 2 PETITION — REINSTATE AGED CARE AT HOME SERVICES IN THE CITY OF WHITEHORSE** — Georgie Crozier (for Matthew Bach) presented a petition bearing 3,815 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Local Government to request that the Whitehorse City Council review its decision to cease aged care at home services, consult widely with the community and conduct deliberations at an open session of the Council in accordance with the provisions of the *Local Government Act 2020 (Ordered to be tabled)*.

- 3 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:

Auditor-General — Understanding Victoria's Contaminated Land, March 2023 (*Ordered to be published*).

Barwon South West Waste and Resource Recovery Group — Minister's report of receipt of the 2021-22 Report.

Fire Rescue Victoria Act 1958 — Fire Services Implementation Monitor — Report, 2021-22, under section 142 of the Act.

Gippsland Waste and Resource Recovery Group — Minister's report of receipt of the 2021-22 Report.

Goulburn Valley Waste and Resource Recovery Group — Minister's report of receipt of the 2021-22 Report.

Grampians Central West Waste and Resource Recovery Group — Minister's report of receipt of the 2021-22 Report.

Loddon Mallee Waste and Resource Recovery Group — Minister's report of receipt of the 2021-22 Report.

North East Waste and Resource Recovery Group — Minister's report of receipt of the 2021-22 Report.

Metropolitan Waste and Resource Recovery Group — Report, 2021-22.

- Occupational Health and Safety Act 2004 — Workplace Incidents Consultative Committee — Report 2021-22, under section 126B of the Act.
- Parliamentary Committees Act 2003 — Government response to the Integrity and Oversight Committee's Report on the Inquiry into the education and prevention functions of Victoria's integrity agencies.
- State Sport Centres Trust — Report, 2021-22.
- Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 18.
- Victorian Environmental Assessment Council Act 2001 — Notice of request to the Victorian Environmental Assessment Council for an Assessment of the values of the Immediate Protection Areas in the Central Highlands and East Gippsland, under section 26C of the Act.
- 4 SITTING OF THE COUNCIL** — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 2 May 2023.
Question — put and agreed to.
- 5 COMMITTEE MEMBERSHIP** — Jaclyn Symes moved, by leave, That —
- (1) Rachel Payne be a participating member of the Environment and Planning Standing Committee; and
 - (2) David Ettershank be a participating member of the Legal and Social Issues Standing Committee.
- Debate ensued.
Question — put and agreed to.
- 6 MEMBERS' STATEMENTS** — Members made statements.
- 7 BUSINESS POSTPONED** — Ordered — That the consideration of order of the day No. 1, for the resumption of debate on the motion for the address to the Governor in reply to the Governor's speech, and notices of motion, Nos. 2 to 36, government business, be postponed until later this day.
- 8 HERITAGE AMENDMENT BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.
On the motion of Lee Tarlamis, the debate was adjourned until later this day.
Business interrupted at 12.00 noon.
- 9 QUESTION TIME** —
- QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS** — Members asked questions without notice and ministers made statements.
* * * * *
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:
- **Medicinal cannabis (QwN 98)** — substantive and supplementary questions asked by David Ettershank — response from Lizzie Blandthorn due Monday, 27 March 2023.
 - **Government grants for community football clubs (QwN 102)** — substantive question asked by Rikkie-Lee Tyrrell — response from Harriet Shing due Monday, 27 March 2023.

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 10 EARLY CHILDHOOD EDUCATION AND CARE** — Ingrid Stitt (for Sheena Watt) moved, That this House recognises that the Andrews Labor Government’s ambitious overhaul of early childhood education and care, with a massive \$9 billion investment over the next decade, will give kids the very best start in life and will make early education fairer for all Victorian families.

Debate ensued.

David Davis moved, as an amendment, That “families.” be **omitted** and **replaced** with “families, but has failed to fully fund the required associated capital works leaving a blackhole in funding.”.

Debate ensued.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

- 11 HERITAGE AMENDMENT BILL 2023** — The order of the day was read for the resumption of debate on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 12 ADJOURNMENT** — Harriet Shing moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 4.44 pm until Tuesday, 2 May 2023.

ROBERT McDONALD
Clerk of the Legislative Council

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LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 14, 15 and 16

No. 14 — Tuesday, 2 May 2023

1 The President took the Chair at 12.03 pm, read the Prayer and made an Acknowledgement of Country.

2 **THE LATE HONOURABLE GRAEME WEIDEMAN** — Jaclyn Symes moved, That this House expresses its sincere sorrow at the death, on 13 April 2023, of the Honourable Graeme Weideman, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Frankston from 1976 to 1982 and 1992 to 1996, Member of the Legislative Assembly for the electoral district of Frankston South from 1985 to 1992 and as Minister for Tourism from 1981 to 1982.

Other members addressed the House.

Members rose in their places for one minute's silence as a mark of respect and the question was agreed to unanimously.

As a further mark of respect, the sitting was suspended for one hour.

[Sitting suspended from 12.22 pm to 1.28 pm]

3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 28 March 2023, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

Health Legislation Amendment (Information Sharing) Act 2023

Heritage Amendment Act 2023.

4 **BUILDING LEGISLATION AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993, the Architects Act 1991, 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 requesting the agreement of the Council.

On the motion of Jaclyn Symes (for Harriet Shing), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Jaclyn Symes moved, That the Bill be now read a second time.

Jaclyn Symes incorporated the second reading speech in Hansard.

On the motion of David Davis, by leave, the debate was adjourned until later this day.

- 5 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to the medically supervised injecting centre and for other purposes* and requesting the agreement of the Council.

On the motion of Jaclyn Symes, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Jaclyn Symes moved, That the Bill be now read a second time.

Jaclyn Symes incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, by leave, the debate was adjourned until later this day.

- 6 JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION** — The President announced receipt of —
- (1) a letter from the Minister for Casino, Gaming and Liquor Regulation, dated 5 April 2023, requesting that arrangements be made for a joint sitting to elect three parliamentary members to the Board of the Victorian Responsible Gambling Foundation; and
 - (2) a letter from the Minister for Health, dated 13 April 2023, requesting that arrangements be made for a joint sitting to elect three parliamentary members to the Victorian Health Promotion Foundation.

- 7 COMMITTEE MEMBERSHIP** — The President advised the House that Tim Read, Member for Brunswick, resigned from the Public Accounts and Estimates Committee, effective from today.

- 8 QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Parliamentary Budget Officer appointment (QwN 107)** — substantive question asked by David Davis — response from Jaclyn Symes due Thursday, 4 May 2023.
- **Ravenhall Correctional Centre (QwN 109)** — substantive and supplementary questions asked by Matthew Bach — response from Enver Erdogan due Wednesday, 3 May 2023.

- **Drug sniffer dogs – performance data (QwN 110)** — substantive and supplementary questions asked by David Limbrick — response from Enver Erdogan due Thursday, 4 May 2023.
- **Police enforcement – 420 picnic (QwN 112)** — substantive and supplementary questions asked by Aiv Puglielli — response from Enver Erdogan due Thursday, 4 May 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 9 PETITION — FUNDING FOR THE WOMEN’S CENTRE FOR HEALTH AND WELLBEING ALBURY WODONGA** — Wendy Lovell presented a petition bearing 156 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to rectify the funding shortfall to the Women’s Centre for Health and Wellbeing in Albury Wodonga and increase its core funding (*Ordered to be tabled*).

On the motion of Wendy Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

- 10 OPERATION DAINTREE IMPLEMENTATION (NO. 1) BILL 2023** — David Davis introduced *A Bill for an Act to begin implementing recommendations made by the Independent Broad-based Anti-corruption Commission in the Operation Daintree special report, including by amending the Public Administration Act 2004 and the Parliamentary Committees Act 2003*.

On the motion of David Davis, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

11 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Harriet Shing, by leave, presented the University of Divinity Report, 2022 (*Ordered to be tabled*).

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COMMITTEE REPORTS — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled:

Alert Digest No. 3 of 2023 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

Report on the Statute Law Amendment Bill 2022 (including an Appendix) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

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PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Bendigo Kangan Institute — Report, 2022.

Box Hill Institute — Report, 2022.

Chisholm Institute — Report, 2022.

Crown Land (Reserves) Act 1978 —

Order of 21 February 2023 giving approval to the granting of a licence at Gasworks Park Reserve.

Orders of 26 February 2023 giving approval to the granting of a lease and a licence at Balnarring Beach Foreshore Reserve.

Order of 13 April 2023 giving approval to the granting of a licence at Camberwell Gardens Reserve.

Order of 24 April 2023 giving approval of the granting of a lease at Albert Park.
Deakin University — Report, 2022.

Dhelkunya Dja Land Management Board — Minister's report of receipt of the 2021-22 Report.

Duties Act 2000 — Treasurer's Report of Foreign Purchaser Additional Duty Exemptions for 1 July 2022 to 31 December 2022, under section 3E of the Act.

Federation University Australia — Report, 2022.

Gordon Institute of TAFE (the Gordon) — Report, 2022.

Goulburn Ovens Institute of TAFE (GOTAFE) — Report, 2022.

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of the 2021-22 Report.

Holmesglen Institute — Report, 2022.

Independent Broad-based Anti-corruption Commission — Special Report on Operation Daintree, April 2023 (*released on 19 April 2023 – a non-sitting day*) (*Ordered to be published*).

La Trobe University — Report, 2022.

Major Events Act 2009 — Major Sporting Event Order for the FIFA Women's World Cup 2023, dated 26 April 2023, under section 22 of the Act.

Melbourne Polytechnic — Report, 2022.

Monash University — Report, 2022.

Ombudsman — Councils and complaints: Glen Eira City Council's approach to contractor work, April 2023 (*released on 26 April 2023 – a non-sitting day*) (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of approval of the —
Banyule Planning Scheme — Amendment C165.

Banyule, Boroondara, Cardinia, Casey, Kingston, Knox, Manningham, Nillumbik, Whittlesea and Yarra Planning Schemes — Amendment GC204.

Bayside Planning Scheme — Amendment C188.

Boroondara Planning Scheme — Amendment C396.

Brimbank Planning Scheme — Amendment C216.

Casey Planning Scheme — Amendment C292.

Darebin Planning Scheme — Amendments C213 and C215.

Glen Eira Planning Scheme — Amendment C220.

Glenelg Planning Scheme — Amendment C108.

Greater Dandenong Planning Scheme — Amendment C228.

Greater Shepparton Planning Scheme — Amendment C233.

Kingston Planning Scheme — Amendment C214.

Knox Planning Scheme — Amendment C200.

Latrobe Planning Scheme — Amendment C140.

Maribyrnong Planning Scheme — Amendment C176.

Maroondah Planning Scheme — Amendment C151.

Melbourne Planning Scheme — Amendment C450.

Melton Planning Scheme — Amendment C236.

Merri-bek Planning Scheme — Amendment C221.

Mildura Planning Scheme — Amendment C104.

- Mitchell Planning Scheme — Amendment C164.
- Moonee Valley Planning Scheme — Amendment C231.
- Moorabool Planning Scheme — Amendments C101 and C107.
- Mornington Peninsula Planning Scheme — Amendments C284, C296 and C297.
- Mount Alexander Planning Scheme — Amendment C96.
- Nillumbik Planning Scheme — Amendment C148.
- Port Phillip Planning Scheme — Amendments C203 and C211.
- Stonnington Planning Scheme — Amendment C304.
- Victoria Planning Provisions — Amendment VC231.
- Wangaratta Planning Scheme — Amendments C88 and C89.
- Wellington Planning Scheme — Amendment C117.
- Whitehorse Planning Scheme — Amendment C236.
- Yarra Planning Scheme — Amendments C312 and C315.
- Royal Melbourne Institute of Technology (RMIT University) — Report, 2022.
- South West Institute of TAFE — Report, 2022.
- State Concessions Act 2004 — Ministerial Orders of 19 April 2023, under section 7 of the Act —
 - Concession (Electricity Retailers) Order 2023.
 - Concession (Gas Retailers) Order 2023.
 - Concession (Local Government) Order 2023.
 - Concession (Water Corporations) Order 2023.
- State Owned Enterprises Act 1992 — Constitution of Breakthrough Victoria Pty Ltd, under section 75 of the Act.
- Statutory Rules under the following Acts —
 - Conservation, Forests and Lands Act 1987 — No. 18.
 - Drugs, Poisons and Controlled Substances Act 1981 — No. 20.
 - Retail Leases Act 2003 — No. 24.
 - Road Safety Act 1986 — Nos. 22 and 23.
 - Supreme Court Act 1986 — No. 21.
 - Victorian Civil and Administrative Tribunal Act 1998 — No. 19.
 - Victorian Energy Efficiency Target Act 2007 — No. 25.
- Subordinate Legislation Act 1994 —
 - Documents under section 15 in respect of Statutory Rule Nos. 19, 20, 21, 22, 23, 24 and 25.
 - Legislative Instruments and related documents under section 16B in respect of —
 - Electricity Safety Act 1998 — Orders under section 120W exempting the following from section 120M(1)(c) of the Act —
 - AusNet Electricity Services.
 - Jemena Electricity Networks (Vic).
 - Service Victoria Identity Verification Standards under the Service Victoria Act 2018.
- Sunraysia Institute of TAFE (SuniTAFE) — Report, 2022.
- Swinburne University of Technology — Report, 2022.
- TAFE Gippsland — Report, 2022.

Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian Inspectorate on Victoria Police records for the March to August 2022 period, under section 37D of the Act.

The University of Melbourne — Report, 2022.

Victoria University — Report, 2022.

Wildlife Act 1975 — Notices under section 86 of the Act —

Wildlife (Closure of Lake Elingamite Lake Reserve) Notice (*Gazette S199, 24 April 2023*).

Wildlife (Prohibition of Game Hunting) Notice No. 2 (*Gazette S195, 21 April 2023*) and Corrigendum to the Notice (*Gazette S196, 21 April 2023*).

Wildlife (Prohibition of Indigenous Game Birds (Quail) Hunting) Notice (*Gazette S142, 27 March 2023*).

William Angliss Institute of TAFE — Report, 2022.

Wodonga Institute of TAFE — Report, 2022.

Yorta Yorta Traditional Owner Land Management Board — Minister's report of receipt of the 2021-22 Report.

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PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper: Response from the Minister for Transport and Infrastructure to the petition titled Withdraw the Sunshine Station Masterplan (Petition No. 471) (presented by Moira Deeming on 22 March 2023) (*released on 17 April 2023 – a non-sitting day*).

* * * * *

PAPER TAKEN INTO CONSIDERATION — On the motion of David Davis, the Independent Broad-based Anti-corruption Commission's Special Report on Operation Daintree was ordered to be taken into consideration on the next day of meeting.

12 PRODUCTION OF DOCUMENTS — HYDROGEN ENERGY SUPPLY CHAIN PROJECT — The Clerk tabled a letter from the Attorney-General, dated 14 April 2023, in response to a resolution of the Council on 22 March 2023 (on the motion of Sarah Mansfield), relating to the Hydrogen Energy Supply Chain Project, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

13 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 3 May 2023 —

- (1) order of the day made this day, second reading of the Operation Daintree Implementation (No. 1) Bill 2023;
- (2) notice of motion No. 48 standing in Wendy Lovell's name requiring a regional sitting of the Council to be held in central northern Victoria;
- (3) notice of motion No. 37 standing in Jeff Bourman's name on the production of documents relating to seasonal changes to the 2023 duck hunting season;
- (4) notice of motion No. 18 standing in Georgie Crozier's name referring matters relating to local government funding and service delivery to the Economy and Infrastructure Committee;
- (5) order of the day No. 1, resumption of debate on the second reading of the Public Administration and Planning Legislation Amendment (Control of Lobbyists) Bill 2023;

and the resumption of debate on the address in reply to the Governor's speech be postponed until Thursday, 4 May 2023.

Question — put and agreed to.

14 MEMBERS' STATEMENTS — Members made statements.

15 BUSINESS POSTPONED — Ordered — That the consideration of order of the day No. 1, for the resumption of debate on the motion for the address to the Governor in reply to the Governor's speech and notices of motion, government business, Nos. 2 to 36, be postponed until later this day.

16 HUMAN SOURCE MANAGEMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Jaclyn Symes (*JS27C*) circulated amendments proposed to be moved during Committee of the whole.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted.

Jaclyn Symes moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

John Berger; Lizzie Blandthorn; Jeff Bourman; Katherine Copsey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 14

Matthew Bach; Melina Bath; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Evan Mulholland; Rikkie-Lee Tyrrell.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

17 JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION — The President read a Message from the Assembly informing the Council that they have agreed to meet the Council for the purpose of sitting and voting together to:

- (1) elect three members of Parliament to the Victorian Health Promotion Foundation; and
- (2) elect three members of Parliament to the Board of the Responsible Gambling Foundation;

and proposing that the time and place of such meeting be the Legislative Assembly Chamber on 3 May 2023 at 6.30 pm.

On the motion of Jaclyn Symes, by leave, the Assembly's Message was ordered to be taken into consideration forthwith.

Jaclyn Symes moved, That the House meets the Legislative Assembly for the purpose of sitting and voting together to —

- (1) elect three members of Parliament to the Victorian Health Promotion Foundation;
- (2) elect three members of Parliament to the Board of the Responsible Gambling Foundation;

and, as proposed by the Assembly, the time and place of the joint sitting be the Legislative Assembly Chamber on Wednesday, 3 May 2023 at 6.30 pm.

Question — put and agreed to.

Message sent to the Assembly informing them of the resolution.

- 18 ADDRESS IN REPLY TO GOVERNOR'S SPEECH** — Debate resumed on the question, That this House agrees to the following address to the Governor in reply to the Governor's speech:

GOVERNOR

We, the Legislative Council of Victoria assembled in Parliament, express our loyalty to Australia and the people of Victoria, and thank you for the speech which you have made to the Parliament.

We declare that we will faithfully carry out the important duties entrusted to us by the people of Victoria to advance the best interests of all sections of the community.

Question — put and agreed to.

Lee Tarlamis moved, That the address be presented to the Governor by the President accompanied by such members of the Council who may wish to attend.

Question — put and agreed to.

- 19 ADJOURNMENT** — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.08 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 15 — Wednesday, 3 May 2023

- 1** The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.
- 2 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:
 - A Statutory Rule under the Corrections Act 1986 — No. 26.
 - Surveillance Devices Act 1999 — Inspection Report by the Victorian Inspectorate on surveillance device records inspected during the period 1 January 2022 to 30 June 2022, under section 30Q of the Act.
- 3 MEMBERS' STATEMENTS** — Members made statements.

- 4 OPERATION DAINTREE IMPLEMENTATION (NO. 1) BILL 2023** — David Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

David Davis moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 5 REGIONAL SITTING IN CENTRAL NORTHERN VICTORIA** — Wendy Lovell moved, That this House —

- (1) acknowledges the serious impact of the recent floods in Victoria;
- (2) meets and sits in a flood affected community in central northern Victoria for one day by April 2024;
- (3) requires the President and the Clerk of the Legislative Council to consult with the Mitchell Shire Council, the Greater Shepparton City Council, the Campaspe Shire Council, other flood affected local government areas in northern Victoria and parliamentary staff, in relation to choosing an appropriate date and specific location for the regional sitting to occur; and
- (4) authorises the President to do all things necessary to facilitate the Council sitting in central northern Victoria.

Debate ensued.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

- 6 PRODUCTION OF DOCUMENTS — SEASONAL CHANGES TO THE 2023 DUCK HUNTING SEASON** — Jeff Bourman moved, That this House —

- (1) notes that —
 - (a) duck hunting in Victoria is tightly regulated by the Government;
 - (b) every year the Government engages relevant eminent scientists to provide data based on scientific principles to the Game Management Authority who produce a report outlining recommended seasonal changes based on that scientific evidence to the Government;
 - (c) the seasonal changes announced for the 2023 duck hunting season was incompatible with the report provided by the Game Management Authority which was based on the evidence from the Government scientists; and
- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within four weeks of the House agreeing to this resolution, all documents relating to the 2023 seasonal changes to the duck hunting season for all ministers involved in the decision, including but not limited to the Minister for Outdoor Recreation, Minister for Environment, Minister for Agriculture and the Premier.

Debate ensued.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

- 7 QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

ANSWERS TAKEN INTO CONSIDERATION — On the motion of David Davis, the answers given by Ingrid Stitt to questions relating to engagement with charity organisations

regarding the impact of a waste levy (QwN 120) were ordered to be taken into consideration on the next day of meeting.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to questions without notice pursuant to Standing Order 8.07 as follows:

- **Destruction of waste animals in dairy industry (QwN 115)** — substantive and supplementary questions asked by Georgie Purcell — response from Jaclyn Symes due Friday, 5 May 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

8 PRODUCTION OF DOCUMENTS — SEASONAL CHANGES TO THE 2023 DUCK HUNTING SEASON — Debate continued on the question, That this House —

- (1) notes that —
 - (a) duck hunting in Victoria is tightly regulated by the Government;
 - (b) every year the Government engages relevant eminent scientists to provide data based on scientific principles to the Game Management Authority who produce a report outlining recommended seasonal changes based on that scientific evidence to the Government;
 - (c) the seasonal changes announced for the 2023 duck hunting season was incompatible with the report provided by the Game Management Authority which was based on the evidence from the Government scientists; and
- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within four weeks of the House agreeing to this resolution, all documents relating to the 2023 seasonal changes to the duck hunting season for all ministers involved in the decision, including but not limited to the Minister for Outdoor Recreation, Minister for Environment, Minister for Agriculture and the Premier.

Question — put and agreed to.

9 REGIONAL SITTING IN CENTRAL NORTHERN VICTORIA — Debate resumed on the question, That this House —

- (1) acknowledges the serious impact of the recent floods in Victoria;
- (2) meets and sits in a flood affected community in central northern Victoria for one day by April 2024;
- (3) requires the President and the Clerk of the Legislative Council to consult with the Mitchell Shire Council, the Greater Shepparton City Council, the Campaspe Shire Council, other flood affected local government areas in northern Victoria and parliamentary staff, in relation to choosing an appropriate date and specific location for the regional sitting to occur; and
- (4) authorises the President to do all things necessary to facilitate the Council sitting in central northern Victoria.

The Deputy President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

On the motion of Lee Tarlamis, by leave, debate on the motion was extended by 15 minutes.

Debate continued.

Question — put and agreed to.

10 ECONOMY AND INFRASTRUCTURE COMMITTEE — LOCAL GOVERNMENT FUNDING AND SERVICE DELIVERY — Joe McCracken (for Georgie Crozier) moved, That this

House requires the Economy and Infrastructure Committee to inquire into, consider and report, by 30 June 2024, on local government funding and service delivery in Victoria, including but not limited to —

- (1) the effects of cost shifting from the state and federal governments to local councils in an examination of vertical and horizontal fiscal imbalances;
- (2) the services local councils should, and should not, be delivering for their communities;
- (3) whether local councils are adequately delivering on their core service delivery objectives;
- (4) the overall revenue structure of local government;
- (5) whether the existing revenue structure is sustainable and appropriate or if alternative models of funding would be more sustainable and appropriate;
- (6) the accountability of local councils in the use of revenue to deliver core services; and
- (7) any other related matters.

Debate ensued.

Gaelle Broad moved, as amendments —

1. **Omit** paragraphs (2) and (6).
2. In paragraph (5), after “appropriate;” **insert** “and”.

Debate ensued.

Question — That the amendments moved by Gaelle Broad be agreed to — put and agreed to.

Question — That the motion, amended as follows, be agreed to — That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by 30 June 2024, on local government funding and service delivery in Victoria, including but not limited to —

- (1) the effects of cost shifting from the state and federal governments to local councils in an examination of vertical and horizontal fiscal imbalances;
- (2) whether local councils are adequately delivering on their core service delivery objectives;
- (3) the overall revenue structure of local government;
- (4) whether the existing revenue structure is sustainable and appropriate or if alternative models of funding would be more sustainable and appropriate; and
- (5) any other related matters — put.

The Council divided — The President in the Chair.

AYES, 20

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Katherine Copsey; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Aiv Puglielli; Samantha Ratnam; Rikkie-Lee Tyrrell.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 17

Ryan Batchelor; John Berger; Lizzie Blandthorn; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Tom McIntosh; Rachel Payne; Georgie Purcell; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

- 11 PUBLIC ADMINISTRATION AND PLANNING LEGISLATION AMENDMENT (CONTROL OF LOBBYISTS) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining notices of motion and orders of the day, general business, be postponed until the next day of meeting.

- 13 STATEMENTS ON TABLED PAPERS AND PETITIONS** — Members made statements on reports, papers and petitions.

- 14 ADJOURNMENT** — Enver Erdogan moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.59 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 16 — Thursday, 4 May 2023

- 1** The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

- 2 JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION** — The President reported that the House met with the Legislative Assembly on Wednesday, 3 May 2023 and elected —
- (1) Bridget Vallence, Kathleen Matthews-Ward and Tim Read to the Victorian Health Promotion Foundation for a three year term commencing immediately; and
 - (2) Kim O’Keeffe, Luba Grigorovitch and Michael O’Brien to the Board of the Victorian Responsible Gambling Foundation for the term specified in section 11 of the *Victorian Responsible Gambling Foundation Act 2011*.

- 3 PAPERS —**

COMMITTEE REPORT — PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Michael Galea tabled a Report on the Appointment of a person to conduct the financial audit of the Victorian Auditor-General’s Office from the Public Accounts and Estimates Committee (*Ordered to be published*).

PAPERS PRESENTED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following papers:

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 26.

- 4 SITTING OF THE COUNCIL** — Lizzie Blandthorn moved, That the Council, at its rising, adjourn until Tuesday, 16 May 2023.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Members made statements.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 2 to 69, be postponed until later this day.

- 7 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Georgie Crozier moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this Bill be withdrawn and redrafted to prevent a Medically Supervised Injecting Centre from operating in near proximity to schools, childcare centres and community centres.”.

Debate ensued.

Georgie Crozier (*GC47C*) and Aiv Puglielli (*AP02C*) circulated amendments proposed to be moved during Committee of the whole.

Business interrupted at 12.00 noon.

- 8 QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Albury Wodonga hospital (QwN 122)** — substantive question asked by Rikkie-Lee Tyrrell — response from Lizzie Blandthorn due Monday, 8 May 2023.
- **Epilepsy Foundation and Fight Parkinson's (QwN 126)** — substantive and supplementary questions asked by David Ettershank — response from Lizzie Blandthorn due Monday, 8 May 2023.
- **Duck season enforcement outcomes data (QwN 128)** — substantive and supplementary questions asked by Jeff Bourman — response from Harriet Shing due Monday, 8 May 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 9 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2023** — Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment moved by Georgie Crozier, That all the words after “That” be omitted and replaced with the words “this Bill be withdrawn and redrafted to prevent a Medically Supervised

Injecting Centre from operating in near proximity to schools, childcare centres and community centres.”.

David Ettershank (*DE01C*) circulated amendments proposed to be moved during Committee of the whole.

Question — That the reasoned amendment moved by Georgie Crozier be agreed to — put.

The Council divided — The President in the Chair.

AYES, 14

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

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

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Business interrupted at 6.30 pm.

On the motion of Lee Tarlamis, the meal break scheduled for this day was altered from 60 minutes to 45 minutes.

[Sitting suspended from 6.30 pm to 7.15 pm]

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Harriet Shing moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 14

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

10 HUMAN SOURCE MANAGEMENT BILL 2023 — The President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.

11 STATUTE LAW AMENDMENT BILL 2022 — The President read a Message from the Assembly informing the Council that they had agreed to this Bill without amendment.

12 DISABILITY AND SOCIAL SERVICES REGULATION AMENDMENT BILL 2023 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Disability Act 2006 in relation to the Secretary's functions, the sharing of information, residential services, restrictive practices, compulsory treatment and other related matters, to amend the Residential Tenancies Act 1997 in relation to SDA enrolled dwellings, to amend the Disability Service Safeguards Act 2018 in relation to registration requirements, to amend the Social Services Regulation Act 2021 in relation to interviews and hearings for WCES service users, powers of entry and other related matters, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Jaclyn Symes (for Lizzie Blandthorn), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Jaclyn Symes moved, That the Bill be now read a second time.

Jaclyn Symes incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, the debate was adjourned for one week.

Business interrupted at 10.00 pm.

Jaclyn Symes declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

13 WATER LEGISLATION AMENDMENT BILL 2023 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Water and Catchment Legislation Amendment Act 2021 to make minor and technical amendments to that Act, to make minor related amendments to the Water Act 1989 and for other purposes* and requesting the agreement of the Council.

On the motion of Jaclyn Symes (for Harriet Shing), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Jaclyn Symes moved, That the Bill be now read a second time.

Jaclyn Symes incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for David Davis), the debate was adjourned for one week.

14 ADJOURNMENT — Jaclyn Symes moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 10.42 pm until Tuesday, 16 May 2023.

ROBERT McDONALD
Clerk of the Legislative Council

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COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 14, 15 and 16

HUMAN SOURCE MANAGEMENT BILL 2023

Committed Tuesday, 2 May 2023

Amendments circulated: Matthew Bach (MAB25C) (see pp. 113-17), Katherine Copsey (KC03C and KC09C) (see pp. 117-19) and Jaclyn Symes (JS27C) (see pp. 119-27)

Clause 1 — Katherine Copsey (KC09C) and Matthew Bach (MAB25C) circulated amendments proposed to be moved during Committee of the whole.

Clauses 1 and 2 — put and agreed to.

Clause 3 — Jaclyn Symes moved amendment No. 1 (JS27C).

Question — That the amendment be agreed to — put and agreed to.

Jaclyn Symes moved amendment Nos. 2 to 5 (JS27C).

Question — That the amendments be agreed to — put and agreed to.

Matthew Bach moved amendment Nos. 2 to 4 (MAB25C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Matthew Bach; Melina Bath; Gaelle Broad; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

John Berger; Lizzie Blandthorn; Jeff Bourman; Katherine Copsey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Clause 3, as amended — put and agreed to.

Clause 4 — Jaclyn Symes moved amendment No. 6 (JS27C).

Question — That the amendment be agreed to — put and agreed to.

Clause 4, as amended — put and agreed to.

Clauses 5 to 9 — put and agreed to.

Clause 10 — Jaclyn Symes moved amendment Nos. 7 and 8 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 10, as amended — put and agreed to.

Clause 11 — put and agreed to.

Clause 12 — Jaclyn Symes moved amendment Nos. 9 and 10 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 12, as amended — put and agreed to.

Clauses 13 and 14 — put and agreed to.

Clause 15 — Jaclyn Symes moved amendment Nos. 11 and 12 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 15, as amended — put and agreed to.

New Clause 15A — Jaclyn Symes moved amendment No. 13 (*JS27C*).

Question — That New Clause 15A stand part of the Bill — put and agreed to.

Clause 16 — Katherine Copsey moved amendment Nos. 5 and 6 (*KC03C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 16, as amended — put and agreed to.

Clause 17 — Katherine Copsey moved amendment Nos. 7 and 8 (*KC03C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 17, as amended — put and agreed to.

New Clause 17A — Katherine Copsey moved amendment No. 9 (*KC03C*).

Question — That New Clause 17A stand part of the Bill — put and agreed to.

Clause 18 — Jaclyn Symes moved amendment No. 14 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 18, as amended — put and agreed to.

Clause 19 — put and agreed to.

Clause 20 — Katherine Copsey moved amendment No. 10 (*KC03C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 20, as amended — put and agreed to.

Clause 21 — Jaclyn Symes moved amendment No. 15 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 21, as amended — put and agreed to.

Clause 22 — put and agreed to.

Clause 23 — Jaclyn Symes moved amendment No. 16 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 23, as amended — put and agreed to.

Clause 24 — Jaclyn Symes moved amendment No. 17 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 24, as amended — put and agreed to.

Clause 25 — Jaclyn Symes moved amendment Nos. 18 to 20 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.
Clause 25, as amended — put and agreed to.

Clause 26 — Jaclyn Symes moved amendment No. 21 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 26, as amended — put and agreed to.

Clause 27 — Jaclyn Symes moved amendment No. 22 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 27, as amended — put and agreed to.

Clause 28 — Jaclyn Symes moved amendment No. 23 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 28, as amended — put and agreed to.

Clause 29 — Jaclyn Symes moved amendment Nos. 24 and 25 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.
Clause 25, as amended — put and agreed to.

Clause 30 — put and agreed to.

New Clauses 30A, 30B and 30C — Jaclyn Symes moved amendment No. 26 (*JS27C*).

Question — That New Clauses 30A, 30B and 30C stand part of the Bill — put and agreed to.

Clauses 31 to 37 — put and agreed to.

Clause 38 — Jaclyn Symes moved amendment Nos. 27 and 28 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.
Clause 38, as amended — put and agreed to.

Clause 39 — put and agreed to.

Clause 40 — Jaclyn Symes moved amendment No. 29 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.
Clause 40, as amended — put and agreed to.

Clause 41 — Jaclyn Symes moved amendment No. 30 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 41, as amended — put and agreed to.

Clauses 42 to 44 — put and agreed to.

Clause 45 — Jaclyn Symes moved amendment No. 31 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 45, as amended — put and agreed to.

Clause 46 — put and agreed to.

Clause 47 — Jaclyn Symes moved amendment No. 32 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 47, as amended — put and agreed to.

Clauses 48 and 49 — put and agreed to.

Clause 50 — Jaclyn Symes moved amendment No. 33 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 50, as amended — put and agreed to.

Clause 51 — put and agreed to.

Clause 52 — Jaclyn Symes moved amendment Nos. 34 to 37 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 52, as amended — put and agreed to.

Clause 53 — put and agreed to.

Clause 54 — Jaclyn Symes moved amendment Nos. 38 to 42 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 54, as amended — put and agreed to.

Clause 55 — Jaclyn Symes moved amendment Nos. 43 and 44 (*JS27C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 55, as amended — put and agreed to.

Clauses 56 to 61 — put and agreed to.

Clause 62 — Jaclyn Symes moved amendment No. 45 (*JS27C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 62, as amended — put and agreed to.

Clauses 63 and 64 — put and agreed to.

Clause 65 — Katherine Copsey moved amendment No. 1 (*KC09C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 65, as amended — put and agreed to.

Clauses 66 to 72 — put and agreed to.

New Clause 72A — Jaclyn Symes moved amendment No. 46 (*JS27C*).

Question — That New Clause 72A stand part of the Bill — put and agreed to.

Clauses 73 to 94 — put and agreed to.

Bill reported with amendments.

* * * * *

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2023

Committed Thursday, 4 May 2023

Amendments circulated: Georgie Crozier (GC47C) (see pp. 127-30), David Ettershank (DE01C) (see pp. 130-7), David Limbrick (DL55C) (see pp. 137-8) and Aiv Puglielli (AP02C) (see pp. 138-43)

David Limbrick (*DL55C*) circulated amendments proposed to be moved during Committee of the whole.

Clause 1 — David Ettershank moved amendment Nos. 1 to 4 (*DE01C*).

Question — That the amendments be agreed to — put and negatived.

Aiv Puglielli moved amendment Nos. 1 and 2 (*AP02C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 30

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaele Broad; Georgie Crozier; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

David Limbrick moved amendment No. 1 (*DL55C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Georgie Crozier moved amendment No. 1 (GC47C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Georgie Crozier moved amendment No. 2 (GC47C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Georgie Crozier moved amendment No. 3 (GC47C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Georgie Crozier moved amendment No. 4 (GC47C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Aiv Puglielli moved amendment No. 7 (AP02C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 29

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Georgie Crozier; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Aiv Puglielli moved amendment No. 8 (AP02C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 29

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Georgie Crozier; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Clause 1 — put and agreed to.

Clauses 2 to 37 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —**1. HUMAN SOURCE MANAGEMENT BILL 2023***Amendments circulated by Matthew Bach (MAB25C)*

1. **Suggested amendment to the Legislative Assembly -**
Clause 3, page 4, insert the following definition after line 9—

"issuing authority means a person appointed under section 64A;"
2. Clause 3, page 4, insert the following definition after line 17—

"lawyer means a person who is, or was previously—

 - (a) an Australian lawyer; or
 - (b) a foreign lawyer; or
 - (c) an Australian-registered foreign lawyer—

within the meaning of the Legal Profession Uniform Law (Victoria);"
3. Clause 3, page 5, line 29, omit all words and expressions on this line.
4. Clause 3, page 6, line 2, omit all words and expressions on this line.
5. **Suggested amendment to the Legislative Assembly -**
Clause 10, line 16, after "29" insert ", 29A".
6. **Suggested amendment to the Legislative Assembly -**
Clause 10, page 12, lines 9 to 12, omit all words and expressions on these lines.

NEW CLAUSES

7. Insert the following New Clauses after clause 11—
 - "11A Prohibition on registering lawyers as human sources in certain circumstances**
The Chief Commissioner must not register a lawyer as a human source if the purpose of the registration is incompatible with the lawyer's obligations to maintain—
 - (a) legal professional privilege; or
 - (b) confidentiality; or
 - (c) any other ethical or professional duties.
 - 11B Prohibition on engaging lawyers in certain human source activity**
A police officer must not engage a lawyer in human source activity that is incompatible with the lawyer's obligations to maintain—
 - (a) legal professional privilege; or
 - (b) confidentiality; or

- (c) any other ethical or professional duties."
8. Clause 19, line 26, omit "condition." and insert "condition; and".
 9. Clause 19, after line 26 insert—
 "(iv) is not a lawyer."
 10. Clause 21, line 22, after "person" insert "(other than a lawyer in the circumstances specified in section 11A)".
 11. Clause 23, line 3, after "sections" insert "11A,".
 12. **Suggested amendment to the Legislative Assembly -**
Clause 23, page 25, after line 15 insert—
 "(3) The registration of a person under this section does not take effect until it is confirmed by an issuing authority."
 13. Clause 26, lines 21 and 22, omit "**for the purpose of obtaining or disseminating privileged information**".
 14. Clause 26, lines 24 to 27, omit "for the purpose of a police officer obtaining, or obtaining and disseminating, privileged information from the person".
 15. **Suggested amendment to the Legislative Assembly -**
Clause 26, line 28, omit "a serious" and insert "an exceptional and compelling".

NEW CLAUSE

16. **Suggested amendment to the Legislative Assembly -**
Insert the following New Clause after clause 29—
 "**29A Chief Commissioner must apply for confirmation of registration of reportable human source**
 (1) Within 24 hours after registering a person as a reportable human source, the Chief Commissioner must apply to an issuing authority for confirmation of that registration.
 (2) The Chief Commissioner must give the issuing authority all information that is relevant to the decision to register the person as a reportable human source, including any information of which the Chief Commissioner is aware that is adverse to the person being registered as a reportable human source."
17. **Suggested amendment to the Legislative Assembly -**
Clause 30, line 18, omit "the Chief Commissioner registers" and insert "an issuing authority confirms the registration of".
18. **Suggested amendment to the Legislative Assembly -**
Clause 30, line 21, after "registration" insert "and confirmation".

19. Clause 31, line 19, after "person" insert "(other than a lawyer in the circumstances specified in section 11A)".
20. Clause 33, line 25, omit "section" (where secondly appearing) and insert "sections 11A and".
21. Clause 40, line 12, after "person" insert "(other than a lawyer in the circumstances specified in section 11A)".
22. Clause 41, line 3, after "section" insert "11A, section".
23. **Suggested amendment to the Legislative Assembly -**
Clause 41, after line 32 insert—
 - "(4) Subject to subsection (5), the registration of a person under this section remains in effect until the issuing authority confirms the registration of the person as a reportable human source.
 - (5) If the issuing authority does not confirm the registration of the person as a reportable human source within 2 business days after the registration of the person under this section, any information or assistance provided by the person while the subject of the emergency registration may not be used in any proceeding."
24. **Suggested amendment to the Legislative Assembly -**
Clause 46, after line 25 insert—
 - "(ca) in the case of a registration made for the purpose of obtaining or disseminating privileged information, the Chief Commissioner is no longer satisfied of the matters in section 26(1)(a); or".
25. **Suggested amendment to the Legislative Assembly -**
Clause 58, omit this clause.

NEW CLAUSES

26. **Suggested amendment to the Legislative Assembly -**
Insert the following New Division after Division 1 of Part 5—

"Division 1A—Issuing authority

64A Appointment of issuing authority

- (1) The Attorney-General, by instrument, may appoint a person as an issuing authority.
- (2) An issuing authority must be—
 - (a) a former Supreme Court judge; or
 - (b) a former judge of a Supreme Court of another State or a Territory; or
 - (c) a former judge of the Federal Court of Australia.

- (3) An instrument made under subsection (1) is a legislative instrument to which the **Subordinate Legislation Act 1994** applies.
- (4) An appointment under this section of a former Supreme Court judge does not affect any pension or other rights or privileges that the person has as a former judge.

64B Functions and powers of issuing authority

- (1) An issuing authority has the following functions—
 - (a) to confirm, or refuse to confirm, the registration of a person as a reportable human source;
 - (b) any other functions conferred on an issuing authority under any Act of law.
- (2) An issuing authority has all the powers necessary to perform the issuing authority's functions.
- (3) An issuing authority must not confirm the registration of a person as a reportable human source unless the issuing authority is satisfied that—
 - (a) there is an exceptional and compelling threat to—
 - (i) national security; or
 - (ii) the community; or
 - (iii) the life and welfare of any person; and
 - (b) the information that the person is expected to provide if registered as a reportable human source cannot be obtained through any other reasonable means.
- (4) An issuing authority must not confirm the registration of a person as a reportable human source if, in the opinion of the issuing authority, the registration would be in contravention of, or is reasonably likely to lead to a contravention of, section 11A or 11B.
- (5) If an issuing authority confirms or refuses to confirm the registration of a reportable human source, the issuing authority must immediately notify the Chief Commissioner of that decision.
- (6) An issuing authority must confirm, or refuse to confirm, the registration of a person as a reportable human source within 2 business days after receiving the application to do so from the Chief Commissioner.

64C Terms and conditions of appointment

- (1) The appointment of an issuing authority is to be for the period, not exceeding 3 years, set out in the instrument of appointment.
- (2) The appointment of an issuing authority is to be on the terms and conditions set out in the instrument of appointment.

- (3) An issuing authority is entitled to be paid the remuneration and allowances set out in the instrument of appointment.
- (4) An issuing authority may be reappointed.
- (5) The **Public Administration Act 2004** applies to an issuing authority.

64D Employment of staff

Without limiting section 64B(2), an issuing authority may employ under Part 3 of the **Public Administration Act 2004** any employees that are necessary to enable the issuing authority to perform the issuing authority's functions.

64E Confidentiality

- (1) An issuing authority must not disclose information obtained, or that came to the person's knowledge, in the course of, or as a result of, the performance of the issuing authority's functions except as permitted by this Act.
- (2) A person who assists an issuing authority must not disclose information obtained, or that came to the person's knowledge, in the course of, or as a result of, the person's role in assisting an issuing authority except as permitted by this Act.

64F Immunity

- (1) An issuing authority is not personally liable for anything necessarily or reasonably done or omitted to be done in good faith—
 - (a) in the performance of a function or the exercise of a power under this Act; or
 - (b) in the reasonable belief that the act or omission was in the course of the performance of a function or the exercise of a power under this Act.
- (2) Any liability resulting from an act or omission that, but for subsection (1), would attach to an issuing authority attaches instead to the State."

Amendments circulated by Katherine Copsey (KC03C)

1. Clause 12, line 2, omit '**aged 14 years or under**'.
2. Clause 12, lines 4 and 5, omit 'who is aged 14 years or under'.
3. Clause 15, line 2, omit '**14 years of age or under**'.
4. Clause 15, line 4, omit 'aged 14 years or under'.
5. Clause 16, lines 8 to 12, omit all words and expressions on these lines and insert—
 - '(1) A police officer, during any interaction with a child concerning the potential registration of that child as a human source, must ensure the presence of at least one of the following—
 - (a) an Australian legal practitioner;'

6. Clause 16, lines 24 to 31, omit all words and expressions on these lines and insert—
- '(2) For the purposes of subsection (1), the police officer must—
- (a) consult the child before determining who will be present during the interaction; and
 - (b) if an Australian legal practitioner is not to be present during the interaction, inform the child and the child's parent, guardian or independent person that the child may express their wish to have an Australian legal practitioner present at any time; and
 - (c) take reasonable steps to facilitate the child's wishes in this regard before any interaction with the child takes place or before any further interaction with the child takes place (as the case requires).'

7. Clause 17, lines 3 to 8, omit all words and expressions on these lines and insert—

'(1) A police officer, during any interaction which constitutes human source activity with a child who is a human source, must ensure the presence of at least one of the following—

 - (a) an Australian legal practitioner;'

8. Clause 17, lines 20 to 33, omit all words and expressions on these lines and insert—

'(2) For the purposes of subsection (1), the police officer must—

 - (a) consult the child before determining who will be present during the interaction; and
 - (b) if an Australian legal practitioner is not to be present during the interaction, inform the child and the child's parent, guardian or independent person that the child may express their wish to have an Australian legal practitioner present at any time; and
 - (c) take reasonable steps to facilitate the child's wishes in this regard before any interaction with the child takes place or before any further interaction with the child takes place (as the case requires).'

NEW CLAUSE

9. Insert the following New Clause after clause 17—
- '17A Protections for a child—emergency registrations**
- (1) A child is entitled to the presence of the following persons during any interaction between the child and a police officer concerning the potential registration of that child as a human source—
- (a) an Australian legal practitioner;
 - (b) either—
 - (i) a parent or a guardian; or
 - (ii) if a parent or guardian is unavailable or it is not appropriate for a parent or guardian to attend, an independent person.

Example

It is not appropriate for a parent or guardian to be present if the child is to provide information about the parent or guardian or the presence of the child's parent or guardian may place the child or any other person at risk.

- (2) A human source registered on an emergency registration who is a child is entitled to the presence of the persons specified in subsection (1)(a) and (b) during any interaction between the human source and a police officer concerning the child's role as a human source.
 - (3) A human source registered on an emergency registration who is a child is entitled to request the presence of a person referred to in subsection (1)(a) or (b) (or both) during any other interaction between the human source and a police officer.
 - (4) A police officer must inform the child of the entitlements in subsection (1) before any interaction concerning potential emergency registration of the child takes place between the human source and the police officer.
 - (5) A police officer must inform the child of the entitlements in subsections (2) and (3) before any interaction concerning registration or deactivation takes place between the human source and the police officer.
 - (6) The police officer must take reasonable steps to facilitate the presence of each person entitled to be present under subsection (1) or (2) or whose presence is requested under subsection (3).'
10. Clause 20, after line 34 insert—
- '(3A) If it is not appropriate for the parent or guardian to give consent to the child's registration, a police officer must ensure that an independent person is present at the time the child gives informed consent.'

Amendments circulated by Katherine Copsey (KC09C)

1. Clause 65, after line 12 insert—

"Note

See section 5 of the **Independent Broad-based Anti-Corruption Commission Act 2011** in relation to the meaning of police personnel misconduct."

Amendments circulated by Jaclyn Symes (JS27C)

1. Clause 3, after line 27 insert—
"client legal privilege includes legal professional privilege;"
2. Clause 3, page 3, line 7, after "23," insert "30C,".
3. Clause 3, page 6, line 32, omit "application;" and insert "application; or".
4. Clause 3, page 6, after line 32 insert—
"(d) an application to the Supreme Court under section 30A;"
5. Clause 3, page 7, line 6, after "23" insert "or 30C".

6. Clause 4, line 33, after "register" insert ", or apply to the Supreme Court for authorisation to register,".
7. Clause 10, line 14, omit "23;" and insert "23 or 30C;".
8. Clause 10, after line 14 insert—
 - "(ab) the power to approve the making of an application under section 30A;".
9. Clause 12, line 2, omit "**aged 14 years or under**".
10. Clause 12, lines 4 and 5, omit "who is aged 14 years or under".
11. Clause 15, line 2, omit "**14 years of age or under**".
12. Clause 15, line 4, omit "aged 14 years or under".

NEW CLAUSE

13. Insert the following New Clause after clause 15—
 - "15A Prohibition on tasking a human source where information subject to client legal privilege**
 - A police officer must not task a human source who is registered for the purpose of a police officer obtaining, or obtaining and disseminating, information from the human source that is subject to—
 - (a) client legal privilege; or
 - (b) client legal privilege in respect of which there is an exception to the privilege."
14. Clause 18, line 8, after "register" insert ", or apply to the Supreme Court for authorisation to register,".
15. Clause 21, page 22, before line 1 insert—
 - "(1A) A police officer must not apply to the Chief Commissioner to register as a reportable human source a person who is reasonably expected to have access to information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege, for the purpose of obtaining, or obtaining and disseminating, information of that kind."
16. Clause 23, after line 22 insert—
 - "(1A) The Chief Commissioner must not register a person as a reportable human source under this section if—
 - (a) the person is reasonably expected to have access to—
 - (i) information that is subject to client legal privilege; or
 - (ii) information in respect of which there is an exception to client legal privilege; and

- (b) the purpose of the registration is for a police officer to obtain, or to obtain and disseminate, information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege."
17. Clause 24, line 22, after "Monitor" insert "to the Chief Commissioner".
18. Clause 25, line 28, after "source" insert "under section 23".
19. Clause 25, page 26, line 7, after "source" insert "under section 23".
20. Clause 25, page 26, line 10, after "source" insert "under section 23".
21. Clause 26, page 27, lines 5 to 8, omit all words and expressions and insert—
- "(2) Subsection (1) does not apply if the information that the person is to be registered to provide is subject to—
- (a) client legal privilege; or
- (b) an exception to client legal privilege or any other privilege."
22. Clause 27, line 12, after "source" insert "under section 23".
23. Clause 28, line 3, omit "The" and insert "Subject to any conditions imposed by the Supreme Court under section 30B, the".
24. Clause 29, line 12, after "months" insert "or, if applicable, the period fixed by the Supreme Court".
25. Clause 29, line 15, omit "the registration" and insert "a registration under section 23".

NEW CLAUSES

26. Insert the following New Division after Division 3 of Part 3—

"Division 3A—Application to Supreme Court to register a person as a reportable human source for certain purposes

30A Application to Supreme Court for the registration of a person as a reportable human source for certain purposes

- (1) A police officer, with the approval of the Chief Commissioner, may apply to the Supreme Court for an order authorising the Chief Commissioner to register a person as a reportable human source for the purpose of a police officer obtaining, or obtaining and disseminating, information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege if the police officer is reasonably satisfied—
- (a) that the use of the person as a human source—
- (i) is necessary to achieve a legitimate law enforcement objective; and
- (ii) is proportionate to that objective; and
- (b) that the risks associated with the person's registration as a human source have been identified and can be adequately managed; and

- (c) that the registration of the person as a reportable human source is otherwise appropriate and justified; and
 - (d) of either of the following—
 - (i) that—
 - (A) there is a serious and imminent threat to national security, the health or safety of the public or a section of the public, the life of a person or of serious physical harm to a person; and
 - (B) registering the person as a reportable human source is immediately necessary to respond to the threat; and
 - (C) the information or assistance that the person is expected to provide if registered as a reportable human source cannot be obtained through any other reasonable means; or
 - (ii) the information is subject to an exception to client legal privilege of a kind that permits its disclosure to law enforcement officers.
- (2) An application must—
- (a) specify the name of the applicant; and
 - (b) specify the name of the person in respect of whom the application is made; and
 - (c) specify the information proposed to be obtained, or obtained and disseminated; and
 - (d) specify the reasons why the information is likely to be the subject of client legal privilege or subject to an exception to client legal privilege; and
 - (e) specify the required duration of the registration; and
 - (f) if the application is made in writing, be signed by the police officer making the application; and
 - (g) unless the police officer making the application reasonably believes it would be impracticable to do so, be supported by an affidavit setting out the grounds on which the application is made.
- (3) If the police officer making an application under this section reasonably believes that it is impracticable for the application to be made in person, the application may be made by telephone or other electronic communication.
- (4) An application that is made without a supporting affidavit must be accompanied by any information requested by the court.
- (5) A police officer who makes an application without a supporting affidavit must provide a supporting affidavit within 24 hours after making the application.
- 30B Supreme Court may authorise the registration of a person as a reportable human source for certain purposes**
- (1) The Supreme Court may make an order of a kind referred to in section 30A(1) only if the court is reasonably satisfied—

- (a) that the use of the person as a human source—
 - (i) is necessary to achieve a legitimate law enforcement objective; and
 - (ii) is proportionate to that objective; and
 - (b) that the risks associated with the person's registration as a human source have been identified and can be adequately managed; and
 - (c) that the registration of the person as a reportable human source is otherwise appropriate and justified; and
 - (d) of either of the following—
 - (i) that—
 - (A) there is a serious and imminent threat to national security, the health or safety of the public or a section of the public, the life of a person or of serious physical harm to a person; and
 - (B) registering the person as a reportable human source is immediately necessary to respond to the threat; and
 - (C) the information or assistance that the person is expected to provide if registered as a reportable human source cannot be obtained through any other reasonable means; or
 - (ii) the information is subject to an exception to client legal privilege of a kind that permits its disclosure to law enforcement officers; and
 - (e) in the case of an application that is not made in person, that it would have been impracticable for the application to be made in person; and
 - (f) in the case of an application that is not supported by an affidavit, that it would have been impracticable for an affidavit to have been prepared and sworn or affirmed before the application was made.
- (2) In considering whether the court is reasonably satisfied of the matters specified in subsection (1), the court must consider the following—
- (a) whether the person is reasonably expected to have access to privileged information or privileged information in respect of which there is an exception to the privilege and, if so, whether that information is related to the information the person is expected to provide to a police officer if registered as a reportable human source;
 - (b) whether the person is reasonably expected to have access to information that is subject to a legal obligation of confidentiality and, if so, whether that information is related to the information the person is expected to provide to a police officer if registered as a reportable human source;
 - (c) any specialist advice regarding the registration of the person as a reportable human source;
 - (d) the person's age;
 - (e) the person's health, including the person's mental and physical health;

- (f) the purpose for which the person is proposed to be registered as a reportable human source;
 - (g) the conditions that would be imposed on the registration;
 - (h) the length of time for which the person is proposed to be registered as a reportable human source;
 - (i) mitigation of any risk to the safety of the person if the person is registered as a reportable human source;
 - (j) the adequacy of the risk assessment and any other material provided in support of the application;
 - (k) any rewards that are proposed to be given to the person if registered as a reportable human source;
 - (l) if the person is a child—
 - (i) whether registration as a reportable human source is in the best interests of the child; and
 - (ii) any expected impact of registration on the child's wellbeing; and
 - (m) any submissions made to the court by the Public Interest Monitor.
- (3) An order must specify—
- (a) whether the information that is proposed to be obtained, or obtained and disseminated, is likely to be subject to client legal privilege or an exception to client legal privilege of a kind that permits its disclosure to law enforcement officers; and
 - (b) the purpose for which the Chief Commissioner may register the person as a reportable human source; and
 - (c) the date of making of the order; and
 - (d) the maximum period for which the registration of the person in respect of whom the application is made may be in effect, being a period that is not longer than 7 days; and
 - (e) any conditions to which the order is subject.
- (4) An order must not—
- (a) authorise the registration of a person as a reportable human source for the purpose of tasking the person; or
 - (b) be varied, extended or renewed.
- (5) If an order is not made in writing, the court must provide the police officer with a copy of the order as soon as it is practicable to do so.
- (6) An application under this section must not be heard in open court.

30C Chief Commissioner may register a person as a reportable human source following court order

- (1) The Chief Commissioner may register a person as a reportable human source if the Supreme Court makes an order under section 30B authorising the Chief Commissioner to register the person.
 - (2) Before registering the person, the Chief Commissioner must ensure that the person has given informed consent to the registration and that the Chief Commissioner has a record of that person's informed consent, as required by section 20."
27. Clause 38, line 18, after "registration" insert "or a registration under section 30C".
28. Clause 38, line 30, after "registration" insert "or a registration under section 30C".
29. Clause 40, after line 20 insert—
 - "(1A) A police officer must not apply to the Chief Commissioner for emergency registration of a person as a human source a person who is reasonably expected to have access to information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege, for the purpose of obtaining, or obtaining and disseminating, information of that kind."
30. Clause 41, after line 21 insert—
 - "(1A) The Chief Commissioner must not register a person as a human source on an emergency registration application if—
 - (a) the person is reasonably expected to have access to—
 - (i) information that is subject to client legal privilege; or
 - (ii) information in respect of which there is an exception to client legal privilege; and
 - (b) the purpose of the registration is for a police officer to obtain, or to obtain and disseminate, information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege."
31. Clause 45, after line 20 insert—
 - "(4) Despite subsection (3), in the case of a registration under section 30C that is the subject of a further application to the Supreme Court under section 30A, the Chief Commissioner must suspend the registration of the human source at the expiry of the registration period determined under section 29(1) until the further application has been determined by the court."
32. Clause 47, page 44, line 2, after "registration" insert "unless a human source registered under an emergency registration has unexpectedly provided information which is subject to client legal privilege or information that is subject to client legal privilege in respect of which there is an exception to the privilege".

33. Clause 50, line 24, after "23," insert "30C,".
34. Clause 52, line 8, after "source" insert "under section 23".
35. Clause 52, after line 17 insert—
 "(ab) to appear at the hearing of an application under section 30A to test the content and sufficiency of the information relied on and the circumstances of the application;".
36. Clause 52, page 47, line 20, omit "(a)." and insert "(a); and".
37. Clause 52, page 47, after line 20 insert—
 "(c) for the purpose of performing the function under subsection (1)(ab)—
 (i) make submissions to the court by telephone or other electronic communication; and
 (ii) ask questions of any person giving information in relation to the application; and
 (iii) make submissions to the Supreme Court as to the appropriateness of granting the application.".
38. Clause 54, line 11, omit "an application" and insert "any application".
39. Clause 54, after line 12 insert—
 "(1A) The Chief Commissioner, as soon as practicable after the making of an application under section 30A and in accordance with the regulations (if any), must provide the Public Interest Monitor with—
 (a) a copy of the application; and
 (b) a copy of any affidavit in support of the application and of any information provided to the court.".
40. Clause 54, line 18, after "is made" insert "to the Chief Commissioner or the Supreme Court".
41. Clause 54, line 19, after "Commissioner" insert "or the Supreme Court".
42. Clause 54, line 20, after "application" insert "(as the case requires)".
43. Clause 55, line 5, after "source" insert "under section 23".
44. Clause 55, line 17, after "source" insert "under section 23".
45. Clause 62, page 55, after line 13 insert—
 "(ga) the number of times the Public Interest Monitor was notified under section 54 of an application to the Supreme Court under section 30A; and".

NEW CLAUSE

46. Insert the following New Clause after clause 72—

"72A Chief Commissioner to report on applications to the Supreme Court

The Chief Commissioner must give a report to IBAC at least once every 3 months which specifies the number of applications made under section 30A and, of those—

- (a) the number that were granted by the court; and
- (b) the number that were refused and the reasons each was refused."

2. DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2023

Amendments circulated by Georgie Crozier (GC47C)

1. Clause 1, page 2, after line 33 insert—
 - "(ea) to require that the Secretary must not issue a medically supervised injecting centre licence for a facility unless—
 - (i) the facility is at least 250 metres away from the nearest school or service of a specified kind; and
 - (ii) the Secretary is satisfied that the facility is suitable for use as a licensed medically supervised injecting centre—and to provide for various consequences if a facility ceases to meet these standards; and".
2. Clause 1, page 3, line 1, omit "a further review" and insert "further reviews".
3. Clause 1, page 3, after line 3 insert—
 - "(fa) to provide—
 - (i) that the Secretary must not issue a medically supervised injecting centre licence to a person unless satisfied that the person is a fit and proper person to hold the licence; and
 - (ii) that a person must not be appointed as a director or supervisor of the licensed medically supervised injecting centre unless the person making the appointment is satisfied that the proposed appointee is a fit and proper person to be a director or supervisor; and".
4. Clause 1, page 3, after line 7 insert—
 - "(ga) to require the holder of a medically supervised injecting centre licence to prepare an annual report that will be laid before each House of the Parliament; and".
5. Clause 2, after line 17 insert—
 - "(1AA) This Part comes into operation on the day after the day on which this Act receives the Royal Assent.
 - (1AAB) Part 5A comes into operation on 1 July 2024."

6. Clause 2, line 18, omit "this Act comes" and insert "the remaining provisions of this Act come".
7. Clause 2, line 20, omit "of this Act" and insert "referred to in subsection (1)".
8. Clause 10, line 21, omit "55J(1)" and insert "55J(1AA) or (1)".
9. Clause 12, line 33, after "subsection" insert "(1AA) or".

NEW CLAUSES

10. Insert the following New Part after Part 5—

'Part 5A—Suitability of premises

26A Medically supervised injecting centre may be licensed

- (1) Before section 55C(2)(a) of the Principal Act **insert**—

"(aa) the nearest place mentioned in subsection (2A) is at least 250 metres from the facility; and

(aab) the Secretary is satisfied that the facility at the permitted site will be suitable for use as a licensed medically supervised injecting centre, having regard to—

(i) public health and safety; and

(ii) the visibility of the facility from any road (within the meaning of the **Road Management Act 2004**); and

(iii) how close the facility is to a place mentioned in subsection (2A); and

(iv) any other prescribed matter; and".

- (2) After section 55C(2) of the Principal Act **insert**—

"(2A) Subsection (2)(aa) and (aab)(iii) apply to the following places—

(a) a school;

(b) a place at which a children's service (within the meaning of the **Children's Services Act 1996**) operates;

(c) a place at which an education and care service (within the meaning of the Education and Care Services National Law (Victoria)) educates or cares for children."

26B Disciplinary action

Before section 55I(1)(a) of the Principal Act **insert**—

"(aa) a facility for which a medically supervised injecting centre licence has been issued is no longer suitable for use as a licensed medically supervised injecting centre, having regard to the matters set out in section 55C(2)(aab); or".

26C Secretary's power to revoke licence

(1) After the heading to section 55J of the Principal Act **insert—**

"(1AA) The Secretary must revoke a medically supervised injecting centre licence if the facility for which the licence was issued is no longer at least 250 metres from the nearest place mentioned in section 55C(2A)."

(2) Before section 55J(a)(i) of the Principal Act **insert—**

"(iaa) the facility for which the medically supervised injecting centre licence was issued is no longer suitable for use as a licensed medically supervised injecting centre, having regard to the matters set out in section 55C(2)(aab); or".

11. Clause 29, line 13, omit "**Second review**" and insert "**Further reviews**".
12. Clause 29, line 15, omit "The" and insert "At the end of each applicable period under subsection (2), the".
13. Clause 29, lines 27 to 29, omit all words and expressions on these lines and insert—

"(2) The applicable periods are—

 - (a) the period of 4 years beginning on the commencement of Part 6 of the **Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Act 2023**; and
 - (b) each subsequent period of 4 years.

(2A) A review under subsection (1) for an applicable period may be completed whether or not a medically supervised injecting centre licence that is in force at any time during that period ceases to have effect during or after that period."
14. Clause 29, page 22, lines 1 to 5, omit all words and expressions on these lines.
15. Clause 29, page 22, line 8, omit "the review" and insert "a review under this section".
16. Clause 29, page 22, lines 21 and 22, omit "the review" and insert "a review under this section".

NEW CLAUSES

17. Insert the following New Part after Part 6—

'Part 6A—Fit and proper person tests**29A Meaning of director and supervisor of licensed medically supervised injecting centre**

After section 55B(3) of the Principal Act **insert—**

"(3A) A person must not be appointed as described in subsection (1) or (2), or permitted to act in a role as described in subsection (3), unless the person making that appointment, or giving that permission, is satisfied that the

person to be appointed or permitted to act is a fit and proper person to be appointed or permitted to act."

29B Medically supervised injecting centre may be licensed

After section 55C(2)(a) of the Principal Act **insert—**

"(ab) the proposed licensee is a fit and proper person to hold the licence; and".'

NEW CLAUSES

18. Insert the following New Part after Part 7—

'Part 7A—Annual reporting

30A New section 55JB inserted

Before the heading to Division 3 of Part IIA of the Principal Act **insert—**

"55JB Licensee's annual report

- (1) As soon as practicable after the end of a financial year, the holder of a medically supervised injecting centre licence must prepare a report setting out how the operation of the licensed medically supervised injecting centre has advanced the object of this Part in that financial year.
- (2) As soon as practicable after completing a report under subsection (1), the licensee must provide the report to the Minister.
- (3) The Minister must cause a copy of a report under subsection (1) to be laid before each House of the Parliament within 3 sitting days of that House after receiving it.".'

Amendments circulated by David Ettershank (DE01C)

1. Clause 1, after line 4 insert—
 - '(aa) to provide for a change in terminology from "medically supervised injecting centre" to "overdose prevention and recovery centre"; and'.
2. Clause 1, lines 5 and 6, omit "medically supervised injecting" and insert "overdose prevention and recovery".
3. Clause 1, lines 8 and 9, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
4. Clause 1, page 2, lines 7 and 8, omit "medically supervised injecting" and insert "overdose prevention and recovery".
5. Clause 1, page 2, line 13, omit "medically supervised injecting" and insert "overdose prevention and recovery".
6. Clause 1, page 2, lines 28 and 29, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".

7. Clause 1, page 2, line 32, omit "medically supervised injecting" and insert "overdose prevention and recovery".
8. Clause 1, page 3, line 2, omit "medically supervised injecting" and insert "overdose prevention and recovery".
9. Clause 1, page 3, line 7, omit "medically supervised injecting" and insert "overdose prevention and recovery".
10. Clause 1, page 3, lines 10 and 11, omit "medically supervised injecting" and insert "overdose prevention and recovery".
11. Clause 1, page 3, lines 13 and 14, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".

NEW CLAUSES

12. Insert the following New Part after Part 1—

'Part 1A—Change of terminology

3A References to medically supervised injecting centre

- (1) In section 4(1) of the Principal Act—
 - (a) in the definition of *director*, for "licensed medically supervised injecting centre," **substitute** "licensed overdose prevention and recovery centre,";
 - (b) the definition of *medically supervised injecting centre licence* is **repealed**;
 - (c) **insert** the following definition—

"overdose prevention and recovery centre licence means a licence issued under section 55C;"
 - (d) in the definition of *staff*, in paragraphs (a) and (b), for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre";
 - (e) in the definition of *supervisor*, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (2) In section 42(1)(ad) of the Principal Act—
 - (a) for "a medically supervised injecting centre licence" **substitute** "an overdose prevention and recovery centre licence";
 - (b) for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre";
 - (c) for "the medically supervised injecting centre licence" **substitute** "the overdose prevention and recovery centre licence".
- (3) In section 55A of the Principal Act—
 - (a) for "a medically supervised injecting centre" **substitute** "an overdose prevention and recovery centre";

- (b) in paragraphs (b), (d), (e) and (f), for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (4) In the heading to section 55B of the Principal Act, for "**licensed medically supervised injecting centre**" **substitute** "**licensed overdose prevention and recovery centre**".
- (5) In section 55B(1) of the Principal Act—
- (a) for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre";
- (b) in paragraph (a)(iii), for "medically supervised injecting centre licence" **substitute** "overdose prevention and recovery centre licence".
- (6) In section 55B(2) and (3) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (7) In section 55B(4) of the Principal Act, for "licensed medically supervised injecting centre" (where twice occurring) **substitute** "licensed overdose prevention and recovery centre".
- (8) In the heading to Division 2 of Part IIA of the Principal Act, for "**Medically supervised injecting centre**" **substitute** "**Overdose prevention and recovery centre**".
- (9) In the heading to section 55C of the Principal Act, for "**Medically supervised injecting centre**" **substitute** "**Overdose prevention and recovery centre**".
- (10) In the heading to section 55H of the Principal Act, for "**medically supervised injecting centre licence**" **substitute** "**overdose prevention and recovery centre licence**".
- (11) In section 55H(1)(a) and (c) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (12) In section 55I(1)(a) of the Principal Act, for "a medically supervised injecting centre licence" **substitute** "an overdose prevention and recovery centre licence".
- (13) In section 55I(2)(b) of the Principal Act, for "medically supervised injecting centre licence" **substitute** "overdose prevention and recovery centre licence".
- (14) In the note at the foot of section 55I(2) of the Principal Act, for "medically supervised injecting centre licence" **substitute** "overdose prevention and recovery centre licence".
- (15) In section 55I(3) of the Principal Act, for "medically supervised injecting centre licence" **substitute** "overdose prevention and recovery centre licence".

- (16) In section 55J(a)(ii) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (17) In section 55K(1) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (18) In section 55L(1) and (3) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (19) In section 55M(a) and (b) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (20) In section 55N(2)(b) and (3)(a) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (21) In section 55O of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (22) In section 55Q(1)(a), (f) and (g) of the Principal Act, for "licensed medically supervised injecting centre" **substitute** "licensed overdose prevention and recovery centre".
- (23) In section 118(8) of the Principal Act, for "a medically supervised injecting centre licence" **substitute** "an overdose prevention and recovery centre licence".
- (24) In section 119(eb) of the Principal Act, for "licensed medically supervised injecting centre" (where twice occurring) **substitute** "licensed overdose prevention and recovery centre".

3B References to injecting centre drug

- (1) In section 4(1) of the Principal Act—
 - (a) the definition of *injecting centre drug* is **repealed**;
 - (b) **insert** the following definition—

"overdose prevention and recovery centre drug or OPR centre drug
means a drug of dependence, or a class of drug of dependence,
prescribed as an overdose prevention and recovery centre drug;"
 - (c) the definition of *permitted quantity of injecting centre drug* is **repealed**;
 - (d) **insert** the following definition—

"permitted quantity of OPR centre drug means a prescribed amount of
an OPR centre drug;"
- (2) In section 55H(1)(a) of the Principal Act, for "injecting centre drug" **substitute** "OPR centre drug".

- (3) In section 55K(1) of the Principal Act, for "injecting centre drug" (where twice occurring) **substitute** "OPR centre drug".
 - (4) In section 55L(1) and (3)(b) of the Principal Act, for "injecting centre drug" (where twice occurring) **substitute** "OPR centre drug".
 - (5) In section 55M of the Principal Act, for "injecting centre drug" (where twice occurring) **substitute** "OPR centre drug".
 - (6) In section 55N(3)(a) of the Principal Act, for "injecting centre drug" (where twice occurring) **substitute** "OPR centre drug".
 - (7) In section 55Q(1) of the Principal Act—
 - (a) in paragraph (c), for "injecting centre drug" **substitute** "OPR centre drug";
 - (b) in paragraph (d), for "injecting centre drugs" **substitute** "OPR centre drugs";
 - (c) in paragraph (e), for "injecting centre drugs" (where twice occurring) **substitute** "OPR centre drugs".
13. Clause 4, lines 5 and 6, omit "**Medically supervised injecting**" and insert "**Overdose prevention and recovery**".
 14. Clause 7, line 17, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
 15. Clause 9, lines 5 and 6, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
 16. Clause 9, lines 7 and 8, omit "medically supervised injecting" and insert "overdose prevention and recovery".
 17. Clause 9, line 11, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
 18. Heading to clause 10, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
 19. Clause 10, line 10, omit "medically supervised injecting" and insert "overdose prevention and recovery".
 20. Clause 10, line 15, omit "medically supervised injecting" and insert "overdose prevention and recovery".
 21. Clause 10, line 20, omit "A medically supervised injecting" and insert "An overdose prevention and recovery".
 22. Clause 12, line 32, omit "A medically supervised injecting" and insert "An overdose prevention and recovery".
 23. Clause 13, lines 8 and 9, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".

24. Clause 13, line 22, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
25. Clause 13, line 27, omit "medically supervised injecting" and insert "overdose prevention and recovery".
26. Clause 13, page 9, line 6, omit "medically supervised injecting" and insert "overdose prevention and recovery".
27. Clause 13, page 9, line 20, omit "medically supervised injecting" and insert "overdose prevention and recovery".
28. Clause 13, page 9, line 29, omit "medically supervised injecting" and insert "overdose prevention and recovery".
29. Clause 13, page 10, line 10, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
30. Clause 13, page 10, lines 20 and 21, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
31. Heading to clause 14, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
32. Heading to clause 17, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
33. Clause 17, lines 6 and 7, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
34. Clause 17, lines 10 and 11, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
35. Clause 19, lines 21 to 25, omit all words and expressions on these lines and insert—
 - (1) In section 4(1) of the Principal Act—
 - (a) the definition of *licensed medically supervised injecting centre* is **repealed**;
 - (b) **insert** the following definition—

"licensed overdose prevention and recovery centre means the facility for which an overdose prevention and recovery centre licence is issued;" .
36. Clause 19, lines 28 and 29, omit "A medically supervised injecting" and insert "An overdose prevention and recovery".
37. Clause 19, line 32, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
38. Clause 19, page 14, lines 3 and 4, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
39. Clause 19, page 14, lines 7 and 8, omit "A medically supervised injecting" and insert "An overdose prevention and recovery".

40. Clause 19, page 14, line 11, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
41. Clause 19, page 14, lines 15 and 16, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
42. Clause 19, page 14, lines 19 and 20, omit "A medically supervised injecting" and insert "An overdose prevention and recovery".
43. Clause 19, page 14, line 23, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
44. Clause 20, lines 27 and 28, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
45. Clause 20, lines 31 and 32, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
46. Clause 21, lines 4 and 5, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
47. Clause 22, line 19, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
48. Clause 22, lines 22 and 23, omit "medically supervised injecting" and insert "overdose prevention and recovery".
49. Clause 22, page 16, lines 14 and 15, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
50. Clause 22, page 16, lines 26 and 27, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
51. Clause 22, page 16, lines 31 and 32, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
52. Clause 22, page 17, lines 1 and 2, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
53. Heading to clause 23, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
54. Heading to clause 24, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
55. Heading to clause 25, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
56. Clause 29, line 14, omit "**medically supervised injecting**" and insert "**overdose prevention and recovery**".
57. Clause 29, line 18, omit "medically supervised injecting" and insert "overdose prevention and recovery".
58. Clause 29, page 22, lines 1 and 2, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".

59. Clause 33, line 31, omit "medically supervised injecting" and insert "overdose prevention and recovery".
60. Clause 33, page 26, line 6, omit "A medically supervised injecting" and insert "An overdose prevention and recovery".
61. Clause 33, page 26, lines 20 and 21, omit "a medically supervised injecting" and insert "an overdose prevention and recovery".
62. Clause 33, page 26, line 23, omit "A medically supervised injecting" and insert "An overdose prevention and recovery".
63. Clause 34, line 7, omit "medically supervised injecting" and insert "overdose prevention and recovery".

Amendments circulated by David Limbrick (DL55C)

1. Clause 1, page 2, after line 29 insert—
 - "(da) to provide that internal management protocols for a medically supervised injecting centre must include certain requirements in relation to the prescription of Schedule 8 poisons and Schedule 9 poisons; and".

NEW CLAUSES

2. Insert the following New Part after Part 4—

'Part 4A—Internal management protocols and prescription of certain substances

22A Internal management protocols

- (1) In section 55E(2) of the Principal Act, for "they are sufficient" **substitute** "they comply with the requirement in subsection (2A) and that they are otherwise sufficient".
- (2) After section 55E(2) of the Principal Act **insert**—
 - "(2A) Draft internal management protocols must require that the licensed medically supervised injecting centre must be operated in a way that enables the issuing, at the centre, of prescriptions for Schedule 8 poisons and Schedule 9 poisons when it is clinically appropriate for those substances to be prescribed."
- (3) After section 55E(5) of the Principal Act **insert**—
 - "(6) If internal management protocols that do not include the requirement set out in subsection (2A) are in force, the licensee must, as soon as practicable, give the Secretary a proposal setting out how the internal management protocols are to be amended or replaced, under subsection (4), to include that requirement.

- (7) If the Secretary is not satisfied by a proposal given under subsection (6), the Secretary may require the internal management protocols to be amended or replaced in accordance with a direction of the Secretary."

22B Disciplinary action

After section 55I(1)(a) of the Principal Act **insert**—

"(ab) a licensee has not complied with section 55E(6); or".

22C Secretary's power to revoke licence

After section 55J(a)(iii) of the Principal Act **insert**—

"(iiia) the licensee has not complied with section 55E(6); or".

Amendments circulated by Aiv Puqlielli (AP02C)

1. Clause 1, page 2, lines 10 and 11, omit "there must not be more than one such licence in force at a time" and insert "more than one licensed medically supervised injecting centre may operate".
2. Clause 1, page 2, after line 11 insert—

"(iii) there may be more than one location that is a permitted site for the operation of a licensed medically supervised injecting centre; and".
3. Clause 1, page 2, line 31, omit "the" (where third occurring) and insert "a".
4. Clause 1, page 3, line 2, omit "the" and insert "a".
5. Clause 1, page 3, line 6, omit "the" and insert "a".
6. Clause 1, page 3, line 10, omit "the" and insert "a".
7. Clause 1, page 3, after line 11 insert—

"(ha) to make it a condition of a medically supervised injecting centre licence that persons must not be refused admission on the basis of pregnancy or childhood, or on the basis that they are subject to certain orders and conditions; and".
8. Clause 1, page 3, after line 15 insert—

"(ia) to make provision in relation to adults attending a licensed medically supervised injecting centre to facilitate or enable other adults to use the centre; and".
9. Clause 4, line 6, omit "**centre**" and insert "**centres**".
10. Part heading preceding clause 9, omit "**Consecutive**" and insert "**Multiple**".
11. Clause 9, lines 5 and 6, omit "**Limit on number of medically supervised injecting centre licences**" and insert "**Licence becomes invalid on commencement if earlier licence still in force**".
12. Clause 9, lines 7 to 9, omit all words and expressions on these lines.

13. Clause 9, line 10, omit "(2)".
14. Clause 9, after line 12 insert—

"(ab) a particular permitted site is specified in the licence; and".
15. Clause 9, line 15, after "force" insert "in which that permitted site is specified".
16. Clause 9, line 25, omit "subsection (2)" and insert "this section".

NEW CLAUSES

17. Insert the following New Division after Division 1 of Part 3—

'Division 1A—Allowing more than one permitted site

9A Definitions

In section 4(1) of the Principal Act, in the definition of *permitted site*, after "045" **insert** "and land, or a location, that is prescribed;".

9B Medically supervised injecting centre may be licensed for trial period

In section 55C(1) of the Principal Act, for "the permitted site" **substitute** "a permitted site specified in the licence".

9C Regulations for this Part

- (1) In section 55Q(1) of the Principal Act, before paragraph (a) **insert**—

"(aa) prescribing land or a location to be a permitted site;".

- (2) After section 55Q(2) of the Principal Act **insert**—

"(3) Regulations prescribing land or a location to be a permitted site are subject to disallowance by a House of the Parliament.

- (4) If—

(a) regulations are made prescribing land or a location to be a permitted site; and

(b) that permitted site is specified in a licence, in accordance with section 55C(1), as the permitted site for that licence; and

(c) that land or location ceases to be a permitted site under the regulations (whether because the regulations are disallowed or revoked or otherwise)—

the licence ceases to have effect when the land or location ceases to be a permitted site."

9D New section 150 inserted

At the end of Part XII of the Principal Act **insert**—

**"150 Transitional provision—Drugs, Poisons and Controlled Substances
Amendment (Medically Supervised Injecting Centre) Act 2023**

(1) This section applies to a medically supervised injecting centre licence that is in force immediately before the commencement of Division 1A of Part 3 of the **Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Act 2023**.

(2) On and after the commencement referred to in subsection (1), the land referred to in the definition of permitted site in section 4(1) (as in force immediately before that commencement) is taken to have been specified in the licence, in accordance with section 55C(1), as the permitted site for that licence.".'. .

18. Clause 10, line 11, after "force" insert "in respect of the same permitted site".

19. Clause 13, line 23, after "site" insert "specified in the licence".

20. Clause 13, line 30, after "**successor**)" insert "for the same permitted site".

NEW CLAUSES

21. Insert the following New Clauses to follow clause 20—

20A References to only one permitted site

(1) In section 4(1) of the Principal Act, in the definition of **staff**, in paragraph (b)—

(a) for "the permitted site" (where first occurring) **substitute** "a permitted site";

(b) after "the licensed medically supervised injecting centre" **insert** "at that site".

(2) In section 42(1)(ad) of the Principal Act, after "the permitted site" **insert** "specified in the licence".

(3) In section 55E(1) of the Principal Act **omit** "at the permitted site".

(4) In section 55L(3) of the Principal Act, after "the permitted site" (where first occurring) **insert** "specified in the licence".

(5) In section 55N(1)(b) of the Principal Act, after "the permitted site" **insert** "specified in the licence".

20B References to only one medically supervised injecting centre

(1) In section 4(1) of the Principal Act—

(a) in the definition of **director**, for "the licensed medically supervised injecting centre" **substitute** "a licensed medically supervised injecting centre";

(b) in the definition of **staff**, in paragraph (a), for "the licensed medically supervised injecting centre" **substitute** "a licensed medically supervised injecting centre".

(2) In section 55A of the Principal Act—

- (a) for "a medically supervised injecting centre" **substitute** "medically supervised injecting centres";
 - (b) in paragraphs (b), (d), (e) and (f), for "the licensed medically supervised injecting centre" **substitute** "each licensed medically supervised injecting centre".
- (3) In section 55B(1), (2) and (3) of the Principal Act, for "the licensed medically supervised injecting centre" **substitute** "a licensed medically supervised injecting centre".
 - (4) In section 55B(4) of the Principal Act, for "the licensed medically supervised injecting centre" (where first occurring) **substitute** "a licensed medically supervised injecting centre".
 - (5) In section 55K(1) of the Principal Act, for "the licensed medically supervised injecting centre" **substitute** "a licensed medically supervised injecting centre".
 - (6) In section 55M(a) and (b) of the Principal Act, for "the licensed medically supervised injecting centre" **substitute** "a licensed medically supervised injecting centre".
 - (7) In section 55O of the Principal Act, for "the licensed medically supervised injecting centre" **substitute** "a licensed medically supervised injecting centre".
 - (8) In section 55Q(1)(a), (f) and (g) of the Principal Act, for "the licensed medically supervised injecting centre" **substitute** "a licensed medically supervised injecting centre".
 - (9) In section 119(eb) of the Principal Act, for "the licensed medically supervised injecting centre" (where twice occurring) **substitute** "a licensed medically supervised injecting centre".
22. Clause 29, line 18, omit "centre" and insert "centres".
 23. Clause 31, line 6, omit "the" (where first occurring) and insert "a".

NEW CLAUSES

24. Insert the following New Part after Part 8—

'Part 8A—Refusal on the basis of certain attributes not permitted

31A Conditions of medically supervised injecting centre licence

- (1) For section 55H(1)(a) of the Principal Act **substitute**—
 - "(a) except as provided for by paragraph (ad), no person is to be—
 - (i) refused admission to any part of the licensed medically supervised injecting centre that is used for the purpose of the administration of any injecting centre drug; or
 - (ii) refused admission to the centre generally; or
 - (iii) refused access to any service or assistance at the centre—

on the basis that the person has a protected attribute under subsection (1A);".

(2) After section 55H(1) of the Principal Act **insert—**

"(1A) A person has a protected attribute for the purposes of subsection (1)(a) if—

(a) the person is a child; or

(b) the person is pregnant; or

(c) the person is subject to a court order, a tribunal order, a parole condition or a bail condition other than an order or condition that has the effect of prohibiting the person from attending the centre or from accessing services or assistance at the centre;".

NEW CLAUSES

25. Insert the following New Part after Part 9—

'Part 9A—Adults facilitating use of centre by other adults

33A Conditions of medically supervised injecting centre licence

(1) After section 55H(1)(a) of the Principal Act **insert—**

"(ab) no adult is to be—

(i) refused admission to any part of the licensed medically supervised injecting centre that is used for the purpose of the administration of any injecting centre drug; or

(ii) refused admission to the centre generally; or

(iii) refused access to any service or assistance at the centre—

on the basis that the adult's attendance or access is for the purpose of providing peer assistance to another adult;

(ac) no adult who is admitted to the centre is to be prevented from providing peer assistance to another adult;

(ad) no child is to be admitted to any part of the licensed medically supervised injecting centre that is used for the purpose of the administration of any injecting centre drug if the purpose for which the child is attending is to provide peer assistance to another person;

(ae) no adult is to be admitted to any part of the licensed medically supervised injecting centre that is used for the purpose of the administration of any injecting centre drug if the purpose for which the adult is attending is to provide peer assistance to a child;".

(2) Before section 55H(2) of the Principal Act **insert—**

"(1B) A reference in subsection (1) to a person **providing peer assistance** to another person—

- (a) refers to the person facilitating or enabling the other person's—
 - (i) attendance at the licensed medically supervised injecting centre; or
 - (ii) access to any service or assistance at the centre; and including by facilitating or enabling the other person to use, at the centre, an injecting centre drug in a permitted quantity of that injecting centre drug; and
- (b) does not refer to anything done by a member of the staff at the permitted site in their capacity as a member of staff."

33B Exemptions from criminal liability and authorizations for clients of centre

After section 55K(1) of the Principal Act **insert—**

"(1A) Without limiting subsection (1), a person is taken to be a client of a licensed medically supervised injecting centre if—

- (a) the person is an adult; and
- (b) the person is admitted to the centre; and
- (c) the person is attending the centre, or accessing assistance or a service at the centre, for the purpose of providing peer assistance (within the meaning of section 55H(1B)) to another adult."

33C New section 55NA inserted

After section 55N of the Principal Act **insert—**

"55NA Exemption from civil liability—person facilitating or enabling another's attendance

- (1) A person who is taken to be a client of a licensed medically supervised injecting centre under section 55K(1A) is not subject to any civil liability for doing or omitting to do a thing—
 - (a) in good faith; and
 - (b) for the purpose of providing peer assistance (within the meaning of section 55H(1B)) to another adult.
- (2) Without limiting subsection (1), that subsection applies to an act or omission that—
 - (a) relates to the supply or possession of a drug of dependence in the licensed medically supervised injecting centre, whether or not the drug of dependence is an injecting centre drug in a permitted quantity of that injecting centre drug; and
 - (b) satisfies the requirements set out in subsection (1)(a) and (b).
- (3) Subsections (1) and (2) do not apply if the thing done or omitted to be done was due to negligence."



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 17, 18 and 19

No. 17 — Tuesday, 16 May 2023

- 1 The President took the Chair at 12.04 pm, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor informing the Council that he had, on 9 May 2023, given the Royal Assent to the following Act presented to him by the Clerk of the Parliaments:

Statute Law Amendment Act 2023.

The President read a Message from the Governor informing the Council that she had, this day, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Act 2023

Human Source Management Act 2023.

- 3 **ADDRESS TO HIS MAJESTY KING CHARLES III AND THE GOVERNOR** — Jaclyn Symes moved, by leave, That —

- (1) the following resolution be agreed to by this House:

His Majesty King Charles III:

We, the Legislative Council of Victoria, in Parliament assembled, extend our sincere congratulations to Your Majesty on the occasion of Your Coronation, and express our wishes that your reign is a long and happy one.

- (2) the following address to the Governor be agreed to by this House:

Governor:

We, the members of the Legislative Council of Victoria, in Parliament assembled, respectfully request that you communicate the accompanying resolution to His Majesty King Charles III.

Debate ensued.

Question — put and agreed to.

4 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

ANSWERS TAKEN INTO CONSIDERATION — On the motion of David Davis, the answers given by Harriet Shing to questions relating to the Melbourne Water statement (QwN 131) were ordered to be taken into consideration on the next day of meeting.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Melbourne Water statement (QwN 131)** — substantive question asked by David Davis — response from Harriet Shing due Thursday, 18 May 2023.
- **Use of medicinal cannabis (QwN 134)** — substantive and supplementary questions asked by Rachel Payne — response from Enver Erdogan due Wednesday, 17 May 2023.
- **Firewood collection (QwN 136)** — substantive question asked by Rikkie-Lee Tyrrell — response from Ingrid Stitt due Wednesday, 17 May 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

5 CHILDREN, YOUTH AND FAMILIES AMENDMENT (HOME STRETCH) BILL 2023 — Matthew Bach introduced *A Bill for an Act to amend the Children, Youth and Families Act 2005 to make provision for measures to assist young persons in the transition to adulthood after the Secretary's or the permanent care parent's parental responsibility for the young person ceases and for other purposes.*

On the motion of Matthew Bach, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

6 RACIAL AND RELIGIOUS TOLERANCE AMENDMENT (ANTI-VILIFICATION) BILL 2023 — Aiv Puglielli introduced *A Bill for an Act to amend the Racial and Religious Tolerance Act 2001 to prohibit the vilification of persons on the ground of gender, sexuality, disability, intersex status or HIV/AIDS status and for other purposes.*

On the motion of Aiv Puglielli, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

7 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Jaclyn Symes, by leave, presented the Victorian Law Reform Commission's Report on Inclusive Juries — Access for People Who Are Deaf, Hard of Hearing, Blind or Have Low Vision, July 2022 (*Ordered to be tabled and published*).

* * * * *

COMMITTEE REPORT — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 4 of 2023 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Climate Change Act 2017 —

Independent Expert Panel for the Victorian 2035 Emissions Reduction Target — Victoria's 2035 Climate Action Target: Driving Growth and Prosperity, Final Report, March 2023.

Interim emissions reduction target for 1 January 2031 to 31 December 2035.

Commissioner for Environmental Sustainability Victoria — Strategic Audit of the Implementation of Melbourne Strategic Assessment Conservation Outcomes 2022 Report.

Crown Land (Reserves) Act 1978 — Order of 3 May 2023 giving approval to the granting of a licence at George Tindale Memorial Gardens.

Drugs, Poisons and Controlled Substances Act 1981 — Report under section 96 by the Chief Commissioner of Victoria Police for 2022.

Parliamentary Budget Office — Operational Plan 2023-24: Priorities and protocols.

Planning and Environment Act 1987 — Notices of approval of the —

Glen Eira Planning Scheme — Amendment C250.

Greater Geelong Planning Scheme — Amendment C441.

Merri-bek Planning Scheme — Amendment C208.

Mount Alexander Planning Scheme — Amendment C97.

Port of Melbourne Planning Scheme — Amendment C5.

Stonnington Planning Scheme — Amendment C312.

Wangaratta Planning Scheme — Amendment C93.

Wellington Planning Scheme — Amendments C109 (Part 1) and C115.

Yarra Ranges Planning Scheme — Amendment C197 (Part 2).

Project Development and Construction Management Act 1994 — Nomination Order and Application Order of 9 May 2023, under sections 6 and 8 of the Act and a statement of reasons for making the Nomination Order of 24 April 2023, under section 9 of the Act.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 27.

Legislative Instruments and related documents under section 16B in respect of the EPA Designation – Classification of lead-acid batteries, under the Environment Protection Act 2017.

Victorian Building Authority — Report, 2021-22.

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PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper:

Response from the Minister for Local Government to the petition titled Reinstated aged care at home services in the City of Whitehorse (Petition No. 467) (presented by Matthew Bach on 23 March 2023) (*released on 10 May 2023 – a non-sitting day*).

8 FINANCIAL AUDIT OF THE AUDITOR-GENERAL'S OFFICE — The President announced the receipt of a Message from the Assembly advising the Council that they have agreed to the following resolution:

That under section 79 of the *Audit Act 1994*, Mr Kenneth Weldin of PKF Melbourne Audit and Assurance be appointed for a period of 12 months:

- (1) to conduct the financial audit of the Victorian Auditor-General's Office for the financial year ending 30 June 2024;
 - (2) in accordance with the Agreement for the Provision of Services for the Financial Audit of the Victorian Auditor-General's Office; and
 - (3) at a fixed fee level of remuneration of \$46,100 (plus GST) for audit services for the year ending 30 June 2024;
- and requesting the agreement of the Legislative Council.

On the motion of Jaclyn Symes, by leave, the Assembly's Message was ordered to be taken into consideration forthwith.

Jaclyn Symes moved, That —

- (1) the Council agrees with the Assembly and resolves, That under section 79 of the *Audit Act 1994*, Mr Kenneth Weldin of PKF Melbourne Audit and Assurance be appointed for a period of 12 months —
 - (a) to conduct the financial audit of the Victorian Auditor-General's Office for the financial year ending 30 June 2024;
 - (b) in accordance with the Agreement for the Provision of Services for the Financial Audit of the Victorian Auditor-General's Office;
 - (c) at a fixed fee level of remuneration of \$46,100 (plus GST) for audit services for the year ending 30 June 2024; and
- (2) a Message be sent to the Assembly informing them that the Council have agreed with the Assembly's resolution.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

9 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 17 May 2023 —

- (1) order of the day made this day, second reading of the Children, Youth and Families Amendment (Home Stretch) Bill 2023;
- (2) notice of motion No. 54 standing in Aiv Puglielli's name referring matters relating to the rental crisis in Victoria to the Legal and Social Issues Committee;
- (3) notice of motion No. 16, in an amended form, standing in Melina Bath's name referring matters relating to Victoria's education system across government schools to the Legal and Social Issues Committee;
- (4) order of the day No. 1, resumption of debate on the second reading of the Public Administration and Planning Legislation Amendment (Control of Lobbyists) Bill 2023;
- (5) notice of motion No. 62 standing in Evan Mulholland's name on the role of Returned and Services League sub-branches;
- (6) notice of motion No. 45 standing in Georgie Crozier's name on the increasing cost of living pressures; and
- (7) notice of motion given this day by Georgie Crozier on the Victorian Parliamentary Former Members Association.

Question — put and agreed to.

10 COMMITTEE MEMBERSHIP — Georgie Crozier moved, by leave, That —

- (1) Nick McGowan be discharged as a participating member of the Economy and Infrastructure Standing Committee; and

(2) Gaelle Broad and Georgie Crozier be participating members of the Economy and Infrastructure Standing Committee.

Question — put and agreed to.

11 MEMBERS' STATEMENTS — Members made statements.

12 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 2 to 69, and orders of the day, government business, Nos. 1 to 3, be postponed until later this day.

13 DISABILITY AND SOCIAL SERVICES REGULATION AMENDMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

14 ADJOURNMENT — Lizzie Blandthorn moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.44 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 18 — Wednesday, 17 May 2023

1 The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

2 PETITION — INDEPENDENT REVIEW AND INQUIRY INTO VICTORIA POLICE — Samantha Ratnam presented a petition bearing 349 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to conduct an independent review of Victoria Police's strategies in countering online propaganda for extreme right-wing groups, conduct an independent inquiry into the actions of Victoria Police on 18 March 2023 at the public address by Kellie-Jay Keen-Minshull, and issue a public apology to the LGBTIQ+ community, their allies and other supporters of the protest against Keen-Minshull's address (*Ordered to be tabled*).

On the motion of Samantha Ratnam, the petition was ordered to be taken into consideration on the next day of meeting.

3 CORRECTIONS AMENDMENT (PAROLE) BILL 2023 — Matthew Bach introduced *A Bill for an Act to amend the Corrections Act 1986 in relation to conditions for making a parole order in respect of the prisoner Paul Denyer and for other purposes*.

On the motion of Matthew Bach, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

4 PAPER PRESENTED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following paper:

Auditor-General — Supporting Sexual and Reproductive Health, May 2023 (*Ordered to be published*).

- 5 COMMITTEE MEMBERSHIP** — Samantha Ratnam moved, by leave, That Sarah Mansfield be a participating member of the Economy and Infrastructure Standing Committee.
Question — put and agreed to.
- 6 MEMBERS' STATEMENTS** — Members made statements.
- 7 CHILDREN, YOUTH AND FAMILIES AMENDMENT (HOME STRETCH) BILL 2023** — Matthew Bach laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
Matthew Bach moved, That the Bill be now read a second time.
On the motion of Lee Tarlamis, the debate was adjourned for two weeks.
- 8 LEGAL AND SOCIAL ISSUES COMMITTEE — RENTAL CRISIS** — Aiv Puglielli moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, by 17 November 2023, on the rental crisis in Victoria and measures to make renting more affordable and secure for Victorians, including but not limited to —
- (1) the drivers of low rental supply in Victoria;
 - (2) the impact of low supply on renters;
 - (3) options to increase the supply of long-term rentals, including —
 - (a) regulating the short-stay industry;
 - (b) incentivising long-term rentals through state tax levers;
 - (c) the role of build-to-rent and rent-to-buy in increasing housing supply;
 - (4) the factors impacting the high cost of rent in Victoria, including —
 - (a) State and local government legislation and regulations;
 - (b) State government taxation;
 - (5) the impact of increasing first home buyers on rental stock;
 - (6) the effect on renters of rental stress;
 - (7) the options to make renting affordable to households of all income levels, including —
 - (a) rent control options;
 - (b) rent assistance options;
 - (c) strengthening rental bidding laws;
 - (d) land trusts and community owned housing;
 - (8) the effectiveness and enforcement of existing rental standards;
 - (9) how to improve standards for tenants including —
 - (a) energy efficiency standards and disclosure;
 - (b) cooling standards;
 - (c) privacy standards when applying for a rental;
 - (10) the adequacy of tenancy support and mediation in Victoria;
 - (11) the impact on tenants of the current legislative and administrative framework in terms of security of tenure;
 - (12) options for legislating longer and perpetual leases;
 - (13) further protections for tenants against notices to vacate during and after the termination of a lease;
 - (14) the efficacy of the Victorian Civil and Administrative Tribunal in, and alternative models for, tenancy dispute resolution;
 - (15) the effect of the *Residential Tenancies Amendment Act 2018* amendments on head tenants in share houses; and

(16) any other related matters.

Debate ensued.

The President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Matthew Bach; Melina Bath; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; David Ettershank; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Sarah Mansfield; Joe McCracken; Nick McGowan; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 19

Ryan Batchelor; John Berger; Lizzie Blandthorn; Jeff Bourman; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; David Limbrick; Tom McIntosh; Harriet Shing; Adem Somyurek; Ingrid Stitt; Jaclyn Symes; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

The Ayes and Noes being equal, the question was negatived.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

9 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Public housing (QwN 137)** — substantive and supplementary questions asked by Aiv Puglielli — response from Lizzie Blandthorn due Friday, 19 May 2023.
- **Public transport funding (QwN 139)** — substantive and supplementary questions asked by Katherine Copsey — response from Harriet Shing due Friday, 19 May 2023.
- **Emergency Services Telecommunications Authority – IT system (QwN 140)** — substantive question asked by Georgie Crozier — response from Jaclyn Symes due Thursday, 18 May 2023.

* * * * *

QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE — The President directed a minister to provide a further written response to a question without notice pursuant to Standing Order 8.07 as follows:

- **Duck season enforcement outcomes data (QwN 128)** — substantive and supplementary questions asked by Jeff Bourman on Thursday, 4 May 2023 — response from Harriet Shing due Friday, 19 May 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

10 LEGAL AND SOCIAL ISSUES COMMITTEE — VICTORIA'S EDUCATION SYSTEM ACROSS GOVERNMENT SCHOOLS — Melina Bath moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, by 25 June 2024, on the Victorian education system across government schools, including —

- (1) trends in student learning outcomes from Prep to Year 12, including but not limited to —
 - (a) the factors, if any, that have contributed to decline;
 - (b) disparities correlated with geography and socio-economic disadvantage;
- (2) the state of the teaching profession in Victoria, including but not limited to —
 - (a) the adequacy of existing measures to recruit, remunerate and retain teachers;
 - (b) training, accreditation and professional development, particularly for teaching students with special needs;
 - (c) the adequacy of the Department of Education's measures to support teachers;
 - (d) the impact of school leadership on student wellbeing, learning outcomes and school culture;
- (3) the current state of student wellbeing in Victoria, including but not limited to the impact of State Government interventions, following the onset of the COVID-19 pandemic, to address poor mental health in students, school refusal, and broader student disengagement;
- (4) the administrative burden on teachers and the availability of new technologies to alleviate the burden;
- (5) examples of best practice in other jurisdictions and educational settings used to improve student learning outcomes and wellbeing; and
- (6) school funding adequacy and its impact on student learning outcomes and wellbeing.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put and agreed to.

11 BUSINESS POSTPONED — Ordered — That the consideration of order of the day, general business, No. 2, be postponed until later this day.

- 12 RSL POKER MACHINE ENTITLEMENTS** — Evan Mulholland moved, That this House —
- (1) recognises the vital role of Victoria's Returned and Services League (RSL) sub-branches in supporting local communities and veterans;
 - (2) supports RSL sub-branches that use less than their full poker machine entitlements in their venues;
 - (3) acknowledges that community sub-branches that are unable to use these entitlements due to local government restrictions should not be penalised by the Government;
 - (4) notes that the Minister for Casino, Gaming and Liquor Regulation and the Department of Justice and Community Safety have advised Glenroy RSL sub-branch to pay over \$470,000 for unwanted poker machine entitlements which they cannot use;

- (5) further recognises that similar situations confront other community sub-branches including —
 - (a) Darebin RSL sub-branch;
 - (b) Pascoe Vale RSL sub-branch;
 - (c) Altona RSL sub-branch;
 - (d) Caulfield RSL sub-branch;
 - (e) Cheltenham RSL sub-branch;
 - (f) St Kilda Football Club;
- (6) further acknowledges that chasing RSLs to pay for unwanted poker machine entitlements shows the Government is not serious when it comes to tackling gambling addiction and is addicted to pokies revenue;
- (7) calls on the Government to take action by —
 - (a) allowing community sub-branches like the Glenroy RSL and others to forfeit their pokies entitlements without financial penalty;
 - (b) ending the cash grab against RSL sub-branches, letting them get back to their important role in their community of supporting local organisations and veterans; and
 - (c) finding ways to rein in their reckless spending agenda instead of at the expense of community RSL sub-branches.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of notice of motion, general business, No. 45, be postponed until later this day.
- 14 VICTORIAN PARLIAMENTARY FORMER MEMBERS ASSOCIATION** — Georgie Crozier moved, by leave, in an amended form, That this House recognises the Victorian Parliamentary Former Members Association Incorporated (the Association) as the representative body of, and advocate for, former members of the Victorian Parliament, and —
 - (1) acknowledges the contribution made by the Association and its members to supporting former members of Parliament and improving their post-parliamentary welfare;

- (2) welcomes the role of the Association in encouraging former members to maintain the contacts, associations and friendships established during their tenure as members of the Victorian Parliament;
 - (3) endorses the role of the Association in establishing relationships with kindred organisations within Australia and internationally;
 - (4) recognises the Association as a principal stakeholder, and advisor, in the development of welfare and post-parliamentary career programs for members of the Victorian Parliament and endorses the relationship that has been established between the Parliament of Victoria and the Association on all matters affecting former members of Parliament;
- and a Message be sent to the Legislative Assembly informing them of the terms of this resolution.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

15 INCREASING COST OF LIVING PRESSURES — Georgie Crozier moved, That this House notes —

- (1) that Victorian families, households and businesses are struggling under increasing cost of living pressures due to policy failures of the Andrews Labor Government;
- (2) that Victoria has the highest debt of all states and is paying \$10 million per day in interest alone;
- (3) that Victorian households and businesses are facing energy price increases of up to \$1,000 this year with the Andrews Labor Government unable to provide any detail on when power costs will reduce;
- (4) the burden of increasing tax bills including land tax which is hurting mum and dad investors;
- (5) the declining standard of living for an increasing number of Victorians struggling under the pressure of higher costs for necessities and the inability to access services; and
- (6) the ongoing waste and mismanagement by the Andrews Labor Government with no plan to alleviate the financial stress and address rising debt.

Debate ensued.

On the motion of Ryan Batchelor, the debate was adjourned until the next day of meeting.

16 BUSINESS POSTPONED — Ordered — That the consideration of the remaining notices of motion and orders of the day, general business, be postponed until the next day of meeting.

17 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

18 ADJOURNMENT — Enver Erdogan moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.21 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 19 — Thursday, 18 May 2023

- 1 The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.
- 2 **PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:
 - Fire Rescue Victoria Act 1958 — Year Two to Five Fire Services Reform Implementation Plan, May 2023 Update.
 - Ombudsman — Complaint handling casebook: Resolving issues informally, May 2023 (*Ordered to be published*).
 - Victorian Environmental Assessment Council — Reports on Advice on Aspects of Public Land Use Information, April 2023, under section 26E of the Victorian Environmental Assessment Council Act 2001.
- 3 **SITTING OF THE COUNCIL** — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 30 May 2023.
Question — put and agreed to.
- 4 **COMMITTEE MEMBERSHIP** — Moira Deeming moved, by leave, That Moira Deeming be a participating member of the Legal and Social Issues Standing Committee.
Question — put and agreed to.
- 5 **MEMBERS' STATEMENTS** — Members made statements.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 2 to 93, be postponed until later this day.
- 7 **WATER LEGISLATION AMENDMENT BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.
Sarah Mansfield (*SMA02C*) circulated amendments proposed to be moved during Committee of the whole.
Business interrupted at 12.00 noon.
- 8 **QUESTION TIME** —
QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.
* * * * *
- ANSWERS TAKEN INTO CONSIDERATION** — Ordered that the following answers be taken into consideration on the next day of meeting —
 - On the motion of David Davis, the answers given by Harriet Shing to questions relating to Maribyrnong River Flood Inquiry (QwN 145).
 - On the motion of Melina Bath, the answers given by Gayle Tierney to questions relating to native hardwood (QwN 149).
* * * * *
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:
 - **Gaming machine venues closing times (QwN 146)** — substantive and supplementary questions asked by David Ettershank — response from Lizzie Blandthorn due Monday, 22 May 2023.

- **Recommendations from Inspector-General for Emergency Management (IGEM) (QwN 147)** — substantive question asked by Ann-Marie Hermans — response from Jaclyn Symes due Friday, 19 May 2023.
- **Native forest logging (QwN 148)** — supplementary question asked by Sarah Mansfield — response from Gayle Tierney due Monday, 22 May 2023.
- **Native bird hunting – Ministerial diary entries (QwN 151)** — substantive and supplementary questions asked by Jeff Bourman — response from Harriet Shing due Monday, 22 May 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 9 WATER LEGISLATION AMENDMENT BILL 2023** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 10 EARLY CHILDHOOD EDUCATION AND CARE** — Debate resumed on the question, That this House recognises that the Andrews Labor Government’s ambitious overhaul of early childhood education and care, with a massive \$9 billion investment over the next decade, will give kids the very best start in life and will make early education fairer for all Victorian families, and on the amendment moved by David Davis, That “families.” be **omitted** and **replaced** with “families, but has failed to fully fund the required associated capital works leaving a blackhole in funding.”.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

- 11 ADJOURNMENT** — Gayle Tierney moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 4.20 pm until Tuesday, 30 May 2023.

ROBERT McDONALD
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 17, 18 and 19

WATER LEGISLATION AMENDMENT BILL 2023

Committed Thursday, 18 May 2023

Amendments circulated: Sarah Mansfield (SMA02C) (see p. 158)

Clauses 1 to 5 — put and agreed to.

New Clause 5A — Sarah Mansfield moved amendment No. 1 (SMA02C).

Question — That New Clause 5A stand part of the Bill — put and negatived.

Clauses 6 to 22 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —**1. WATER LEGISLATION AMENDMENT BILL 2023*****Amendments circulated by Sarah Mansfield (SMA02C)***

NEW CLAUSES

1. Insert the following New Clause to follow clause 5—

"5A What is recorded in the water register about water shares?

For section 24(b) of the **Water and Catchment Legislation Amendment Act 2021** substitute—

'(b) for paragraph (f) substitute—

"(f) whether any person who holds a water allocation under the water share does not hold a water-use licence that authorises the use of water under that water allocation on land and does not intend to hold such a water-use licence; and".'

2. Insert the following New Clause to follow clause 6—

'6A Section 30 of Water and Catchment Legislation Amendment Act 2021 amended—What information or records are available from the water register?

(1) In section 30 of the **Water and Catchment Legislation Amendment Act 2021**, in proposed section 84X(2)(b) of the **Water Act 1989**, for 'section 84Z.'" substitute "section 84Z."

(2) In section 30 of the **Water and Catchment Legislation Amendment Act 2021**, after proposed section 84X(2) of the **Water Act 1989** insert—

"(3) The records or information referred to in section 84I(f) must not be prescribed under subsection (2)(a).".'



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 20, 21 and 22

No. 20 — Tuesday, 30 May 2023

- 1 The President took the Chair at 12.04 pm, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 23 May 2023, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
Disability and Social Services Regulation Amendment Act 2023
Water Legislation Amendment Act 2023.
- 3 **GAMBLING REGULATION AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003 in relation to wagering and betting and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.
On the motion of Jaclyn Symes (for Lizzie Blandthorn), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
Jaclyn Symes moved, That the Bill be now read a second time.
Jaclyn Symes incorporated the second reading speech in Hansard.
On the motion of Georgie Crozier, by leave, the debate was adjourned until later this day.
- 4 **GAMBLING TAXATION BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to consolidate and amend various gambling taxes, to make consequential amendments to the Casino Control Act 1991, the Casino (Management Agreement) Act 1993, the Gambling Regulation Act 2003 and the Taxation Administration Act 1997 and for other purposes* and requesting the agreement of the Council.
On the motion of Jaclyn Symes, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Jaclyn Symes moved, That the Bill be now read a second time.

Jaclyn Symes incorporated the second reading speech in Hansard (except for the statement under section 85(5) of the *Constitution Act 1975*).

Jaclyn Symes made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of Georgie Crozier, by leave, the debate was adjourned until later this day.

5 ENERGY LEGISLATION AMENDMENT (ELECTRICITY OUTAGE EMERGENCY RESPONSE AND OTHER MATTERS) BILL 2023 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000, the Victorian Energy Efficiency Target Act 2007 and the Essential Services Commission Act 2001 and for other purposes* and requesting the agreement of the Council.

On the motion of Jaclyn Symes (for Ingrid Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Jaclyn Symes moved, That the Bill be now read a second time.

Jaclyn Symes incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for David Davis), the debate was adjourned until the next day of meeting.

6 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Barak Beacon public housing (QwN 154)** — substantive and supplementary questions asked by Samantha Ratnam — response from Lizzie Blandthorn due Thursday, 1 June 2023.
- **Youth justice custody statistics (QwN 156)** — substantive and supplementary questions asked by David Ettershank — response from Jaclyn Symes due Wednesday, 31 May 2023.
- **Paul Denyer parole (QwN 158)** — supplementary question asked by Jeff Bourman — response from Jaclyn Symes due Wednesday, 31 May 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

7 LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO THE RENTAL AND HOUSING AFFORDABILITY CRISIS IN VICTORIA — The President read a letter from the Chair of the Legal and Social Issues Committee advising that, on 24 May 2023, the Committee self-referred an Inquiry into the rental and housing affordability crisis in Victoria.

8 ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO FARMED PIG WELFARE IN VICTORIA — INQUIRY INTO THE CREATIVE INDUSTRIES IN VICTORIA — The President read a letter from the Chair of the Economy and Infrastructure

Committee advising that the Committee self-referred an Inquiry into farmed pig welfare in Victoria and an Inquiry into the Creative Industries in Victoria.

- 9 ENERGY AND RESOURCES LEGISLATION AMENDMENT (TRANSITION AWAY FROM COAL) BILL 2023** — Sarah Mansfield introduced *A Bill for an Act to amend the Environment Protection Act 2017 to prohibit the authorisation of thermal coal activity under a licence, to amend the Renewable Energy (Jobs and Investment) Act 2017 to increase the renewable energy target for Victoria, to amend the Mineral Resources (Sustainable Development) Act 1990 to prohibit the exploration for or mining of coal and to amend the Constitution Act 1975 to entrench some of those amendments and for other purposes.*

On the motion of Sarah Mansfield, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 10 OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2023** — Aiv Puglielli introduced *A Bill for an Act to amend the Owners Corporations Act 2006 to put a cap on the total number of days that a dwelling can be used for short-term rental accommodation, to give Owners Corporations for multi-unit complexes the power to ban short-term rental accommodation in their buildings, to establish a mandatory register of short-term rental accommodation dwellings and for other purposes.*

On the motion of Aiv Puglielli, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 11 SUMMARY OFFENCES AMENDMENT (MOVE-ON LAWS) BILL 2023** — Jeff Bourman introduced *A Bill for an Act to amend the Summary Offences Act 1966 to provide for certain move-on powers and related exclusion orders and for other purposes.*

On the motion of Jeff Bourman, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

12 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Jaclyn Symes, by leave, presented the Victorian Government Annual Report 2022 on the Royal Commission into Institutional Responses to Child Sexual Abuse (*Ordered to be tabled*).

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COMMITTEE REPORTS — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled:

Alert Digest No. 5 of 2023 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

Alert Digest No. 6 of 2023 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

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BUDGET PAPERS, 2023-24 — Pursuant to section 27E of the *Financial Management Act 1994*, the Clerk tabled the 2023-24 —

- (a) Budget Paper No. 2 – Strategy and Outlook;
- (b) Budget Paper No. 3 – Service Delivery; and
- (c) Budget Paper No. 5 – Statement of Finances (incorporating Quarterly Financial Report No. 3).

Jaelyn Symes, by leave, presented the 2023-24 —

- (a) Budget Paper No. 1 – Treasurer’s Speech;
- (b) Budget Paper No. 4 – State Capital Program;
- (c) Budget Overview;
- (d) Budget Information Paper – COVID Debt Repayment Plan; and
- (e) Budget Information Paper – Gender Equality Budget Statement (*Ordered to be tabled*).

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PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 145/2018 (*Gazette G21, 25 May 2023*).

Planning and Environment Act 1987 — Notices of approval of the —
Corangamite Planning Scheme — Amendment C60.

Merri-bek Planning Scheme — Amendment C218.

Yarra Planning Scheme — Amendments C303 and C316.

Yarra Ranges Planning Scheme — Amendment C197 (Part 1A).

Statutory Rules under the following Acts —

Architects Act 1991 — No. 28.

Local Government Act 1989 — No. 29.

Public Health and Wellbeing Act 2008 — No. 27.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 28, 30, 31, 32 and 34.

Legislative Instruments and related documents under section 16B in respect of the EPA Designation – Classification of PFAS-impacted soil, under the Environment Protection Act 2017.

Victorian Environmental Assessment Council Act 2001 — Government Response to the Victorian Environmental Assessment Council’s Assessment of the Values of the Strathbogie Ranges and Mirboo North Immediate Protection Areas, under section 26G(3) of the Act.

Wildlife Act 1975 — Wildlife (Closure of Lake Connewarre State Game Reserve) Notice, under section 86 of the Act (*Gazette S233, 16 May 2023*).

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PROCLAMATION — The Clerk tabled a proclamation of the Governor in Council fixing an operative date for the following Act:

Early Childhood Legislation Amendment Act 2022 — Sections 15 to 21, 34, 38 to 44 and 51 — 1 July 2023 (*Gazette S253, 23 May 2023*).

* * * * *

PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper:

Response from the Minister for Housing to the petition titled Stop the demolition of the Barak Beacon public housing estate to save \$88 million (Petition No. 470) (presented by Katherine Copsey on 22 March 2023) (*released on 22 May 2023 – a non-sitting day*).

13 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 31 May 2023 —

- (1) order of the day No. 1, second reading of the Corrections Amendment (Parole) Bill 2023;
- (2) order of the day made this day, second reading of the Energy and Resources Legislation Amendment (Transition Away from Coal) Bill 2023;
- (3) notice of motion No. 6, in an amended form, standing in Bev McArthur's name referring matters relating to Victoria's roads to the Economy and Infrastructure Committee;
- (4) order of the day No. 2, resumption of debate on the second reading of the Public Administration and Planning Legislation Amendment (Control of Lobbyists) Bill 2023;
- (5) notice of motion given this day by Evan Mulholland on the 2023-24 Budget; and
- (6) notice of motion No. 70 standing in Rachel Payne's name referring matters relating to industrial hemp production to the Economy and Infrastructure Committee.

Question — put and agreed to.

14 MEMBERS' STATEMENTS — Members made statements.

15 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 2 to 93, be postponed until later this day.

16 COGNATE DEBATE — Lee Tarlamis moved, by leave, That this House authorises the President to permit the second reading debate on the Gambling Taxation Bill 2023 to be taken concurrently with the second reading debate on the Gambling Regulation Amendment Bill 2023.

Question — put and agreed to.

17 GAMBLING TAXATION BILL 2023 — GAMBLING REGULATION AMENDMENT BILL 2023 — The concurrent debate commenced on the questions, That these Bills be now read a second time.

Katherine Copsey (*KC12C*) circulated amendments to the Gambling Taxation Bill 2023 proposed to be moved during Committee of the whole.

Rachel Payne (*RP01C*) circulated amendments to the Gambling Regulation Amendment Bill 2023 proposed to be moved during Committee of the whole.

The concurrent debate having concluded —

18 GAMBLING REGULATION AMENDMENT BILL 2023 — Question — That the Bill be now read a second time — put and agreed to.

Bill read a second time.

The President ruled that certain amendments proposed to be moved during Committee of the whole by Rachel Payne (*RP01C*) are outside the scope of the Bill.

Rachel Payne moved, That it be an instruction to the Committee that they have the power to consider New Clauses to amend the *Gambling Regulation Act 2003* to prohibit gambling advertising at sporting grounds.

Debate ensued.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

19 GAMBLING TAXATION BILL 2023 — Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 35

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Moira Deeming; David Ettershank; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Rachel Payne; Aiv Puglielli; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 2

David Limbrick, Georgie Purcell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Jaclyn Symes moved, That the Bill be now read a third time and do pass.

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

The Council divided — The President in the Chair.

AYES, 36

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Moira Deeming; David Ettershank; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Aiv Puglielli; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 2

David Limbrick; Georgie Purcell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Council.

Question — That the Bill do pass — put and agreed to.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 20 BUSINESS POSTPONED** — Ordered — That the consideration of order of the day, government business, No. 1, be postponed until later this day.
- 21 BUILDING LEGISLATION AMENDMENT BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.
- David Davis (*DD120C*) circulated amendments proposed to be moved during Committee of the whole.
- Question — put and agreed to.
- Bill read a second time and ordered to be committed to a Committee of the whole on the next day of meeting.
- 22 ADJOURNMENT** — Harriet Shing moved, That the House do now adjourn.
- Debate ensued.
- The Council adjourned at 6.43 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 21 — Wednesday, 31 May 2023

- 1** The President took the Chair at 9.35 am, read the Prayer and made an Acknowledgement of Country.
- 2 APPROPRIATION (2023-2024) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2023/2024 and for other purposes* and requesting the agreement of the Council.
- On the motion of Jaclyn Symes, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 3 APPROPRIATION (PARLIAMENT 2023-2024) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2023/2024 and for other purposes* and requesting the agreement of the Council.
- On the motion of Jaclyn Symes, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 4 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:
- Crown Land (Reserves) Act 1978 —
 - Order of 29 April 2023 giving approval to the granting of a licence at Mordialloc-Mentone Beach Park Reserve.
 - Order of 25 May 2023 giving approval to the granting of a lease at Albert Park.
 - Statutory Rules under the following Acts —
 - Building and Construction Industry Security of Payment Act 2002 — No. 34.
 - Circular Economy (Waste Reduction and Recycling) Act 2021 — No. 33.
 - Supreme Court Act 1986 — No. 31.
 - Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 32.
 - Victorian Civil and Administrative Tribunal Act 1998 — No. 30.

Subordinate Legislation Act 1994 — Legislative Instrument and related documents under section 16B in respect of the Minister’s Conversion Rules for Place of Take Approvals, under the Water Act 1989.

5 MEMBERS’ STATEMENTS — Members made statements.

6 CORRECTIONS AMENDMENT (PAROLE) BILL 2023 — Matthew Bach laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Matthew Bach moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

7 ENERGY AND RESOURCES LEGISLATION AMENDMENT (TRANSITION AWAY FROM COAL) BILL 2023 — Sarah Mansfield laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Sarah Mansfield moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

8 ECONOMY AND INFRASTRUCTURE COMMITTEE — VICTORIA’S ROADS — Bev McArthur moved, That this House —

- (1) recognises the poor state of Victoria’s roads, especially in rural and regional areas;
- (2) notes the consequences of damaged road surfaces, including the safety of all road users and the economic and environmental damage caused by repeated repairs to vehicles such conditions make inevitable;
- (3) requires the Economy and Infrastructure Committee to inquire into, consider and report by 29 February 2024, on the state of Victoria’s roads, including but not limited to —
 - (a) the budgetary resources dedicated to road construction and repairs in Victoria, with comparison to national and international experience;
 - (b) the methods and standards of design, construction and maintenance of road pavement and surfacing, with comparison to national and international experience;
 - (c) the value for money achieved by the existing Victorian system of delivering road surface construction and maintenance, including —
 - (i) the tendering process;
 - (ii) contract requirements, including technical specifications of works;
 - (iii) quality control and project assessment;
 - (iv) longer-term ongoing assessment of road surface quality; and
 - (v) clawback mechanisms for inadequate quality of delivered work.

Debate ensued.

The President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Adem Somyurek; Rikkie-Lee Tyrrell.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 20

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney; Sheena Watt.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

9 PUBLIC ADMINISTRATION AND PLANNING LEGISLATION AMENDMENT (CONTROL OF LOBBYISTS) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

10 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to questions without notice pursuant to Standing Order 8.07 as follows:

- **Rent freeze and caps (QwN 161)** — substantive and supplementary questions asked by Aiv Puglielli — response from Jaclyn Symes due Friday, 2 June 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

11 PUBLIC ADMINISTRATION AND PLANNING LEGISLATION AMENDMENT (CONTROL OF LOBBYISTS) BILL 2023 — Debate continued on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

12 BUDGET 2023-24 — Evan Mulholland moved, That this House notes —

- (1) the 2023-24 Victorian Budget handed down by Labor will inflict further economic damage on Victoria and Victorians for years to come;
- (2) that Victoria's debt is set to reach \$171 billion by 2026 and interest repayments will double to \$22 million per day;
- (3) the decisions and actions of the Andrews Labor Government are causing fiscal damage to Victoria and harming business confidence;
- (4) the Government's ongoing tax grabs are hurting mum and dad investors;
- (5) CPA Australia, the Victorian Chamber of Commerce and Industry, the Independent Schools Victoria, the Property Council and the Real Estate Institute of Victoria have all raised serious concerns regarding the Government's approach to managing the State's finances;
- (6) the ongoing commentary led by the Premier and Government Ministers blaming the parlous state of Victoria's finances on the Reserve Bank of Australia and

COVID-19 and refusing to take any responsibility for the dire financial state that Victoria is in;

- (7) the budget blowouts in excess of \$30 billion on major infrastructure projects is due to gross mismanagement and waste by the Andrews Government; and
- (8) that due to this fiscal incompetence, it is clear that Victoria is broke, life is getting harder and Victorians are being punished for the Andrews Labor Government's incompetence.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put and agreed to.

13 ECONOMY AND INFRASTRUCTURE COMMITTEE — INDUSTRIAL HEMP PRODUCTION —

Rachel Payne moved, That this House —

- (1) notes the enormous utility of industrial hemp —
 - (a) in textiles, rope, food, oil, bioplastics, construction materials including hempcrete and fibre panels, insulation, animal fodder and biofuel;
 - (b) as a carbon dioxide reducing 'carbon sink', capable of absorbing more carbon dioxide per hectare than many forests or commercial crops;
- (2) further notes that while there has been a rapid expansion in industrial hemp production nationally, as of April 2023, there are only six growers cultivating a total of 169 hectares in Victoria;
- (3) requires the Economy and Infrastructure Committee to inquire into, consider and report, by 15 November 2023, on —
 - (a) issues, barriers and opportunities within the current Victorian industrial hemp industry;
 - (b) the current Victorian industrial hemp industry compared to other relevant jurisdictions;
 - (c) the constraints and confounders to expanding the industrial hemp industry in Victoria;
 - (d) the environmental benefits and costs of an expanded industrial hemp sector;
 - (e) how industrial hemp can be best utilised to assist Victoria in meeting emissions reduction targets;
 - (f) how the Victorian Government could support industry development and growth across Victoria;
 - (g) whether the regulatory and licencing framework for hemp cultivation and hemp products may be streamlined to benefit the expansion of the industrial hemp industry, including but not limited to the introduction of a standalone Industrial Hemp Act;
 - (h) key elements for the potential development of a Hemp Industry Plan for Victoria; and
 - (i) any other relevant matters.

Debate ensued.

Question — put and agreed to.

14 PUBLIC ADMINISTRATION AND PLANNING LEGISLATION AMENDMENT (CONTROL OF LOBBYISTS) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Matthew Bach; Gaele Broad; Katherine Copsey; Georgie Crozier; David Davis; Moira Deeming; David Ettershank; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 13

Ryan Batchelor; John Berger; Lizzie Blandthorn; Jacinta Ermacora; Michael Galea; Shaun Leane; Tom McIntosh; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill transmitted to the Assembly with a Message requesting their agreement.

- 15 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining notices of motion and orders of the day, general business, be postponed until the next day of meeting.

- 16 STATEMENTS ON TABLED PAPERS AND PETITIONS** — Members made statements on reports, papers and petitions.

- 17 STATE TAXATION ACTS AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the Fire Services Property Levy Act 2012, the Land Tax Act 2005, the Payroll Tax Act 2007, the Planning and Environment Act 1987, the Subdivision Act 1988, the Taxation Administration Act 1997 and the Valuation of Land Act 1960 and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for Matthew Bach), the debate was adjourned for one week.

- 18 VICTORIAN FUTURE FUND BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the Victorian Future Fund and set out the purposes for which money in the Victorian Future Fund may be used and to amend the Duties Act 2000 and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for Matthew Bach), the debate was adjourned for one week.

- 19 APPROPRIATION (2023-2024) BILL 2023** — Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for Matthew Bach), the debate was adjourned for one week.

- 20 APPROPRIATION (PARLIAMENT 2023-2024) BILL 2023** — Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for Matthew Bach), the debate was adjourned for one week.

- 21 ADJOURNMENT** — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.17 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 22 — Thursday, 1 June 2023

- 1** The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.
- 2 PAPERS PRESENTED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following papers:
Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 36 and 37.
- 3 SITTING OF THE COUNCIL** — Lizzie Blandthorn moved, That the Council, at its rising, adjourn until Tuesday, 20 June 2023.
Question — put and agreed to.
- 4 COMMITTEE MEMBERSHIP** — Rachel Payne moved, by leave, That David Ettershank and Rachel Payne be participating members of the Economy and Infrastructure Standing Committee.
Question — put and agreed to.
- 5 MEMBERS' STATEMENTS** — Members made statements.
- 6 PRODUCTION OF DOCUMENTS — SEASONAL CHANGES TO THE 2023 DUCK HUNTING SEASON** — The Clerk tabled a letter from the Attorney-General, dated 1 June 2023, in

response to a resolution of the Council on 3 May 2023 (on the motion of Jeff Bourman), relating to seasonal changes to the 2023 duck hunting season, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

7 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 36 to 93, be postponed until later this day.

8 BUILDING LEGISLATION AMENDMENT BILL 2023 — Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

9 ENERGY LEGISLATION AMENDMENT (ELECTRICITY OUTAGE EMERGENCY RESPONSE AND OTHER MATTERS) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ingrid Stitt moved, by leave, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 35

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; David Ettershank; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 2

Moira Deeming; David Limbrick.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

Business interrupted at 12.02 pm.

10 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Mental health services – timber workers (QwN 171)** — substantive question asked by Melina Bath — response from Gayle Tierney due Monday, 5 June 2023.
- **Albury Wodonga hospital (QwN 174)** — substantive and supplementary questions asked by Rikkie-Lee Tyrrell — response from Lizzie Blandthorn due Monday, 5 June 2023.
- **Parental rights education (QwN 176)** — substantive and supplementary questions asked by Moira Deeming — response from Ingrid Stitt due Monday, 5 June 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

11 CHILDREN AND HEALTH LEGISLATION AMENDMENT (STATEMENT OF RECOGNITION, ABORIGINAL SELF-DETERMINATION AND OTHER MATTERS) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Samantha Ratnam (*SR125C*) and Lizzie Blandthorn (*LB16C*) circulated amendments proposed to be moved during Committee of the whole.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

12 ADJOURNMENT — Lizzie Blandthorn moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 4.17 pm until Tuesday, 20 June 2023.

ROBERT McDONALD
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 20, 21 and 22

GAMBLING REGULATION AMENDMENT BILL 2023

Committed Tuesday, 30 May 2023

Amendments circulated: Rachel Payne (RP01C) (see p. 177)

Clauses 1 to 68 — put and agreed to.

New Clauses 68A and 68B — Rachel Payne moved amendment No. 1 (RP01C).

Question — That New Clauses 68A and 68B stand part of the Bill — put and negatived.

Clauses 69 to 92 — put and agreed to.

Bill reported without amendment.

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GAMBLING TAXATION BILL 2023

Committed Tuesday, 30 May 2023

Amendments circulated: Katherine Copsey (KC12C) (see p. 177)

Clauses 1 to 28 — put and agreed to.

Clause 29 — Katherine Copsey moved amendment Nos. 1 to 3 (KC12C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Katherine Copsey; David Ettershank; David Limbrick; Sarah Mansfield; Rachel Payne;
Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 29

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn;
Jeff Bourman; Gaele Broad; Georgie Crozier; David Davis; Moira Deeming;
Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane;
Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Tom McIntosh;
Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra;
Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 29 — put and agreed to.

Clauses 30 to 80 — put and agreed to.

Schedules 1 and 2 — put and agreed to.

Bill reported without amendment.

* * * * *

BUILDING LEGISLATION AMENDMENT BILL 2023

Committed Thursday, 1 June 2023

Amendments circulated: David Davis (DD120C) (see pp. 177-8)

Clauses 1 to 47 — put and agreed to.

Clause 48 — David Davis moved amendment No. 1 (DD120C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Jacinta Ermacora; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

David Davis moved amendment No. 2 (DD120C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Jacinta Ermacora; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 48 — put and agreed to.

New Clause 48A — David Davis moved amendment No. 3 (*DD120C*).

Question — That New Clause 48A stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Jacinta Ermacora; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clauses 49 to 70 — put and agreed to.

Bill reported without amendment.

* * * * *

CHILDREN AND HEALTH LEGISLATION AMENDMENT (STATEMENT OF RECOGNITION, ABORIGINAL SELF-DETERMINATION AND OTHER MATTERS) BILL 2023

Committed Thursday, 1 June 2023

Amendments circulated: Lizzie Blandthorn (LB16C) (see pp. 178-9) and Samantha Ratnam (SR125C) (see pp. 179-80)

Clauses 1 to 3 — put and agreed to.

Clause 4 — Lizzie Blandthorn moved amendment No. 1 (*LB16C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 4, as amended — put and agreed to.

New Clause 4A — Lizzie Blandthorn moved amendment No. 2 (*LB16C*).

Question — That New Clause 4A stand part of the Bill — put and agreed to.

Clauses 5 and 6 — put and agreed to.

Clause 7 — Lizzie Blandthorn moved amendment Nos. 3 to 5 (*LB16C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 7, as amended — put and agreed to.

Clauses 8 to 12 — put and agreed to.

New Clauses 12A and 12B — Samantha Ratnam moved amendment No. 4 (*SR125C*).

Question — That New Clauses 12A and 12B stand part of the Bill — put and negatived.

Clauses 13 to 71 — put and agreed to.

Bill reported with amendments.

AMENDMENTS CIRCULATED IN RELATION TO —**1. GAMBLING REGULATION AMENDMENT BILL 2023***Amendments circulated by Rachel Payne (RP01C)*

1. Insert the following New Clauses to follow clause 68—

'68A Offence to display betting advertising in certain locations

- (1) After section 4.7.1(1)(b) of the Principal Act **insert—**

"(ba) at a sporting ground; or".

- (2) In section 4.7.1(2) of the Principal Act, in paragraph (b) of the definition of ***static betting advertising***, for "billboards" **substitute** "billboards, scoreboards".

68B Exemptions

Section 4.7.1A(b)(iii) of the Principal Act is **repealed**.'

2. GAMBLING TAXATION BILL 2023*Amendments circulated by Katherine Copsey (KC12C)*

1. Clause 29, page 25, lines 16 to 18, omit the definition of ***Gaming Minister***.
2. Clause 29, page 27, lines 26 and 27, omit the definition of ***Racing Minister***.
3. Clause 29, page 28, lines 9 to 12, omit the definition of ***Victorian racing industry payment***.
4. Clause 33, omit this clause.
5. Clause 35, lines 10 to 12, omit "less the Victorian racing industry payment for that month".
6. Clause 35, lines 16 and 17, omit subparagraph (i).

3. BUILDING LEGISLATION AMENDMENT BILL 2023*Amendments circulated by David Davis (DD120C)*

1. Clause 48, after line 22 insert—

'(3) After section 261(1) of the **Building Act 1993** insert—

"(2) For the purposes of subsection (1)(ha), the kind of work that a category or class of registered building consultant is authorised to carry out by that registration must not be substantially the same as the kind of work that a category or class of registered building surveyor is authorised to carry out by that registration.".'

2. At the end of Clause 48 insert—

'(4) At the end of section 261 of the **Building Act 1993** insert—

"(3) For the purposes of subsection (1)(ha), the kind of work that a category or class of registered site supervisor is authorised to carry out by that registration must not include work that is carried out in connection with domestic building work.".

NEW CLAUSE

3. Insert the following New Clause to follow clause 48—

'48A New section 261A inserted

After section 261 of the **Building Act 1993** insert—

"261A Minister must review the operation of certain regulations

(1) The Minister must review the operation of any regulations made under section 261(1)(ha) for the purpose of ensuring the efficient operation of Part 11.

(2) The Minister must complete a review under subsection (1) within 2 years after those regulations come into operation.".

4. CHILDREN AND HEALTH LEGISLATION AMENDMENT (STATEMENT OF RECOGNITION, ABORIGINAL SELF-DETERMINATION AND OTHER MATTERS) BILL 2023

Amendments circulated by Lizzie Blandthorn (LB16C)

1. Clause 4, after line 24 insert—

"7AA Statement of acknowledgement

(1) The Parliament acknowledges that removing an Aboriginal child from the care of a parent may—

(a) disrupt the child's connection to their culture; and

(b) cause harm to the child, including serious harm.

(2) The Parliament does not intend by this section to affect in any way the interpretation of this Act or of any other laws in force in Victoria.".

NEW CLAUSE

2. Insert the following New Clause to follow clause 4—

'4A Aboriginal Child Placement Principle

(1) After section 13(3) of the **Children, Youth and Families Act 2005** insert—

"(4) For the avoidance of doubt, the Court or a bail justice (as the case may be) must have regard to the Aboriginal Child Placement Principle in

making any decision or taking any action in respect of a child in need of protection under Chapter 4.".'. .

3. Clause 7, page 14, lines 33 to 36, omit all words and expressions on these lines.
4. Clause 7, page 15, lines 1 to 3, omit all words and expressions on these lines.
5. Clause 7, page 15, line 4, omit "(9)" and insert "(8)".

Amendments circulated by Samantha Ratnam (SR125C)

1. Insert the following New Clause to follow clause 4—
'4A Aboriginal Child Placement Principle
 - (1) For section 13(1) of the **Children, Youth and Families Act 2005** substitute—

"(1) For the purposes of this Act, subsections (1A) and (1B) are the Aboriginal Child Placement Principle.

(1A) Removing an Aboriginal child from the care of a parent causes harm to the child, including serious harm arising from disrupting the child's connection to the child's culture.

(1B) Despite subsection (1), if it is in the best interests of an Aboriginal child to be placed in out of home care, in making that placement, regard must be had—

 - (a) to the advice of the relevant Aboriginal agency; and
 - (b) to the criteria in subsection (2); and
 - (c) to the principles in section 14.

(1C) The Secretary must have regard to the Aboriginal Child Placement Principle when—

 - (a) making a decision in respect of an Aboriginal child under section 173, 241 or 242; and
 - (b) preparing a case plan for an Aboriginal child under section 168; and
 - (c) reviewing a case plan for an Aboriginal child under section 169.

(1D) A Court must have regard to the Aboriginal Child Placement Principle when making any order under Chapter 4 in respect of an Aboriginal child."
 - (2) For section 13(2)(a) of the **Children, Youth and Families Act 2005** substitute—

"(a) as a priority, wherever possible, the child must be placed—

 - (i) within the Aboriginal extended family or with Aboriginal relatives and where this is not possible other extended family or relatives;

and

(ii) together with any siblings with whom the child has been residing;"

(3) In section 13(3) of the **Children, Youth and Families Act 2005**, for "(1)(a)" substitute "(1B)(a)".

2. Clause 5, page 12, line 24, omit 'language.'" and insert "language."

3. Clause 5, page 12, after line 24 insert—

'(1F) The principles referred to in section 12(1)(a) and subsections (1B), (1C) and (1D) are subject to the child's or the child's parent's agreement to the participation of the persons referred to in those provisions.'".

NEW CLAUSES

4. Insert the following New Clauses to follow clause 12—

12A When Court may make order under this Part

At the end of section 274 of the **Children, Youth and Families Act 2005** insert—

"(2) A Court must not make an order under this Part in respect of an Aboriginal child unless the Court is satisfied, by a disposition report prepared in accordance with section 558(cb), that all reasonable steps have been taken by the Secretary to comply with the Aboriginal Child Placement Principle."

12B Content of disposition report

After section 558(ca) of the **Children, Youth and Families Act 2005** insert—

"(cb) if the report relates to an Aboriginal child, a detailed statement setting out the steps taken by the Secretary to comply with the Aboriginal Child Placement Principle."



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 23, 24 and 25

No. 23 — Tuesday, 20 June 2023

- 1 The President took the Chair at 12.03 pm, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 6 June 2023, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
Building Legislation Amendment Act 2023
Energy Legislation Amendment (Electricity Outage Emergency Response and Other Matters) Act 2023
Gambling Regulation Amendment Act 2023
Gambling Taxation Act 2023.
- 3 **PRESENTATION OF ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH** — The President reported that, accompanied by members of the Council, he had, on 7 June 2023, presented to the Governor the address of the Legislative Council, agreed to on 2 May 2023, in reply to the Governor's speech on the Opening of Parliament.
The Governor was pleased to make the following reply:
PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL
In the name and on behalf of His Majesty The King I thank you for your expressions of loyalty contained in the address you have just presented to me.
I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this State.
- 4 **COMMITTEE MEMBERSHIP** — The President advised the House that Ryan Smith, Member for Warrandyte, resigned from the House Committee, effective from today.
- 5 **QUESTION TIME** —
QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 6 CHILDREN AND HEALTH LEGISLATION AMENDMENT (STATEMENT OF RECOGNITION, ABORIGINAL SELF-DETERMINATION AND OTHER MATTERS) BILL 2023** — The President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.
- 7 PUBLIC ADMINISTRATION AND PLANNING LEGISLATION AMENDMENT (CONTROL OF LOBBYISTS) BILL 2023** — The President read a Message from the Assembly informing the Council that they have rejected this Bill.
- 8 PETITION — SUPPORT THE CORRECTIONS AMENDMENT (PAROLE) BILL 2023** — David Limbrick presented a petition bearing 2,536 signatures from certain citizens of Victoria requesting that the Legislative Council vote in support of the Corrections Amendment (Parole) Bill 2023 to ensure community safety (*Ordered to be tabled*).
- On the motion of David Limbrick, the petition was ordered to be taken into consideration on the next day of meeting.
- 9 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REGULATION OF PERSONAL ADULT USE OF CANNABIS) BILL 2023** — Rachel Payne introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to make it lawful for an adult to possess small quantities of cannabis for personal use, to make it lawful for an adult to cultivate not more than 6 cannabis plants for personal use, to permit an adult lawfully in possession of cannabis to give the cannabis by way of a gift to another adult and for other purposes*.
- On the motion of Rachel Payne, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 10 RESIDENTIAL TENANCIES AMENDMENT (RENT FREEZE AND CAPS) BILL 2023** — Aiv Puglielli introduced *A Bill for an Act to amend the Residential Tenancies Act 1997 to provide for a suspension on rent increases for two years, to provide for a maximum rate for future annual rent increases and for other purposes*.
- On the motion of Aiv Puglielli, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 11 PAPERS —**
- COMMITTEE REPORT — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 7 of 2023 (including Appendices and Extracts of Proceedings) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

- Auditor-General — Regulating Food Safety, June 2023 (*Ordered to be published*).
- Education and Care Services National Law Act 2010 — Education and Care Services National Amendment Regulations 2023, under section 303 of the Act.
- Multicultural Victoria Act 2011 — Victorian Government report in multicultural affairs, 2021-22.
- Parliamentary Committees Act 2003 — Government response to the Electoral Matters Committee's Report on the Inquiry into whether Victoria should participate in a national electoral roll platform.
- Planning and Environment Act 1987 — Notices of approval of the —

- Alpine Planning Scheme — Amendment C66.
 - Baw Baw Planning Scheme — Amendment C145.
 - Bayside Planning Scheme — Amendment C184.
 - Boroondara Planning Scheme — Amendment C378.
 - Cardinia Planning Scheme — Amendment C276.
 - Glen Eira Planning Scheme — Amendments C253 and C254.
 - Glenelg Planning Scheme — Amendment C96.
 - Greater Bendigo Planning Scheme — Amendment C281.
 - Greater Dandenong Planning Scheme — Amendment C233.
 - Hume Planning Scheme — Amendment C257.
 - Latrobe Planning Scheme — Amendment C137.
 - Mansfield Planning Scheme — Amendment C54.
 - Maroondah Planning Scheme — Amendment C152.
 - Melbourne Planning Scheme — Amendment C425.
 - Merri-bek Planning Scheme — Amendment C226.
 - Mildura Planning Scheme — Amendment C123.
 - Monash Planning Scheme — Amendment C151.
 - Port Phillip Planning Scheme — Amendment C207.
 - Wangaratta Planning Scheme — Amendment C94.
 - Whitehorse Planning Scheme — Amendment C247.
 - Whittlesea Planning Scheme — Amendment C257.
 - Yarra Planning Scheme — Amendment C314.
- Road Management Act 2004 — Code of Practice for Worksite Safety – Traffic Management (*Gazette S280, 1 June 2023*).
- Statutory Rules under the following Acts —
- Conservation, Forests and Lands Act 1987 — No. 35.
 - Crown Land (Reserves) Act 1978 — No. 41.
 - Drugs, Poisons and Controlled Substances Act 1981 — No. 46.
 - Electricity Safety Act 1998 — No. 40.
 - Evidence (Miscellaneous Provisions) Act 1958 – No. 39.
 - Forests Act 1958 — No. 42.
 - Land Act 1958 — No. 43.
 - Marine Safety Act 2010 — No. 36.
 - National Parks Act 1975 — No. 44.
 - Subordinate Legislation Act 1994 — No. 38.
 - Transfer of Land Act 1958 — No. 47.
 - Transport (Compliance and Miscellaneous) Act 1983 — No. 48.
 - Transport (Safety Schemes Compliance and Enforcement) Act 2014 — No. 37.
 - Wildlife Act 1975 — No. 45.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rule Nos. 35, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 49, 50 and 52.
 - Legislative Instruments and related documents under section 16B in respect of —
 - PrimeSafe Determination of Licence Categories and Fixing Fees for Meat Processing Facilities and Meat Transport Vehicles for 1 July 2023 – 30 June 2024, under the Meat Industry Act 1993.

PrimeSafe Determination of Licence Classes and Fixing Fees for Seafood Safety Licences for 1 July 2023 – 30 June 2024, under the Seafood Safety Act 2003.

Wildlife Act 1975 — Notices under section 86 of the Act —

Wildlife (Closure of Lake Bookar State Game Reserve) Notice (*Gazette S250, 19 May 2023*).

Wildlife (Closure of Lake Buloke State Game Reserve) Notice (*Gazette S220, 5 May 2023*).

* * * * *

PROCLAMATION — The Clerk tabled a proclamation of the Governor in Council fixing an operative date for the following Act:

Casino Legislation Amendment (Royal Commission Implementation and Other Matters) Act 2022 — Sections 34, 36, 37, 38, 41, 47, 53, 54 and 55 — 31 May 2023 (*Gazette S273, 30 May 2023*).

* * * * *

PAPERS PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following papers:

Government response to the Legal and Social Issues Committee’s Inquiry into Extremism in Victoria.

Response from the Minister for Health to petition titled Amend the Health Legislation (Information Sharing) Bill 2023 (Petition No. 468) (presented by David Limbrick on 23 February 2023) (*released on 6 June 2023 – a non-sitting day*).

Response from the Minister for Prevention of Family Violence to petition titled Funding for the Women’s Centre for Health and Wellbeing Albury Wodonga (Petition No. 461) (presented by Wendy Lovell on 2 May 2023) (*released on 8 June 2023 – a non-sitting day*).

12 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 21 June 2023 —

- (1) order of the day No. 2, resumption of debate on the second reading of the Energy and Resources Legislation Amendment (Transition Away from Coal) Bill 2023;
- (2) order of the day No. 1, resumption of debate on the second reading of the Corrections Amendment (Parole) Bill 2023;
- (3) notice of motion given this day by Georgie Crozier relating to an independent report on the mental health system; and
- (4) notice of motion No. 105 standing in David Davis’ name on the payroll tax exemption for charitable schools.

Question — put and agreed to.

13 COGNATE DEBATE — APPROPRIATION BILL AND MOTION TO TAKE NOTE OF BUDGET PAPERS, 2023-24 — Lizzie Blandthorn moved, by leave, That —

- (1) this House authorises the President to permit the second reading debate on the Appropriation (2023-2024) Bill 2023 to be taken concurrently with the debate on the motion to take note of the Budget Papers, 2023-24, contingent on such a motion being moved;
- (2) at the conclusion of the cognate debate —

- (a) the question “That the Appropriation (2023-2024) Bill 2023 be now read a second time” will be put followed by the remaining stages of the Bill; and
- (b) debate on the motion to take note of the Budget Papers, 2023-24 will be adjourned until the next day of meeting, and the House will permit further debate on that question to occur on a future day.

Question — put and agreed to.

14 MEMBERS’ STATEMENTS — Members made statements.

15 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 36 to 93, be postponed until later this day.

16 STATE TAXATION ACTS AMENDMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Matthew Bach moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time and the Bill be withdrawn because the Government has not —

- (1) provided a viable fiscal strategy for Victoria that will not —
 - (a) increase unemployment;
 - (b) increase the tax burden on families and businesses;
 - (c) put downward pressure on real wage growth;
 - (d) put downward pressure on investment and jobs growth;
- (2) provided a fiscal strategy to repay \$140 billion in State debt;
- (3) appropriately accounted for \$76 billion in recurrent and capital contingency funding that should be drawn down in lieu of new taxes and tax increases; and
- (4) alleviated cost of living pressures for Victorian families.”.

Debate ensued.

Matthew Bach (*MAB26C*) circulated amendments proposed to be moved during Committee of the whole.

Question — That the reasoned amendment moved by Matthew Bach be agreed to — put.

The Council divided — The President in the Chair.

AYES, 14

Matthew Bach; Melina Bath; Gaele Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 20

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

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

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Jaclyn Symes moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Jeff Bourman; Katherine Copsey; David Ettershank; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 14

Matthew Bach; Melina Bath; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Rikkie-Lee Tyrrell.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

17 VICTORIAN FUTURE FUND BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

[Sitting suspended from 6.30 pm to 7.30 pm]

Debate continued.

Samantha Ratnam (*SR130C and SR132C*) circulated amendments proposed to be moved during Committee of the whole.

Question — put.

The Council divided — The President in the Chair.

AYES, 30

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; David Ettershank; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Georgie Purcell; Harriet Shing; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 4

Katherine Copsey; Sarah Mansfield; Aiv Puglielli; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

18 COMMITTEE MEMBERSHIP — The President advised the House that Moira Deeming resigned from the Environment and Planning Standing Committee, effective from today.

19 ADJOURNMENT — Jaclyn Symes moved, That the House do now adjourn.
Debate ensued.

The Council adjourned at 9.32 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 24 — Wednesday, 21 June 2023

1 The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

2 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Auditor-General —

Collecting State-based Tax Revenue, June 2023 (*Ordered to be published*).

Supporting Students with Disability, June 2023 (*Ordered to be published*).

Office of the Special Investigator — Special Report to Parliament, 20 June 2023, under section 100 of the Special Investigator Act 2021.

Ombudsman — WorkSafe 3: Investigation into Victorian self-insurers' claims management and WorkSafe oversight, June 2023 (*Ordered to be published*).

Statutory Rules under the following Acts —

Conservation, Forests and Lands Act 1987 — No. 50.

Forests Act 1958 — No. 49.

Public Health and Wellbeing Act 2008 — No. 52.

Road Safety Act 1986 — Nos. 53 and 54.

Subordinate Legislation Act 1994 — No. 51.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 46.

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 —

Determination No. 1/2023 setting the value of salaries and allowances for Members of Parliament (Victoria), effective 1 July 2023, under section 26 of the Act.

Guidelines No. 1/2023 for or with respect to the use of certain allowances and the Electorate Office and Communications Budget, effective 1 July 2023, under section 36 of the Act.

3 MEMBERS' STATEMENTS — Members made statements.

4 ENERGY AND RESOURCES LEGISLATION AMENDMENT (TRANSITION AWAY FROM COAL) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

- 5 CORRECTIONS AMENDMENT (PAROLE) BILL 2023** — Debate resumed on the question,
That the Bill be now read a second time.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

6 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

MINISTER'S STATEMENT TAKEN INTO CONSIDERATION — On the motion of Georgie Crozier, the minister's statement made by Jaclyn Symes relating to Disaster Legal Help Victoria was ordered to be taken into consideration on the next day of meeting.

* * * * *

QUESTION DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to a question without notice pursuant to Standing Order 8.07 as follows:

- **Safe injecting centre – Ken Lay report (QwN 192)** — substantive question asked by Aiv Puglielli — response from Jaclyn Symes due Friday, 23 June 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 7 CORRECTIONS AMENDMENT (PAROLE) BILL 2023** — Debate continued on the question,
That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Matthew Bach; Melina Bath; Jeff Bourman; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland; Georgie Purcell; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 19

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Samantha Ratnam; Harriet Shing; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

- 8 INDEPENDENT REPORT ON THE MENTAL HEALTH SYSTEM** — Georgie Crozier moved,
That this House —

- (1) condemns the Andrews-Allan Government for failing to —
 - (a) act on independent advice on trauma caused by the mental health system, published in the Report commissioned by the Andrews Government, *Not Before Time: Lived experience-led justice and repair* (the Report);
 - (b) implement the Report's recommendations to —
 - (i) undertake a truth and reconciliation process;

- (ii) apologise to the communities identified through a Restorative Justice Process;
- (2) notes that the author of the Report claims that —
 - (a) senior bureaucrats interfered and pressured the author to amend the Report;
 - (b) senior bureaucrats in the Department of Health (DH) repeatedly attempted to alter the Report's scope, including forcing authors to provide recommendations to the DH rather than to the then responsible Minister for Mental Health;
 - (c) the Andrews Government attempted to ban the author from making the Report public, including threatening the author's future employment opportunities with the Government if they published the Report;
- (3) further notes that these interactions indicate a failure by the Minister for Mental Health to avoid discrimination in the workplace on the basis of mental health and victimisation of a person with disclosed mental ill-health, which would constitute a breach of the *Equal Opportunity Act 2010*;
- (4) requests the Minister for Mental Health to provide to the House a full and proper account of the actions taken by senior bureaucrats in DH in relation to the handling of the Report; and
- (5) requests that the Victorian Equal Opportunity and Human Rights Commissioner urgently investigate these matters.

Debate ensued.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

- 9 PAYROLL TAX EXEMPTION FOR CHARITABLE SCHOOLS** — David Davis moved, That this House notes that —
- (1) the Government announced in the Budget that it would remove the long-standing payroll tax exemption, present since the introduction of payroll tax in 1941, for 110 Victorian charitable schools with annual fees of more than \$7,500, raising \$421 million over the next three years;
 - (2) in the middle of a cost-of-living crisis, this will lead to higher fees for thousands of families at a time when they can least afford it;
 - (3) with this new tax, the Andrews Government wants to punish parents who support their child's education by reaching into their own pockets to pay for it; and
 - (4) as well as raising fees, many schools will also have to cut programs and reduce the number of teachers because of this nasty new tax.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 20

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

10 INDEPENDENT REPORT ON THE MENTAL HEALTH SYSTEM — Debate resumed on the question, That this House —

- (1) condemns the Andrews-Allan Government for failing to —
 - (a) act on independent advice on trauma caused by the mental health system, published in the Report commissioned by the Andrews Government, *Not Before Time: Lived experience-led justice and repair* (the Report);
 - (b) implement the Report's recommendations to —
 - (i) undertake a truth and reconciliation process;
 - (ii) apologise to the communities identified through a Restorative Justice Process;
- (2) notes that the author of the Report claims that —
 - (a) senior bureaucrats interfered and pressured the author to amend the Report;
 - (b) senior bureaucrats in the Department of Health (DH) repeatedly attempted to alter the Report's scope, including forcing authors to provide recommendations to the DH rather than to the then responsible Minister for Mental Health;
 - (c) the Andrews Government attempted to ban the author from making the Report public, including threatening the author's future employment opportunities with the Government if they published the Report;
- (3) further notes that these interactions indicate a failure by the Minister for Mental Health to avoid discrimination in the workplace on the basis of mental health and victimisation of a person with disclosed mental ill-health, which would constitute a breach of the *Equal Opportunity Act 2010*;
- (4) requests the Minister for Mental Health to provide to the House a full and proper account of the actions taken by senior bureaucrats in DH in relation to the handling of the Report; and
- (5) requests that the Victorian Equal Opportunity and Human Rights Commissioner urgently investigate these matters.

Question — put.

The Council divided — The President in the Chair.

AYES, 12

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Joe McCracken; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 20

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Business interrupted at 5.17 pm, pursuant to Sessional Orders.

11 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

12 ADJOURNMENT — Harriet Shing moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.07 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 25 — Thursday, 22 June 2023

1 The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.

2 PAPERS —

PAPERS PRESENTED BY ORDER OF THE COUNCIL — Jaclyn Symes, by leave, presented:

Response of the Director of Public Prosecutions Kerri Judd KC to the Special Report of the Office of the Special Investigator *(Ordered to be tabled)*.

Victorian Government Aboriginal Affairs Report, 2022 and Domain 1 to 6 Data Tables *(Ordered to be tabled)*.

* * * * *

COMMITTEE REPORT — PRIVILEGES COMMITTEE — Pursuant to Standing Order 23.22, Harriet Shing tabled a joint Report on the Appointment of a Parliamentary Integrity Adviser for the 60th Parliament (including Appendices) from the Assembly and Council Privileges Committees *(Ordered to be published)*.

Harriet Shing moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Auditor-General —

Correctional Services for People with Intellectual Disability or an Acquired Brain Injury, June 2023 *(Ordered to be published)*.

Principal Health and Wellbeing, June 2023 *(Ordered to be published)*.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 51 and 58.

Victorian Environmental Assessment Council Act 2001 — Notice of amendment to the Victorian Environmental Assessment Council for an assessment of forest values of the Immediate Protection Areas in the Central Highlands and East Gippsland, under section 26C of the Act.

Victorian Inspectorate —

Annual Plan, 2023-24.

Reports on controlled operations records and reports, 2021-22, for —

Department of Environment, Land, Water and Planning, under section 74P of the Wildlife Act 1975.

Game Management Authority, under section 74P of the Wildlife Act 1975.

Independent Broad-based Anti-corruption Commission, under section 39 of the Crimes (Controlled Operations) Act 2004.

Victorian Fisheries Authority, under section 131T of the Fisheries Act 1995.

Victoria Police, under section 39 of the Crimes (Controlled Operations) Act 2004.

* * * * *

PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper:

Response from the Minister for Police to petition titled Independent review and inquiry into Victoria Police (Petition No. 476) (presented by Samantha Ratnam on 17 May 2023) (*released on 21 June 2023*).

3 SITTING OF THE COUNCIL — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 1 August 2023.

Question — put and agreed to.

4 MEMBERS' STATEMENTS — Members made statements.

5 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 36 to 93, be postponed until later this day.

6 COGNATE DEBATE — APPROPRIATION (2023-2024) BILL 2023 — BUDGET PAPERS, 2023-24 — Jaclyn Symes (for Lizzie Blandthorn) moved, That the Council take note of the Budget Papers, 2023-24.

Pursuant to an order of the Council on 20 June 2023, the second reading debate on the Appropriation (2023-2024) Bill 2023 was taken concurrently with the debate on the motion to take note of the Budget Papers, 2023-24.

Debate resumed on the questions, That the Appropriation (2023-2024) Bill 2023 be now read a second time, and That the Council take note of the Budget Papers, 2023-24.

Business interrupted at 12.00 noon.

7 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Housing contracts – residential building (QwN 194)** — substantive and supplementary questions asked by Jeff Bourman — response from Lizzie Blandthorn due Monday, 26 June 2023.
- **Hydrogen Energy Supply Chain project (QwN 196)** — substantive and supplementary questions asked by Sarah Mansfield — response from Jaclyn Symes due Monday, 26 June 2023.
- **Cautioning decisions in Victorian justice system (QwN 200)** — substantive question asked by David Ettershank — response from Jaclyn Symes due Monday, 26 June 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 8 COGNATE DEBATE — APPROPRIATION (2023-2024) BILL 2023 — BUDGET PAPERS, 2023-24** — Debate continued on the questions, That the Appropriation (2023-2024) Bill 2023 be now read a second time, and That the Council take note of the Budget Papers, 2023-24.

David Davis, by leave, incorporated material in Hansard, pursuant to Standing Order 12.15.

The concurrent debate having concluded —

Pursuant to an order of the Council on 20 June 2023, debate on the motion to take note of the Budget Papers, 2023-24 was adjourned until the next day of meeting.

- 9 APPROPRIATION (2023-2024) BILL 2023** — Question — That the Bill be now read a second time — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 10 MESSAGE FROM ASSEMBLY — PARLIAMENTARY INTEGRITY ADVISER** — The President announced the receipt of a Message from the Assembly advising the Council that they have agreed to the following resolution:

That Professor Charles Sampford be appointed as Parliamentary Integrity Adviser, from 31 July 2023 to the day that is four months after the next general election, under the terms and conditions of appointment in Appendix A of the Privileges Committees' joint Report on the Appointment of a Parliamentary Integrity Adviser for the 60th Parliament and requesting the agreement of the Council.

On the motion of Jaclyn Symes, by leave, the Assembly's Message was ordered to be taken into consideration forthwith.

Jaclyn Symes moved, That the Council agrees with the Assembly and resolves, That —

- (1) Professor Charles Sampford be appointed as Parliamentary Integrity Adviser, from 31 July 2023 to the day that is four months after the next general election, under the terms and conditions of appointment in Appendix A of the Privileges Committees' joint Report on the Appointment of a Parliamentary Integrity Adviser for the 60th Parliament; and

(2) a Message be sent to the Assembly informing them that the Council have agreed with the Assembly's resolution.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

- 11 APPROPRIATION (PARLIAMENT 2023-2024) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 12 BUDGET PAPERS, 2023-24** — Lee Tarlamis moved, by leave, That the resolution of the House on 20 June 2023 be suspended to the extent necessary to allow further debate on the Budget Papers, 2023-24 to be taken forthwith.

Question — put and agreed to.

Debate resumed on the question, That the Council take note of the Budget Papers, 2023-24.

On the motion of Ingrid Stitt, the debate was adjourned until the next day of meeting.

- 13 MENTAL HEALTH AND WELLBEING AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to make minor amendments to the Mental Health and Wellbeing Act 2022, to make consequential amendments to the Judicial Proceedings Reports Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, the debate was adjourned for one week.

- 14 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (AUTHORISING PHARMACISTS) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to the supply, dispensing, administration, use and sale of Schedule 4 poisons by pharmacists without a prescription and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, the debate was adjourned for one week.

15 ADJOURNMENT — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued and a member incorporated a further adjournment matter in Hansard pursuant to an order of the Council on 7 September 2021.

The Council adjourned at 6.02 pm until Tuesday, 1 August 2023.

ROBERT McDONALD
Clerk of the Legislative Council

Published under the authority of the Legislative Council, Parliament of Victoria

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 23, 24 and 25

STATE TAXATION ACTS AMENDMENT BILL 2023

Committed Tuesday, 20 June 2023

Amendments circulated: Matthew Bach (MAB26C) (see p. 201)

Clauses 1 to 5 — put and agreed to.

Clauses 6 to 21 — no question put pursuant to Standing Order 14.16(2).

Clauses 22 to 26 — put and agreed to.

Clauses 27 to 54 — no question put pursuant to Standing Order 14.16(2).

Clauses 55 to 57 — put and agreed to.

Clause 58 — no question put pursuant to Standing Order 14.16(2).

Clauses 59 to 72 — Matthew Bach moved suggested amendment No. 1 (MAB26C).

Question — That the division heading preceding clause 59 and clauses 59 to 72 be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clauses 73 to 81 — Matthew Bach moved suggested amendment No. 2 (MAB26C).

Question — That the division heading preceding clause 73 and clauses 73 to 81 be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clause 82 — Matthew Bach moved suggested amendment No. 3 (*MAB26C*).

Question — That the division heading preceding clause 82 and clause 82 be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clauses 83 to 111 — put and agreed to.

Bill reported without amendment.

* * * * *

VICTORIAN FUTURE FUND BILL 2023

Committed Tuesday, 20 June 2023

Amendments circulated: Samantha Ratnam (SR130C and SR132C) (see pp. 201-2)

Clauses 1 and 2 — put and agreed to.

Clauses 3 to 7 — postponed.

Clause 8 — Samantha Ratnam moved amendment Nos. 3 to 6 (*SR130C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Katherine Copsey; Sarah Mansfield; Aiv Puglielli; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 32

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn;
Jeff Bourman; Gaele Broad; Georgie Crozier; David Davis; Moira Deeming;
David Ettershank; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans;
Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan;
Tom McIntosh; Evan Mulholland; Rachel Payne; Georgie Purcell; Harriet Shing;
Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Samantha Ratnam moved amendment No. 4 (SR132C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Katherine Copsey; Sarah Mansfield; Aiv Puglielli; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 32

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn;
Jeff Bourman; Gaele Broad; Georgie Crozier; David Davis; Moira Deeming;
David Ettershank; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans;
Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan;
Tom McIntosh; Evan Mulholland; Rachel Payne; Georgie Purcell; Harriet Shing;
Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 8 — put and agreed to.

Clause 3 — Samantha Ratnam moved amendment No. 1 (SR130C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Katherine Copsey; Sarah Mansfield; Aiv Puglielli; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 32

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn;
Jeff Bourman; Gaele Broad; Georgie Crozier; David Davis; Moira Deeming;
David Ettershank; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans;
Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan;
Tom McIntosh; Evan Mulholland; Rachel Payne; Georgie Purcell; Harriet Shing;
Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 3 — put and agreed to.

Clauses 4 to 7 — put and agreed to.

Clause 9 — put and agreed to.

Clause 10 — Samantha Ratnam moved amendment No. 9 (*SR130C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Katherine Copsey; Sarah Mansfield; Aiv Puglielli; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 32

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn;
Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming;
David Ettershank; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans;
Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan;
Tom McIntosh; Evan Mulholland; Rachel Payne; Georgie Purcell; Harriet Shing;
Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 10 — put and agreed to.

Clauses 11 to 15 — put and agreed to.

Bill reported without amendment.

* * * * *

APPROPRIATION (2023-2024) BILL 2023

Committed Thursday, 22 June 2023

Clauses 1 to 9 — put and agreed to.

Schedules 1 and 2 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —**1. STATE TAXATION ACTS AMENDMENT BILL 2023***Amendments circulated by Matthew Bach (MAB26C)*

1. **Suggested amendment to the Legislative Assembly—**
Division heading preceding clause 59 and clauses 59 to 72, omit the heading and clauses.
2. **Suggested amendment to the Legislative Assembly—**
Division heading preceding clause 73 and clauses 73 to 81, omit the heading and clauses.
3. **Suggested amendment to the Legislative Assembly—**
Division heading preceding clause 82 and clause 82, omit the heading and clause.

2. VICTORIAN FUTURE FUND BILL 2023*Amendments circulated by Samantha Ratnam (SR130C)*

1. Clause 3, after line 21 insert—
"public housing has the same meaning as in the **Housing Act 1983**;"
2. Clause 5, line 7, omit "reducing the State's debt" and insert "public housing in Victoria".
3. Clause 8, line 24, omit "the following—".
4. Clause 8, line 25, omit "(i)".
5. Clause 8, lines 31 to 33, omit all words and expressions on these lines.
6. Clause 8, page 5, lines 1 to 8, omit all words and expressions on these lines.
7. Clause 9, line 24, omit "determined" and insert "approved".
8. Clause 9, line 25, omit "reduce the State's debt" and insert "provide public housing in Victoria".
9. Clause 10, line 13, after "appointment," insert "and subject to section 12A,".

NEW CLAUSE

10. Insert the following New Clause to follow clause 12—
"12A Limitation on investment of money in the Fund
 - (1) Despite anything to the contrary in this or any other Act, the fund manager must not invest money credited to the Fund in any financial asset issued by a body corporate that is engaged in—
 - (a) the mining of any fossil fuel; or
 - (b) the generation of electricity from any fossil fuel.

- (2) Subsection (1) applies whether or not—
- (a) the mining or generation takes place in Victoria; or
 - (b) the mining or generation takes place in accordance with any licence or authority, however described, issued under the law of Victoria or of another State or a Territory.
- (3) In this section—
- land** includes the seabed or subsoil of any waters, whether or not those waters are subject to the law of Victoria;
- mining** includes—
- (a) extracting a fossil fuel from land; and
 - (b) producing a fossil fuel commercially."

Amendments circulated by Samantha Ratnam (SR132C)

1. Clause 3, after line 5 insert—

"Aboriginal Representative Body has the same meaning as in the **Advancing the Treaty Process with Aboriginal Victorians Act 2018**;"
2. Clause 3, after line 15 insert—

"Homes Victoria has the same meaning as in the **Housing Act 1983**;"
3. Clause 3, after line 21 insert—

"public housing has the same meaning as in the **Housing Act 1983**;"
4. Clause 8, line 31, before "money" insert "subject to section 8A,"

NEW CLAUSE

5. Insert the following New Clause to follow clause 8—

"8A Treasurer must certify money from sale of land before payment into Fund

 - (1) Money received by the State in relation to a sale of land must not be credited to the Victorian Future Fund under section 8(1)(a)(ii) unless the Treasurer issues a certificate stating that—
 - (a) the Aboriginal Representative Body was consulted on and approved the sale of land; and
 - (b) Homes Victoria, after evaluating the land that was the subject of that sale, has determined that the land is not suitable for public housing.
 - (2) On or before the third sitting day after the Treasurer issues a certificate under subsection (1), a copy of the certificate must be laid before each House of the Parliament."



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 26, 27 and 28

No. 26 — Tuesday, 1 August 2023

1 The President took the Chair at 12.03 pm, read the Prayer and made an Acknowledgement of Country.

2 **THE LATE BILL HARTIGAN** — The President advised the House of the death, on 13 July 2023, of Mr William (Bill) Anthony Neville Hartigan, Member of the Legislative Council for the electoral province of Geelong from 1992 to 1999.

Members rose in their places as a mark of respect to the memory of the late Bill Hartigan.

3 **THE LATE HONOURABLE THOMAS WILLIAM ROPER** — Jaclyn Symes moved, That this House expresses its sincere sorrow at the death, on 21 June 2023, of the Honourable Thomas William Roper, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly from 1973 to 1994, for the electoral districts of Brunswick West from 1973 to 1976, Brunswick from 1976 to 1992, and Coburg from 1992 to 1994, and as Minister of Health from 1982 to 1985, Minister for Transport from 1985 to 1987, Minister for Planning and Environment and Minister for Consumer Affairs from 1987 to 1990, Treasurer from 1990 to 1992, Minister for Aboriginal Affairs from 1987 to 1990 and from 1991 to 1992, and Minister for Employment, Post-Secondary Education and Training, and Minister for Gaming in 1992.

Other members and the President addressed the House.

Members rose in their places for one minute's silence as a mark of respect and the question was agreed to unanimously.

As a further mark of respect, the sitting was suspended for one hour.

[Sitting suspended from 12.30 pm to 1.33 pm]

4 **ASSENT TO ACTS** — The President read Messages from the Lieutenant-Governor informing the Council that he had —

On 27 June 2023, given the Royal Assent to the following Acts presented to him by the Deputy Speaker:

Appropriation (2023-2024) Act 2023

Appropriation (Parliament 2023-2024) Act 2023.

On 27 June 2023, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Act 2023
State Taxation Acts Amendment Act 2023
Victorian Future Fund Act 2023.

5 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **White supremacy events (QwN 202)** — supplementary question asked by Samantha Ratnam — response from Jaclyn Symes due Thursday, 3 August 2023.
- **Adverse reactions to COVID-19 vaccines – WorkCover claims (QwN 204)** — substantive and supplementary questions asked by David Limbrick — response from Jaclyn Symes due Thursday, 3 August 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

6 ACTING PRESIDENT — The President laid on the Table the following Warrant nominating an Acting President:

LEGISLATIVE COUNCIL

VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I hereby nominate —

Mr Michael Galea

to be an Acting President whenever requested to do so by the President or Deputy President.

Given under my hand on 1 August 2023.

SHAUN LEANE

President of the Legislative Council

7 PETITIONS —

REJECT THE PAYROLL TAX ON INDEPENDENT SCHOOLS — Matthew Bach presented a petition bearing 4,436 signatures from certain citizens of Victoria requesting that the Legislative Council reject the Government's proposal to impose payroll tax on many independent schools in order to support and uphold diversity and choice in education in Victoria (*Ordered to be tabled*).

On the motion of Matthew Bach, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

REMOVE THE REMEMBRANCE PARKS CENTRAL VICTORIA BOARD — Wendy Lovell presented a petition bearing 393 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government and the Minister for Health to remove the Board of Remembrance Parks Central Victoria and replace it with a new

Board and Board Chair that will manage cemeteries with competence and compassion (*Ordered to be tabled*).

On the motion of Wendy Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

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SCHOOL BUS SERVICE FROM TATURA TO KYABRAM — Wendy Lovell presented a petition bearing 1,326 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to establish a dedicated school bus service to and from Tatura to schools in Kyabram to ensure the safety of children commuting to and from school (*Ordered to be tabled*).

On the motion of Wendy Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

REVIEW PROPOSED METROPOLITAN AND REGIONAL PARKS REGULATIONS —

Bev McArthur presented a petition bearing 292 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to review the proposed Metropolitan and Regional Parks Regulations and reopen the consultation process to allow for substantial community feedback (*Ordered to be tabled*).

On the motion of Bev McArthur, the petition was ordered to be taken into consideration on the next day of meeting.

8 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (ENDING POLITICAL CORRUPTION) BILL 2023 — Samantha Ratnam introduced *A Bill for an Act to amend the Independent Broad-based Anti-corruption Commission Act 2011 in relation to the meaning of corrupt conduct and for other purposes*.

On the motion of Samantha Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

9 SUMMARY OFFENCES AND SEX WORK ACTS AMENDMENT (CHILD SAFETY AND PROTECTION) BILL 2023 — Moira Deeming introduced *A Bill for an Act to amend the Summary Offences Act 1966 and the Sex Work Act 1994 in relation to child safety and protection and for other purposes*.

On the motion of Moira Deeming, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

10 PAPERS —

COMMITTEE REPORT — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 8 of 2023 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

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PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Auditor-General —

Annual Plan, 2023-24 (*released on 27 June 2023 – a non-sitting day*) (*Ordered to be published*).

Effectiveness of Rail Freight Support Programs, June 2023 (*released on 27 June 2023 – a non-sitting day*) (*Ordered to be published*).

Results of 2022 Audits: Technical and Further Education Institutes, June 2023
(released on 30 June 2023 – a non-sitting day) (Ordered to be published).

Results of 2022 Audits: Universities, June 2023 (released on 30 June 2023 –
a non-sitting day) (Ordered to be published).

Community Visitors — Report, 2021-22 (Ordered to be published).

Crown Land (Reserves) Act 1978 —

Order of 20 March 2023 giving approval to the granting of a licence at Lynch's
Bridge Historical Precinct Reserve.

Order of 23 June 2023 giving approval to the granting of a licence at Alexandra
Gardens Reserve.

Order of 24 June 2023 giving approval to the granting of a lease at Brighton
Beach Oval Reserve.

Order of 11 July 2023 giving approval to the granting of a lease at Albert Park
Reserve.

Independent Broad-based Anti-corruption Commission —

Annual Plan, 2023-24 (released on 29 June 2023 – a non-sitting day) (Ordered to
be published).

Special report on Operation Sandon (released on 27 July 2023 – a non-sitting day)
(Ordered to be published).

Interpretation of Legislation Act 1984 — Notices under section 32(3)(a)(iii) in
relation to —

Code of Practice for Worksite Safety – Traffic Management (*Gazette G29,*
20 July 2023).

Statutory Rule No. 36 (*Gazette S327, 26 June 2023*).

Statutory Rule No. 40 (*Gazette G26, 29 June 2023*).

Melbourne Cricket Ground Trust — Report, year ended 31 March 2023.

Ombudsman — Annual Plan, 2023-24 (released on 30 June 2023 – a non-sitting day)
(Ordered to be published).

Parliamentary Committees Act 2003 —

Government response to the Integrity and Oversight Committee's Report on
Performance of the Victorian integrity agencies 2020/21: focus on witness
welfare.

Government responses to the Pandemic Declaration Accountability and
Oversight Committee's Reports on —

Review of the Pandemic (Quarantine, Isolation and Testing) Orders.

Review of the Pandemic (Visitors to Hospitals and Care Facilities) Orders.

Planning and Environment Act 1987 — Notices of approval of the —

Ballarat Planning Scheme — Amendment C236.

Boroondara Planning Scheme — Amendment C367.

Brimbank Planning Scheme — Amendment C237.

Casey Planning Scheme – Amendment C293.

Corangamite Planning Scheme — Amendments C61 and C62.

Frankston Planning Scheme – Amendment C162.

Glenelg Planning Scheme – Amendment C104.

Greater Dandenong Planning Scheme — Amendment C245.

Greater Geelong Planning Scheme — Amendments C434, C435, C456 and C458.

Hepburn Planning Scheme — Amendment C73.

Hume Planning Scheme — Amendment C271.
Latrobe Planning Scheme — Amendments C126 and C138.
Melbourne Planning Scheme — Amendment C452.
Melton Planning Scheme — Amendments C219 and C237.
Merri-bek Planning Scheme — Amendment C219.
Monash Planning Scheme — Amendment C169.
Mornington Peninsula Planning Scheme — Amendment C299.
Moyne Planning Scheme — Amendment C74.
Port Phillip Planning Scheme — Amendment C195.
Pyrenees Planning Scheme — Amendment C53.
Stonnington Planning Scheme — Amendment C334.
Towong Planning Scheme — Amendment C39.
Victoria Planning Provisions — Amendment VC234.
Wellington Planning Scheme — Amendments C114 and C116.
Yarra Ranges Planning Scheme — Amendment C208.

Statutory Rules under the following Acts —

Building Act 1993 — No. 65.
Children, Youth and Families Act 2005 — No. 70.
Community Based Sentences (Transfer) Act 2012 — No. 56.
Confiscation Act 1997 — No. 74.
Conservation, Forests and Lands Act 1987 — No. 64.
County Court Act 1958 — Nos. 73 and 77.
Crimes Act 1958 — No. 75.
Dangerous Goods Act 1985 — No. 69.
Disability Service Safeguards Act 2018 — No. 71.
Drugs, Poisons and Controlled Substances Act 1981 — No. 61.
Family Violence Protection Act 2008 — No. 72.
Fisheries Act 1995 — No. 63.
Health Services Act 1988 — No. 57.
Liquor Control Reform Act 1998 — No. 76.
Magistrates' Court Act 1989 — No. 68.
Marine Safety Act 2010 — No. 66.
Partnership Act 1958 — No. 55.
Residential Tenancies Act 1997 — No. 58.
Road Safety Act 1986 — No. 67.
Sex Offenders Registration Act 2004 — No. 59.
Tobacco Act 1987 — No. 62.
Victorian Energy Efficiency Target Act 2007 — No. 60.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 53, 54, 55, 56, 57, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 73 and 77.

Legislative Instruments and related documents under section 16B in respect of —

Dairy Food Safety Victoria determination of licence classes and fees for dairy businesses for 1 July 2023 – 30 June 2024, under the Dairy Act 2000.

Declaration of exempt schools, under the Payroll Tax Act 2007.

Declaration of the Home Buyer Scheme (HomesVic), under the First Home Owner Grant and Home Buyer Schemes Act 2000.

Ministerial Order No. 1414 – Structured Workplace Learning Arrangements (Non-School Providers), under the Education and Training Reform Act 2006.

Ministerial Order No. 1415 – Work Experience Arrangements (Non-School Providers), under the Education and Training Reform Act 2006.

Order to amend the declaration of a class of specified entities to exclude HealthShare Victoria, under the Financial Management Act 1994.

Orders under section 46AO of the Planning and Environment Act 1987 approving the extension of the period of declaration of the following as Distinctive Areas and Landscapes –

Bellarine Peninsula and Bass Coast.

Surf Coast.

* * * * *

PROCLAMATION — The Clerk tabled a proclamation of the Lieutenant-Governor in Council fixing an operative date for the following Act:

Victorian Energy Efficiency Target Amendment Act 2022 — Parts 1, 2, 4, 5, 6, 7 and 9 and Division 2 of Part 8 — 1 July 2023 (*Gazette S333, 27 June 2023*).

* * * * *

PAPERS PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following papers:

Government response to the Environment and Planning Committee's Inquiry into renewable energy in Victoria (*released on 27 July 2023 – a non-sitting day*).

Response from the Minister for Corrections to petition titled Support the Corrections Amendment (Parole) Bill 2023 (Petition No. 487) (presented by David Limbrick on 20 June 2023) (*released on 20 July 2023 – a non-sitting day*).

Response from the Minister for Agriculture to petition titled Immediately cease logging (Petition No. 448) (presented by Samantha Ratnam on 21 March 2023) (*released on 25 July 2023 – a non-sitting day*).

Response from the Minister for Agriculture to petition titled Immediately stop logging native and public forests (Petition No. 475) (presented by Samantha Ratnam on 21 March 2023) (*released on 25 July 2023 – a non-sitting day*).

11 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 2 August 2023 —

- (1) order of the day made this day, second reading of the Independent Broad-based Anti-corruption Commission Amendment (Ending Political Corruption) Bill 2023;
- (2) notice of motion given this day by Georgie Crozier establishing a Select Committee to inquire into the 2026 Commonwealth Games and the progress of the regional infrastructure build;
- (3) notice of motion given this day by Matthew Bach on increasing taxes and cost-of-living pressures;
- (4) notice of motion No. 31, in an amended form, standing in Georgie Crozier's name on production of documents relating to a second injecting room in Melbourne; and

(5) notice of motion No. 74 standing in David Davis' name on the location of the SBS headquarters.

Question — put and agreed to.

12 MEMBERS' STATEMENTS — Members made statements.

13 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 36 to 93, be postponed until later this day.

14 MENTAL HEALTH AND WELLBEING AMENDMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Georgie Crozier moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this bill be withdrawn and redrafted to enable the delivery of a health-led response to mental health related emergencies."

Debate ensued.

Georgie Crozier (*GC48C*) circulated amendments proposed to be moved during Committee of the whole.

Question — That the reasoned amendment moved by Georgie Crozier be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 23

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

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

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Business interrupted at 6.30 pm.

On the motion of Lee Tarlamis, the meal break scheduled for this day was altered from 60 minutes to 30 minutes.

[Sitting suspended from 6.31 pm to 7.03 pm]

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

15 ADJOURNMENT — Enver Erdogan moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 8.29 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 27 — Wednesday, 2 August 2023

1 The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

2 PLANNING AND ENVIRONMENT AMENDMENT (SOLAR ENERGY GENERATION FACILITIES) BILL 2023 — Rikkie-Lee Tyrrell introduced *A Bill for an Act to amend the Planning and Environment Act 1987 to provide for factors that must be considered during the determination of applications for permits relating to solar energy generation facilities and for other purposes.*

On the motion of Rikkie-Lee Tyrrell, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

3 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION LEGISLATION AMENDMENT BILL 2023 — Samantha Ratnam introduced *A Bill for an Act to amend the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 and the Forests Act 1958 to provide for an additional 9 specified forms of cancer that are presumed to be caused by the nature of a firefighter's employment for the purposes of claiming compensation and for other purposes.*

On the motion of Samantha Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

4 PAPER PRESENTED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following paper:

Border Groundwaters Agreement Review Committee — Report, 2021-22.

5 MEMBERS' STATEMENTS — Members made statements.

6 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (ENDING POLITICAL CORRUPTION) BILL 2023 — Samantha Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Samantha Ratnam moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

7 SELECT COMMITTEE ON THE 2026 COMMONWEALTH GAMES BID — Georgie Crozier moved, That —

(1) a Select Committee of nine members be appointed to inquire into, consider and report on the 2026 Commonwealth Games and the progress of the regional infrastructure build, including but not limited to —

(a) the potential failures in governance, probity and procurement processes in the Victorian Government's bid, contract, and termination of the 2026 Commonwealth Games;

- (b) the impacts of the contract termination of the Commonwealth Games on Victoria's reputation, business community, tourism, and major events;
 - (c) the Victorian Government advice received from government departments, councils, agencies, consultants, and contractors;
 - (d) the potential of undue influence by the executive on the independence of the public service;
 - (e) the timeline, progress and budget of the Victorian Government's regional infrastructure and housing build;
 - (f) the impact on community, social, amateur, and professional sport in Victoria;
 - (g) any other relevant matter;
- (2) the Committee provide an interim report by 30 April 2024 and a final report by April 2025;
 - (3) the Committee will consist of three members from the Government nominated by the Leader of the Government in the Legislative Council, three members from the Liberal-National Coalition nominated by the Leader of the Opposition in the Legislative Council and three members from among the remaining members in the Council;
 - (4) the members will be appointed by lodgement of the names with the President within seven calendar days of the Council agreeing to this resolution;
 - (5) the first meeting of the Committee will be held within one week of members' names being lodged with the President; and
 - (6) the Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.

Debate ensued.

Harriet Shing moved, as amendments —

- 1. In paragraph (1) **omit** the words "a Select Committee of nine members be appointed to" and replace them with "this House requests that the Auditor-General".
- 2. **Omit** all words and expressions in paragraphs (2) to (6) and replace them with —
“(2) this House requires the Clerk to write to the Auditor-General to convey the terms of this resolution.”.

Debate ensued.

Question — That the amendments moved by Harriet Shing be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19

Ryan Batchelor; John Berger; Lizzie Blandthorn; Jeff Bourman; Enver Erdogan; David Ettershank; Jacinta Ermacora; Michael Galea; Shaun Leane; Tom McIntosh; Rachel Payne; Georgie Purcell; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Matthew Bach; Melina Bath; Gaele Broad; Katherine Copsey; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Aiv Puglielli; Samantha Ratnam; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Original question — put.

The Council divided — The President in the Chair.

AYES, 25

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Katherine Copsey; Georgie Crozier; David Davis; Moira Deeming; David Ettershank; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 15

Ryan Batchelor; John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Tom McIntosh; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

8 VICTORIA'S TAXATION SYSTEM — Matthew Bach moved, That this House —

(1) notes that —

- (a) Victorians are paying \$5,638 per person in tax annually under the Andrews Labor Government, higher than any other state in Australia;
 - (b) the Andrews Labor Government has raised taxes on Victorians 49 times since its election in 2014;
 - (c) the Andrews Labor Government has failed to act despite soaring cost-of-living pressures on Victorian families; and
- (2) congratulates the Opposition on the release of its discussion paper *Making Victoria's Tax System Work: Reducing cost pressures for families, community groups and business*.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

9 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Police support to prevent disruption of events (QwN 209)** — substantive and supplementary questions asked by Aiv Puglielli — response from Enver Erdogan due Friday, 4 August 2023.

CONSTITUENCY QUESTIONS — Members asked constituency questions.**10 VICTORIA'S TAXATION SYSTEM** — Debate continued on the question, That this House —

- (1) notes that —
 - (a) Victorians are paying \$5,638 per person in tax annually under the Andrews Labor Government, higher than any other state in Australia;
 - (b) the Andrews Labor Government has raised taxes on Victorians 49 times since its election in 2014;
 - (c) the Andrews Labor Government has failed to act despite soaring cost-of-living pressures on Victorian families; and
- (2) congratulates the Opposition on the release of its discussion paper *Making Victoria's Tax System Work: Reducing cost pressures for families, community groups and business*.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Matthew Bach; Melina Bath; Gaelle Broad; Jeff Bourman; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 19

Katherine Copsey; Ryan Batchelor; John Berger; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

11 PRODUCTION OF DOCUMENTS — SECOND INJECTING ROOM IN MELBOURNE —

Evan Mulholland (for Georgie Crozier) moved, That this House —

- (1) notes the —
 - (a) refusal of the Andrews Labor Government to release any report conducted by former Police Commissioner, Mr Ken Lay, into a second injecting room in Melbourne's CBD;
 - (b) conflicting commentary given by the Premier and Treasurer about the progress of Mr Lay's reports;
 - (c) significant impact to local residents and businesses and the Andrews Labor Government's disregard for community safety and public amenity by not ruling out a second injecting room;
 - (d) significant concern from CBD businesses and residents about a rumoured second injecting room on Bourke Street; and
- (2) requires the Leader of the Government in accordance with Standing Order 10.01, to table in the Council, within three weeks of the House agreeing to this resolution, the most recent draft of Mr Lay's report handed to the Government.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

12 SBS HEADQUARTERS — David Davis moved, That this House —

(1) notes —

- (a) the Special Broadcasting Service (SBS) is one of two government funded national broadcasters, both of which are headquartered in Sydney;
- (b) that according to the SBS Report 2021-22, of the 1,269 SBS staff, 1,040 or 82 per cent were based in NSW, while only 181 or 14 per cent were based in Victoria;

(2) recognises —

- (a) that Victoria has the highest proportion of population born overseas of any state or territory;
- (b) that Melbourne's population is increasing faster than Sydney and becoming ever more multicultural in composition;

(3) expresses concern that the SBS Report 2021-22 and the Federal Minister for Communications news release of 27 April 2023 indicates a feasibility study on the possible re-location of SBS headquarters from Artemon to Western Sydney;

(4) calls on the Andrews Labor Government to advocate —

- (a) to the Federal Albanese Government to reverse their plan to relocate the SBS headquarters to Western Sydney; and
- (b) for a Melbourne based SBS headquarters and to facilitate the process of setting up a Melbourne location.

Business interrupted at 5.15 pm, pursuant to Sessional Orders.

13 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

14 ADJOURNMENT — Enver Erdogan moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.36 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 28 — Thursday, 3 August 2023

1 The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.

2 **PAPERS —**

PAPER PRESENTED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following paper:

Road Safety Camera Commissioner — Report, 2021-22.

* * * * *

PAPERS PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following papers:

Government response to the Legal and Social Issues Committee's Inquiry into children affected by parental incarceration.

Government response to the Legal and Social Issues Committee's Inquiry into Victoria's criminal justice system.

3 **SITTING OF THE COUNCIL** — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 15 August 2023.

Question — put and agreed to.

4 **MEMBERS' STATEMENTS** — Members made statements.

5 **BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 36 to 93, be postponed until later this day.

6 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (AUTHORISING PHARMACISTS) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Business interrupted at 12.00 noon.

7 **QUESTION TIME —**

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Equipment for regional hospitals (QwN 220)** — substantive question asked by Rikkie-Lee Tyrrell — response from Jaclyn Symes due Monday, 7 August 2023.
- **New rail lines for Melton and Wyndham Vale (QwN 222)** — substantive and supplementary questions asked by Moira Deeming — response from Harriet Shing due Monday, 7 August 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

8 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (AUTHORISING PHARMACISTS) BILL 2023** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 9 BUDGET PAPERS, 2023-24** — Debate resumed on the question, That the Council take note of the Budget Papers, 2023-24.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

- 10 COMMITTEE MEMBERSHIP** — Katherine Copsy moved, by leave, That Sarah Mansfield be a participating member of the Legal and Social Issues Standing Committee.

Question — put and agreed to.

- 11 ENERGY LEGISLATION AMENDMENT (ENERGY SAFETY) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Safety Act 1998, the Gas Safety Act 1997 and the Pipelines Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Jaclyn Symes (for Ingrid Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Jaclyn Symes moved, That the Bill be now read a second time.

Jaclyn Symes incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for David Davis), the debate was adjourned for one week.

- 12 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Mineral Resources (Sustainable Development) Act 1990 to change the title of that Act and to remove requirements relating to work plans and to make consequential amendments to the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Jaclyn Symes (for Ingrid Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Jaclyn Symes moved, That the Bill be now read a second time.

Jaclyn Symes incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for David Davis), the debate was adjourned for one week.

13 ADJOURNMENT — Jaclyn Symes moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.00 pm until Tuesday, 15 August 2023.

ROBERT McDONALD
Clerk of the Legislative Council

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COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 26, 27 and 28

MENTAL HEALTH AND WELLBEING AMENDMENT BILL 2023

Committed Tuesday, 1 August 2023

Amendments circulated: Georgie Crozier (GC48C) (see p. 221)

Clauses 1 to 12 — put and agreed to.

Clause 13 — Question — That clause 13 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 13

Matthew Bach; Melina Bath; Gaele Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clause 14 — Question — That clause 14 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 13

Matthew Bach; Melina Bath; Gaele Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clauses 15 to 53 — put and agreed to.

Bill reported without amendment.

* * * * *

**DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (AUTHORISING
PHARMACISTS) BILL 2023**

Committed Thursday, 3 August 2023

Clauses 1 to 4 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —

1. MENTAL HEALTH AND WELLBEING AMENDMENT BILL 2023

Amendments circulated by Georgie Crozier (GC48C)

1. Clause 13, omit this clause.
2. Clause 14, omit this clause.



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 29, 30 and 31

No. 29 — Tuesday, 15 August 2023

- 1 The President took the Chair at 12.02 pm, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the:
Lieutenant-Governor informing the Council that he had, on 8 August 2023, given the Royal Assent to the following Act presented to him by the Clerk of the Parliaments:
Mental Health and Wellbeing Amendment Act 2023.
Governor informing the Council that she had, on 15 August 2023, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:
Drugs, Poisons and Controlled Substances Amendment (Authorising Pharmacists) Act 2023.
- 3 **QUESTION TIME** —
QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.
* * * * *
CONSTITUENCY QUESTIONS — Members asked constituency questions.
- 4 **COMMITTEE MEMBERSHIP** — The President advised the House that Iwan Walters, Member for Greenvale, resigned from the Scrutiny of Acts and Regulations Committee, effective from today.
- 5 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (PUBLIC RECOMMENDATIONS) BILL 2023** — David Davis introduced *A Bill for an Act to amend the Independent Broad-based Anti-corruption Commission Act 2011 to allow IBAC recommendations not contained in reports to be made public.*
On the motion of David Davis, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 6 **HUMAN RIGHTS AND HOUSING LEGISLATION AMENDMENT (ENDING HOMELESSNESS) BILL 2023** — Samantha Ratnam introduced *A Bill for an Act to amend the Charter of Human Rights and Responsibilities Act 2006 to establish a right to housing, to amend the Housing Act 1983 to set a target of ending homelessness in Victoria by 2030, to*

require a plan to be developed to meet the target and to require annual reporting on progress towards the target and for other purposes.

On the motion of Samantha Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 7 NUCLEAR ACTIVITIES (PROHIBITIONS) REPEAL BILL 2023** — David Limbrick introduced *A Bill for an Act to repeal the Nuclear Activities (Prohibitions) Act 1983, to consequentially amend the Electricity Industry (Residual Provisions) Act 1993, the Mineral Resources (Sustainable Development) Act 1990 and the State Electricity Commission Act 1958 and for other purposes.*

On the motion of David Limbrick, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

8 PAPERS —

COMMITTEE REPORTS — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled:

Alert Digest No. 9 of 2023 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

Annual Review 2021 and 2022 on Statutory Rules and Legislative Instruments (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Crown Land (Reserves) Act 1978 —

Order of 12 July 2023 giving approval to the granting of a licence at Alexandra Gardens Reserve.

Order of 25 July 2023 giving approval to the granting of a licence at Alexandra Gardens Reserve.

Land Tax Act 2005 — Treasurer's Report for 1 July to 31 December 2022 of Land Tax Absentee Owner Surcharge Exemptions, under sections 3B and 3BA of the Act.

Ombudsman — Misconduct in public organisations: A casebook, August 2023 (*released on 9 August 2023 – a non-sitting day*) (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of approval of the —

Banyule, Boroondara, Manningham, Nillumbik, Whitehorse, Whittlesea and Yarra Planning Schemes — Amendment GC220.

Buloke Planning Scheme — Amendment C45.

Darebin Planning Scheme — Amendment C182.

Kingston Planning Scheme — Amendment C218.

Port Phillip Planning Scheme — Amendment C213.

Victoria Planning Provisions — Amendments VC236 and VC238.

Wellington Planning Scheme — Amendment C112.

Statutory Rules under the following Acts —

Building Act 1993 — No. 80.

Circular Economy (Waste Reduction and Recycling) Act 2021 — No. 78.

County Court Act 1958 — No. 81.

Subordinate Legislation Act 1994 — No. 79.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 60, 71, 72, 74, 75, 76, 78, 79, 80 and 81.

Legislative Instruments and related documents under section 16B in respect of —

Notice to fix fees under section 73 of the Victorian Energy Efficiency Target Act 2007.

Pilotage Services Providers Standards – V1, under the Port Management Act 1995.

Victorian Environmental Assessment Council — Report on Assessment of early government-accepted LCC recommendations, June 2023, under 26E(5) of the Victorian Environmental Assessment Council Act 2001.

Wrongs Act 1958 — Notice of scale of fees and costs for referrals of medical questions to medical panels under Part VBA (*Gazette G26, 29 June 2023*).

* * * * *

PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper:

Government response to the Economy and Infrastructure Committee’s Inquiry into the use of school buses in rural and regional Victoria (*released on 4 August 2023 – a non-sitting day*).

- 9 RIGHT OF REPLY — GREYHOUND RACING VICTORIA** — Pursuant to Standing Order 21.03, the President tabled a Right of Reply from Terrie Benfield, General Counsel and General Manager, Corporate Services, Greyhound Racing Victoria relating to statements made by Georgie Purcell on 30 May 2023 (*Ordered to be published*).
- 10 BUSINESS OF THE COUNCIL** — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 16 August 2023 —
- (1) order of the day made this day, second reading of the Independent Broad-based Anti-Corruption Commission Amendment (Public Recommendations) Bill 2023;
 - (2) order of the day No. 1, second reading of the Firefighters’ Presumptive Rights Compensation Legislation Amendment Bill 2023;
 - (3) order of the day made this day, second reading of the Nuclear Activities (Prohibitions) Repeal Bill 2023;
 - (4) order of the day No. 16, resumption of debate on the second reading of the Independent Broad-Based Anti-Corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022;
 - (5) notice of motion No. 156 standing in Matthew Bach’s name on teachers who support children with disabilities;
 - (6) order of the day No. 12, resumption of debate on the second reading of the Operation Daintree Implementation (No. 1) Bill 2023; and
 - (7) order of the day No. 3, resumption of debate on the second reading of the Independent Broad-Based Anti-Corruption Commission Amendment (Ending Political Corruption) Bill 2023.

Question — put and agreed to.

11 MEMBERS’ STATEMENTS — Members made statements.

12 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 36 to 93, be postponed until later this day.

- 13 ENERGY LEGISLATION AMENDMENT (ENERGY SAFETY) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 14 ADJOURNMENT** — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued and a member incorporated a further adjournment matter in Hansard pursuant to an order of the Council on 7 September 2021.

The Council adjourned at 4.51 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 30 — Wednesday, 16 August 2023

- 1** The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.

- 2 PAPER PRESENTED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following paper:

Auditor-General — Cybersecurity: Cloud Computing Products, August 2023
(*Ordered to be published*).

- 3 MEMBERS' STATEMENTS** — Members made statements.

- 4 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (PUBLIC RECOMMENDATIONS) BILL 2023** — David Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

David Davis moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 5 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION LEGISLATION AMENDMENT BILL 2023** — Samantha Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Samantha Ratnam moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 6 NUCLEAR ACTIVITIES (PROHIBITIONS) REPEAL BILL 2023** — David Limbrick laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

David Limbrick moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 7 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (FACILITATION OF TIMELY REPORTING) BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.
House in Committee.

Bill reported with amendments, the Report was adopted.

David Davis moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Matthew Bach; Jeff Bourman; Gaelle Broad; Katherine Copsey; Georgie Crozier;
David Davis; David Ettershank; Renee Heath; Ann-Marie Hermans; David Limbrick;
Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken;
Nick McGowan; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell;
Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 14

John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; Michael Galea;
Shaun Leane; Tom McIntosh; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis;
Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill transmitted to the Assembly with a Message requesting their agreement.

8 TEACHERS SUPPORTING CHILDREN WITH DISABILITIES — Matthew Bach moved, That this House notes that —

- (1) the Andrews Labor Government is set to cut over 80 teachers who support children with disabilities;
 - (2) approximately 4,000 children with disabilities will lose services;
 - (3) this is despite previous assurances from the Andrews Labor Government that no frontline educational services would be cut;
- and condemns the Andrews Labor Government for these callous cuts.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

9 OPERATION DAINTREE IMPLEMENTATION (NO. 1) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

10 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Group voting tickets (QwN 233)** — substantive and supplementary questions asked by Samantha Ratnam — response from Jaclyn Symes due Friday, 18 August 2023.

- **Medical research on rats and mice (QwN 235)** — substantive and supplementary questions asked by Georgie Purcell — response from Lizzie Blandthorn due Friday, 18 August 2023.
- **Women’s FIFA World Cup live sites in regional Victoria (QwN 237)** — substantive and supplementary questions asked by Jeff Bourman — response from Harriet Shing due Friday, 18 August 2023.
- **Emergency management communications recommendations (QwN 240)** — supplementary question asked by Ann-Marie Hermans — response from Jaclyn Symes due Thursday, 17 August 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 11 OPERATION DAINTREE IMPLEMENTATION (NO. 1) BILL 2023** — Debate continued on the question, That the Bill be now read a second time.

On the motion of Joe McCracken, the debate was adjourned until later this day.

- 12 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (ENDING POLITICAL CORRUPTION) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 23

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Katherine Copey; David Davis; Moira Deeming; David Ettershank; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 14

John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Tom McIntosh; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a second time.

Samantha Ratnam moved, by leave, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 23

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Katherine Copey; David Davis; Moira Deeming; David Ettershank; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 14

John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Tom McIntosh; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill transmitted to the Assembly with a Message requesting their agreement.

13 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (FACILITATION OF TIMELY REPORTING) BILL 2022 — The President read a Message from the Assembly informing the Council that they have rejected this Bill.

On the motion of David Davis, the Message was ordered to be taken into consideration on the next day of meeting.

14 TEACHERS SUPPORTING CHILDREN WITH DISABILITIES — Debate resumed on the question, That this House notes that —

(1) the Andrews Labor Government is set to cut over 80 teachers who support children with disabilities;

(2) approximately 4,000 children with disabilities will lose services;

(3) this is despite previous assurances from the Andrews Labor Government that no frontline educational services would be cut;

and condemns the Andrews Labor Government for these callous cuts.

Business interrupted at 5.15 pm, pursuant to Sessional Orders, the debate stood adjourned in the name of John Berger.

15 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

16 ADJOURNMENT — Enver Erdogan moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.23 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 31 — Thursday, 17 August 2023

1 The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.

2 CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES AMENDMENT (PROTECTION FROM TORTURE AND SLAVERY) BILL 2023 — David Limbrick introduced *A Bill for an Act to amend the Charter of Human Rights and Responsibilities Act 2006 to provide for the protection of certain non-derogable rights, to repeal the power of Parliament to override the Charter, to consequentially amend the Subordinate Legislation Act 1994 and for other purposes.*

On the motion of David Limbrick, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

3 COMMITTEE MEMBERSHIP — The President advised the House that David Limbrick resigned from the Scrutiny of Acts and Regulations Committee, effective from 16 August 2023.

4 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Lizzie Blandthorn, by leave, presented the Government Response to the Legislative review of Parts 5A and 11 of the *Family Violence Protection Act 2008 (Vic)* (*Ordered to be tabled*).

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Family Violence Protection Act 2008 — Legislative review of family violence information sharing and risk management: reviewing the effectiveness of Parts 5A and 11 of the *Family Violence Protection Act 2008 (Vic)*, May 2023, under section 144SA of the Act.

Statutory Rules under the following Acts —

Child Wellbeing and Safety Act 2005 — No. 82.

Electricity Industry Act 2000 — No. 83.

Gas Industry Act 2001 — No. 84.

Health Records Act 2001 — No. 85.

Water Act 1989 — No. 86.

5 SITTING OF THE COUNCIL — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 29 August 2023.

Question — put and agreed to.

6 COMMITTEE MEMBERSHIP —

Jaclyn Symes moved, by leave, That John Berger be a participating member of the —

(1) Environment and Planning Standing Committee; and

(2) Legal and Social Issues Standing Committee.

Question — put and agreed to.

David Limbrick moved, by leave, That Moira Deeming be a member of the Scrutiny of Acts and Regulations Committee.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Members made statements.

8 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 63 to 171, be postponed until later this day.

9 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Sarah Mansfield moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until further consultation occurs with local governments, environmental organisations and regional communities likely to be impacted by mining and exploration.”.

Debate ensued.

Business interrupted at 12.00 noon.

10 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Natural gas ban impact on businesses (QwN 245)** — substantive and supplementary questions asked by Rikkie-Lee Tyrrell — response from Ingrid Stitt due Monday, 21 August 2023.
- **Regional roads funding in eastern Victoria (QwN 247)** — substantive and supplementary questions asked by Jeff Bourman — response from Harriet Shing due Monday, 21 August 2023.

11 INDEPENDENT BROAD-BASED ANTI-CORRUPTION AMENDMENT COMMISSION (ENDING POLITICAL CORRUPTION) BILL 2023 — The President read a Message from the Assembly informing the Council that they have rejected this Bill.

On the motion of Samantha Ratnam, the Message was ordered to be taken into consideration on the next day of meeting.

12 CONSTITUENCY QUESTIONS — Members asked constituency questions.

13 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2023 — Debate continued on the question, That the Bill be now read a second time and on the reasoned amendment moved by Sarah Mansfield, That all the words after “That” be omitted and replaced with the words “this House refuses to read this Bill a second time until further consultation occurs with local governments, environmental organisations and regional communities likely to be impacted by mining and exploration.”.

Question — That the reasoned amendment moved by Sarah Mansfield be agreed to — put.

The Council divided — The President in the Chair.

AYES, 8

Katherine Cosey; Moira Deeming; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 29

Matthew Bach; Melina Bath; John Berger; Lizzie Blandthorn; Georgie Crozier; David Davis; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Adem Somyurek; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 29

Matthew Bach; Melina Bath; John Berger; Lizzie Blandthorn; Georgie Crozier; David Davis; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Adem Somyurek; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; Moira Deeming; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 14 BUDGET PAPERS, 2023-24** — Debate resumed on the question, That the Council take note of the Budget Papers, 2023-24.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

- 15 ENERGY LEGISLATION AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the National Electricity (Victoria) Act 2005 and the National Gas (Victoria) Act 2008 and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for David Davis), the debate was adjourned for one week.

- 16 STATUTE LAW AMENDMENT (REFERENCES TO THE SOVEREIGN) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Interpretation of Legislation Act 1984 in relation to references to the Sovereign, to amend the statute law of Victoria to revise language referring to the Queen and Her Majesty as a consequence of the death of Queen Elizabeth II and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, the debate was adjourned for one week.

17 ADJOURNMENT — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.03 pm until Tuesday, 29 August 2023.

ROBERT McDONALD
Clerk of the Legislative Council

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COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 29, 30 and 31

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (FACILITATION OF TIMELY REPORTING) BILL 2022

Committed Wednesday, 16 August 2023

Amendments circulated: David Davis (GC40C) (see p. 236)

Clauses 1 to 4 — put and agreed to.

Clause 5 — David Davis moved amendment Nos. 1 and 2 (GC40C).

Question — That the amendments be agreed to — put and agreed to.

Clause 5, as amended — put and agreed to.

Clause 6 — put and negated.

Clauses 7 and 8 — put and agreed to.

Bill reported with amendments.

* * * * *

MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2023

Committed Thursday, 17 August 2023

Clauses 1 to 135 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —**1. INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT
(FACILITATION OF TIMELY REPORTING) BILL 2022***Amendments circulated by David Davis (GC40C)*

1. Clause 5, line 34, omit "agreed with" and insert "determined by".
2. Clause 5, page 3, line 19, omit "agreed with" and insert "determined by".
3. Clause 6, omit this clause.



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 32, 33 and 34

No. 32 — Tuesday, 29 August 2023

- 1 The President took the Chair at 12.03 pm, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
 - On 22 August 2023 —
Energy Legislation Amendment (Energy Safety) Act 2023.
 - On 29 August 2023 —
Mineral Resources (Sustainable Development) Amendment Act 2023.
- 3 **QUESTION TIME** —
QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.
* * * * *
QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:
 - **Murray-Darling Basin (QwN 250)** — substantive and supplementary questions asked by Sarah Mansfield — response from Harriet Shing due Wednesday, 30 August 2023.
 - **Cherry Creek detainees (QwN 251)** — substantive question asked by Matthew Bach — response from Enver Erdogan due Wednesday, 30 August 2023.
 - **Anti-vilification reforms roundtable (QwN 252)** — substantive and supplementary questions asked by Rachel Payne — response from Harriet Shing due Wednesday, 30 August 2023.
 - **Biological sex-based rights (QwN 254)** — substantive and supplementary questions asked by Moira Deeming — response from Harriet Shing due Wednesday, 30 August 2023.

- **Exclusionary zoning pilot (QwN 256)** — substantive and supplementary questions asked by Samantha Ratnam — response from Lizzie Blandthorn due Thursday, 31 August 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 4 PLANNING AND ENVIRONMENT AMENDMENT (INCLUSIONARY ZONING) BILL 2023** — Samantha Ratnam introduced *A Bill for an Act to amend the Planning and Environment Act 1987 to introduce a mandatory inclusionary zoning scheme for residential development to increase the provision of public and affordable housing in Victoria and for other purposes.*

On the motion of Samantha Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 5 RESIDENTIAL TENANCIES AMENDMENT (RENT FREEZE AND CAPS) BILL 2023** — Aiv Puglielli introduced *A Bill for an Act to amend the Residential Tenancies Act 1997 to provide for a suspension on rent increases for 2 years, to provide for a maximum rate for future rent increases, to prohibit excessive rent for premises to be rented for the first time, to remove certain grounds for notices to vacate and for other purposes.*

On the motion of Aiv Puglielli, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 6 PAPERS** —

COMMITTEE REPORTS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sheena Watt tabled Alert Digest No. 10 of 2023 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

ECONOMY AND INFRASTRUCTURE COMMITTEE — Pursuant to Standing Order 23.22, Georgie Purcell tabled a Report on the Inquiry into Land transfer duty fees (including an Appendix, Extracts of Proceedings and Minority Reports) from the Economy and Infrastructure Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

Georgie Purcell moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Independent Broad-based Anti-corruption Commission — Report to the Attorney-General, 1 July 2019 to 31 December 2020, under section 464ZP of the Crimes Act 1958.

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Ordinary Returns, 28 July 2023 (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of approval of the — Brimbank Planning Scheme — Amendment C217.

Greater Geelong Planning Scheme — Amendment C443.

Greater Shepparton, Campaspe and Moira Planning Schemes — Amendment GC173.

Macedon Ranges Planning Scheme — Amendment C150.

Mansfield Planning Scheme — Amendment C58.

Maribyrnong Planning Scheme — Amendment C181.

Mornington Peninsula Planning Scheme — Amendment C232.

Stonnington Planning Scheme — Amendment C336.

Whittlesea Planning Scheme — Amendment C245.

Wyndham Planning Scheme — Amendment C231.

Yarra Ranges Planning Scheme — Amendment C210.

Statutory Rules under the following Acts —

Charter of Human Rights and Responsibilities Act 2006 — No. 88.

Mental Health and Wellbeing Act 2022 — Nos. 87, 89 and 90.

Subordinate Legislation Act 1994 —

Documents under section 15 in relation to —

Temporary Public Interest Determination, under section 39 of the Privacy and Data Protection Act 2014.

Statutory Rule Nos. 82, 83, 84, 85, 86, 87, 88, 89 and 90.

Legislative Instruments and related documents under section 16B in respect of Ministerial Order No. 1425 – Order Amending Ministerial Order No. 1228 – Victorian Institute of Teaching Registration Fees under the Education and Training Reform Act 2006.

Victorian Equal Opportunity and Human Rights Commission — 2022 Report on the Operation of the Charter of Human Rights and Responsibilities (*Ordered to be published*).

* * * * *

PAPERS PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following papers:

Government response to the Economy and Infrastructure Committee's Inquiry into the closure of the Hazelwood and Yallourn power stations (*released on 24 August 2023 – a non-sitting day*).

Response from the Minister for Health to petition titled Remove the Remembrance Parks Central Victoria Board (Petition No. 481) (presented by Wendy Lovell on 1 August 2023) (*released on 28 August 2023 – a non-sitting day*).

* * * * *

PROCLAMATION — The Clerk tabled a proclamation of the Governor in Council fixing an operative date for the following Act:

Victorian Future Fund Act 2023 — Whole Act — 22 August 2023 (*Gazette S447, 22 August 2023*).

- 7 BUSINESS OF THE COUNCIL** — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 30 August 2023 —
- (1) order of the day No. 3, second reading of the Human Rights and Housing Legislation Amendment (Ending Homelessness) Bill 2023;
 - (2) notice of motion given this day by Georgie Crozier on the 2026 Commonwealth Games costings;

- (3) order of the day No. 1, listed for a future day, resumption of debate on the second reading of the Independent Broad-Based Anti-Corruption Commission Amendment (Public Recommendations) Bill 2023;
- (4) notice of motion No. 155 standing in David Ettershank's name referring matters on workplace drug testing and medicinal cannabis to the Legal and Social Issues Committee;
- (5) notice of motion given this day by Melina Bath on the cost of living and energy; and
- (6) notice of motion given this day by David Davis relating to a Sessional Order on the consideration of a Message from the Assembly rejecting a Council bill.

Question — put and agreed to.

8 COMMITTEE MEMBERSHIP — Georgie Crozier moved, by leave, That —

- (1) Gaelle Broad and Joe McCracken be discharged as participating members of the Environment and Planning Standing Committee;
- (2) Gaelle Broad be a member of the Environment and Planning Standing Committee;
- (3) Ann-Marie Hermans and Evan Mulholland be participating members of the Environment and Planning Standing Committee;
- (4) Renee Heath be a participating member of the Legal and Social Issues Standing Committee; and
- (5) Renee Heath be a participating member of the Economy and Infrastructure Standing Committee.

Question — put and agreed to.

9 ORDER OF THE DAY DISCHARGED — Aiv Puglielli moved, by leave, That order of the day, general business, No. 7, Residential Tenancies Amendment (Rent Freeze and Caps) Bill 2023 be read and discharged and the Bill be withdrawn.

Question — put and agreed to.

10 MEMBERS' STATEMENTS — Members made statements.

11 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 63 to 171, be postponed until later this day.

12 STATUTE LAW AMENDMENT (REFERENCES TO THE SOVEREIGN) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Matthew Bach moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this House refuses to read this Bill a second time until the Government has provided clarity on the rationale of the amending provisions."

Debate ensued.

Question — That the reasoned amendment moved by Matthew Bach be agreed to — put. The Council divided — The President in the Chair.

AYES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

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

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Jaclyn Symes moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

13 ADJOURNMENT — Jaclyn Symes moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.49 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 33 — Wednesday, 30 August 2023

1 The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.

2 **PETITIONS —**

SAVE INGLEWOOD'S AMBULANCE ADMINISTRATION BUILDING — Gaelle Broad presented a petition bearing 136 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to save the Inglewood ambulance administration building (*Ordered to be tabled*).

* * * * *

SAVE INGLEWOOD'S OLD AMBULANCE STATION — Gaelle Broad presented a petition bearing 287 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to save Inglewood's old ambulance station (*Ordered to be tabled*).

* * * * *

REVIEW TOWER HILL'S STATE GAME RESERVE STATUS — Georgie Purcell presented a petition bearing 95 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to review Tower Hill Wildlife Reserve's status as a State Game Reserve given the values and cultural story of this location and remove the word 'Game' from the Tower Hill State Game Reserve signage, as it conflicts with the cultural, natural and social values of the reserve (*Ordered to be tabled*).

3 **PAPERS PRESENTED UNDER ACTS OF PARLIAMENT —** The Clerk tabled the following papers:

Auditor-General — Responses to Performance Engagement Recommendations: Annual Status Update 2023, August 2023 (*Ordered to be published*).

Voluntary Assisted Dying Review Board — Report, 2022-23.

4 **MEMBERS' STATEMENTS —** Members made statements.

5 **HUMAN RIGHTS AND HOUSING LEGISLATION AMENDMENT (ENDING HOMELESSNESS) BILL 2023 —** Samantha Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Samantha Ratnam moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

6 **2026 COMMONWEALTH GAMES COSTINGS —** Matthew Bach (for Georgie Crozier) moved, That this House —

(1) notes —

- (a) the Government's cancellation of the 2026 Commonwealth Games;
- (b) the \$4.4 billion blowout in cost projections for the Games;
- (c) the Government's belief that "broader inflationary pressures across the economy", including interest rate rises and the war in Ukraine, were responsible for the unprecedented cost increase;

(2) further notes the major project blowouts across the Government's infrastructure pipeline, particularly —

- (a) the North East Link;
- (b) the Metro Tunnel;

- (c) the West Gate Tunnel;
 - (d) the Suburban Rail Loop;
 - (3) expresses its concern that the inflationary factors identified by the Government are not specific to the Commonwealth Games and could impact major projects across Victoria;
 - (4) further expresses its concern at the cost implications these factors could have for the Government's key election promises in areas such as schools, hospitals, roads and housing;
- and calls on the Andrews Government to urgently release a State Budget Update, outlining the status and current costs of these projects.

Debate ensued.

The President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 23

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Cosey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of order of the day, general business, No. 2, be postponed until later this day.
- 8 LEGAL AND SOCIAL ISSUES COMMITTEE — WORKPLACE DRUG TESTING AND MEDICINAL CANNABIS** — David Ettershank moved, That this House —
- (1) notes the validity of medicinal cannabis as a legitimate and lawful prescription medicine for people suffering from a range of serious illnesses and conditions;
 - (2) further notes that —
 - (a) while workplace drug testing fulfils an important role especially where there is risk to occupational health and safety, existing workplace drug testing practices and procedures may unfairly discriminate against medicinal cannabis patients, as compared to patients taking other prescription medicines, by treating medicinal cannabis as an illicit drug, when it is not;
 - (b) medicinal cannabis, a lawful medication, prescribed by a doctor and taken in accordance with that prescription, should be treated in the same way as any other prescription medication;

- (c) where a medicinal cannabis patient is not impaired by their medication at work, the medication they are prescribed should not be a barrier to gainful employment;
- (3) in acknowledging that no one should be impaired by their medication in the workplace, requires the Legal and Social Issues Committee to inquire into, consider and report, by 30 June 2024, on —
 - (a) the legislative and regulatory framework for workplace drug testing;
 - (b) the treatment of prescription medicinal cannabis as compared to other prescription medications, under that workplace drug testing framework;
 - (c) whether the framework for occupational health and safety and workplace drug testing may be improved to benefit medicinal cannabis patients, ensuring due process and natural justice in workplace settings, balanced against risks to occupational health and safety;
 - (d) whether current workplace drug testing laws and procedures are discriminatory in nature and could be addressed by the addition of a further protected attribute, such as ‘medication or medical treatment’, in Victoria’s anti-discrimination laws;
 - (e) any other relevant matters; and
- (4) directs the Committee, in undertaking this inquiry, to limit its consideration to workplace drug testing and not consider the broader subject of roadside drug testing and reform of the *Road Safety Act 1986*.

Debate ensued.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

9 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS’ STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTION DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to a question without notice pursuant to Standing Order 8.07 as follows:

- **Primary school funding in Drouin and Warragul (QwN 259)** — substantive question asked by Jeff Bourman — response from Ingrid Stitt due Friday, 1 September 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

10 LEGAL AND SOCIAL ISSUES COMMITTEE — WORKPLACE DRUG TESTING AND MEDICINAL CANNABIS

— Debate continued on the question, That this House —

- (1) notes the validity of medicinal cannabis as a legitimate and lawful prescription medicine for people suffering from a range of serious illnesses and conditions;
- (2) further notes that —
 - (a) while workplace drug testing fulfils an important role especially where there is risk to occupational health and safety, existing workplace drug testing practices and procedures may unfairly discriminate against medicinal cannabis patients, as compared to patients taking other prescription medicines, by treating medicinal cannabis as an illicit drug, when it is not;

- (b) medicinal cannabis, a lawful medication, prescribed by a doctor and taken in accordance with that prescription, should be treated in the same way as any other prescription medication;
- (c) where a medicinal cannabis patient is not impaired by their medication at work, the medication they are prescribed should not be a barrier to gainful employment;
- (3) in acknowledging that no one should be impaired by their medication in the workplace, requires the Legal and Social Issues Committee to inquire into, consider and report, by 30 June 2024, on —
 - (a) the legislative and regulatory framework for workplace drug testing;
 - (b) the treatment of prescription medicinal cannabis as compared to other prescription medications, under that workplace drug testing framework;
 - (c) whether the framework for occupational health and safety and workplace drug testing may be improved to benefit medicinal cannabis patients, ensuring due process and natural justice in workplace settings, balanced against risks to occupational health and safety;
 - (d) whether current workplace drug testing laws and procedures are discriminatory in nature and could be addressed by the addition of a further protected attribute, such as ‘medication or medical treatment’, in Victoria’s anti-discrimination laws;
 - (e) any other relevant matters; and
- (4) directs the Committee, in undertaking this inquiry, to limit its consideration to workplace drug testing and not consider the broader subject of roadside drug testing and reform of the *Road Safety Act 1986*.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put and agreed to.

11 COST OF LIVING AND ENERGY — Melina Bath moved, That this House —

- (1) notes that —
 - (a) Yallourn power station is slated to close by 2028;
 - (b) Victoria’s largest power station, Loy Yang A, is set to close by 2035;
- (2) recognises that the Andrews Labor Government —
 - (a) does not have a plan to deliver reliable and affordable energy to Victorians;
 - (b) has not identified any projects or funding partners to deliver the State Electricity Commission;
- (3) acknowledges the importance of a commonsense plan to —
 - (a) build new energy generation;
 - (b) upgrade Victoria’s transmission network so that households and businesses across the State can access clean, affordable, and reliable power; and
- (4) further notes that Victorians will continue to face higher energy bills at a time when they can least afford it.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

- 12 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (PUBLIC RECOMMENDATIONS) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Business interrupted at 5.15 pm, pursuant to Sessional Orders.

- 13 STATEMENTS ON TABLED PAPERS AND PETITIONS** — Members made statements on reports, papers and petitions.

- 14 ADJOURNMENT** — Enver Erdogan moved, That the House do now adjourn.
Debate ensued.

The Council adjourned at 6.25 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 34 — Thursday, 31 August 2023

- 1** The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.

2 PAPERS —

COMMITTEE REPORT — VICTORIA'S RECREATIONAL NATIVE BIRD HUNTING ARRANGEMENTS SELECT COMMITTEE — Pursuant to Standing Order 23.22, Ryan Batchelor tabled the Select Committee's Report on the Inquiry into Victoria's recreational native bird hunting arrangements (including Appendices, Extracts of Proceedings and Minority Reports), and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

Ryan Batchelor moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

PAPER PRESENTED BY ORDER OF THE COUNCIL — David Davis, by leave, presented the Australian Energy Market Operator's 2023 Electricity Statement of Opportunities, August 2023 (*Ordered to be tabled*).

On the motion of David Davis, the Report was ordered to be taken into consideration on the next day of meeting.

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Statutory Rules under the following Acts —

Circular Economy (Waste Reduction and Recycling) Act 2021 — No. 91.

Gender Equality Act 2020 — No. 94.

Mental Health and Wellbeing Act 2022 — No. 92.

Planning and Environment Act 1987 — No. 93.

Surveyor-General — Report, 2022-23 on the administration of the Survey Co-ordination Act 1958.

* * * * *

PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper:

President's Report on overdue government responses to standing committee reports, as at 31 August 2023.

3 SITTING OF THE COUNCIL — Lizzie Blandthorn moved, That the Council, at its rising, adjourn until Tuesday, 3 October 2023.

Question — put and agreed to.

4 MEMBERS' STATEMENTS — Members made statements.

5 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 63 to 171, be postponed until later this day.

6 ENERGY LEGISLATION AMENDMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Business interrupted at 12.00 noon.

7 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to questions without notice pursuant to Standing Order 8.07 as follows:

- **Single officer police stations (QwN 270)** — substantive and supplementary questions asked by Rikkie-Lee Tyrrell — response from Enver Erdogan due Monday, 4 September 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

8 ENERGY LEGISLATION AMENDMENT BILL 2023 — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

9 BUSINESS POSTPONED — Ordered — That the consideration of order of the day, government business, No. 2, be postponed until later this day.

10 ABORIGINAL AND TORRES STRAIT ISLANDER VOICE — Sheena Watt moved, That this House —

- (1) acknowledges that the recognition of Aboriginal and Torres Strait Islanders as the First Peoples of Australia in the Australian Constitution is long overdue;
- (2) recognises that the Aboriginal and Torres Strait Island Voice is fundamentally about achieving better outcomes for First Peoples by giving them a say in the decisions that affect their lives;
- (3) notes the date for the Voice referendum is 14 October 2023;
- (4) further notes —
 - (a) the transformative and nation-leading work of the Andrews Labor Government as the only jurisdiction in Australia that has taken action on all three elements of the Uluru Statement from the Heart, Voice, Treaty and Truth; and
 - (b) the vital work of the First Peoples' Assembly of Victoria as the Voice of First Nations people in Victoria on Treaty.

Debate ensued.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

11 BUDGET PAPERS, 2023-24 — Debate resumed on the question, That the Council take note of the Budget Papers, 2023-24.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

12 JUSTICE LEGISLATION AMENDMENT BILL 2023 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Open Courts Act 2013, the Court Security Act 1980, the Coroners Act 2008, the Spent Convictions Act 2021, the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019, the Forests Act 1958, the Legal Profession Uniform Law Application Act 2014, the Criminal Procedure Act 2009, the Children, Youth and Families Act 2005, the Jury Directions Act 2015, the Victorian Civil and Administrative Tribunal Act 1998, the Wrongs Act 1958, the Limitation of Actions Act 1958, the Domestic Building Contracts Act 1995, the Crimes Act 1958 and the Victoria Police Act 2013 and for other purposes* and requesting the agreement of the Council.

On the motion of Harriet Shing (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Harriet Shing laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Harriet Shing moved, That the Bill be now read a second time.

Harriet Shing incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, the debate was adjourned for one week.

13 BAIL AMENDMENT BILL 2023 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Bail Act 1977 and to make consequential*

amendments to other Acts and for other purposes and requesting the agreement of the Council.

On the motion of Harriet Shing (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Harriet Shing laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Harriet Shing moved, That the Bill be now read a second time.

Harriet Shing incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, the debate was adjourned for one week.

14 ADJOURNMENT — Harriet Shing moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.59 pm until Tuesday, 3 October 2023.

ROBERT McDONALD
Clerk of the Legislative Council

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COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 32, 33 and 34

STATUTE LAW AMENDMENT (REFERENCES TO THE SOVEREIGN) BILL 2023

Committed Tuesday, 29 August 2023

Amendments circulated: Matthew Bach (MAB27C) (see p. 252)

Clause 1 — Matthew Bach (MAB27C) circulated amendments proposed to be moved during Committee of the whole.

Clause 1 — put and agreed to.

Clauses 2 to 8 — put and agreed to.

Schedule 1 — Matthew Bach moved amendment Nos. 1 to 12 (MAB27C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Schedule 1 — put and agreed to.

Bill reported without amendment.

* * * * *

ENERGY LEGISLATION AMENDMENT BILL 2023

Committed Thursday, 31 August 2023

Clauses 1 to 11 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —**1. STATUTE LAW AMENDMENT (REFERENCES TO THE SOVEREIGN) BILL 2023***Amendments circulated by Matthew Bach (MAB27C)*

1. Schedule 1, line 11, omit "the" and insert "His Majesty's".
2. Schedule 1, line 15, omit "the" and insert "His Majesty's".
3. Schedule 1, line 17, omit "the Crown in right of Victoria" and insert "His Majesty".
4. Schedule 1, page 9, line 28, omit "Schedule **omit**" and insert "Schedule, for".
5. Schedule 1, page 9, line 30, after 'Faith.'" insert '**substitute** "'Charles the Third, by the Grace of God King of Australia and His other Realms and Territories, Head of the Commonwealth.'".
6. Schedule 1, page 13, line 13, omit "the" and insert "His Majesty's".
7. Schedule 1, page 13, line 16, omit "the" and insert "His Majesty's".
8. Schedule 1, page 15, line 30, omit "**omit**" and insert "for".
9. Schedule 1, page 15, line 30, after 'Queen'" insert '**substitute** "Lord the King"'.
10. Schedule 1, page 16, line 24, omit "**omit**" and insert "for".
11. Schedule 1, page 16, line 25, after "occurring)" insert '**substitute** "Lord the King"'.
12. Schedule 1, page 16, line 27, omit "the" and insert "His Majesty's".



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 35, 36 and 37

No. 35 — Tuesday, 3 October 2023

1 The President took the Chair at 12.03 pm, read the Prayer and made an Acknowledgement of Country.

2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 5 September 2023, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Council:

Energy Legislation Amendment Act 2023

Statute Law Amendment (References to the Sovereign) Act 2023.

3 **QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Wildlife rescue funding (QwN 276)** — substantive and supplementary questions asked by Georgie Purcell — response from Jaclyn Symes due Thursday, 5 October 2023.
- **Prescription of puberty blockers in schools (QwN 278)** — substantive and supplementary questions asked by David Limbrick — response from Lizzie Blandthorn due Thursday, 5 October 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

4 **COMMITTEE MEMBERSHIP** — The President advised the House that Evan Mulholland resigned from the Electoral Matters Committee, effective from today.

5 **PETITIONS** —

STOP THE DEMOLITION OF THE BARAK BEACON PUBLIC HOUSING ESTATE TO SAVE \$88 MILLION — Katherine Cosey presented a petition bearing 100 signatures from certain citizens of Victoria requesting that the Legislative Council call on the

Government to consider, investigate and respond to the feasibility study, report and plans by OFFICE regarding the Barak Beacon public housing estate, stop demolition activities on the estate so that any tenderer can consider the options put forward by OFFICE and allow all tenants to remain in their homes while the report and options put forward by OFFICE are considered (*Ordered to be tabled*).

* * * * *

REVERSE CUTS TO THE VISITING TEACHER SERVICE — Matthew Bach presented a petition bearing 424 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to the visiting teacher service (*Ordered to be tabled*).

On the motion of Matthew Bach, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

ROAD CONDITIONS IN NORTHEAST VICTORIA — Rikkie-Lee Tyrrell presented a petition bearing 209 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to investigate and rectify the potholes and the dangerous conditions of northeast Victorian roads (*Ordered to be tabled*).

On the motion of Rikkie-Lee Tyrrell, the petition was ordered to be taken into consideration on the next day of meeting.

6 PLANNING AND ENVIRONMENT AMENDMENT (SOIL PROTECTION) (SOLAR POWER GENERATION FACILITIES) BILL 2023 — Rikkie-Lee Tyrrell introduced *A Bill for an Act to amend the Planning and Environment Act 1987 to provide for the mandatory consideration of soil and waterway protection when making the determination of applications for permits relating to solar energy generation facilities and for other purposes*.

On the motion of Rikkie-Lee Tyrrell, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

7 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Lizzie Blandthorn, by leave, presented the Victorian public health and wellbeing plan 2023–2027 (*Ordered to be tabled*).

* * * * *

COMMITTEE REPORTS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sheena Watt tabled Alert Digest No. 11 of 2023 (including Appendices and Extracts of Proceedings) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Michael Galea tabled a Report on the 2023–24 Budget Estimates (including Appendices) from the Public Accounts and Estimates Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Education and Care Services National Law Act 2010 — Education and Care Services National Amendment (Bassinets) Regulations 2023, under section 303 of the Act.

Independent Broad-based Anti-corruption Commission and Ombudsman — Operation Watts: Progress report, September 2023 (*released on 14 September 2023 – a non-sitting day*) (*Ordered to be published*).

Ombudsman — Investigation into the Department of Transport and Planning's implementation of the zero and low emission vehicle charge, September 2023 (*released on 27 September 2023 – a non-sitting day*) (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of approval of the —

Ballarat Planning Scheme — Amendment C241.

Boroondara Planning Scheme — Amendments C376 and C399.

Colac Otway Planning Scheme — Amendment C123.

Corangamite Planning Scheme — Amendment C63.

Darebin Planning Scheme — Amendment C214.

Greater Bendigo Planning Scheme — Amendment C283.

Kingston Planning Scheme — Amendment C199.

Knox Planning Scheme — Amendment C189.

Macedon Ranges Planning Scheme — Amendments C127 and C159.

Melbourne Planning Scheme — Amendments C455 and C458.

Mornington Peninsula Planning Scheme — Amendments C239 and C270.

Port Phillip Planning Scheme — Amendment C201.

Pyrenees Planning Scheme — Amendment C54.

Stonnington Planning Scheme — Amendments C296 and C335.

Victoria Planning Provisions — Amendments VC242, VC243 and VC246.

Whittlesea Planning Scheme — Amendment C271.

Yarra Planning Scheme — Amendments C320 and C321.

Statutory Rules under the following Acts —

Building Act 1993 — No. 102.

Commercial Passenger Vehicle Industry Act 2017 — No. 100.

Conservation, Forests and Lands Act 1987 — No. 99.

Dangerous Goods Act 1985 — No. 103.

Subordinate Legislation Act 1994 — No. 98.

Supreme Court Act 1986 — Nos. 95 and 96.

Victims of Crime Assistance Act 1996 — No. 101.

Wildlife Act 1975 — No. 97.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101 and 103.

Guidelines for the preparation, content, publication and availability of statutory rules, under section 26 of the Act.

Legislative Instruments and related documents under section 16B in respect of —

Ministerial Order 1412 – Structured Workplace Learning Arrangements, under the Education and Training Reform Act 2006.

Ministerial Order 1413 – Work Experience Arrangements, under the Education and Training Reform Act 2006.

Victorian Local Government Grants Commission — Allocation Report, year ended 31 August 2023.

Yoorrook Justice Commission — Yoorrook for Justice: Report into Victoria’s Child Protection and Criminal Justice Systems, under section 37 of the Inquiries Act 2014 (*released on 4 September 2023 – a non-sitting day*) (*Ordered to be published*).

* * * * *

PAPERS PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following papers:

Response from the Minister for Public Transport to petition titled School bus service from Tatura to Kyabram (Petition No. 489) (presented by Wendy Lovell on 1 August 2023) (*released on 19 September 2023 – a non-sitting day*).

Response from the Treasurer to petition titled Reject the payroll tax on independent schools (Petition No. 484) (presented by Matthew Bach on 1 August 2023) (*released on 4 September 2023 – a non-sitting day*).

* * * * *

PROCLAMATIONS — The Clerk tabled proclamations of the Governor in Council fixing operative dates for the following Acts:

Disability and Social Services Regulation Amendment Act 2023 — Division 1 of Part 4 and section 267 — 20 September 2023 (*Gazette S483, 12 September 2023*).

Racing Amendment (Unauthorised Access) Act 2023 — 15 September 2023 (*Gazette S483, 12 September 2023*).

8 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 4 October 2023 —

- (1) order of the day made this day, second reading of the Planning and Environment Amendment (Soil Protection) (Solar Power Generation Facilities) Bill 2023;
- (2) order of the day No. 3, second reading of the Residential Tenancies Amendment (Rent Freeze and Caps) Bill 2023;
- (3) notice of motion given this day by Georgie Crozier on the new Premier, the Hon. Jacinta Allan MP, and government spending and integrity;
- (4) notice of motion given this day by Sarah Mansfield referring matters relating to climate resilience to the Environment and Planning Committee;
- (5) notice of motion given this day by Samantha Ratnam on the production of documents relating to the Housing Statement;
- (6) notice of motion given this day by Georgie Crozier on public drunkenness laws; and
- (7) notice of motion No. 110 standing in Nick McGowan’s name on changing Maroondah Hospital’s name.

Question — put and agreed to.

9 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE INDUSTRIAL HEMP INDUSTRY IN VICTORIA — Georgie Purcell moved, by leave, That the reporting date for the Economy and Infrastructure Committee’s Inquiry into the industrial hemp industry in Victoria be extended to no later than 30 November 2023.

Question — put and agreed to.

10 MEMBERS' STATEMENTS — Members made statements.

11 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 63 to 171, be postponed until later this day.

12 JUSTICE LEGISLATION AMENDMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Samantha Ratnam (SR134C) and David Limbrick (DL59C) circulated amendments proposed to be moved during Committee of the whole.

Question — put and agreed to.

Bill read a second time.

The Acting President advised that the President ruled certain amendments proposed to be moved during Committee of the whole by David Limbrick (DL59C) are outside the scope of the Bill.

David Limbrick moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to repeal the *Unlawful Assemblies and Processions Act 1958* and consequentially amend the *Public Safety Preservation Act 1958*.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Matthew Bach; Jeff Bourman; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 14

Ryan Batchelor; John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

13 ADJOURNMENT — Enver Erdogan moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.53 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 36 — Wednesday, 4 October 2023

1 The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

2 COMMITTEE MEMBERSHIP — The President advised the House that Paul Hamer, Member for Box Hill, resigned from the Public Accounts and Estimates Committee, effective from today.

3 PETITION — WITHDRAW THE OVERLAY ON NEPEAN HIGHWAY PROPERTIES IN FRANKSTON — David Limbrick presented a petition bearing 516 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to withdraw the overlay placed on properties on the Nepean Highway, Frankston by the Minister for Planning and allow due process to take course (*Ordered to be tabled*).

On the motion of David Limbrick, the petition was ordered to be taken into consideration on the next day of meeting.

4 PAPERS —

COMMITTEE REPORT — PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Michael Galea tabled a Report on the Appointment of a person to conduct the performance audit of the Auditor-General and Victorian Auditor-General's Office from the Public Accounts and Estimates Committee (*Ordered to be published*).

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Australian Criminal Intelligence Commission — Chair of the Board of the Australian Criminal Intelligence Commission — Report, 2021-22.

Office of the Victorian Information Commissioner (OVIC) — Report, 2022-23.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 104 and 106.

5 MEMBERS' STATEMENTS — Members made statements.

6 PLANNING AND ENVIRONMENT AMENDMENT (SOIL PROTECTION) (SOLAR POWER GENERATION FACILITIES) BILL 2023 — Rikkie-Lee Tyrrell laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Rikkie-Lee Tyrrell moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 7 RESIDENTIAL TENANCIES AMENDMENT (RENT FREEZE AND CAPS) BILL 2023** — Aiv Puglielli laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Aiv Puglielli moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 8 GOVERNMENT SPENDING AND INTEGRITY** — Georgie Crozier moved, That this House —
- (1) notes that the Hon. Jacinta Allan MP, as Premier takes over the biggest state debt in the country, larger than New South Wales, Queensland and Tasmania combined;
 - (2) expresses concern at Premier Allan’s ministerial legacy of waste, blowouts and mismanagement;
 - (3) further notes that Premier Allan has been responsible for nearly \$30 billion in major project blowouts, including —
 - (a) \$3.6 billion on the Metro Tunnel;
 - (b) three years and \$4.7 billion on the West Gate Tunnel;
 - (c) \$13 billion on the North East Link;
 - (4) condemns the culture of secrecy, disdain for integrity and the hatred of anti-corruption agencies that permeated in the former Andrews Government; and
 - (5) calls on the Premier to overcome her legacy of waste, blowouts and mismanagement, return integrity to Government and begin to undo the nine years’ worth of damage for which she is responsible.

Debate ensued.

The President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

Matthew Bach; Gaele Broad; Jeff Bourman; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 19

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsy; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, general business, Nos. 187 and 190, be postponed until later this day.
- 10 PUBLIC DRUNKENNESS LAWS** — Georgie Crozier moved, That this House —
- (1) expresses its concern that the *Summary Offences Amendment (Decriminalisation of Public Drunkenness) Act 2021* will increase risk to members of Victoria Police, people in a vulnerable state and the community, noting that —

- (a) the Victoria Police training video to leave an intoxicated female in a public area places the female at risk;
 - (b) there is a health crisis in Victoria and these laws will increase pressure on regional hospitals and remove staff from struggling emergency rooms;
 - (c) Victoria is the only state that has introduced laws to decriminalise public drunkenness that has not given police increased move-on laws or powers of arrest to ensure community safety is the priority;
- (2) calls on the Government to postpone the commencement of the *Summary Offences Amendment (Decriminalisation of Public Drunkenness) Act 2021* until —
- (a) move-on laws are introduced to ensure police have the powers to put community safety first;
 - (b) the Government establishes at least three trial sites that operate for a 24-month period and a report on this trial is tabled in Parliament; and
 - (c) the Victoria Police training video is withdrawn and reissued with due consideration to the issues listed above and no police officer is trained to leave a vulnerable person in a potentially more dangerous or vulnerable position.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

11 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Management of drug testing dogs with respect to medicinal cannabis (QwN 283)** — substantive and supplementary questions asked by Rachel Payne — response from Enver Erdogan due Friday, 6 October 2023.
- **Australian flags on Victorian Government Department websites (QwN 286)** — substantive question asked by Moira Deeming — response from Jaclyn Symes due Friday, 6 October 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

12 ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO CLIMATE RESILIENCE —

Sarah Mansfield moved, by leave, in an amended form, That this House —

- (1) notes that —
- (a) the impacts of climate change are intensifying;
 - (b) the impacts on Victoria include an increase in frequency and severity of extreme weather and climate-related disaster events which will present significant challenges for Victoria's built environment, including private buildings as well as public infrastructure;
- (2) requires the Environment and Planning Committee to inquire into, consider and report, by 30 June 2025, on —
- (a) the main risks facing Victoria's built environment and infrastructure from climate change and the impact these will have on the people of Victoria;

- (b) how the Victorian Government is preparing for and mitigating the impacts of climate change on our built environment and infrastructure;
- (c) the barriers facing Victoria in upgrading infrastructure to become more resilient to the impacts of climate change, including barriers in rebuilding or retrofitting infrastructure, including but not limited to, issues relating to insurance and barriers faced by local government;
- (d) the adequacy of the current Victorian planning system as it relates to its adaptation to, preparation for, and mitigation of climate change impacts;
- (e) what more could be done to better prepare Victoria's built environment and infrastructure, and therefore the community, for future climate disaster events; and
- (f) whether further inquiries or investigation may be needed into other aspects of climate change adaptation and climate disaster preparedness in Victoria, noting that climate change will have far-reaching impacts on all aspects of Victorian life, including but not limited to biodiversity, human health, primary production, industry, emergency services and more, and that while these areas may overlap with the matters covered in this inquiry, they may also warrant further investigation in their own inquiries.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Jacinta Ermacora; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 14

Matthew Bach; Gaele Broad; Jeff Bourman; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

13 PUBLIC DRUNKENNESS LAWS — Debate resumed on the question, That this House —

- (1) expresses its concern that the *Summary Offences Amendment (Decriminalisation of Public Drunkenness) Act 2021* will increase risk to members of Victoria Police, people in a vulnerable state and the community, noting that —
 - (a) the Victoria Police training video to leave an intoxicated female in a public area places the female at risk;
 - (b) there is a health crisis in Victoria and these laws will increase pressure on regional hospitals and remove staff from struggling emergency rooms;
 - (c) Victoria is the only state that has introduced laws to decriminalise public drunkenness that has not given police increased move-on laws or powers of arrest to ensure community safety is the priority;

- (2) calls on the Government to postpone the commencement of the *Summary Offences Amendment (Decriminalisation of Public Drunkenness) Act 2021* until —
- (a) move-on laws are introduced to ensure police have the powers to put community safety first;
 - (b) the Government establishes at least three trial sites that operate for a 24-month period and a report on this trial is tabled in Parliament; and
 - (c) the Victoria Police training video is withdrawn and reissued with due consideration to the issues listed above and no police officer is trained to leave a vulnerable person in a potentially more dangerous or vulnerable position.

On the motion of Lee Tarlamis, by leave, the debate on this motion was extended by up to 25 minutes.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

Matthew Bach; Gaelle Broad; Jeff Bourman; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 20

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Michael Galea; Shaun Leane; David Limbrick; Tom McIntosh; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Business interrupted at 5.15 pm, pursuant to Sessional Orders.

14 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

15 ADJOURNMENT — Lizzie Blandthorn moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.18 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 37 — Thursday, 5 October 2023

1 The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

2 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Independent Broad-based Anti-corruption Commission — Report to the Minister for Police, 1 January 2017 to 31 December 2020, under section 700 of the Sex Offenders Registration Act 2004.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 102 and 105.

- 3 SITTING OF THE COUNCIL** — Gayle Tierney moved, That the Council, at its rising, adjourn until Tuesday, 17 October 2023.

Question — put and agreed to.

- 4 MEMBERS' STATEMENTS** — Members made statements.

- 5 PERFORMANCE AUDIT OF THE AUDITOR-GENERAL'S OFFICE** — The President announced the receipt of a Message from the Assembly advising the Council that they have agreed to the following resolution:

That under section 82 of the *Audit Act 1994*, MartinJenkins be appointed:

- (a) to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office in 2023–2024;
- (b) in accordance with the Terms, Conditions and Specifications as set out in the Request for Tender issued by the Public Accounts and Estimates Committee on 1 August 2023; and
- (c) at a fixed fee of \$405,933 (excluding GST) — and requesting the agreement of the Legislative Council.

On the motion of Harriet Shing, by leave, the Assembly's Message was ordered to be taken into consideration forthwith.

Harriet Shing moved, That —

- (1) the Council agrees with the Assembly and resolves, That under section 82 of the *Audit Act 1994*, MartinJenkins be appointed —
 - (a) to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office in 2023-2024;
 - (b) in accordance with the Terms, Conditions and Specifications as set out in the Request for Tender issued by the Public Accounts and Estimates Committee on 1 August 2023;
 - (c) at a fixed fee of \$405,933 (excluding GST); and
- (2) a Message be sent to the Assembly informing them that the Council have agreed with the Assembly's resolution.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 83 to 171, be postponed until later this day.

- 7 BAIL AMENDMENT BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Evan Mulholland (*EM01C*) and Katherine Copsy (*KC13C and KC14C*) circulated amendments proposed to be moved during Committee of the whole.

Business interrupted at 12.00 noon.

8 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Criminalisation of young people in residential care (QwN 290)** — substantive and supplementary questions asked by Rachel Payne — response from Lizzie Blandthorn due Friday, 6 October 2023.
- **McCoys Bridge (QwN 294)** — substantive and supplementary questions asked by Rikkie-Lee Tyrrell — response from Harriet Shing due Monday, 9 October 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

9 BAIL AMENDMENT BILL 2023 — Debate continued on the question, That the Bill be now read a second time.

Jaclyn Symes (*JS28C*) circulated amendments proposed to be moved during Committee of the whole.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted.

Jaclyn Symes moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 33

Matthew Bach; Ryan Batchelor; John Berger; Gaelle Broad; Katherine Cosey; Georgie Crozier; David Davis; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 3

Jeff Bourman; Moira Deeming; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

10 EDUCATION AND TRAINING REFORM AMENDMENT (LAND POWERS) BILL 2023 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to make further provision for the acquisition,*

use and development of land for the purpose of early childhood education and care and for the purpose of services associated with early childhood education and care and for other purposes and requesting the agreement of the Council.

On the motion of Ingrid Stitt (for Lizzie Blandthorn), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, the debate was adjourned for one week.

- 11 SUMMARY OFFENCES AMENDMENT (NAZI SALUTE PROHIBITION) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Summary Offences Act 1966 to make the public display or performance of Nazi gestures an offence, to extend the application of the offence of public display of Nazi symbols and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for Evan Mulholland), the debate was adjourned for one week.

- 12 TRIPLE ZERO VICTORIA BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to establish Triple Zero Victoria, to repeal the Emergency Services Telecommunications Authority Act 2004 and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, the debate was adjourned for one week.

- 13 ADJOURNMENT** — Ingrid Stitt moved, That the House do now adjourn.
Debate ensued.

The Council adjourned at 6.42 pm until Tuesday, 17 October 2023.

ROBERT McDONALD
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 35, 36 and 37

JUSTICE LEGISLATION AMENDMENT BILL 2023

Committed Tuesday, 3 October 2023

Amendments circulated: David Limbrick (DL59C) (see p. 272) and Samantha Ratnam (SR134C) (see pp. 272-3)

Clause 1 — Samantha Ratnam moved amendment No. 1 (SR134C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 10

Jeff Bourman; Katherine Copsey; Moira Deeming; David Limbrick; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 24

Matthew Bach; Ryan Batchelor; John Berger; Lizzie Blandthorn; Gaelle Broad; Georgie Crozier; David Davis; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

David Limbrick moved amendment Nos. 1 and 2 (DL59C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Katherine Copsey; David Limbrick; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 26

Matthew Bach; Ryan Batchelor; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Clause 1 — put and agreed to.

Clauses 2 to 80 — put and agreed to.

Bill reported without amendment.

* * * * *

BAIL AMENDMENT BILL 2023

Committed Thursday, 5 October 2023

*Amendments circulated: Katherine Copsey (KC13C and KC14C) (see pp. 273-81),
Evan Mulholland (EM01C) (see p. 281) and Jaclyn Symes (JS28C) (see pp. 281-3)*

Clause 1 — Katherine Copsey moved amendment Nos. 1 and 2 (KC13C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Katherine Copsey; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell;
Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 30

Matthew Bach; Ryan Batchelor; John Berger; Jeff Bourman; Gaelle Broad; Georgie Crozier;
David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea;
Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell;
Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh;
Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra;
Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Jaclyn Symes moved amendment No. 1 (JS28C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 30

Matthew Bach; Ryan Batchelor; John Berger; Jeff Bourman; Gaelle Broad; Georgie Crozier;
David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea;
Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell;
Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh;
Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra;
Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 6

Katherine Copsey; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell;
Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Evan Mulholland moved amendment No. 1 (*EM01C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Matthew Bach; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Jaclyn Symes moved amendment Nos. 2 and 3 (*JS28C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 1, as amended — put and agreed to.

Clauses 2 to 5 — put and agreed to.

Clause 6 — Jaclyn Symes moved amendment No. 4 (*JS28C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 6, as amended — put and agreed to.

Clause 7 — put and agreed to.

Clause 8 — Jaclyn Symes moved amendment Nos. 5 and 6 (*JS28C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 8, as amended — put and agreed to.

Clauses 9 to 12 — put and agreed to.

Clause 13 — Jaclyn Symes moved amendment No. 7 (*JS28C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 13, as amended — put and agreed to.

Clauses 14 and 15 — put and agreed to.

Heading to Division 4 of Part 2 — Jaclyn Symes moved amendment No. 8 (*JS28C*).

Question — That the amendment be agreed to — put and agreed to.

Clauses 16 to 23 — put and negatived.

Clause 24 — Jaclyn Symes moved amendment Nos. 17 to 21 (*JS28C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 24, as amended — put and agreed to.

Clause 25 — Jaclyn Symes moved amendment Nos. 22 and 23 (*JS28C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 25, as amended — put and agreed to.

Clause 26 — Jaclyn Symes moved amendment Nos. 24 to 27 (*JS28C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 26, as amended — put and agreed to.

Clauses 27 to 29 — put and agreed to.

Clause 30 — Jaclyn Symes moved amendment Nos. 28 to 45 (*JS28C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 30, as amended — put and agreed to.

Clauses 31 to 107 — put and agreed to.

New Division Heading and New Clause 107A — Katherine Copsey moved amendment No. 1 (*KC14C*).

Question — That New Division Heading and New Clause 107A stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Katherine Copsey; Sarah Mansfield; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 31

Matthew Bach; Ryan Batchelor; John Berger; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clauses 108 and 109 — put and agreed to.

New Clause 109A — Katherine Copsey moved amendment No. 2 (*KC14C*).

Question — That New Clause 109A stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Katherine Copsey; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell;
Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 30

Matthew Bach; Ryan Batchelor; John Berger; Jeff Bourman; Gaelle Broad; Georgie Crozier;
David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea;
Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell;
Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh;
Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra;
Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clauses 110 to 116 — put and agreed to.

New Clause 116A — Jaclyn Symes moved amendment No. 46 *(JS28C)*.

Question — That New Clause 116A stand part of the Bill — put and agreed to.

Clause 117 — Jaclyn Symes moved amendment No. 47 *(JS28C)*.

Question — That the amendment be agreed to — put and agreed to.

Clause 117, as amended — put and agreed to.

Clauses 118 to 120 — put and agreed to.

Bill reported with amendments.

AMENDMENTS CIRCULATED IN RELATION TO —

1. JUSTICE LEGISLATION AMENDMENT BILL 2023

Amendments circulated by David Limbrick (DL59C)

1. Clause 1, page 3, line 11, omit "powers." and insert "powers; and".
2. Clause 1, page 3, after line 11 insert—
 - "(l) to repeal the **Unlawful Assemblies and Processions Act 1958** and consequentially amend the **Public Safety Preservation Act 1958**."

NEW CLAUSES

3. Insert the following New Part after Part 12—

"Part 12A—Repeal of Unlawful Assemblies and Processions Act 1958

79A Repeal of Unlawful Assemblies and Processions Act 1958

The **Unlawful Assemblies and Processions Act 1958** is repealed.

79B Amendment of Public Safety Preservation Act 1958

Section 10(2) of the **Public Safety Preservation Act 1958** is repealed."

4. Long title, after "**Victoria Police Act 2013**" insert "and to repeal the **Unlawful Assemblies and Processions Act 1958** and consequentially amend the **Public Safety Preservation Act 1958**".

Amendments circulated by Samantha Ratnam (SR134C)

1. Clause 1, page 2, line 21, omit "3" and insert "9".
2. Clause 26, line 13, omit 'years".' and insert "years".
3. Clause 26, after line 13 insert—

'16	Primary site lung cancer	15 years
17	Primary site skin cancer	15 years
18	Primary site penile cancer	15 years
19	Primary site pancreatic cancer	10 years
20	Malignant mesothelioma	15 years
21	Primary site thyroid cancer	10 years".'
4. Clause 27, line 20, omit 'years".' and insert "years".

5. Clause 27, after line 20 insert—
- | | | |
|-----|--------------------------------|------------|
| '16 | Primary site lung cancer | 15 years |
| 17 | Primary site skin cancer | 15 years |
| 18 | Primary site penile cancer | 15 years |
| 19 | Primary site pancreatic cancer | 10 years |
| 20 | Malignant mesothelioma | 15 years |
| 21 | Primary site thyroid cancer | 10 years". |

2. BAIL AMENDMENT BILL 2023

Amendments circulated by Katherine Copsey (KC13C)

1. Clause 1, lines 8 to 10, omit all words and expressions on these lines and insert—
 "(i) abolishing the 2 step tests; and".
2. Clause 1, page 2, lines 1 and 2, omit all words and expressions on these lines and insert—
 "(iii) changing the unacceptable risk test; and".
3. Division heading before clause 4, omit this heading.
4. Clause 4, omit this clause.
5. Clause 5, omit this clause.
6. Clause 6, omit this clause.
7. Clause 7, omit this clause.
8. Clause 8, omit this clause.

NEW CLAUSES

9. Insert the following New Division after Division 2 of Part 2—

'Division 2A—Abolition of 2 step tests

11A Definitions

In section 3 of the Principal Act, the definitions of *Schedule 1 offence*, *Schedule 2 offence* and *unacceptable risk test* are **repealed**.

11B Sections 3AA, 3D, 4AA, 4A, 4C and 4D repealed

Sections 3AA, 3D, 4AA, 4A, 4C and 4D of the Principal Act are **repealed**.

11C Court to make preliminary determination if terrorism risk alleged

(1) Section 8AA(1)(b) of the Principal Act is **repealed**.

(2) Note 2 at the foot of section 8AA(1) of the Principal Act is **repealed**.

(3) The note at the foot of section 8AA(2) of the Principal Act is **repealed**.

11D Power of police officer, sheriff or authorised person to grant or refuse bail

- (1) In the note at the foot of section 10(5) of the Principal Act—
- (a) **omit** the first dot point;
 - (b) in the third dot point, for "record;" **substitute** "record.";
 - (c) **omit** the fourth dot point.
- (2) In section 10(5A), for "13, 13AA or 13A" **substitute** "13 or 13AA".

11E Power of bail justice to grant or refuse bail

- (1) In the note at the foot of section 10A(5) of the Principal Act—
- (a) for "13, 13AA or 13A" **substitute** "13 or 13AA";
 - (b) **omit** the first dot point;
 - (c) in the third dot point, for "record;" **substitute** "record.";
 - (d) **omit** the fourth dot point.
- (2) In section 10A(5AAB), for "13, 13AA or 13A" **substitute** "13 or 13AA".

11F Informant must bring person to court if bail justice prohibited from granting bail

In section 10B(1) of the Principal Act, for "13, 13AA or 13A" **substitute** "13 or 13AA".

11G Section 12A repealed

Section 12A of the Principal Act is **repealed**.

11H Treason, murder, certain other offences

Section 13(3) and (4) of the Principal Act are **repealed**.

11I Section 13A repealed

Section 13A of the Principal Act is **repealed**.

11J Schedules 1 and 2 repealed

Schedules 1 and 2 to the Principal Act are **repealed**.

10. Clause 12, omit this clause.
11. Clause 13, omit this clause.
12. Clause 14, lines 26 to 33, omit all words and expressions on these lines and insert—
 - '(1) For the heading to section 4E of the Principal Act **substitute**—
 - "Unacceptable risk test"**.

(2) For section 4E(1) of the Principal Act **substitute**—

"(1) A bail decision maker must refuse bail for a person accused of an offence if—

(a) the bail decision maker is satisfied that, if the accused is released on bail, there is—

(i) a specific and immediate risk to the safety and welfare of another person; or

(ii) a serious risk of interfering with a witness; or

(iii) a demonstrable risk that the person will abscond by fleeing the jurisdiction; and

(b) the risk is an unacceptable risk.

(1A) A bail decision maker must not refuse bail under subsection (1) if the bail decision maker is satisfied that, if the person were found guilty of the offence charged, it is unlikely that the person would be sentenced to a term of imprisonment.

(1B) A bail decision maker must not refuse bail under subsection (1) solely because—

(a) the decision maker considers that the accused may not attend court; or

(b) the accused does not have—

(i) any accommodation; or

(ii) any adequate accommodation; or

(iii) a fixed address.

(1C) If a court has determined under section 8AA(2) that there is a risk that a person accused of an offence will commit a terrorism or foreign incursion offence, the court must refuse bail for the person if the court is satisfied that the risk is an unacceptable risk."

(3) After section 4E(2) of the Principal Act **insert**—

"(2A) If subsection (1C) applies, the prosecutor bears the burden of satisfying the court that the risk referred to in that subsection is unacceptable."

(4) In section 4E(3) of the Principal Act, after "subsection (1)(a)" **insert** "or (1C)".

13. Clause 15, omit this clause.

NEW CLAUSE

14. Insert the following New Clause to follow clause 15—

'15A Conduct conditions

(1) For section 5AAA(1) of the Principal Act **substitute**—

"(1) A bail decision maker considering the release of an accused on bail must impose any condition that, in the opinion of the bail decision maker, will reduce the likelihood that the accused may—

- (a) be a risk to the safety or welfare of another person; or
- (b) interfere with a witness; or
- (c) abscond by fleeing the jurisdiction.

Example

A bail decision maker may impose a condition in order to reduce the likelihood that the accused may commit a family violence offence."

(2) In section 5AAA(2)(a) of the Principal Act, for "(d);" **substitute** "(c);".

- 15. Division heading preceding clause 16, omit this heading.
- 16. Clause 16, omit this clause.
- 17. Clause 17, omit this clause.
- 18. Clause 18, omit this clause.
- 19. Clause 19, omit this clause.
- 20. Clause 20, omit this clause.
- 21. Clause 21, omit this clause.
- 22. Clause 22, omit this clause.
- 23. Clause 23, omit this clause.
- 24. Clause 24, omit this clause.
- 25. Division heading preceding clause 25, omit this heading.
- 26. Clause 25, omit this clause.
- 27. Division heading preceding clause 26, omit this heading.
- 28. Clause 26, omit this clause.
- 29. Division heading preceding clause 27, omit this heading.
- 30. Clause 27, omit this clause.
- 31. Clause 28, omit this clause.
- 32. Division heading preceding clause 29, omit this heading.
- 33. Clause 29, omit this clause.
- 34. Clause 30, omit this clause.
- 35. Clause 117, line 11, omit all words and expressions on this line.

Amendments circulated by Katherine Copsey (KC14C)

NEW CLAUSE

1. Insert the following New Division after Division 3 of Part 5—

'Division 3A—Annual reports**107A New Part 4A inserted**

After Part 4 of the Principal Act insert—

"Part 4A—Annual reports**18B Annual report of Chief Commissioner to contain information on bail decisions**

- (1) The Chief Commissioner, in the Chief Commissioner's report of operations under Part 7 of the **Financial Management Act 1994**, must include the information set out in subsection (2) in respect of—

- (a) the financial year to which the report relates; and
- (b) each of the following categories of accused person—
 - (i) children;
 - (ii) adults;
 - (iii) men;
 - (iv) women;
 - (v) persons identified as vulnerable adults;
 - (vi) persons identified as Aboriginal persons.

- (2) For the purposes of subsection (1) the information is—

- (a) for each category of accused person, the total number of decisions by police officers about granting bail to the accused persons in that category; and
- (b) the total number of those bail decisions where bail has been granted; and
- (c) the total number of those bail decisions where bail has been refused; and
- (d) for each of those bail decisions, the police station where the decision was made.

18C Annual report of Court Services Victoria to contain information on bail decisions

- (1) Court Services Victoria (within the meaning of the **Court Services Victoria Act 2014**), in its report of operations under Part 7 of the **Financial**

Management Act 1994, must include the information set out in subsection (2) in respect of—

- (a) the financial year to which the report relates; and
- (b) each of the following categories of accused persons—
 - (i) children;
 - (ii) adults;
 - (iii) men;
 - (iv) women;
 - (v) persons identified as vulnerable adults;
 - (vi) persons identified as Aboriginal persons.

(2) For the purposes of subsection (1) the information is—

- (a) for each category of accused person, the total number of decisions about granting bail to the accused persons in that category made by each court that is a court to which the definition of jurisdiction in the **Court Services Victoria Act 2014** applies; and
- (b) the total number of those bail decisions where bail has been granted; and
- (c) the total number of those bail decisions where bail has been refused; and
- (d) for each of those bail decisions, the court, including the location of the court, in which the decision was made.

18D Annual report of Department of Justice and Community Safety to contain information on bail decisions

(1) The Minister responsible for the preparation of the report of operations of the Department of Justice and Community Safety under Part 7 of the **Financial Management Act 1994**, must include in that report the information set out in subsection (2) in respect of—

- (a) the financial year to which the report relates; and
- (b) each of the following categories of accused persons—
 - (i) children;
 - (ii) adults;
 - (iii) men;
 - (iv) women;
 - (v) persons identified as vulnerable adults;
 - (vi) persons identified as Aboriginal persons.

(2) For the purposes of subsection (1) the information is—

- (a) for each category of accused person, the total number of decisions by bail justices about granting bail to the accused persons in that category; and
- (b) the total number of those bail decisions where bail has been granted; and
- (c) the total number of those bail decisions where bail has been refused; and
- (d) for each of those bail decisions, the place where the decision was made.".'. .

NEW CLAUSE

2. Insert the following New Clause to follow the Division heading before clause 110—

'109A Guiding principles

After section 1B(1)(c) of the Principal Act **insert**—

- "(ca) taking into account the established understanding of the negative effects of imprisonment on former prisoners, including an association with poorer social, economic and cultural outcomes and higher rates of subsequent offending; and
- (cb) promoting bail decision making that is not discriminatory, particularly by regard being had to—
 - (i) the surrounding circumstances of vulnerable persons such as women, children, people with disabilities and Aboriginal persons; and
 - (ii) the disproportionate rates of imprisonment and deaths in custody of Aboriginal persons; and".'. .

NEW CLAUSE

3. Insert the following New Clause to follow clause 115—

'115A New section 32C inserted

After section 32B of the Principal Act **insert**—

"32C Appointment of expert panel to review amendments made by Bail Amendment Act 2023

- (1) The Attorney-General must appoint a panel for the purposes of conducting a review under section 32D(1).
- (2) A panel appointed under subsection (1) may consist of as many persons as the Attorney-General considers appropriate.
- (3) A panel appointed under subsection (1) must consist of persons who, in the opinion of the Attorney-General, possess appropriate qualifications or expertise to conduct the review.

32D Review of amendments made by Bail Amendment Act 2023

- (1) As soon as is practicable after the end of each review period specified in subsection (2), the Attorney-General must cause a review to be conducted of the operation, during that period, of the amendments made to this Act by the **Bail Amendment Act 2023**.
- (2) The review periods are—
 - (a) the period of 12 months following the commencement of the **Bail Amendment Act 2023**; and
 - (b) each subsequent period of 4 years.
- (3) A review under subsection (1) is to be conducted by a panel appointed under section 32C for the purposes of that review.
- (4) A review under subsection (1) must examine whether, during the review period—
 - (a) vulnerable persons such as women, children, people with disabilities and Aboriginal persons have been adversely affected as a consequence of the amendments made to this Act by the **Bail Amendment Act 2023**; or
 - (b) those amendments have affected—
 - (i) recidivism; and
 - (ii) the rate at which offences are committed; and
 - (iii) the safety of the community; and
 - (iv) sentencing (including the making of declarations that periods of custody are to be reckoned as having been already served under a sentence); or
 - (c) those amendments have operated as intended.
- (5) A review under subsection (1) may make recommendations, including recommendations in relation to the matters set out in subsection (4)(a), (b) and (c).
- (6) A review under subsection (1) must be completed no later than 6 months after the end of the review period to which it relates.
- (7) The Attorney-General must cause a copy of a review under subsection (1) to be laid before each House of the Parliament no later than 14 sitting days after receiving it.

32E Government response to review

- (1) After receiving a review under section 32D(1), the Attorney-General must cause a response to the review to be prepared.
- (2) A response under subsection (1) must do the following things in respect of each recommendation set out in the review—

- (a) specify the action (if any) proposed to be taken with respect to the recommendation;
 - (b) if an action is proposed to be taken, identify which Minister, Department, or public authority (as the case may be) has responsibility for undertaking that action;
 - (c) if no action is proposed to be taken, or if the action that is proposed to be taken does not implement the recommendation, explain why the recommendation is not to be implemented.
- (3) The Attorney-General must cause a copy of a response under subsection (1) to be laid before each House of the Parliament no later than 3 months after receiving the review under section 32D(1) to which it relates.".'. .

Amendments circulated by Evan Mulholland (EM01C)

1. Clause 1, page 2, lines 13 and 14, omit all words and expressions on these lines.
2. Clause 8, line 16, omit "**repealed;**" and insert "**repealed.**".
3. Clause 8, line 17, omit all words and expressions on this line.
4. Part heading preceding clause 39, omit "**certain offences**" and insert "**offence to contravene certain conduct conditions**".
5. Clause 40, omit this clause.
6. Clause 118, line 29, after "30(1)" insert "or 30B".

Amendments circulated by Jaclyn Symes (JS28C)

1. Clause 1, page 2, lines 1 and 2, omit all words and expressions on these lines.
2. Clause 1, page 2, line 26, omit "bail." and insert "bail; and".
3. Clause 1, page 2, after line 26 insert—

"(e) to require a review of the operation of the amendments made by this Act."
4. Clause 6, lines 21 and 22, omit "4AA or 4AAB," and insert "4AA,".
5. Clause 8, lines 6 to 14, omit all words and expressions on these lines.
6. Clause 8, line 15, omit "(2)".
7. Clause 13, lines 20 and 21, omit "whichever of section 4AA or 4AAB applies," and insert "section 4AA,".
8. Division heading preceding clause 16, omit "**Bail tests that apply to children**" and insert "**Notes to heading to Schedule 1**".
9. Clause 16, omit this clause.

10. Clause 17, omit this clause.
11. Clause 18, omit this clause.
12. Clause 19, omit this clause.
13. Clause 20, omit this clause.
14. Clause 21, omit this clause.
15. Clause 22, omit this clause.
16. Clause 23, omit this clause.
17. Clause 24, line 24, omit "an adult" and insert "a person".
18. Clause 24, lines 27 to 29, omit all words and expressions on these lines.
19. Clause 24, line 30, omit "3" and insert "2".
20. Clause 24, line 31, omit "See—" and insert 'See section 4AA(2).'.'
21. Clause 24, lines 32 and 33, omit all words and expressions on these lines.
22. Clause 25, line 6, omit "adult" and insert "accused".
23. Clause 25, line 9, omit "adult" and insert "accused".
24. Clause 26, line 25, omit "adult" and insert "accused".
25. Clause 26, line 28, omit "person" and insert "accused".
26. Clause 26, page 16, line 3, omit "adult" and insert "accused".
27. Clause 26, page 16, line 6, omit "person" and insert "accused".
28. Clause 30, page 18, Flow Chart 1, omit "Flow Chart 4" and insert "Flow Chart 3".
29. Clause 30, page 18, Flow Chart 1, omit "Flow Chart 5" and insert "Flow Chart 4".
30. Clause 30, page 19, line 3, omit "an adult" and insert "a person".
31. Clause 30, page 19, heading to Flow Chart 2, omit "to adults".
32. Clause 30, page 19, Flow Chart 2, omit "Flow Chart 4" (wherever occurring) and insert "Flow Chart 3".
33. Clause 30, page 19, Flow Chart 2, omit "Flow Chart 5" and insert "Flow Chart 4".
34. Clause 30, page 19, Flow Chart 2, omit "Flow Chart 6" (wherever occurring) and insert "Flow Chart 5".
35. Clause 30, page 20, lines 1 to 4, omit all words and expressions on these lines.
36. Clause 30, page 20, Flow Chart 3, omit this flow chart.

37. Clause 30, page 21, line 1, omit "(5)" and insert "(4)".
38. Clause 30, page 21, line 1, omit "4" and insert "3".
39. Clause 30, page 21, heading to Flow Chart 4, omit "4" and insert "3".
40. Clause 30, page 22, line 1, omit "(6)" and insert "(5)".
41. Clause 30, page 22, line 1, omit "5" and insert "4".
42. Clause 30, page 22, heading to Flow Chart 5, omit "5" and insert "4".
43. Clause 30, page 23, line 1, omit "(7)" and insert "(6)".
44. Clause 30, page 23, line 1, omit "6" and insert "5".
45. Clause 30, page 23, heading to Flow Chart 6, omit "6" and insert "5".

NEW CLAUSE

46. Insert the following New Clause to follow clause 116—

'116A New section 32C inserted

After section 32B of the Principal Act **insert—**

"32C Review of amendments made by Bail Amendment Act 2023

- (1) The Attorney-General must cause a review to be conducted of the operation of the amendments made to this Act by the **Bail Amendment Act 2023**.
- (2) The review must be commenced no later than 2 years after the commencement of the **Bail Amendment Act 2023**.
- (3) The review must be completed no later than 6 months after it commences.
- (4) The Attorney-General must cause a copy of the review to be laid before each House of the Parliament no later than 14 sitting days after receiving it."

47. Clause 117, line 11, omit all words and expressions on this line.



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 38, 39 and 40

No. 38 — Tuesday, 17 October 2023

- 1 The President took the Chair at 12.03 pm, read the Prayer and made an Acknowledgement of Country.
- 2 **BUSINESS OF THE COUNCIL — SUSPENSION OF STANDING AND SESSIONAL ORDERS —** Jaclyn Symes moved, by leave, That so much of Standing and Sessional Orders be suspended to the extent necessary today to immediately allow —
 - (1) a minister to move, without leave or notice, a motion about events in Israel and Gaza;
 - (2) at the conclusion of the debate, the President to ask members to signify their agreement to the motion by rising in their places for one minute's silence;
 - (3) at the conclusion of the motion, unless otherwise ordered, the House to suspend its proceedings for one hour; and
 - (4) at the resumption of proceedings following this suspension, the House to follow the order of business for a Tuesday as set out in Standing Orders.Question — put and agreed to.
- 3 **EVENTS IN ISRAEL AND GAZA —** Jaclyn Symes moved, That this House —
 - (1) unequivocally condemns the attacks on Israel by Hamas, which are the heinous acts of terrorists, and have encompassed the targeting and murder of civilians, including women and children, the taking of hostages, and indiscriminate rocket fire;
 - (2) stands with Israel and recognises its inherent right to defend itself;
 - (3) condemns antisemitism and recognises that generations of Jewish people have been subjected to this hateful prejudice;
 - (4) calls for the immediate and unconditional release of all hostages;
 - (5) recognises that Hamas does not represent the Palestinian people, nor their legitimate needs and aspirations;
 - (6) acknowledges the devastating loss of Israeli and Palestinian life and that innocent civilians on all sides are suffering as a result of the attacks by Hamas and the subsequent conflict;
 - (7) supports justice and freedom for Israelis and Palestinians alike;

- (8) acknowledges what has unfolded is deeply distressing for many in the Victorian community, close to the heart of many, and it is important that we maintain respect for each other here at home as people express their views;
- (9) condemns all forms of hate speech and violent extremist activity, including antisemitism and Islamophobia;
- (10) recognises an attack on any religion is an attack on all religions and that we all share a responsibility to unite, condemn and defeat such an attack on our common values and way of life; and
- (11) affirms in the strongest possible terms that hateful prejudice has no place in Victoria.

Debate ensued.

Samantha Ratnam moved, as an amendment, That in paragraph (2), all words and expressions be **omitted** and **replaced** with —

“(2) condemns war crimes perpetrated by the state of Israel, including the bombing of Palestinian civilians and calls for an immediate ceasefire between all parties and an end to the war on Gaza, recognising also that for there to be peace there must be an end to the state of Israel’s illegal occupation of the Palestinian Territories;”.

Debate ensued.

Question — That the amendment moved by Samantha Ratnam be agreed to — put.

The Council divided — The President in the Chair.

AYES, 7

Katherine Cosey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 32

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Original question — put and agreed to with members rising in their places for one minute’s silence to signify their agreement to the motion.

Pursuant to an order of the Council earlier this day, the sitting was suspended for one hour.

[Sitting suspended from 1.38 pm to 2.42 pm]

- 4 ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, on 10 October 2023, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

Justice Legislation Amendment Act 2023.

5 COMMITTEE MEMBERSHIP — The President advised the House that David Limbrick resigned from the Economy and Infrastructure Standing Committee, effective from 16 October 2023.

6 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

ANSWERS TAKEN INTO CONSIDERATION — On the motion of Georgie Crozier, the answers given by Ingrid Stitt to questions relating to the sobering up centre in Collingwood (QwN 297) were ordered to be taken into consideration on the next day of meeting.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Public housing tower redevelopment consultation (QwN 298)** — substantive question asked by Samantha Ratnam — response from Harriet Shing due Wednesday, 18 October 2023.
- **Kangaroo leather industry (QwN 302)** — substantive and supplementary questions asked by Jeff Bourman — response from Gayle Tierney due Thursday, 19 October 2023.
- **Commissioner for Seniors (QwN 303)** — substantive and supplementary questions asked by David Davis — response from Ingrid Stitt due Wednesday, 18 October 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

7 PAPERS —

COMMITTEE REPORTS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 12 of 2023 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Nick McGowan tabled a Report on the Appointment of the Parliamentary Budget Officer from the Public Accounts and Estimates Committee (*Ordered to be published*).

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Financial Management Act 1994 —

Financial Report for the State of Victoria, 2022-23 (incorporating Quarterly Financial Report No. 4) (*released on 6 October 2023 – a non-sitting day*) (*Ordered to be published*).

Minister for Tourism, Sport and Major Events' report that the Puffing Billy Railway Board Report, 2022-23 has not been received, together with an explanation for the delay, under section 46(3)(a) of the Act.

Occupational Health and Safety Act 2004 — Report of requests for the approval of persons or bodies by the Governor in Council, 2022-23, under section 11 of the Act.

Ombudsman — Report, 2022-23 (*released on 12 October 2023 – a non-sitting day*) (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of approval of the —
Ararat Planning Scheme — Amendment C39 (Part 2).

Darebin Planning Scheme — Amendment C211.

Loddon Planning Scheme — Amendment C47.

Melbourne Planning Scheme — Amendment C434.

Monash Planning Scheme — Amendment C170.

Victoria Planning Provisions — Amendment VC247.

Yarra Ranges Planning Scheme — Amendment C186.

Statutory Rules under the following Acts —

Children, Youth and Families Act 2005 — No. 104.

Drugs, Poisons and Controlled Substances Act 1981 — No. 105.

Residential Tenancies Act 1997 — No. 106.

Subordinate Legislation Act 1994 — Legislative Instruments and related documents under section 16B in respect of —

Declaration of the dingo to be unprotected wildlife in certain areas, under section 7A of the Wildlife Act 1975.

Secretary Approval, Nurse Immunisers – SARS-CoV-2 (COVID-19) VACCINE, under the Drugs, Poisons and Controlled Substances Act 1981.

Secretary Approval, Pharmacist Immunisers – SARS-CoV-2 (COVID-19) VACCINE, under the Drugs, Poisons and Controlled Substances Act 1981.

The University of Melbourne — Report, 2021 (*replacement for copy tabled on Tuesday, 21 June 2022*).

8 PRODUCTION OF DOCUMENTS — STAFF SHORTAGES IN THE PUBLIC HEALTH SYSTEM —

The Clerk tabled two documents in full and one document in part and schedules of these documents in response to a resolution of the Council on 8 February 2023 (on the motion of Georgie Crozier), relating to staff shortages in the public health system.

The Clerk further tabled a letter from the Attorney-General, dated 28 September 2023, making a claim of executive privilege in relation to eight documents in full and one document in part.

9 PRODUCTION OF DOCUMENTS — ASSISTANT TREASURER BRIEFS ON THE BANKING AND FINANCIAL SERVICES CONTRACT —

The Clerk tabled three documents in full and five documents in part and schedules of the eight documents identified in response to a resolution of the Council on 8 March 2023 (on the motion of Georgie Crozier), relating to the Assistant Treasurer briefs on the banking and financial services contract.

The Clerk further tabled a letter from the Attorney-General, dated 28 September 2023, making a claim of executive privilege in relation to five documents in part.

- 10 BUSINESS OF THE COUNCIL** — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 18 October 2023 —
- (1) notice of motion given this day by Georgie Purcell on companion animal abuse;
 - (2) notice of motion given this day by David Limbrick requesting the Legislative Assembly grant leave for the Premier to appear before the Select Committee on the 2026 Commonwealth Games Bid;
 - (3) notice of motion given this day by David Davis on Sessional Orders relating to short form documents motions;
 - (4) notice of motion given this day by David Davis on Sessional Orders relating to debate of requests for Assembly members to attend Council committee hearings;
 - (5) notice of motion No. 152 standing in Trung Luu's name on transport infrastructure in western Victoria;
 - (6) notice of motion No. 124 standing in Moira Deeming's name referring matters relating to medical affirmation treatment pathways for gender dysphoric children and adolescents to the Legal and Social Issues Committee.

Question — put and agreed to.

- 11 BAIL AMENDMENT BILL 2023** — The Acting President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.
- 12 MEMBERS' STATEMENTS** — Members made statements.
- 13 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 83 to 205, be postponed until later this day.
- 14 SUMMARY OFFENCES AMENDMENT (NAZI SALUTE PROHIBITION) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

David Davis (*DD125C*) circulated amendments proposed to be moved during Committee of the whole.

[Sitting suspended from 6.30 pm to 7.33 pm]

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaele Broad; Katherine Copsey; Georgie Crozier; David Davis; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 2

David Limbrick; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

15 EDUCATION AND TRAINING REFORM AMENDMENT (LAND POWERS) BILL 2023 —
 Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

16 ADJOURNMENT — Lizzie Blandthorn moved, That the House do now adjourn.
 Debate ensued.

The Council adjourned at 10.15 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 39 — Wednesday, 18 October 2023

1 The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

2 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Auditor-General — Eloque: the Joint Venture Between DoT and Xerox, October 2023 (*Ordered to be published*).

Planning and Environment Act 1987 — Notice of approval of the Victoria Planning Provisions — Amendment VC241.

3 MEMBERS' STATEMENTS — Members made statements.

4 COMPANION ANIMAL ABUSE — Georgie Purcell moved, That this House notes that —

- (1) companion animal abuse is a form of family and domestic violence (FDV);
- (2) studies show women with companion animals have reported threatened or deliberate animal abuse in up to 53 per cent of FDV situations;
- (3) concern for the welfare of companion animals is a significant contributor to women and children remaining in violent homes;
- (4) the property status of animals under the current legislation makes it easy for perpetrators to acquire and maintain ownership of pets for use in coercive control;
- (5) emerging research shows clear links between animal cruelty and the increased likelihood of violence against humans;
- (6) in 2020 the Government supported a motion to better protect companion animals and victim survivors in situations of FDV;

and calls on the Government to investigate amending the *Family Violence Protection Act 2008* to include a specific offence for cruelty to animals as a form of early intervention and to further investigate the link between violence towards animals and humans in order to make appropriate reforms.

Debate ensued.

Question — put and agreed to.

- 5 REQUEST FOR PREMIER TO APPEAR — SELECT COMMITTEE ON THE 2026 COMMONWEALTH GAMES BID** — David Limbrick moved, That this House requests that the Legislative Assembly grant leave to the Premier, the Hon. Jacinta Allan MP, to appear before the Legislative Council Select Committee on the 2026 Commonwealth Games Bid to provide evidence in her capacity as the former Minister for Commonwealth Games Delivery.

Debate ensued.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

- 6 QUESTION TIME — QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS** — Members asked questions without notice and ministers made statements.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 7 REQUEST FOR PREMIER TO APPEAR — SELECT COMMITTEE ON THE 2026 COMMONWEALTH GAMES BID** — Debate continued on the question, That this House requests that the Legislative Assembly grant leave to the Premier, the Hon. Jacinta Allan MP, to appear before the Legislative Council Select Committee on the 2026 Commonwealth Games Bid to provide evidence in her capacity as the former Minister for Commonwealth Games Delivery.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Matthew Bach; Melina Bath; Katherine Copey; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Aiv Puglielli; Samantha Ratnam; Adem Somyurek; Rikkie-Lee Tyrrell.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 17

Ryan Batchelor; John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Tom McIntosh; Rachel Payne; Georgie Purcell; Harriet Shing; Ingrid Stitt; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Message sent to the Legislative Assembly informing them of the resolution.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, general business, Nos. 207, 212 and 152, be postponed until later this day.
- 9 LEGAL AND SOCIAL ISSUES COMMITTEE — MEDICAL AFFIRMATION TREATMENT PATHWAYS FOR GENDER DYSPHORIC CHILDREN AND ADOLESCENTS** — Moira Deeming moved, That this House —
- (1) recognises that medical affirmation of gender dysphoric children and adolescents is currently one of the most controversial areas of medicine due to the lack of clinical consensus about what is being treated, the diagnostic process, whether a

diagnosis is required, the asserted benefits, risks and outcomes of the medical pathway and the alternative pathways which exist;

- (2) notes that despite international medical and legislative moves to restrict the medical affirmation treatment pathway for gender dysphoric minors, which involves the three stages of puberty blockade, cross-sex hormones and surgery, it remains the dominant pathway in Victoria;
- (3) further notes that the legislation governing gender dysphoric children and adolescents in Victoria impacts the rights of children, parents and professionals;
- (4) requires the Legal and Social Issues Committee to inquire into, consider and report, within 12 months of the House agreeing to this resolution, on the appropriateness of medical affirmation treatment pathways for gender dysphoric children and adolescents in Victoria, including but not limited to —
 - (a) the lack of clinical consensus about what gender dysphoria is and how it is treated, including —
 - (i) the diagnostic process;
 - (ii) whether a diagnosis is required;
 - (iii) the asserted benefits, risks, and outcomes of the medical pathway;
 - (iv) the impact of social gender affirmation on rates of medical gender affirmation;
 - (v) the alternative pathways which exist;
 - (b) the impact and operation of legislation governing this issue, including —
 - (i) the rights of minors to access evidence-based care;
 - (ii) the rights of parents; and
 - (iii) the rights of professionals.

Debate ensued.

David Limbrick moved, as amendments, That —

1. In paragraph (4)(b)(ii), **omit** ‘and’.
2. In paragraph (4)(b)(iii), **omit** ‘professionals.’ and **insert** ‘professionals;’ in its place.
3. After paragraph (4)(b)(iii), **insert** —
 - “(c) medical treatments and services available to detransitioners, and the current state of medical research in this area; and
 - (d) any other related matters.”.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — That the amendments moved by David Limbrick be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

10 SESSIONAL ORDERS — SHORT FORM DOCUMENTS MOTIONS — David Davis moved, That, until the end of the Session, unless otherwise ordered by the Council, the following Sessional Order be adopted, to come into operation on the next sitting week:

X. Production of documents – short form documents motions with debate

After Standing Order 10.01(3) insert:

(4) A motion under this Standing Order (other than a motion that imposes a sanction) may be treated by the Council as a short form documents motion with debate. The following short form documents motion with debate procedures will apply —

- (a) a member must advise of the intention for the motion to be treated by the Council as a short form documents motion with debate at the time of giving notice under Standing Order 6.01;
- (b) a maximum of two motions under this Sessional Order may be debated each day that general business is scheduled to occur;
- (c) if additional notices above the number permitted for debate each sitting day are given for short form documents motions with debate, they will be listed on subsequent sitting days in the order that notice was given;
- (d) a motion proposed to be debated under this Sessional Order will take precedence at the time prescribed for general business, as follows —
 - (i) where the House has resolved that certain general business take precedence, no short form documents motions with debate will be called until a member has moved the second reading of any

- bills for which precedence has been ordered and it has been adjourned pursuant to Standing Order 14.06;
- (ii) where the House has not resolved any general business that will take precedence, any short form documents motions with debate will be listed as the first item/s in general business;
- (e) the following time limits will apply to a short form documents motion with debate —
- (i) the mover of the motion may speak only once for up to six minutes;
 - (ii) any other member may speak for up to five minutes;
 - (iii) the total time for consideration of the motion will be up to 20 minutes; and
- (f) at the conclusion of debate or after 20 minutes of debate (whichever occurs first), the President will put all questions necessary to dispose of the motion and any amendments.

Debate ensued.

Business interrupted at 5.15 pm, pursuant to Sessional Orders, the debate stood adjourned in the name of Michael Galea.

11 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

12 ADJOURNMENT — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.29 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 40 — Thursday, 19 October 2023

1 The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.

2 MESSAGE FROM ASSEMBLY — REQUEST FOR PREMIER TO APPEAR — SELECT COMMITTEE ON THE 2026 COMMONWEALTH GAMES BID — The President read a Message from the Assembly informing the Council that they had refused to grant leave to the Premier, the Hon Jacinta Allan MP, to appear before the Legislative Council Select Committee on the 2026 Commonwealth Games Bid to provide evidence in her capacity as the former Minister for Commonwealth Games Delivery.

On the motion of David Limbrick, the Message was ordered to be taken into consideration on the next day of meeting.

3 PAYROLL TAX AMENDMENT (PROTECTING VICTORIANS' ACCESS TO GPs, DENTISTS AND OTHER ALLIED HEALTH PRACTITIONERS) BILL 2023 — Georgie Crozier introduced *A Bill for an Act to amend the Payroll Tax Act 2007 in relation to medical practices and for other purposes.*

On the motion of Georgie Crozier, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

4 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

National Parks Act 1975 — Report, 2022-23 on the working of the Act.

National Parks Advisory Council — Report, 2022-23.

Recycling Victoria — Report, 2022-23.

Renewable Energy (Jobs and Investment) Act 2017 — Victorian Renewable Energy Target — 2022-23 Progress Report, under section 8 of the Act.

Victorian Electoral Commission — Report, 2022-23.

Victorian Inspectorate — Report, 2022-23.

5 SITTING OF THE COUNCIL — Lizzie Blandthorn moved, That the Council, at its rising, adjourn until Tuesday, 31 October 2023.

Question — put and agreed to.

6 MEMBERS' STATEMENTS — Members made statements.

7 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 171 to 205, be postponed until later this day.

8 EDUCATION AND TRAINING REFORM AMENDMENT (LAND POWERS) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 36

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 3

Moira Deeming; David Limbrick; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Business interrupted at 12.00 noon.

9 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Public swimming pools (QwN 315)** — substantive and supplementary questions asked by Rikkie-Lee Tyrrell — response from Gayle Tierney due Monday, 23 October 2023.
- **Housing service delivery data (QwN 316)** — substantive question asked by Wendy Lovell — response from Harriet Shing due Friday, 20 October 2023.
- **Price controls for food and other essentials (QwN 317)** — substantive and supplementary questions asked by Katherine Copsey — response from Jaclyn Symes due Monday, 23 October 2023.
- **Wildlife emergency response (QwN 319)** — substantive and supplementary questions asked by Georgie Purcell — response from Gayle Tierney due Monday, 23 October 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 10 EDUCATION AND TRAINING REFORM AMENDMENT (LAND POWERS) BILL 2023** — Bill further considered in Committee of the whole.
 Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.
 Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.
- 11 TRIPLE ZERO VICTORIA BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.
 Ann-Marie Hermans (for Georgie Crozier) (*GC54C*) and Jaclyn Symes (*JS31C*) circulated amendments proposed to be moved during Committee of the whole.
 Question — put and agreed to.
 Bill read a second time and committed to a Committee of the whole.
 House in Committee.
 Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.
 Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.
- 12 STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the First Home Owner Grant and Home Buyer Schemes Act 2000, the Land Tax Act 2005, the Local Government Act 1989, the Property Law Act 1958, the Sale of Land Act 1962, the Treasury Corporation of Victoria Act 1992, the Valuation of Land Act 1960 and the Windfall Gains Tax Act 2021 and for other purposes* and requesting the agreement of the Council.
 On the motion of Jaclyn Symes, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
 Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
 Jaclyn Symes moved, That the Bill be now read a second time.
 Jaclyn Symes incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for Evan Mulholland), the debate was adjourned for one week.

- 13 GAMBLING LEGISLATION AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Casino Control Act 1991, the Casino (Management Agreement) Act 1993 and the Gambling Regulation Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Jaclyn Symes (for Lizzie Blandthorn), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Jaclyn Symes moved, That the Bill be now read a second time.

Jaclyn Symes incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for Evan Mulholland), the debate was adjourned for one week.

- 14 SPECIAL INVESTIGATOR REPEAL BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to repeal the Special Investigator Act 2021 and to abolish the Office of the Special Investigator, to make necessary transitional arrangements, to continue in operation certain offences, to make consequential and related amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Jaclyn Symes, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Jaclyn Symes laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Jaclyn Symes moved, That the Bill be now read a second time.

Jaclyn Symes incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for Evan Mulholland), the debate was adjourned for one week.

- 15 ADJOURNMENT** — Gayle Tierney moved, That the House do now adjourn.
Debate ensued.

The Council adjourned at 6.47 pm until Tuesday, 31 October 2023.

ROBERT McDONALD
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 38, 39 and 40

SUMMARY OFFENCES AMENDMENT (NAZI PROHIBITION) BILL 2023

Committed Tuesday, 17 October 2023

Amendments circulated: David Davis (DD125C) (see p. 304)

Clauses 1 to 5 — put and agreed to.

Clause 6 — David Davis moved amendment No. 1 (DD125C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Clause 6 — put and agreed to.

Clause 7 — put and agreed to.

Clause 8 — David Davis moved amendment Nos. 2 and 3 (DD125C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 8 — put and agreed to.

Clauses 9 to 11 — put and agreed to.

Bill reported without amendment.

* * * * *

EDUCATION AND TRAINING REFORM AMENDMENT (LAND POWERS) BILL 2023

Committed Thursday, 19 October 2023

Clauses 1 to 23 — put and agreed to.

Bill reported without amendment.

* * * * *

TRIPLE ZERO VICTORIA BILL 2023

Committed Thursday, 19 October 2023

Amendments circulated: Georgie Crozier (GC54C) (see pp. 304-6) and Jaclyn Symes (JC31C) (see p. 306)

Clauses 1 to 16 — put and agreed to.

Clause 17 — Jaclyn Symes moved amendment No. 1 (*JC31C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 17, as amended — put and agreed to.

Clauses 18 to 69 — put and agreed to.

Clause 70 — Georgie Crozier moved amendment Nos. 2 and 3 (*GC54C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 70 — put and agreed to.

Clause 71 — put and agreed to.

New Clauses 71A and 71B — Georgie Crozier moved amendment No. 4 (GC54C).

Question — That new clauses 71A and 71B stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 72 — Georgie Crozier moved amendment No. 5 (GC54C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Clause 72 — put and agreed to.

Clause 73 — put and agreed to.

New Clause 73A — Georgie Crozier moved amendment No. 6 (*GC54C*).

Question — That new clause 73A stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Clause 74 — Jaclyn Symes moved amendment No. 2 (*JS31C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 74, as amended — put and agreed to.

Clauses 75 to 82 — put and agreed to.

Clause 83 — Jaclyn Symes moved amendment Nos. 3 to 5 (*JS31C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 83, as amended — put and agreed to.

Clauses 84 to 105 — put and agreed to.

Bill reported with amendments.

AMENDMENTS CIRCULATED IN RELATION TO —**1. SUMMARY OFFENCES AMENDMENT (NAZI PROHIBITION) BILL 2023***Amendments circulated by David Davis (DD125C)*

1. Clause 6, page 3, line 14, after "used by" insert "and associated with".
2. Clause 8, after line 24 insert—
 - "(1A) A police officer may give a direction to a person to cease performing a Nazi gesture if the police officer reasonably believes the person is committing an offence against section 41K(1A) by performing the Nazi gesture."
3. Clause 8, page 7, after line 6 insert—
 - (4) In section 41L of the Principal Act—
 - (a) in subsection (3), after "(1)" insert ", (1A)";
 - (b) in subsection (5), after "(1)" insert ", (1A)".'

2. TRIPLE ZERO VICTORIA BILL 2023*Amendments circulated by Georgie Crozier (GC54C)*

1. Clause 17, line 17, omit "As soon as practicable" and insert "Within 14 days".
2. Clause 70, line 4, before "Triple" insert "(1)".
3. Clause 70, after line 12 insert—
 - "(2) Triple Zero Victoria must ensure reports made under subsection (1) are—
 - (a) recorded and collated in a written document; and
 - (b) published quarterly on Triple Zero Victoria's website."

NEW CLAUSES

4. Insert the following New Clauses to follow clause 71—
 - "71A Board to report to Parliament about performance of Triple Zero Victoria**
 - (1) The Board must prepare a written report for each financial year in respect of any advice it has received from the Operational Committee in relation to a matter specified in section 55(2)(f) and (g).
 - (2) The Board must give to the clerk of each House of Parliament the report prepared under subsection (1) for a financial year as soon as practicable after it has been prepared.
 - 71B Tabling of report received under section 71A**

- (1) The clerk of each House of Parliament must table a report received under section 71A in the House on the day on which it is received or on the next sitting day of the House.
 - (2) If the Board proposes to give a copy of the report on a day when neither House is sitting, the Board must—
 - (a) give at least one business day's notice of intention to do so to the clerk of each House; and
 - (b) give the report to the clerk of each House on the day indicated in the notice; and
 - (c) publish the report on Triple Zero Victoria's website as soon as practicable after giving it to the clerk of each House.
 - (3) The clerk of each House must—
 - (a) notify each member of the House of the receipt of the notice under subsection (2)(a) on the same day that the clerk receives that notice; and
 - (b) give a copy of the report to each member of the House as soon as practicable after the report is received under subsection (2)(b); and
 - (c) table the report in the House on the next sitting day of the House."
5. Clause 72, page 53, after line (2) insert—
 - "(4) A copy of a report prepared under subsection (1) must be published on Triple Zero Victoria's website within 14 days after it has been given to the Justice Secretary and the Inspector-General for Emergency Management."
6. Insert the following New Clause to follow clause 73—

NEW CLAUSE

"73A Triple Zero Victoria to publish monthly reports

In respect of every month, Triple Zero Victoria must publish a report on the matters specified in Schedule 1—

 - (a) within 14 days after the end of each month; and
 - (b) on Triple Zero Victoria's website."
7. Clause 83, line 15, before "Subject" insert "(1)".
8. Clause 83, lines 19 and 20, omit "on Triple Zero Victoria's website" and insert "in accordance with subsection (2)".
9. Clause 83, after line 20, insert—
 - "(2) Data referred to in subsection (1) must be published quarterly on Triple Zero Victoria's website."

NEW SCHEDULE

10. Insert the following New Schedule to follow clause 105—

"Schedule 1**Matters to be addressed in monthly reports**

- 1 Number of calls received by Triple Zero Victoria each day.
- 2 Number of calls not answered within 10 seconds of connecting.
- 3 The number of calls received each day in respect of the following—
 - (a) an emergency requiring an ambulance service;
 - (b) a fire or environment related emergency requiring an appliance;
 - (c) a matter requiring Victoria Police assistance;
 - (d) an emergency requiring the Victoria State Emergency Service;
 - (e) a matter in respect of which emergency assistance is not required.
- 4 Any disruption to call taking and dispatch services caused by equipment failure or similar.
- 5 Length of time between taking call and the dispatch of an emergency vehicle."

Amendments circulated by Jaclyn Symes (JS31C)

1. Clause 17, line 17, omit "As soon as practicable" and insert "Within 14 days".
2. Clause 74, after line 13 insert—

"(1A) The Chief Executive Officer must ensure the annual report includes a summary of any advice the Board has received from the Operational Committee in relation to a matter specified in section 55(2)(f) and (g)."
3. Clause 83, line 15, before "Subject" insert "(1)".
4. Clause 83, lines 19 and 20, omit "on Triple Zero Victoria's website" and insert "in accordance with subsection (2)".
5. Clause 83, after line 20, insert—

"(2) Data referred to in subsection (1) must be published on Triple Zero Victoria's website annually or at intervals set by the Emergency Management Commissioner."



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 41, 42 and 43

No. 41 — Tuesday, 31 October 2023

- 1 The President took the Chair at 12.02 pm, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
 - On 20 October 2023 —
Summary Offences Amendment (Nazi Salute Prohibition) Act 2023.
 - On 24 October 2023 —
Bail Amendment Act 2023
Education and Training Reform Amendment (Land Powers) Act 2023.
- 3 **TRIPLE ZERO VICTORIA BILL 2023** — Pursuant to Standing Order 14.34, the President announced receipt of a report from the Clerk notifying that he had made the following correction in the schedule of amendments made by the Council to this Bill:
 - In Amendment 5, “subjection” has been changed to “subsection”.
- 4 **QUESTION TIME** —
QUESTIONS WITHOUT NOTICE AND MINISTERS’ STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

ANSWERS TAKEN INTO CONSIDERATION — On the motion of Georgie Crozier, the answers given by Ingrid Stitt to questions relating to the North Richmond Safe Injecting Room (QwN 326) were ordered to be taken into consideration on the next day of meeting.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to questions without notice pursuant to Standing Order 8.07 as follows:

- **Grass by roadsides (QwN 323)** — substantive and supplementary questions asked by Rikkie-Lee Tyrrell — response from Harriet Shing due Thursday, 2 November 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

5 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Jaclyn Symes, by leave, presented the Government response and progress report to Parliament about the implementation of the Independent Broad-Based Anti-corruption Commission's Operation Daintree recommendations, October 2023 (*Ordered to be tabled*).

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 13 of 2023 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Advancing the Treaty Process with Aboriginal Victorians Act 2018 — under section 43 of the Act —

Advancing the Victorian Treaty Process — Report, 2022-23.

First Peoples' Assembly of Victoria — Report, 2023.

Auditor-General's Office — Report, 2022-23.

Crown Land (Reserves) Act 1978 — Order of 20 September 2023 giving approval to the granting of a lease at St Kilda Botanical Gardens Reserve.

Environment Protection Authority (EPA) — Report, 2022-23.

Financial Management Act 1994 — Minister for Environment's reports that 2022-23 Reports have not been received, together with an explanation for the delay, under section 46(3)(a) of the Act —

Caulfield Racecourse Reserve Trust.

Dhelkunya Dja Land Management Board.

Gunaikurnai Traditional Owner Land Management Board.

Phillip Island Nature Parks.

Yorta Yorta Traditional Owner Land Management Board.

Zoos Victoria.

Independent Broad-based Anti-corruption Commission — Report, 2022-23 (*Ordered to be published*).

Inquiries Act 2014 — Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Final Report (13 documents) (*released on 30 October 2023 – a non-sitting day*) (*Ordered to be published*).

Land Acquisition and Compensation Act 1986 — Minister's certificate of 23 October 2023 to not require the service of a notice of intention to acquire land, under section 7 of the Act.

LanguageLoop — Report, 2022-23.

Mental Health Tribunal — Report, 2022-23.

Ombudsman — Watchdog for the people: 50 years of the Victorian Ombudsman 1973-2023 (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of approval of the —

Darebin Planning Scheme — Amendment C217.

Frankston Planning Scheme — Amendment C164.

Glen Eira Planning Scheme — Amendments C231 and C243.

Kingston Planning Scheme — Amendment C219.

Yarra Ranges Planning Scheme — Amendment C219.

Regional Development Victoria — Report, 2022-23.

Statutory Rules under the following Acts —

Circular Economy (Waste Reduction and Recycling) Act 2021 — No. 107.

Mutual Recognition (Victoria) Act 1998 — No. 109.

Trans-Tasman Mutual Recognition (Victoria) Act 1998 — No. 108.

Water Act 1989 — Nos. 110 and 111.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 108 and 109.

Sustainability Victoria — Report, 2022-23.

Queen Victoria Women's Centre Trust — Minister's report of receipt of the 2022-23 Report.

Victorian Electoral Commission — Report to Parliament on the 2022 Victorian State election and 2023 Narracan District supplementary election, October 2023.

Victorian Environmental Assessment Council Act 2001 — Notice of request to the Victorian Environmental Assessment Council for an Assessment of the values of the Immediate Protection Areas in the Central Highlands and East Gippsland, under section 26C of the Act.

Victorian Multicultural Commission — Report, 2022-23.

* * * * *

PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper:

Response from the Minister for Roads and Road Safety to petition titled Road conditions in northeast Victoria (Petition No. 493) (presented by Rikkie-Lee Tyrrell on 3 October 2023) (*released on 30 October 2023 – a non-sitting day*).

* * * * *

PROCLAMATIONS — The Clerk tabled proclamations of the Governor in Council fixing operative dates for the following Acts:

Circular Economy (Waste Reduction and Recycling) Act 2021 — Remaining provisions of Part 6 — 1 November 2023 (*Gazette S563, 24 October 2023*).

Water and Catchment Legislation Amendment Act 2021 — Remaining provisions (other than sections 23 and 30) — 20 November 2023 (*Gazette S564, 24 October 2023*).

6 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 1 November 2023 —

- (1) order of the day No. 14, second reading of the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023;
- (2) order of the day No. 9, second reading of the Charter of Human Rights and Responsibilities Amendment (Protection from Torture and Slavery) Bill 2023;
- (3) order of the day No. 3, resumption of debate on the second reading of the Residential Tenancies Amendment (Rent Freeze and Caps) Bill 2023;

- (4) order of the day No. 13, resumption of debate on the second reading of the Energy and Resources Legislation Amendment (Transition Away from Coal) Bill 2023;
- (5) order of the day No. 41, resumption of debate on a motion moved by David Davis on Sessional Orders relating to short form documents motions;
- (6) notice of motion No. 224 standing in Evan Mulholland's name on Labor's electric vehicle tax; and
- (7) order of the day No. 2, resumption of debate on the second reading of the Planning and Environment Amendment (Soil Protection) (Solar Power Generation Facilities) Bill 2023.

Question — put and agreed to.

- 7 MEMBERS' STATEMENTS** — Members made statements.
- 8 TRIPLE ZERO VICTORIA BILL 2023** — The President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 171 to 225, be postponed until later this day.
- 10 GAMBLING LEGISLATION AMENDMENT BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.
Evan Mulholland (*EM02C*) and Katherine Copsey (*KC15C*) circulated amendments proposed to be moved during Committee of the whole.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.
- 11 ADJOURNMENT** — Gayle Tierney moved, That the House do now adjourn.
Debate ensued.
The Council adjourned at 5.53 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 42 — Wednesday, 1 November 2023

- 1** The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.
- 2 PETITION — STOP THE HYDROGEN ENERGY SUPPLY CHAIN PROJECT** — Sarah Mansfield presented a petition bearing 2,473 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to stop the Hydrogen Energy Supply Chain project in the Latrobe Valley and begin the urgent phase out of all existing coal projects with appropriate support for workers and communities (*Ordered to be tabled*).

The petition having received the required number of signatures, Sarah Mansfield listed the petition for future debate during Petitions (qualifying for debate).

3 PAPERS —

PAPER PRESENTED BY DIRECTION OF THE GOVERNOR — Jaclyn Symes presented, by direction of the Governor, the Magistrates' Court of Victoria Report, 2022-23 (*Ordered to be tabled*).

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PAPERS PRESENTED BY ORDER OF THE COUNCIL —

Jaclyn Symes, by leave, presented the:

Judicial College of Victoria Report, 2022-23 (*Ordered to be tabled*).

Victoria Law Foundation Report, 2022-23 (*Ordered to be tabled*).

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Enver Erdogan, by leave, presented the Victorian Veterans Council Report, 2022-23 (*Ordered to be tabled*).

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Gayle Tierney, by leave, presented the:

2022-23 Sustainability Fund Activities Report (*Ordered to be tabled*).

Visit Victoria Report, 2022-23 (*Ordered to be tabled*).

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Wendy Lovell, by leave, presented the:

Department of the Legislative Council Report, 2022-23 (*Ordered to be tabled*).

Department of Parliamentary Services Report, 2022-23 (*Ordered to be tabled*).

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PAPERS PRESENTED UNDER ACTS OF PARLIAMENT —

Pursuant to section 28 of the *Parliamentary Budget Officer Act 2017*, on behalf of the Public Accounts and Estimates Committee, Michael Galea tabled the Parliamentary Budget Office Report, 2022-23.

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The Clerk tabled the following papers:

Accident Compensation Conciliation Service (Workplace Injury Commission) — Report, 2022-23.

Adult, Community and Further Education Board — Report, 2022-23.

Adult Parole Board of Victoria — Report, 2022-23.

Agriculture Victoria Services Pty Ltd — Report, 2022-23.

Alexandra District Health — Report, 2022-23.

Alfred Health — Report, 2022-23.

Alpine Health — Report, 2022-23.

AMES Australia — Report, 2022-23.

Auditor-General — Domestic Building Oversight Part 1: Regulation, November 2023 (*Ordered to be published*).

Austin Health — Report, 2022-23.

Australian Centre for the Moving Image (ACMI) — Report, 2022-23.

Australian Health Practitioner Regulation Agency (AHPRA) — Report, 2022-23.

Bairnsdale Regional Health Service — Report, 2022-23.

Ballarat General Cemeteries Trust — Report, 2022-23.

Barwon Health — Report, 2022-23.

Barwon Region Water Corporation — Report, 2022-23.
Bass Coast Health — Report, 2022-23.
Beaufort and Skipton Health Service — Report, 2022-23.
Beechworth Health Service — Report, 2022-23.
Benalla Health — Report, 2022-23.
Bendigo Health — Report, 2022-23.
Boort District Health — Report, 2022-23.
Breakthrough Victoria Pty Ltd — Report, 2022-23.
Calvary Heath Care Bethlehem Ltd — Report, 2022-23.
Casterton Memorial Hospital — Report, 2022-23.
Cenitex — Report, 2022-23.
Central Gippsland Region Water Corporation — Report, 2022-23.
Central Highlands Region Water Corporation — Report, 2022-23.
Central Highlands Rural Health — Report, 2022-23.
Cohuna District Hospital — Report, 2022-23.
Colac Area Health — Report, 2022-23.
Coliban Region Water Corporation — Report, 2022-23.
Commission for Children and Young People — Report, 2022-23 (*Ordered to be published*).
Confiscation Act 1997 — Asset Confiscation Operations Report, 2022-23.
Consumer Affairs Victoria — Report, 2022-23 (*Ordered to be published*).
Corangamite Catchment Management Authority — Report, 2022-23.
Coroners Court of Victoria — Report, 2022-23.
Coronial Council of Victoria — Report, 2022-23.
Corryong Health — Report, 2022-23.
Court Services Victoria — Report, 2022-23.
Criminal Organisations Control Act 2012 — Report, 2022-23, under section 133 by Victoria Police.
Dairy Food Safety Victoria — Report, 2022-23.
Dental Health Services Victoria — Report, 2022-23.
Development Victoria — Report, 2022-23.
Dhelkaya Health — Report, 2022-23.
Disability Services Commissioner — Report, 2022-23.
Docklands Studios Melbourne Pty Ltd — Report, 2022-23.
East Gippsland Catchment Management Authority — Report, 2022-23.
East Gippsland Region Water Corporation — Report, 2022-23.
East Grampians Health Service — Report, 2022-23.
East Wimmera Health Service — Report, 2022-23.
Eastern Health — Report, 2022-23.
Echuca Regional Health — Report, 2022-23.
Education Department — Report, 2022-23.
Emergency Services Superannuation Scheme (ESSSuper) — Report, 2022-23.
Emergency Services Telecommunications Authority (ESTA) — Report, 2022-23.
Energy, Environment and Climate Action Department (DECCA) — Report, 2022-23.
Energy Safe Victoria (ESV) — Report, 2022-23.
Essential Services Commission (ESC) — Report, 2022-23.

Evidence (Miscellaneous Provisions) Act 1958 — Report, 2022-23, under section 42BI by the Australian Criminal Intelligence Commission.

Families, Fairness and Housing Department (DFFH) — Report, 2022-23.

Film Victoria (VicScreen) — Report, 2022-23.

Financial Management Act 1994 — Assistant Treasurer's report that 2022-23 Reports have not been received, together with an explanation for the delay, under section 46(3)(a) of the Act —

Albury Wodonga Health.

Ambulance Services Victoria.

Architect Registration Board of Victoria.

Australian Grand Prix Corporation.

Central Gippsland Health Service.

Cladding Safety Victoria.

Commissioner for Environmental Sustainability.

Country Fire Authority.

Fire Rescue Victoria.

Fire Services Implementation Monitor.

Gippsland Southern Health Service.

Great Ocean Road Coast and Parks Authority.

Great Ocean Road Health.

Harness Racing Victoria.

Heritage Council.

Kerang District Health.

Mental Health Complaints Commissioner.

Northeast Health Wangaratta.

Omeo District Health.

Portland District Health.

Remembrance Parks Central Victoria.

Robinvale District Health Service.

Rural Northwest Health.

State Electricity Commission.

Surveyors Registration Board of Victoria.

Swan Hill District Health.

Trust for Nature.

VicForests.

Victorian Aboriginal Heritage Council.

Victorian Building Authority.

Victorian Collaborative Centre.

Victorian Curriculum and Assessment Authority.

Victorian Equal Opportunity and Human Rights Commission.

Victorian Fisheries Authority.

Victorian Institute of Forensic Medicine.

Victorian Institute of Forensic Mental Health.

Victorian Legal Services Board.

Victorian Planning Authority.

Victorian Professional Standards Council.

Victorian Responsible Gambling Foundation.

Forensic Leave Panel — Report, 2022.
Game Management Authority (GMA) — Report, 2022-23.
Geelong Cemeteries Trust — Report, 2022-23.
Geelong Performing Arts Centre Trust — Report, 2022-23.
Geoffrey Gardiner Dairy Foundation — Report, 2022-23.
Gippsland and Southern Rural Water Corporation — Report, 2022-23.
Glenelg Hopkins Catchment Management Authority — Report, 2022-23.
Goulbourn Broken Catchment Management Authority — Report, 2022-23.
Goulburn-Murray Rural Water Corporation — Report, 2022-23.
Goulburn Valley Health — Report, 2022-23.
Goulburn Valley Region Water Corporation — Report, 2022-23.
Government Services Department (DGS) — Report, 2022-23.
Grampians Health — Report, 2022-23.
Grampians Wimmera Mallee Water Corporation (GWMWater) — Report, 2022-23.
Greater Metropolitan Cemeteries Trust — Report, 2022-23.
Greater Western Water Corporation — Report, 2022-23.
Greyhound Racing Victoria (GRV) — Report, 2022-23.
Health Department — Report, 2022-23.
Health Purchasing Victoria (HealthShare) — Report, 2022-23.
Heathcote Health — Report, 2022-23.
Hesse Rural Health Service — Report, 2022-23.
Heywood Rural Health — Report, 2022-23.
Infrastructure Victoria — Report, 2022-23.
Inglewood and Districts Health Service — Report, 2022-23.
Jobs, Skills, Industry and Regions Department (DJSIR) — Report, 2022-23.
Judicial Commission of Victoria — Report, 2022-23.
Justice and Community Safety Department (DJCS) — Report, 2022-23.
Kardinia Park Stadium Trust — Report, 2022-23.
Kilmore District Health — Report, 2022-23.
Kooweerup Regional Health Service — Report, 2022-23.
Kyabram District Health Service — Report, 2022-23.
Labour Hire Licensing Authority — Report, 2022-23.
Latrobe Regional Health — Report, 2022-23.
Legal Practitioners' Liability Committee — Report, 2022-23.
Legal Services Council and Commissioner for Uniform Legal Services Regulation —
Report, 2022-23.
Library Board of Victoria — Report, 2022-23.
Lower Murray Urban and Rural Water Corporation — Report, 2022-23.
Mallee Catchment Management Authority — Report, 2022-23.
Mallee Track Health and Community Service — Report, 2022-23.
Mansfield District Hospital — Report, 2022-23.
Maryborough District Health Service — Report, 2022-23.
Melbourne and Olympic Parks Trust — Report, 2022-23.
Melbourne Arts Precinct Corporation — Report, 2022-23.
Melbourne Convention and Exhibition Trust — Report, 2022-23.
Melbourne Health — Report, 2022-23.
Melbourne Market Authority — Report, 2022-23.

Melbourne Port Lessor Pty Ltd — Report, 2022-23.
Melbourne Recital Centre — Report, 2022-23.
Melbourne Water Corporation — Report, 2022-23.
Mercy Hospitals Victoria Ltd — Report, 2022-23.
Mildura Base Public Hospital — Report, 2022-23.
Mildura Cemeteries Trust — Minister's report of receipt of the 2022-23 Report.
Monash Health — Report, 2022-23.
Moyness Health Services — Report, 2022-23.
Murray-Darling Basin Authority — Report, 2021-22.
Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of the 2022-23 Report.
Museums Board of Victoria — Report, 2022-23.
National Gallery of Victoria (NGV) — Report, 2022-23.
National Health Funding Pool — Report, 2022-23.
National Health Practitioner Ombudsman and Privacy Commissioner — Report, 2022-23.
NCN Health — Report, 2022-23.
North Central Catchment Management Authority — Report, 2022-23.
North East Catchment Management Authority — Report, 2022-23.
North East Link State Tolling Corporation — Report, 2022-23.
North East Region Water Corporation — Report, 2022-23.
Northern Health — Report, 2022-23.
Office of the National Rail Safety Regulator — Report, 2022-23.
Office of the Public Advocate — Report, 2022-23 (*Ordered to be published*).
Orbost Regional Health — Report, 2022-23.
Parks Victoria — Report, 2022-23.
Peninsula Health — Report, 2022-23.
Peter MacCallum Cancer Centre — Report, 2022-23.
Phytogene Pty Ltd — Minister's report of receipt of the 2022-23 Report.
Police Registration and Services Board — Report, 2022-23.
Port of Hastings Corporation — Report, 2022-23.
Ports Victoria — Report, 2022-23.
Post Sentence Authority — Report, 2022-23.
Premier and Cabinet Department (DPC) — Report, 2022-23.
PrimeSafe — Report, 2022-23.
Public Interest Monitor — Report, 2022-23.
Public Record Office Victoria (PROV) — Report, 2022-23.
Queen Elizabeth Centre — Report, 2022-23.
Racing Integrity Commissioner — Report, 2022-23.
Radiation Advisory Committee — Report, 2022-23.
Respect Victoria — Report, 2022-23.
Road Safety Camera Commissioner — Report, 2022-23.
Rochester and Elmore District Health Service — Report, 2022-23.
Rolling Stock Holdings (Victoria) Pty Limited — Report, 2022-23.
Rolling Stock Holdings (Victoria-VL) Pty Limited — Report, 2022-23.
Rolling Stock (VL-1) Pty Limited — Report, 2022-23.
Rolling Stock (VL-2) Pty Limited — Report, 2022-23.

Rolling Stock (VL-3) Pty Limited — Report, 2022-23.
Royal Botanic Gardens Board — Report, 2022-23.
Royal Children’s Hospital — Report, 2022-23.
Royal Victorian Eye and Ear Hospital — Report, 2022-23.
Royal Women’s Hospital — Report, 2022-23.
Safe Transport Victoria — Report, 2022-23.
Serious Offenders Act 2018 — Review of the *Serious Offenders Act 2018*, under section 348 of the Act.
Seymour Health — Report, 2022-23.
Shrine of Remembrance Trustees — Report, 2022-23.
South East Water Corporation — Report, 2022-23.
South Gippsland Hospital — Report, 2022-23.
South Gippsland Region Water Corporation — Report, 2022-23.
South West Healthcare — Report, 2022-23.
Southern Metropolitan Cemeteries Trust — Report, 2022-23.
St Vincent’s Hospital (Melbourne) Limited — Report, 2022-23.
State Sport Centres Trust — Report, 2022-23.
State Trustees Limited — Report, 2022-23.
Suburban Rail Loop Authority (SRL) — Report, 2022-23.
Surveillance Devices Act 1999 — Reports, 2022-23, under section 30L, by the —
 Australian Criminal Intelligence Commission.
 Department of Energy, Environment and Climate Action.
 Environment Protection Authority.
 Game Management Authority.
 Victorian Fisheries Authority.
 Victoria Police.
Tallangatta Health Service — Report, 2022-23.
Terang and Mortlake Health Service — Report, 2022-23.
Timboon and District Healthcare Service — Report, 2022-23.
Transport Accident Commission (TAC) — Report, 2022-23.
Transport and Planning Department (DTP) — Report, 2022-23.
Treasury and Finance Department (DTF) — Report, 2022-23.
Treasury Corporation of Victoria — Report, 2022-23.
Tweddle Child and Family Health Service — Report, 2022-23.
Veterinary Practitioners Registration Board of Victoria — Minister’s report of receipt of the 2022-23 Report.
Victims of Crime Assistance Tribunal — Report, 2022-23.
Victoria 2026 Pty Ltd — Report, 2022-23.
Victoria Legal Aid — Report, 2022-23.
Victoria Police — Report, 2022-23.
Victoria State Emergency Service Authority (SES) — Report, 2022-23.
Victorian Academy of Teaching and Leadership — Report, 2022-23.
Victorian Arts Centre Trust — Report, 2022-23.
Victorian Assisted Reproductive Treatment Authority — Minister’s report of receipt of the 2022-23 Report.
Victorian Assisted Reproductive Treatment Authority — Report, 2022-23, under section 114 of the Assisted Reproductive Treatment Act 2008.

Victorian Civil and Administrative Tribunal (VCAT) — Report, 2022-23.
Victorian Disability Worker Commission and Disability Worker Registration Board of Victoria — Report, 2022-23.
Victorian Environmental Assessment Council (VEAC) — Report, 2022-23.
Victorian Environmental Water Holder — Report, 2022-23.
Victorian Funds Management Corporation (VFMC) — Report, 2022-23.
Victorian Gambling and Casino Control Commission — Report, 2022-23.
Victorian Government Purchasing Board (VGPB) — Report, 2022-23.
Victorian Health Promotion Foundation (VicHealth) — Report, 2022-23.
Victorian Institute of Sport Trust — Report, 2022-23.
Victorian Institute of Teaching — Report, 2022-23.
Victorian Law Reform Commission — Report, 2022-23 (*Ordered to be published*).
Victorian Managed Insurance Authority (VMIA) — Report, 2022-23.
Victorian Marine and Coastal Council — Report, 2022-23.
Victorian Pharmacy Authority — Minister's report of receipt of the 2022-23 Report.
Victorian Plantations Corporation — Report, 2022-23.
Victorian Public Sector Commission — Report, 2022-23.
Victorian Racing Integrity Board — Report, 2022-23.
Victorian Rail Track (VicTrack) — Report, 2022-23.
Victorian Registration and Qualifications Authority — Report, 2022-23.
Victorian Small Business Commission — Report, 2022-23 (*Ordered to be published*).
Victorian Strawberry Industry Development Committee — Minister's report of receipt of the 2022-23 Report.
Victorian Veterans Council — Minister's report of receipt of the 2022-23 Report.
Victorian WorkCover Authority (WorkSafe Victoria) — Report, 2022-23.
V/Line Corporation — Report, 2022-23.
Wannon Region Water Corporation — Report, 2022-23.
West Gippsland Catchment Management Authority — Report, 2022-23.
West Gippsland Healthcare Group — Report, 2022-23.
West Wimmera Health Service — Report, 2022-23.
Western District Health Service — Report, 2022-23.
Western Health — Report, 2022-23.
Westernport Region Water Corporation — Report, 2022-23.
Wimmera Catchment Management Authority — Report, 2022-23.
Witness Protection Act 1991 — Report, 2022-23, under section 20R of the Act by Victoria Police.
Yarra Valley Water Corporation — Report, 2022-23.
Yarram and District Health Service — Report, 2022-23.
Yarrowonga Health — Report, 2022-23.
Yea and District Memorial Hospital — Report, 2022-23.
Youth Parole Board — Report, 2022-23.
Zoological Parks and Gardens Board (Zoos Victoria) — Report, 2022-23.

4 MEMBERS' STATEMENTS — Members made statements.

5 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REGULATION OF PERSONAL ADULT USE OF CANNABIS) BILL 2023 — Rachel Payne laid on the Table the

statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Rachel Payne moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 6 CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES AMENDMENT (PROTECTION FROM TORTURE AND SLAVERY) BILL 2023** — David Limbrick laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

David Limbrick moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 7 RESIDENTIAL TENANCIES AMENDMENT (RENT FREEZE AND CAPS) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

- 8 QUESTION TIME —**

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to questions without notice pursuant to Standing Order 8.07 as follows:

- **Greyhound racing animal welfare (QwN 328)** — substantive and supplementary questions asked by Georgie Purcell — response from Enver Erdogan due Friday, 3 November 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of order of the day, general business, No. 4, be postponed until later this day.

- 10 SESSIONAL ORDERS — SHORT FORM DOCUMENTS MOTIONS** — Debate resumed on the question, That, until the end of the Session, unless otherwise ordered by the Council, the following Sessional Order be adopted, to come into operation on the next sitting week:

X. Production of documents – short form documents motions with debate

After Standing Order 10.01(3) insert:

(4) A motion under this Standing Order (other than a motion that imposes a sanction) may be treated by the Council as a short form documents motion with debate. The following short form documents motion with debate procedures will apply —

- a member must advise of the intention for the motion to be treated by the Council as a short form documents motion with debate at the time of giving notice under Standing Order 6.01;
- a maximum of two motions under this Sessional Order may be debated each day that general business is scheduled to occur;

- (c) if additional notices above the number permitted for debate each sitting day are given for short form documents motions with debate, they will be listed on subsequent sitting days in the order that notice was given;
- (d) a motion proposed to be debated under this Sessional Order will take precedence at the time prescribed for general business, as follows —
 - (i) where the House has resolved that certain general business take precedence, no short form documents motions with debate will be called until a member has moved the second reading of any bills for which precedence has been ordered and it has been adjourned pursuant to Standing Order 14.06;
 - (ii) where the House has not resolved any general business that will take precedence, any short form documents motions with debate will be listed as the first item/s in general business;
- (e) the following time limits will apply to a short form documents motion with debate —
 - (i) the mover of the motion may speak only once for up to six minutes;
 - (ii) any other member may speak for up to five minutes;
 - (iii) the total time for consideration of the motion will be up to 20 minutes; and
- (f) at the conclusion of debate or after 20 minutes of debate (whichever occurs first), the President will put all questions necessary to dispose of the motion and any amendments.

Harriet Shing moved, as an amendment, That all words and expressions in the preamble be **omitted** and **replaced** with —

“That this House requires the Procedure Committee to inquire into, consider and report on the following proposed Sessional Order and in particular examine the implications of creating this new procedural process and how this new process may impact the running of the House:”.

Debate ensued.

Question — That the amendment moved by Harriet Shing be agreed to — put.

The Council divided — The President in the Chair.

AYES, 17

Ryan Batchelor; John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Tom McIntosh; Rachel Payne; Georgie Purcell; Harriet Shing; Ingrid Stitt; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 19

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Katherine Cosey; Georgie Crozier; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Aiv Puglielli; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

AYES, 22

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Katherine Cosey; Georgie Crozier; David Ettershank; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 14

Ryan Batchelor; John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Tom McIntosh; Harriet Shing; Ingrid Stitt; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

11 ELECTRIC VEHICLE TAX — Evan Mulholland moved, That this House notes —

- (1) on 18 October 2023 the High Court of Australia determined that Labor's electric vehicle (EV) tax was unlawful;
- (2) Labor's EV tax was widely criticised at the time as a disincentive to electric vehicle take up, effectively punishing Victorians who make the switch;
- (3) prior to the November 2022 State Election, the Liberals and Nationals committed to pausing Labor's EV tax, in line with the position of New South Wales;
- (4) Labor's EV tax was a bad tax from the very beginning and was only introduced because the Labor Government was desperate to find new ways to pay for their record debt, waste and mismanagement;
- (5) Labor's EV tax was always just a tax grab that crushed take up of electric vehicles by Victorians;

and calls on the Allan Government to immediately commit to returning every cent raised from Victorians by this botched and unlawful tax and now come clean on how much money was spent fighting the case in the High Court.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

12 PLANNING AND ENVIRONMENT AMENDMENT (SOIL PROTECTION) (SOLAR POWER GENERATION FACILITIES) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

13 RESIDENTIAL TENANCIES AMENDMENT (RENT FREEZE AND CAPS) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Business interrupted at 5.15 pm, pursuant to Sessional Orders, the debate stood adjourned in the name of Samantha Ratnam.

14 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

15 ADJOURNMENT — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.31 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 43 — Thursday, 2 November 2023

1 The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.

2 PETITION — RE-EVALUATE REGULATIONS FOR OWNER-OCCUPIED PROPERTY PLANNING PERMITS — Matthew Bach presented a petition bearing 24 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to re-evaluate the planning permit process for owner-occupied construction projects, revise the existing regulations, balance applicant and objector rights, and expedite planning permit acquisition (*Ordered to be tabled*).

3 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Harness Racing Victoria — Report, 2022-23.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 107.

4 SITTING OF THE COUNCIL — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 14 November 2023.

Question — put and agreed to.

5 MEMBERS' STATEMENTS — Members made statements.

6 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 171 to 235, be postponed until later this day.

7 SPECIAL INVESTIGATOR REPEAL BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Evan Mulholland moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this Bill be withdrawn and instead the Government puts in place measures to ensure that those responsible for the Lawyer X scandal are held to account".

Debate ensued.

Question — That the reasoned amendment moved by Evan Mulholland be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a second time.

Business interrupted at 12.11 pm.

8 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Native timber hardwood supply for housing (QwN 339)** — supplementary question asked by Melina Bath — response from Harriet Shing due Monday, 6 November 2023.
- **Murray-Darling Basin Plan (QwN 340)** — substantive question asked by Sarah Mansfield — response from Harriet Shing due Friday, 3 November 2023.
- **Duck hunting 2024 season (QwN 342)** — substantive and supplementary questions asked by Jeff Bourman — response from Jaclyn Symes due Monday, 6 November 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

9 SPECIAL INVESTIGATOR REPEAL BILL 2023 — Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Jaclyn Symes moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 13

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

10 STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Evan Mulholland moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this Bill be withdrawn and redrafted to —

- (a) take into account consultation with key housing industry stakeholders on the impact of this Bill; and
- (b) ease cost-of-living pressures to ensure every Victorian has the best opportunity to enjoy the social and economic benefits home ownership provides”.

Debate ensued.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

11 PLANNING SYSTEM AND HOUSING — Ryan Batchelor moved, That this House recognises the Allan Labor Government is getting on with a package of reforms to the planning system to clear the backlog of approvals and build more, good quality homes, faster, including —

- (1) clearing the backlog of 1,400 housing permit applications that have been stuck with councils for more than six months;
- (2) making sure big planning decisions are made faster by expanding Victoria’s Development Facilitation Program;
- (3) introducing clear planning controls to deliver an additional 60,000 homes around an initial 10 activity centres across Melbourne;
- (4) making it easier to build a second small home on your property;
- (5) streamlining assessment pathways with a range of new Deemed to Comply residential standards for different types of homes;

- (6) introducing legislative reforms to strengthen our planning system;
- (7) expanding Future Homes provisions so that it now applies in well located places across the whole of Victoria and working with industry and universities to develop new designs; and
- (8) bolstering the Department of Transport and Planning by bringing on 90 new planners to help with a range of priorities like clearing the backlog, making good decisions faster and increasing housing choice in activity centres.

Debate ensued.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

12 EARLY CHILDHOOD LEGISLATION AMENDMENT (PREMISES APPROVAL IN PRINCIPLE)

BILL 2023 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Care Services National Law Act 2010 and the Education and Care Services National Law set out in the Schedule to that Act to provide for the approval in principle of certain types of education and care service premises, to amend the Children's Services Act 1996 to make certain offences infringement offences and to provide for the approval in principle of certain types of children's service premises, and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

On the motion of Evan Mulholland (for Georgie Crozier), the debate was adjourned for one week.

13 ENVIRONMENT LEGISLATION AMENDMENT (CIRCULAR ECONOMY AND OTHER MATTERS) BILL 2023

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Circular Economy (Waste Reduction and Recycling) Act 2021 to further provide for matters relating to the container deposit scheme, the waste to energy scheme and the recovery of regulatory costs for those schemes and to amend the Environment Protection Act 2017 to improve the operation of that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn (for Gayle Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

On the motion of Evan Mulholland (for David Davis), the debate was adjourned for one week.

14 TRANSPORT LEGISLATION AMENDMENT BILL 2023

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Bus Safety Act 2009, the Commercial Passenger Vehicle Industry Act 2017, the Marine (Domestic Commercial Vessel National Law Application) Act 2013, the Road Management Act 2004, the Road*

Safety Act 1986, the Sentencing Act 1991, the Transport Accident Act 1986, the Transport (Compliance and Miscellaneous) Act 1983, the Transport Integration Act 2010 and other Acts and for other purposes and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn (for Harriet Shing), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

On the motion of Evan Mulholland, the debate was adjourned for one week.

15 ADJOURNMENT — Lizzie Blandthorn moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.52 pm until Tuesday, 14 November 2023.

ROBERT McDONALD
Clerk of the Legislative Council

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COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 41, 42 and 43

GAMBLING LEGISLATION AMENDMENT BILL 2023

Committed Tuesday, 31 October 2023

Amendments circulated: Katherine Copsey (KC15C) (p. 329) and Evan Mulholland (EM02C) (p. 329)

Clauses 1 to 25 — put and agreed to.

Clause 26 — Katherine Copsey moved amendment Nos. 1 and 2 (KC15C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 28

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Georgie Crozier; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Evan Mulholland moved amendment No. 1 (EM02C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 26 — put and agreed to.

Clauses 27 and 28 — put and agreed to.

Bill reported without amendment.

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SPECIAL INVESTIGATOR REPEAL BILL 2023

Committed Thursday, 2 November 2023

Clauses 1 to 72 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —

1. GAMBLING LEGISLATION AMENDMENT BILL 2023

Amendments circulated by Katherine Copsey (KC15C)

1. Clause 26, line 5, omit "**4:00 a.m.**" and insert "**midnight**".
2. Clause 26, lines 10 and 11, omit "4:00 a.m. and 10:00 a.m. on any day" and insert "midnight on any day and 10:00 a.m. on the following day".

Amendments circulated Evan Mulholland (EM02C)

Clause 26, line 14, after "casino operator" insert "or in relation to an approved venue that is within 3 km of a casino".



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 44, 45 and 46

No. 44 — Tuesday, 14 November 2023

1 The President took the Chair at 12.02 pm, read the Prayer and made an Acknowledgement of Country.

2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 8 November 2023, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

Gambling Legislation Amendment Act 2023

Special Investigator Repeal Act 2023

Triple Zero Victoria Act 2023.

3 **QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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QUESTION DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to a question without notice pursuant to Standing Order 8.07 as follows:

- **Public housing redevelopment (QwN 344)** — substantive question asked by Samantha Ratnam — response from Harriet Shing due Thursday, 16 November 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

4 **PETITION — FINANCIAL SUPPORT FOR BRUMBY RE-HOMERS** — Bev McArthur presented a petition bearing 1,044 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to direct Parks Victoria to recount brumby populations with improved counting methods and make provisions to assist approved re-homers with financial support (*Ordered to be tabled*).

On the motion of Bev McArthur, the petition was ordered to be taken into consideration on the next day of meeting.

5 PAPERS —**COMMITTEE REPORT — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —**

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 14 of 2023 (including Appendices and Extracts of Proceedings) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

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PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

- Crown Land (Reserves) Act 1978 — Order of 13 November 2023 giving approval to the granting of a lease at Albert Park.
- Duties Act 2000 — Treasurer's Report of Corporate Reconstruction and Consolidation Concessions and Exemptions for 2022-23, under section 250B(4) of the Act.
- Financial Management Act 1994 —
 - Ministers' reports that 2022-23 Reports have not been received, together with an explanation for the delay, under section 46(3) of the Act —
 - Minister for Education — Victorian Curriculum and Assessment Authority.
 - Minister for Energy and Resources — Mine Land Rehabilitation Authority.
 - Victorian Budget 2023-24 Quarterly Financial Report No. 1 (*released on 10 November 2023 – a non-sitting day*) (*Ordered to be published*).
- Planning and Environment Act 1987 — Notices of approval of the —
 - Ballarat, Cardinia, Glen Eira, Greater Geelong, Hume and Mornington Peninsula Planning Schemes — Amendment GC221.
 - Banyule, Boroondara, Manningham, Nillumbik, Whitehorse, Whittlesea and Yarra Planning Schemes — Amendment GC223.
 - Bass Coast Planning Scheme — Amendment C162.
 - Corangamite Planning Scheme — Amendment C59.
 - French Island and Sandstone Island Planning Scheme — Amendment C12.
 - Greater Geelong Planning Scheme — Amendment C454.
 - Horsham Planning Scheme — Amendment C82.
 - Melton Planning Scheme — Amendment C239.
 - Mitchell Planning Scheme — Amendment C166.
 - Moyne Planning Scheme — Amendment C70.
 - Surf Coast Planning Scheme — Amendment C144.
 - Warrnambool Planning Scheme — Amendment C215.
- Portable Long Service Benefits Authority — Report, 2022-23.
- Statutory Rule under the Electricity Safety Act 1998 — No. 112.
- Subordinate Legislation Act 1994 —
 - Documents under section 15 in respect of Statutory Rule Nos. 110, 111 and 112.
 - Legislative Instruments and related documents under section 16B in respect of —
 - Notice to fix fees under section 73 of the Victorian Energy Efficiency Target Act 2007.
 - Order declaring water system zones in Victoria under section 6B(1) of the Water Act 1989.

Victorian Inspectorate — Report on surveillance device records inspected during the period 1 July 2022 to 31 December 2022, under section 30Q of the Surveillance Devices Act 1999.

Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017 — Birrarung Council Review, September 2023, under section 58(3) of the Act.

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PAPERS PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following papers:

Response from the Minister for Ambulance Services to petition titled Save Inglewood's old ambulance station (Petition No. 505) (presented by Gaelle Broad on 30 August 2023) (*released on 6 November 2023 – a non-sitting day*).

Response from the Minister for Ambulance Services to petition titled Save Inglewood's ambulance administration building (Petition No. 506) (presented by Gaelle Broad on 30 August 2023) (*released on 6 November 2023 – a non-sitting day*).

6 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 15 November 2023 —

- (1) notice of motion No. 239 standing in Jeff Bourman's name on harvesting wild caught venison for donation to food charities;
- (2) notice of motion given this day by Evan Mulholland on the Suburban Rail Loop;
- (3) notice of motion given this day by Georgie Crozier on anti-Israel protestors in Caulfield South; and
- (4) order of the day No. 9, resumption of debate on the second reading of the Nuclear Activities (Prohibitions) Repeal Bill 2023.

Question — put and agreed to.

7 MEMBERS' STATEMENTS — Members made statements.

8 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 171 to 241, be postponed until later this day.

9 EARLY CHILDHOOD LEGISLATION AMENDMENT (PREMISES APPROVAL IN PRINCIPLE) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

10 TRANSPORT LEGISLATION AMENDMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

11 ADJOURNMENT — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.56 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 45 — Wednesday, 15 November 2023

1 The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.

2 PETITION — REJECT THE DECISION TO STOP NATURAL GAS CONNECTION — David Limbrick presented a petition bearing 3,808 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reject the decision made to stop natural gas connection to new dwellings from 1 January 2024, conduct a parliamentary debate on the matter and reject any regulations created to enact this change (*Ordered to be tabled*).

On the motion of David Limbrick, the petition was ordered to be taken into consideration on the next day of meeting.

3 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Auditor-General — Employee Health and Wellbeing in Victorian Public Hospitals, November 2023 (*Ordered to be published*).

Interpretation of Legislation Act 1984 — Notice under section 32(3)(a)(iii) in relation to Statutory Rule No. 107 (*Gazette G45, 9 November 2023*).

Ombudsman — Investigation into a Building Permit complaint, November 2023 (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of approval of the — Ballarat Planning Scheme — Amendment C235.

Campaspe Planning Scheme — Amendment C120.

Casey Planning Scheme — Amendment C288.

Greater Geelong Planning Scheme — Amendment C427.

Macedon Ranges Planning Scheme — Amendment C156.

Maroondah Planning Scheme — Amendment C144.

Melton Planning Scheme — Amendment C240.

Statutory Rules under the following Acts —

Environment Protection Act 2017 — No. 115.

Social Services Regulation Act 2021 — Nos. 113 and 114.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 116.

Victorian Curriculum and Assessment Authority — Report, 2021-22.

4 MEMBERS' STATEMENTS — Members made statements.

5 PRODUCTION OF DOCUMENTS — GAS AND ELECTRICITY SUPPLIES — David Davis moved, That this House —

(1) notes —

- (a) recent announcements by the Government in the Victorian energy sector, including the new contractual arrangements entered into or announced with Latrobe Valley based electricity generators since 2021 and the gas industry supply changes announced by the Labor Government;
 - (b) the agreements reached by the Andrews Labor Government with coal-fired electricity generators in the Latrobe Valley, the details and costs of which have never been publicly revealed;
 - (c) Victoria's Gas Substitution Roadmap;
- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within three weeks of the House agreeing to this resolution, copies of —
- (a) agreements reached with the owners of coal-fired electricity generators in the Latrobe Valley, Loy Yang A, Loy Yang B and Yallourn, to continue generating electricity, including details of the payments made to each generator and details of payments to be made until the scheduled closure of the generators;
 - (b) documents relating to Victoria's Gas Substitution Roadmap, specifically any modelling, assessments or examinations, including consultancies, on —
 - (i) the impact of Victoria's Gas Substitution Roadmap, including any modelling or assessment of its transitional impacts on current electrical and gas infrastructure;
 - (ii) the impacts on greenhouse gas emissions and energy affordability for consumers and businesses; and
 - (iii) gas supply reform advice provided to the Minister for Energy, including any modelling or assessments, including consultation, on the impact of implementation of the Roadmap on current electrical and gas infrastructure.

Debate ensued.

Question — put and agreed to.

6 PRODUCTION OF DOCUMENTS — REDEVELOPMENT OF HIGH-RISE PUBLIC HOUSING SITES — Samantha Ratnam moved, That this House —

- (1) notes that the Government's recent Housing Statement outlines an intention to demolish and redevelop all of Melbourne's 44 high-rise public housing buildings by 2051, including a plan to build a majority of private homes on these publicly owned sites;
- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within four weeks of the House agreeing to this resolution, all documents relating to the redevelopment of the public housing across any of the 44 high-rise public housing sites, including but not limited to —
 - (a) those that provide a rationale for the decision to demolish and redevelop the 44 high-rise public housing buildings and associated sites, including documents exploring alternatives to demolition, including refurbishment and renovation;
 - (b) assessments of the condition of current public housing buildings;
 - (c) feasibility studies on the cost and options for refurbishment and renovation;
 - (d) assessments and modelling of the maximum number of public homes that can be rebuilt on each public housing building site;

- (e) cost modelling and carbon footprint assessments for the demolition plan versus any alternative options (for example, refurbishment), including a breakdown of costs for public housing tower resident relocation, such as public housing stock acquisition or head-leasing of private properties, removalist costs and amounts allocated to workforce redirection towards community engagement;
- (f) cost modelling for the public-private partnership approach in Victoria's Housing Statement (for example, public sector comparator);
- (g) those that provide a rationale for the decision to initially demolish the tenanted buildings in North Melbourne and Flemington;
- (h) those relating to public housing tower resident consultation, including any information about whether any consultation occurred in the development of the demolition plan, and with whom (for instance, which organisations, representative bodies, or individuals); and
- (i) those outlining indicative timeframes for the demolition and redevelopment of the subsequent 39 towers to the five already announced.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 6, had elapsed.

Question — put and agreed to.

7 HARVESTING WILD SHOT VENISON FOR DONATION TO FOOD CHARITIES —

Jeff Bourman moved, That this House —

(1) notes that —

- (a) around 150,000 game deer are shot by recreational hunters every year;
- (b) an impediment to Victoria's 51,000 licenced deer hunters taking more deer is finding a use for the extra venison;
- (c) many food charities are struggling with increased demand and many families are approaching some of these charities to keep food on their plates;
- (d) there are existing programs in Victoria and other states that allow meat sourced from wild animals to be procured for human consumption;

(2) calls on the Government to commit to further discussions regarding the delivery of a pilot program to enable the commercial processing of wild shot venison to be harvested and donated to food charities on selected government programs and whether funding could be provided for —

- (a) the training of accredited volunteers; and
- (b) the necessary infrastructure, such as racks on vehicles and cool rooms.

Debate ensued.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

8 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Animal welfare activists (QwN 351)** — substantive and supplementary questions asked by Jeff Bourman — response from Jaclyn Symes due Friday, 17 November 2023.
- **Koalas in south west Victoria (QwN 353)** — substantive and supplementary questions asked by Georgie Purcell — response from Gayle Tierney due Friday, 17 November 2023.
- **Pill testing trial (QwN 356)** — substantive and supplementary questions asked by Aiv Puglielli — response from Jaclyn Symes due Friday, 17 November 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

9 HARVESTING WILD SHOT VENISON FOR DONATION TO FOOD CHARITIES — Debate continued on the question, That this House —

- (1) notes that —
- (a) around 150,000 game deer are shot by recreational hunters every year;
 - (b) an impediment to Victoria's 51,000 licenced deer hunters taking more deer is finding a use for the extra venison;
 - (c) many food charities are struggling with increased demand and many families are approaching some of these charities to keep food on their plates;
 - (d) there are existing programs in Victoria and other states that allow meat sourced from wild animals to be procured for human consumption;
- (2) calls on the Government to commit to further discussions regarding the delivery of a pilot program to enable the commercial processing of wild shot venison to be harvested and donated to food charities on selected government programs and whether funding could be provided for —
- (a) the training of accredited volunteers; and
 - (b) the necessary infrastructure, such as racks on vehicles and cool rooms.

Question — put.

The Council divided — The President in the Chair.

AYES, 32

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn;
 Jeff Bourman; Gaele Broad; Georgie Crozier; David Davis; Enver Erdogan;
 Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane;
 David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken;
 Nick McGowan; Tom McIntosh; Evan Mulholland; Harriet Shing; Adem Somyurek;
 Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney;
 Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 5

Katherine Cosey; Sarah Mansfield; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

10 SUBURBAN RAIL LOOP — Evan Mulholland moved, That this House notes —

- (1) the International Monetary Fund's advice for governments to appropriately manage their infrastructure pipelines to avoid interest rates rising further;

- (2) the comments of the Federal Labor Treasurer urging state governments to better coordinate major projects;
 - (3) the expert advice of economists and urban planners identifying the Suburban Rail Loop (SRL) as the most appropriate project to be paused;
 - (4) that the Victorian Auditor General's Office found the SRL business case does not "support fully informed investment decisions", contained "significant departures" from Department of Transport guidelines and, when costed to these guidelines, could lose 49 cents for every dollar spent;
 - (5) that the Parliamentary Budget Office found the first two stages of the SRL could cost 2.5 times what the Premier, the Hon. Jacinta Allan MP, originally promised;
 - (6) that the Allan Government has not submitted its costings and business case to Infrastructure Victoria, despite the Andrews Government creating the body to advise on major projects;
 - (7) that there is a \$9.6 billion shortfall in Commonwealth funding, with the Federal Labor Infrastructure Minister confirming that no further funding will be guaranteed until the project goes through an independent evaluation;
 - (8) that the Government should not sign multi-billion-dollar contracts and allocate a generation's worth of infrastructure funding in the face of a volatile economic climate;
- and calls on the Government not to sign any SRL contracts until it is independently assessed by Infrastructure Victoria, and to pause the SRL to ensure that Victoria's infrastructure pipeline remains stable.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Matthew Bach; Melina Bath; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

11 BUSINESS POSTPONED — Ordered — That the consideration of notice of motion, general business, No. 246, be postponed until later this day.

12 NUCLEAR ACTIVITIES (PROHIBITIONS) REPEAL BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Evan Mulholland; Adem Somyurek; Rikkie-Lee Tyrrell.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Business interrupted at 5.16 pm, pursuant to Sessional Orders.

13 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

14 PETITIONS (QUALIFYING FOR DEBATE) — STOP THE HYDROGEN ENERGY SUPPLY CHAIN PROJECT — Sarah Mansfield moved, That the petition be taken into consideration.
Debate ensued.

15 ADJOURNMENT — The President adjourned the House due to disorder.
The Council adjourned at 6.10 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 46 — Thursday, 16 November 2023

- 1** The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.
- 2 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:
 - Albury Wodonga Health — Report, 2022-23.
 - Architects Registration Board of Victoria — Minister's report of receipt of the 2022-23 Report.
 - Auditor-General — Reducing the Illegal Disposal of Asbestos, November 2023
(*Ordered to be published*).
 - Australian Grand Prix Corporation — Report, 2022-23.
 - Central Gippsland Health Service — Report, 2022-23.
 - Cladding Safety Victoria — Report, 2022-23.
 - Climate Change Act 2017 — Victorian Greenhouse Gas Emissions Report 2021, under section 52 of the Act.
 - Commission for Children and Young People — Let us learn: Systemic inquiry into the educational experiences of children and young people in out-of-home care, November 2023 (*Ordered to be published*).

- Commissioner for Environmental Sustainability — Minister’s report of receipt of the 2022-23 Report.
- Country Fire Authority (CFA) — Report, 2022-23.
- Education and Care Services National Law Act 2010 — Education and Care Services National Further Amendment Regulations 2023, under section 303 of the Act.
- Gippsland Southern Health Service — Report, 2022-23.
- Great Ocean Road Coast and Parks Authority — Report, 2022-23.
- Great Ocean Road Health — Report, 2022-23.
- Kerang District Health — Report, 2022-23.
- Northeast Health Wangaratta — Report, 2022-23.
- Occupational Health and Safety Act 2004 — Workplace Incidents Consultative Committee — Report 2022-23, under section 126B of the Act.
- Omeo District Health — Report, 2022-23.
- Portland District Health — Report, 2022-23.
- Robinvale District Health Services (RDHS) — Report, 2022-23.
- Rural Northwest Health — Report, 2022-23.
- Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 117.
- Swan Hill District Health — Report, 2022-23.
- VicForests — Report, 2022-23.
- Victorian Building Authority — Report, 2022-23.
- Victorian Institute of Forensic Mental Health (Forensicare) — Report, 2022-23.
- Victorian Planning Authority — Report, 2022-23.
- Victorian Responsible Gambling Foundation — Report, 2022-23.
- 3 SITTING OF THE COUNCIL** — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 28 November 2023.
- Question — put and agreed to.
- 4 STANDING AND TEMPORARY ORDERS — ADJOURNMENT MATTERS** — Georgie Crozier moved, by leave, That so much of Standing and Temporary Orders be suspended to the extent necessary to allow —
- (1) up to 20 members to submit adjournment matters today for incorporation under the Temporary Orders agreed to by the House on 7 September 2021 in addition to the 20 members that may raise adjournment matters in the House; and
 - (2) members that raise an adjournment matter in the House today to also be permitted to submit a matter for incorporation.
- Question — put and agreed to.
- 5 MEMBERS’ STATEMENTS** — Members made statements.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 171 to 255, be postponed until later this day.
- 7 TRANSPORT LEGISLATION AMENDMENT BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.
- Question — put and agreed to.
- Bill read a second time and committed to a Committee of the whole.
- House in Committee.
- Business interrupted at 12.00 noon.*

8 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to questions without notice pursuant to Standing Order 8.07 as follows:

- **Animal care and protection legislation (QwN 363)** — substantive and supplementary questions asked by Georgie Purcell — response from Jaclyn Symes due Monday, 20 November 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

9 TRANSPORT LEGISLATION AMENDMENT BILL 2023 — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

10 MESSAGE FROM ASSEMBLY — INVITATION TO LEGISLATIVE COUNCIL MEMBERS — APOLOGY — The Deputy President read a Message from the Assembly inviting members of the Legislative Council to attend a sitting of the Assembly in the Legislative Assembly Chamber on Wednesday 29 November 2023 at 10.00 am for the consideration of a motion for a parliamentary apology for past care leavers.**11 BUSINESS OF THE HOUSE** — Jaclyn Symes moved, by leave, That so much of Standing and Sessional Orders be suspended to the extent necessary to allow —

- (1) the sitting of the Council on Wednesday, 29 November 2023 to commence at 9.30 am and the following order of business to apply —

Messages

Formal business

Members' statements (up to 15 members)

General business

At 12.00 noon Questions

General business (continues)

At 6.15 pm Statements on tabled papers and petitions (30 minutes)

Petitions (qualifying for debate) (30 minutes)

At 7.15 pm Adjournment (up to 20 members);

- (2) the President to suspend the sitting of the Council to allow members to attend the Assembly Chamber at 10.00 am for a special sitting to consider a motion for a parliamentary apology for past care leavers and resume the sitting of the Council five minutes after the conclusion of the special sitting; and
- (3) any business under discussion at the time the President suspends the sitting to be resumed at the resumption of the sitting.

Question — put and agreed to.

- 12 ENVIRONMENT LEGISLATION AMENDMENT (CIRCULAR ECONOMY AND OTHER MATTERS) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 13 BUDGET PAPERS, 2023-24** — Debate resumed on the question, That the Council take note of the Budget Papers, 2023-24.

On the motion of Harriet Shing, the debate was adjourned until the next day of meeting.

- 14 CORRECTIONS AMENDMENT (PAROLE REFORM) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Corrections Act 1986 in relation to parole and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn (for Enver Erdogan), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard (except for the statement under section 31(1) of the *Charter of Human Rights and Responsibilities Act 2006*).

Lizzie Blandthorn made a statement pursuant to section 31 of the *Charter of Human Rights and Responsibilities Act 2006* explaining the exceptional circumstances that justify the inclusion of an override declaration.

On the motion of Evan Mulholland, the debate was adjourned for one week.

- 15 CRIMES AMENDMENT (NON-FATAL STRANGULATION) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 to provide for 2 non-fatal strangulation offences and to make a consequential amendment to the Family Violence Protection Act 2008 and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

On the motion of Evan Mulholland, the debate was adjourned for one week.

- 16 WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (WORKCOVER SCHEME MODERNISATION) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Workplace Injury Rehabilitation and Compensation Act 2013, the Accident Compensation Act 1985 and the Occupational Health and Safety Act 2004 and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard (except for the statement under section 85(5) of the *Constitution Act 1975*).

Lizzie Blandthorn made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

David Davis moved, That the debate be adjourned until 5 March 2024.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Aiv Puglielli; Samantha Ratnam; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 19

Ryan Batchelor; John Berger; Lizzie Blandthorn; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; David Limbrick; Tom McIntosh; Rachel Payne; Georgie Purcell; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

17 ADJOURNMENT — Harriet Shing moved, That the House do now adjourn.

Debate ensued and members incorporated further adjournment matters in Hansard pursuant to orders of the Council on 7 September 2021 and earlier this day.

The Council adjourned at 6.28 pm until Tuesday, 28 November 2023.

ROBERT McDONALD
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 44, 45 and 46

EARLY CHILDHOOD LEGISLATION AMENDMENT (PREMISES APPROVAL IN PRINCIPLE) BILL 2023

Committed Tuesday, 14 November 2023

Clauses 1 to 20 — put and agreed to.

Bill reported without amendment.

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TRANSPORT LEGISLATION AMENDMENT BILL 2023

Committed Thursday, 16 November 2023

Clauses 1 to 55 — put and agreed to.

Clause 56 — Question — That clause 56 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 35

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn;
Gaelle Broad; Katherine Copey; David Davis; David Ettershank; Enver Erdogan;
Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane;
David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken;
Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Aiv Puglielli;
Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis;
Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 2

Jeff Bourman; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clauses 57 to 129 — put and agreed to.

Schedule 1 — put and agreed to.

Bill reported without amendment.



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 47, 48 and 49

No. 47 — Tuesday, 28 November 2023

1 The President took the Chair at 12.03 pm, read the Prayer and made an Acknowledgement of Country.

2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had —

On 21 November 2023, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Council:

Early Childhood Legislation Amendment (Premises Approval in Principle) Act 2023

Transport Legislation Amendment Act 2023.

On 28 November 2023, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

Environment Legislation Amendment (Circular Economy and Other Matters) Act 2023.

3 **QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

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QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Drug detection dogs and medicinal cannabis (QwN 369)** — substantive and supplementary questions asked by Rachel Payne — response from Enver Erdogan due Thursday, 30 November 2023.
- **Game Management Authority (QwN 372)** — substantive and supplementary questions asked by Jeff Bourman — response from Gayle Tierney due Thursday, 30 November 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

4 PETITIONS —

FUNDING FOR MOUNT ELIZA SECONDARY COLLEGE — Matthew Bach presented a petition bearing 843 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide funding for Mount Eliza Secondary College to create a science, technology, engineering and mathematics centre and a dedicated welfare facility, and to redevelop the senior learning and drama centres (*Ordered to be tabled*).

On the motion of Matthew Bach, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

ABANDON LETHAL MANAGEMENT OF BRUMBIES — Wendy Lovell presented a petition bearing 1,087 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately abandon the lethal management of wild-living brumbies, commission a population count of horses in the Alpine National Park, recognise the heritage value of wild-living brumbies, undertake research into the benefits that brumbies bring to the Alpine National Park and develop new management plans (*Ordered to be tabled*).

On the motion of Wendy Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

5 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Enver Erdogan, by leave, presented the Consumer Policy Research Centre Report, 2022-23 (*Ordered to be tabled*).

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COMMITTEE REPORTS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 15 of 2023 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

LEGAL AND SOCIAL ISSUES COMMITTEE — Pursuant to Standing Order 23.22, Trung Luu tabled a Report on the Inquiry into the rental and housing affordability crisis in Victoria (including an Appendix, Extracts of Proceedings and a Minority Report) from the Legal and Social Issues Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

Trung Luu moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Nick McGowan tabled a Report on Gambling and liquor regulation in Victoria: a follow up of three Auditor-General reports (including Appendices, Extracts of Proceedings and a Minority Report) from the Public Accounts and Estimates Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

Nick McGowan moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

6 MESSAGE FROM ASSEMBLY — AMENDMENT TO INVITATION TO LEGISLATIVE COUNCIL

MEMBERS — APOLOGY — The President read a Message from the Assembly informing the Council that they had agreed to amend the resolution of the Assembly on 16 November 2023 inviting Legislative Council members to attend the special sitting for the parliamentary apology for past care leavers as follows:

- (1) omit 'Wednesday 29 November 2023' and insert 'Thursday 8 February 2024';
- (2) omit '10.00 am' and insert '11.30 am'.

7 BUSINESS OF THE HOUSE — Jaclyn Symes moved, by leave, That —

- (1) the resolution on 16 November 2023 altering the order of business for Wednesday, 29 November 2023 be rescinded;
- (2) so much of Standing and Sessional Orders be suspended to the extent necessary to allow the following to apply to the sitting of the Council on Thursday, 8 February 2024 —
 - (a) the order of business to be —
 - Messages
 - Formal business
 - Members' statements (up to 15 members)
 - Government business
 - At 2.00 pm** Questions
 - Government business (continues)
 - At 10.00 pm** Adjournment (up to 20 members);
 - (b) the President to suspend the sitting of the Council to allow members to attend the Assembly Chamber at 11.30 am for a special sitting to consider a motion for a parliamentary apology for past care leavers and resume the sitting of the Council at 2.00 pm; and
 - (c) any business under discussion at the time the President suspends the sitting will be resumed at the resumption of the sitting of the Council following 'Questions'.

Question — put and agreed to.

8 PAPERS —

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Auditor-General — Auditor-General's Report on the Annual Financial Report of the State of Victoria: 2022-23 (*released on 24 November 2023 – a non-sitting day*) (*Ordered to be published*).

Health Complaints Commissioner — Report, 2022-23.

Independent Broad-based Anti-corruption Commission — Firearm Prohibition Order Biennial Ministerial Report, 8 May 2018 to 31 December 2020, under section 174D of the Firearms Act 1996.

Planning and Environment Act 1987 — Notices of approval of the —
Bayside Planning Scheme — Amendments C187 and C200.

Cardinia Planning Scheme — Amendment C268.

Greater Bendigo Planning Scheme — Amendment C269.

Kingston Planning Scheme — Amendment C205.

Melbourne Planning Scheme — Amendment C454.

Mildura Planning Scheme — Amendment C118.

Wangaratta Planning Scheme — Amendment C79 (Part 1).

Yarra Ranges Planning Scheme — Amendment C198.

Residential Tenancies Bond Authority — Report, 2022-23.

Statutory Rules under the following Acts —

Associations Incorporation Reform Act 2012 — No. 116.

Heavy Vehicle National Law Application Act 2013 — No. 118.

Public Records Act 1973 — No. 117.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 115, 118 and 120.

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PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper:

Response from the Minister for Planning to petition titled Withdraw the overlay on Nepean Highway properties in Frankston (Petition No. 494) (presented by David Limbrick on 4 October 2023) (*released on 21 November 2023 – a non-sitting day*).

9 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 29 November 2023 —

- (1) notice of motion given this day by David Davis referring the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023 to the Economy and Infrastructure Committee;
- (2) notice of motion given this day by Trung Luu on transport infrastructure for the western suburbs;
- (3) order of the day No. 2, resumption of debate on the second reading of the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023;
- (4) notice of motion No. 242, standing in Sarah Mansfield's name referring matters relating to food affordability to the Legal and Social Issues Committee; and
- (5) notice of motion given this day by Samantha Ratnam referring matters relating to cost-of-living pressures to the Legal and Social Issues Committee.

Question — put and agreed to.

10 COMMITTEE MEMBERSHIP —

Lizzie Blandthorn moved, by leave, That —

- (1) Sonja Terpstra be discharged as a member of the Environment and Planning Standing Committee;
- (2) Jacinta Ermacora be a member of the Environment and Planning Standing Committee;
- (3) Jacinta Ermacora be discharged as a member of the Economy and Infrastructure Standing Committee; and
- (4) Sonja Terpstra be a member of the Economy and Infrastructure Standing Committee.

Question — put and agreed to.

Georgie Crozier moved, by leave, That —

- (1) Matthew Bach be discharged as a member of the Procedure Committee, the Privileges Committee and the Legal and Social Issues Standing Committee;

- (2) Evan Mulholland be a member of the Procedure Committee;
- (3) Evan Mulholland be a member of the Privileges Committee; and
- (4) Georgie Crozier be a member of the Legal and Social Issues Standing Committee.

Question — put and agreed to.

- 11 MEMBERS' STATEMENTS** — Members made statements.
- 12 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 171 to 255, be postponed until later this day.
- 13 CORRECTIONS AMENDMENT (PAROLE REFORM) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 14 CRIMES AMENDMENT (NON-FATAL STRANGULATION) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Georgie Crozier (for Evan Mulholland) (*EM07C*) circulated amendments proposed to be moved during Committee of the whole.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

- 15 ADJOURNMENT** — Lizzie Blandthorn moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.45 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 48 — Wednesday, 29 November 2023

- 1** The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

- 2 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:

Auditor-General — Contractors and Consultants in the Victorian Public Service: Spending, November 2023 (*Ordered to be published*).

Confiscation Act 1997 — Reports under section 139A of the Act, by Victoria Police —

Report, 2021-22.

Report, 2022-23.

Crimes (Assumed Identities) Act 2004 — Reports, 2022-23, under section 31 of the Act, by —

Australian Criminal Intelligence Commission.

Victoria Police.

Evidence (Miscellaneous Provisions) Act 1958 — Report, 2022-23, under section 42BI of the Act, by Victoria Police.

- Fire Services Implementation Monitor — Report, 2022-23.
- Planning and Environment Act 1987 — Notices of approval of the —
Casey Planning Scheme — Amendment C275.
Manningham, South Gippsland and Southern Grampians Planning Schemes —
Amendment GC231.
- Subordinate Legislation Act 1994 — Documents under section 15 in respect of
Statutory Rule Nos. 113, 114 and 122.
- Surveillance Devices Act 1999 — Report, 2022-23, under section 30L of the Act, by
the Office of the Special Investigator.
- Terrorism (Community Protection) Act 2003 — Report, 2022-23, under section 37F
of the Act, by Victoria Police.
- Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017 —
Birrarung Council Report on the implementation of Burndap Birrarung Burndap
Umarkoo — Yarra Strategic Plan 2023.
Burndap Birrarung Burndap Umarkoo — Yarra Strategic Plan, Report 2022-23 —
Reporting on implementation from 1 July 2022 to 30 June 2023.

3 MEMBERS' STATEMENTS — Members made statements.

4 PRODUCTION OF DOCUMENTS — KANGAROO HARVEST MANAGEMENT PLAN —
Georgie Purcell moved, That this House —

- (1) notes that the Government commenced the commercial killing of kangaroos on 1 October 2019, under the Victorian Kangaroo Harvest Management Plan, and has consistently increased the shooting quota each year since;
- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within ten weeks of the House agreeing to this resolution, all documents relating to the Kangaroo Harvest Management Plan, including but not limited to —
 - (a) population modelling and counts for the development of the commercial quotas each year, including all information and data that informed the counts;
 - (b) assessment of the impact of floods, fires, road strike, development and urban sprawl and any other matters or events that may affect kangaroo populations;
 - (c) the number of joeys killed as a result of the Kangaroo Harvest Management Plan each year and the effect on short and long term population projections;
 - (d) the development and expansion of approved shooting zones across Victoria, including the consideration and reasons to expand zones onto public land;
 - (e) the reasoning for the decision to increase the quota by 30 per cent, as announced on 31 December 2022;
 - (f) any consultation, including the current federal consultation, on the 2024-2028 Kangaroo Harvest Management Plan;
 - (g) professional shooter compliance and regulation processes, including the number of reports and investigations of alleged illegal kangaroo shooting; and
 - (h) the cost to the Government to operate the program.

Debate ensued.

The President advised that the total time allocated for debate, pursuant to Sessional Order 6, had elapsed.

Question — put and agreed to.

5 PRODUCTION OF DOCUMENTS — COMMONWEALTH INFRASTRUCTURE REVIEW —

David Davis moved, That this House —

- (1) notes the Commonwealth Government's review of national infrastructure projects and notes that this included a review of the Melbourne Airport Rail Link (MARL) and other Victorian infrastructure projects;
- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within three weeks of the House agreeing to this resolution, copies of —
 - (a) all documents submitted to the Commonwealth infrastructure review by the Victorian Government or its agencies;
 - (b) all studies and assessments on the MARL undertaken by or commissioned by the Victorian Government or its agencies, including options considered, assessments of costs and benefits, any route analysis conducted and details of assessment of market-led proposals; and
 - (c) options for the location and model of the proposed airport railway station, including assessments of advantages and disadvantages of different models.

Debate ensued.

The President advised that the total time allocated for debate, pursuant to Sessional Order 6, had elapsed.

Question — put and agreed to.

6 ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (WORKCOVER SCHEME MODERNISATION) BILL 2023 — David Davis moved, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by 5 March 2024, on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023 and in undertaking this inquiry the Committee is required to hold public hearings and is empowered, under the Standing Orders, to utilise a sub-committee.

Debate ensued.

Ryan Batchelor moved, as an amendment, That the words “by 5 March 2024” be **omitted** and **replaced** with “by 6 February 2024”.

Debate ensued.

Bev McArthur moved, as an amendment to the amendment moved by Ryan Batchelor, That the words “by 6 February 2024” be **omitted** and **replaced** with “by 22 February 2024”.

Debate ensued.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

7 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Recreational duck hunting (QwN 376)** — substantive and supplementary questions asked by Georgie Purcell — response from Gayle Tierney due Friday, 1 December 2023.
- **Murray-Darling Basin Plan (QwN 379)** — supplementary question asked by Sarah Mansfield — response from Harriet Shing due Thursday, 30 November 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 8 ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (WORKCOVER SCHEME MODERNISATION) BILL 2023** — Debate continued on the question, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by 5 March 2024, on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023 and in undertaking this inquiry the Committee is required to hold public hearings and is empowered, under the Standing Orders, to utilise a sub-committee — and on the amendment moved by Ryan Batchelor, That the words “by 5 March 2024” be **omitted** and **replaced** with “by 6 February 2024” — and on the amendment moved by Bev McArthur to the amendment moved by Ryan Batchelor, That the words “by 6 February 2024” be **omitted** and **replaced** with “by 22 February 2024”.

The Deputy President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — That the amendment moved by Bev McArthur to the amendment moved by Ryan Batchelor be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19

Matthew Bach; Melina Bath; Gaele Broad; Katherine Copsey; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Aiv Puglielli; Samantha Ratnam; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Jeff Bourman; Moira Deeming; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; David Limbrick; Tom McIntosh; Rachel Payne; Georgie Purcell; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Question — That the amendment moved by Ryan Batchelor be agreed to — put and agreed to.

Question — That the motion, amended as follows, be agreed to — That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by 6 February 2024, on the Workplace Injury Rehabilitation and Compensation

Amendment (WorkCover Scheme Modernisation) Bill 2023 and in undertaking this inquiry the Committee is required to hold public hearings and is empowered, under the Standing Orders, to utilise a sub-committee — put.

The Council divided — The President in the Chair.

AYES, 23

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Katherine Copey; Georgie Crozier; David Davis; David Ettershank; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 17

Ryan Batchelor; John Berger; Lizzie Blandthorn; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; David Limbrick; Tom McIntosh; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

9 BUSINESS POSTPONED — Ordered — That the consideration of notice of motion, general business, No. 268, be postponed until later this day.

10 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REGULATION OF PERSONAL ADULT USE OF CANNABIS) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

11 LEGAL AND SOCIAL ISSUES COMMITTEE — FOOD SECURITY — Sarah Mansfield moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, by 14 November 2024, on the impacts and drivers of, and solutions for, food security in Victoria, including but not limited to —

- (1) the impact of food insecurity in Victoria, on —
 - (a) physical and mental health;
 - (b) poverty and hardship; and
- (2) options available to lower the cost of food and improve access to affordable, nutritious and culturally appropriate food.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Jeff Bourman; Katherine Copey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 16

Matthew Bach; Melina Bath; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Business interrupted at 5.17 pm, pursuant to Sessional Orders.

12 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

13 ADJOURNMENT — Enver Erdogan moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.29 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 49 — Thursday, 30 November 2023

1 The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

2 PETITION — STOP THE NORTH EAST LINK SPLITTING WATSONIA — Nick McGowan presented a petition bearing 712 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to change its current design of the Northern Package of North East Link to put a cover on the Watsonia section (*Ordered to be tabled*).

On the motion of Nick McGowan, the petition was ordered to be taken into consideration on the next day of meeting.

3 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILL TESTING PILOT FOR DRUG HARM REDUCTION) BILL 2023 — Aiv Puglielli, and also on behalf of Rachel Payne and Georgie Purcell, introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for a pilot of pill-testing services for the purposes of drug harm reduction and to make consequential amendments and for other purposes*.

On the motion of Aiv Puglielli, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

4 PAPERS —

PAPERS PRESENTED BY DIRECTION OF THE GOVERNOR — Jaclyn Symes presented, by direction of the Governor, the:

Children's Court of Victoria Report, 2022-23 (*Ordered to be tabled*).

County Court of Victoria Report, 2022-23 (*Ordered to be tabled*).

Supreme Court of Victoria Report, 2022-23 (*Ordered to be tabled*).

COMMITTEE REPORTS —

ECONOMY AND INFRASTRUCTURE COMMITTEE — Pursuant to Standing Order 23.22, Georgie Purcell tabled a Report on the Inquiry into the industrial hemp industry in Victoria (including an Appendix and Extracts of Proceedings) from the Economy and Infrastructure Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

Georgie Purcell moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

INTEGRITY AND OVERSIGHT COMMITTEE —

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ryan Batchelor tabled a Report on the Appointment of a person to conduct the independent performance audit of the Victorian Ombudsman (including an Appendix) from the Integrity and Oversight Committee (*Ordered to be published*).

Ryan Batchelor moved, That the Council take note of the Report.

Question — put and agreed to.

* * * * *

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ryan Batchelor tabled a Report on the Performance of the Victorian integrity agencies 2021/22 (including an Appendix) from the Integrity and Oversight Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

Ryan Batchelor moved, That the Council take note of the Report.

Question — put and agreed to.

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Ambulance Victoria — Report, 2022-23.

Auditor-General —

Fair Presentation of Service Delivery Performance 2023, November 2023 (*Ordered to be published*).

Major Projects Performance Reporting 2023, November 2023 (*Ordered to be published*).

Commissioner for Environmental Sustainability Victoria — Victorian State of the Environment 2023 Report (3 documents).

Dhelkunya Dja Land Management Board — Minister's report of receipt of the 2022-23 Report.

Emerald Tourist Railway Board (Puffing Billy Railway) — Report, 2022-23.

Falls Creek Alpine Resort Management Board — Report, 2022.

Families, Fairness and Housing Department (DFFH) — Report, 2022-23 (*replacement for copy tabled on Wednesday, 1 November 2023*).

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of the 2022-23 Report.

Heritage Council of Victoria — Minister's report of receipt of the 2022-23 Report.

Local Jobs First — Report, 2022-23.

- Mental Health Complaints Commissioner — Report, 2022-23.
- Mine Land Rehabilitation Authority — Report, 2022-23.
- Mount Buller and Mount Stirling Alpine Resort Management Board — Report, 2022.
- Mount Hotham Alpine Resort Management Board — Report, 2022.
- Police Informants Royal Commission Implementation Monitor Act 2021 — Royal Commission into the Management of Police Informants: Progress Report, 2022-23, under section 28 of the Act.
- Portland District Health — Report, 2022-23 (*replacement for copy tabled on Thursday, 16 November 2023*).
- Professional Standards Council of Victoria — Report, 2022-23.
- Sentencing Advisory Council — Report, 2022-23.
- Southern Alpine Resort Management Board — Report, 2022.
- Spent Convictions Act 2021 — Review of the *Spent Convictions Act 2021*, November 2023, under section 25 of the Act.
- Statutory Rules under the following Acts —
- Building Act 1993 — No. 122.
 - Gambling Regulation Act 2003 — No. 121.
- Subordinate Legislation Act 1994 — Legislative Instruments and related documents under section 16B in respect of the Water Act 1989 —
- Declaration of Rationing Areas in Declared Water Systems 2023.
 - Ministerial Prohibition Determination Applicable to Particular Place of Take Approvals that are Tagged – November 2023.
 - Ministerial Rules for Managing General Place of Take Approvals.
 - Water Trading Rules for Declared Water Systems 2023.
- Surveyors Registration Board — Minister's report of receipt of the 2022-23 Report.
- Victims of Crime Commissioner — Report, 2022-23.
- Victorian Equal Opportunity and Human Rights Commission — Report, 2022-23 (*Ordered to be published*).
- Victorian Fisheries Authority — Report, 2022-23.
- Victorian Institute of Forensic Medicine — Report, 2022-23.
- Victorian Legal Services Board and Legal Services Commissioner — Report, 2022-23 (*Ordered to be published*).
- Victoria's Mental Health and Wellbeing Services — Report, 2022-23.

5 MESSAGE FROM ASSEMBLY — PERFORMANCE AUDIT OF VICTORIAN OMBUDSMAN —

The President read a Message from the Assembly informing the Council that they have agreed to the following resolution:

In accordance with s 24D(1) of the *Ombudsman Act 1973*, the Legislative Council and Legislative Assembly appoint O'Connor Marsden & Associates Pty Ltd ('O'Connor Marsden'):

- (1) to conduct the performance audit of the Victorian Ombudsman;
- (2) in accordance with the Agreement for the provision of services for the performance audit of the Victorian Ombudsman;
- (3) at the fixed-fee level of remuneration of \$231,000 (including GST) to be paid upon completion of the following:
 - (a) \$46,200 (including GST) upon Parliament's acceptance of O'Connor Marsden's audit plan, representing 20 per cent of the total fee;

- (b) \$69,300 (including GST) upon Parliament's acceptance of O'Connor Marsden's progress report, representing 30 per cent of the total fee;
 - (c) \$115,500 (including GST) upon Parliament's acceptance of the final draft report, representing 50 per cent of the total fee;
- and requesting the agreement of the Council.

On the motion of Jaclyn Symes, by leave, the Assembly's Message was ordered to be taken into consideration forthwith.

Jaclyn Symes moved, That the Council agree with the Assembly in the appointment of O'Connor Marsden & Associates Pty Ltd ('O'Connor Marsden') to conduct the performance audit of the Victorian Ombudsman and a Message be sent to the Assembly informing them that the Council have agreed with the Assembly's resolution.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

- 6 SITTING OF THE COUNCIL** — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 6 February 2024.

Question — put and agreed to.

- 7 COMMITTEE MEMBERSHIP** — Georgie Purcell moved, by leave, That David Ettershank be a member of the Economy and Infrastructure Standing Committee.

Question — put and agreed to.

- 8 MEMBERS' STATEMENTS** — Members made statements.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 171 to 263, be postponed until later this day.

- 10 CRIMES AMENDMENT (NON-FATAL STRANGULATION) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 11 STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023** — Debate resumed on the question, That the Bill be now read a second time — and on the reasoned amendment moved by Evan Mulholland — That all the words after "That" be omitted and replaced with "this Bill be withdrawn and redrafted to —

- (a) take into account consultation with key housing industry stakeholders on the impact of this Bill; and
- (b) ease cost-of-living pressures to ensure every Victorian has the best opportunity to enjoy the social and economic benefits home ownership provides."

Business interrupted at 12.00 noon.

12 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Melbourne Airport Rail Link (QwN 382)** — substantive and supplementary questions asked by David Ettershank — response from Harriet Shing due Monday, 4 December 2023.
- **Public and social housing with gas appliances (QwN 385)** — substantive question asked by David Davis — response from Harriet Shing due Friday, 1 December 2023.
- **State debt (QwN 387)** — substantive and supplementary questions asked by David Limbrick — response from Jaclyn Symes due Monday, 4 December 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

13 STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023 — Debate continued on the question, That the Bill be now read a second time — and on the reasoned amendment moved by Evan Mulholland — That all the words after “That” be omitted and replaced with “this Bill be withdrawn and redrafted to —

- (a) take into account consultation with key housing industry stakeholders on the impact of this Bill; and
- (b) ease cost-of-living pressures to ensure every Victorian has the best opportunity to enjoy the social and economic benefits home ownership provides.”.

Jaclyn Symes (*JS36C*) circulated amendments proposed to be moved during Committee of the whole.

Question — That the reasoned amendment moved by Evan Mulholland be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a second time.

On the motion of Lee Tarlamis, further consideration of the Bill was adjourned until later this day.

- 14 CRIMES AMENDMENT (NON-FATAL STRANGULATION) BILL 2023** — The President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.

- 15 STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023** — The order of the day was read for the resumption of the consideration of the Bill.

The President ruled that certain amendments proposed to be moved during Committee of the whole by Jaclyn Symes (*JS36C*) are outside the scope of the Bill.

Jaclyn Symes moved, That it be an instruction to the Committee that they have power to consider amendments and a New Clause to amend the *Fire Services Property Levy Act 2012* in relation to the Australian Valuation Property Classification Code for certain land uses.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted.

Jaclyn Symes moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 16

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 16 BUDGET PAPERS, 2023-24** — Debate resumed on the question, That the Council take note of the Budget Papers, 2023-24.

Question — put and agreed to.

- 17 COMMITTEE MEMBERSHIP** — Harriet Shing moved, by leave, That Michael Galea be a participating member of the Economy and Infrastructure Standing Committee.

Question — put and agreed to.

- 18 BEST START, BEST LIFE REFORMS** — Sheena Watt moved, That this House notes that the Allan Labor Government leads the nation in early childhood through its Best Start, Best Life reforms by —

- (1) delivering 50 government owned and operated early learning centres;
- (2) establishing Free Kinder, saving families \$2,500 for each child every year; and
- (3) introducing Pre-Prep, a play-based learning program for every four-year-old child.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

- 19 BIOSECURITY LEGISLATION AMENDMENT (INCIDENT RESPONSE) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Livestock Disease Control Act 1994, the Plant Biosecurity Act 2010 and the Livestock Management Act 2010 and for other purposes* and requesting the agreement of the Council.

On the motion of Harriet Shing (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Harriet Shing laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Harriet Shing moved, That the Bill be now read a second time.

Harriet Shing incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, the debate was adjourned for one week.

- 20 JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Child Employment Act 2003, the Fire Rescue Victoria Act 1958, the Firearms Act 1996, the Road Safety Act 1986, the Terrorism (Community Protection) Act 2003, the Victoria Police Act 2013, the Victorian Civil and Administrative Tribunal Act 1998 and the Worker Screening Act 2020 and for other purposes* and requesting the agreement of the Council.

On the motion of Harriet Shing (for Enver Erdogan), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Harriet Shing laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Harriet Shing moved, That the Bill be now read a second time.

Harriet Shing incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for David Davis), the debate was adjourned for one week.

- 21 LAND (REVOCAION OF RESERVATIONS) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the revocation of certain permanent reservations of Crown land at Shepparton, Toolangi, Seaspray, Haunted Stream, Narracan South, Darlimurla, Mirboo, Wombelano, Geelong, Clunes, Melbourne and Walhalla, to revoke related Crown grants and to re-reserve certain land and for other purposes* and requesting the agreement of the Council.

On the motion of Harriet Shing (for Gayle Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Harriet Shing laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Harriet Shing moved, That the Bill be now read a second time.

Harriet Shing incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for David Davis), the debate was adjourned for one week.

- 22 BEST START, BEST LIFE REFORMS** — Debate resumed on the question, That this House notes that the Allan Labor Government leads the nation in early childhood through its Best Start, Best Life reforms by —

- (1) delivering 50 government owned and operated early learning centres;
- (2) establishing Free Kinder, saving families \$2,500 for each child every year; and
- (3) introducing Pre-Prep, a play-based learning program for every four-year-old child.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

- 23 STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023** — The President read a Message from the Assembly informing the Council that, in relation to '*A Bill for an Act to amend the Duties Act 2000, the Fire Services Property Levy Act 2012, the First Home Owner Grant and Home Buyer Schemes Act 2000, the Land Tax Act 2005, the Local Government Act 1989, the Property Law Act 1958, the Sale of Land Act 1962, the Treasury Corporation of Victoria Act 1992, the Valuation of Land Act 1960 and the Windfall Gains Tax Act 2021 and for other purposes*' the Assembly have:

- (1) agreed to the amendments made by the Council; and
- (2) made further amendments with which agreement is requested.

On the motion of Lizzie Blandthorn, the Assembly's Message was ordered to be taken into consideration forthwith.

The further amendments for consideration by the Council were circulated and are as follows:

FURTHER AMENDMENT No. 1

1. Insert the following New Clauses to follow Clause 27—

'27A What is the rate of land tax?

For section 35(3) of the **Land Tax Act 2005** substitute—

- "(3) Subject to section 88EB, the rate of vacant residential land tax is—
- (a) if the land was not liable for vacant residential land tax in the preceding tax year—1%; or
 - (b) if the land was liable for vacant residential land tax in the preceding tax year but not the tax year preceding that tax year—2%; or
 - (c) if the land was liable for vacant residential land tax in the last 2 preceding tax years—3%.

Note

For the purposes of the vacant residential land tax, the taxable value of the land is the capital improved value of the land as at the relevant date—see section 19(1A)."

27B Holiday home exemption

For section 88A(1)(a) of the **Land Tax Act 2005 substitute—**

- "(a) in the year preceding the tax year—
- (i) the owner of the land or a vested beneficiary of a trust to which the land is subject used and occupied other land in Australia as a principal place of residence; and
 - (ii) the owner of the land or a vested beneficiary of a trust to which the land is subject, or a relative of the owner or vested beneficiary, used and occupied the land as a holiday home for a period of at least 4 weeks (whether continuous or aggregate); and".'

FURTHER AMENDMENT No. 2

2. Insert the following New Clause to follow Clause 28—

'28A New sections 88EA to 88EC inserted

After section 88E of the **Land Tax Act 2005 insert—**

"88EA Land becomes residential land during third year preceding tax year and has not been used or occupied or changed ownership

- (1) Land is exempt from vacant residential land tax for a tax year if—
- (a) at the commencement of the third year preceding the tax year the land was not residential land within the meaning of section 34B(1); and
 - (b) during the third year preceding the tax year the land becomes residential land within the meaning of section 34B(1); and
 - (c) during the second year preceding the tax year the land is exempt from vacant residential land tax under section 88D; and
 - (d) during the year immediately preceding the tax year the land is exempt from vacant residential land tax under section 88E; and
 - (e) for the period from which the land becomes residential land within the meaning of section 34B(1) up to the tax year—
 - (i) the land has not been used or occupied; and
 - (ii) the land has not changed ownership; and

(f) the Commissioner is satisfied that during the period referred to in paragraph (e) the owner of the land made genuine attempts to sell the land at or below the price that they expected to receive when construction commenced on the land.

- (2) To obtain an exemption from vacant residential land tax under this section, the owner of the land must—
- (a) apply to the Commissioner for the exemption on or before 15 January of the tax year; and
 - (b) give the Commissioner any information the Commissioner requests for the purpose of enabling the Commissioner to determine whether the land is exempt from vacant residential land tax under this section.

88EB Residential land that has not been used or occupied or changed ownership for more than 3 years

- (1) Land is eligible for a concessional rate of vacant residential land tax of 1% for a tax year if—
- (a) in a preceding tax year, the land becomes residential land within the meaning of section 34B(1); and
 - (b) in a tax year after the tax year referred to in paragraph (a) but preceding the tax year, the land is exempt from land tax under section 88EA; and
 - (c) for the period from which the land becomes residential land within the meaning of section 34B(1) up to the tax year—
 - (i) the land has not been used or occupied; and
 - (ii) the land has not changed ownership.

88EC Publication of report on exemptions and concession

- (1) The Commissioner must publish on the Commissioner's website an annual report of the following information for the 12 month period to which the report relates—
- (a) for each postcode in Victoria, the number of—
 - (i) exemptions granted under each of sections 88D, 88E and 88EA; and
 - (ii) concessions granted under section 88EB;
 - (b) the total amount of vacant residential land tax that was not payable because of the grant of the exemptions and the concessions referred to in paragraph (a).".'.

FURTHER AMENDMENT No. 3

3. Clause 30, line 15, omit "the commencement day, the land is" and insert "31 December 2023 the land was".

FURTHER AMENDMENT No. 4

4. Clause 30, line 27, omit "the commencement day, the land is" and insert "31 December 2023 the land was".

FURTHER AMENDMENT No. 5

5. Clause 30, line 33, omit "2023;" and insert '2023.'. '.

FURTHER AMENDMENT No. 6

6. Clause 30, page 24, lines 1 to 3, omit all words and expressions on those lines.

FURTHER AMENDMENT No. 7

7. Insert the following New Clause to follow Clause 34—

'34A What is the rate of land tax?

For section 35(3)(a), (b) and (c) of the **Land Tax Act 2005** substitute—

"(a) for residential land within the meaning of section 34B(2B)—1%; or

(b) for any other land—

(i) if the land was not liable for vacant residential land tax in the preceding tax year—1%; or

(ii) if the land was liable for vacant residential land tax in the preceding tax year but not the tax year preceding that tax year—2%; or

(iii) if the land was liable for vacant residential land tax in the last 2 preceding tax years—3%.".

Lizzie Blandthorn moved, That the further amendments made by the Assembly be agreed to.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 15

Matthew Bach; Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Message sent to the Assembly informing them that the Council have agreed to the further amendments made by the Assembly in this Bill.

24 ADJOURNMENT — Gayle Tierney moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.50 pm until Tuesday, 6 February 2024.

ROBERT McDONALD
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 47, 48 and 49

CRIMES AMENDMENT (NON-FATAL STRANGULATION) BILL 2023

Committed Thursday, 30 November 2023

Amendments circulated: Jeff Bourman (JB68C) (pp. 370-1) and Evan Mulholland (EM07C) (p. 371)

Clause 1 — Jeff Bourman (JB68C) circulated amendments proposed to be moved during Committee of the whole.

Jeff Bourman moved amendment No. 1 (JB68C).

Question — That the amendment be agreed to — put and negatived.

Clause 1 — put and agreed to.

Clause 2 — put and agreed to.

Clause 3 — Evan Mulholland moved amendment Nos. 1 and 2 (EM07C).

Question — That the amendments be agreed to — put and agreed to.

Clause 3, as amended — put and agreed to.

Clauses 4 to 6 — put and agreed to.

Bill reported with amendments.

* * * * *

STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023

Committed Thursday, 30 November 2023

Amendments circulated: Jaclyn Symes (JS36C) (pp. 371-4)

Clause 1 — Jaclyn Symes moved amendment No. 1 (JS36C).

Question — That the amendment be agreed to — put and agreed to.

Clause 1, as amended — put and agreed to.

Clauses 2 and 3 — put and agreed to.

Clauses 4 to 7 — no question put pursuant to Standing Order 14.16(2).

Clauses 8 to 10 — put and agreed to.

Clauses 11 and 12 — no question put pursuant to Standing Order 14.16(2).

New Clause 12A — Jaclyn Symes moved amendment No. 2 (*JS36C*).

Question — That New Clause 12A stand part of the Bill — put and agreed to.

Clauses 13 to 15 — put and agreed to.

Clause 16 — Jaclyn Symes moved amendment Nos. 3 to 7 (*JS36C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 16, as amended — put and agreed to.

New Clause 16A — Jaclyn Symes moved amendment No. 8 (*JS36C*).

Question — That New Clause 16A stand part of the Bill — put and agreed to.

Clauses 17 to 20 — put and agreed to.

Clause 21 — no question put pursuant to Standing Order 14.16(2).

Clauses 22 to 26 — put and agreed to.

Clause 27 — no question put pursuant to Standing Order 14.16(2).

Clauses 28 to 31 — put and agreed to.

Clause 32 — no question put pursuant to Standing Order 14.16(2).

Clause 33 — put and agreed to.

Clause 34 — Jaclyn Symes moved amendment Nos. 9 and 10 (*JS36C*).

Question — That the amendments be agreed to — put and agreed to.

Clause 34, as amended — put and agreed to.

Clause 35 — no question put pursuant to Standing Order 14.16(2).

Clause 36 — put and agreed to.

Clauses 37 to 46 — no question put pursuant to Standing Order 14.16(2).

Clause 47 — put and agreed to.

Clause 48 — no question put pursuant to Standing Order 14.16(2).

Clause 49 — put and agreed to.

Long Title — Jaclyn Symes moved amendment No. 11 (*JS36C*).

Question — That the amendment be agreed to — put and agreed to.

Question — That the long title, as amended, be the long title of the bill — put and agreed to.

Bill reported with amendments.

AMENDMENTS CIRCULATED IN RELATION TO —**1. CRIMES AMENDMENT (NON-FATAL STRANGULATION) BILL 2023**Amendments circulated by Jeff Bourman (JB68C)

1. Clause 1, line 6, omit "2".
2. Clause 3, lines 24 and 25, omit "conduct constituting an offence against section 34AE(1)" and insert "choking, strangling or suffocation".
3. Clause 3, line 27, omit "conduct" and insert "choking, strangling or suffocation".
4. Clause 3, page 5, after line 9 insert—
 - "(1A) A person (A) commits an offence if—
 - (a) A intentionally and without lawful excuse chokes, strangles or suffocates another person (B); and
 - (b) A intends the choking, strangling or suffocation to cause an injury to B; and
 - (c) the choking, strangling or suffocation causes an injury to B; and
 - (d) the choking, strangling or suffocation is a sexual activity.Penalty: Level 5 imprisonment (10 years maximum)."
5. Clause 3, page 5, line 10, omit "subsection (1)" and insert "subsections (1) and (1A)".
6. Clause 3, page 5, line 14, after "subsection (1)" insert "or (1A)".
7. Clause 3, page 5, after line 32 insert—
 - "(1A) A person (A) commits an offence if—
 - (a) A intentionally and without lawful excuse chokes, strangles or suffocates another person (B); and
 - (b) the choking, strangling or suffocation is a sexual activity.Penalty: Level 6 imprisonment (5 years maximum)."
8. Clause 3, page 6, line 5, omit "34AF" and insert "34AF(1)".
9. Clause 3, page 6, line 6, omit "34AF" and insert "34AF(1)".
10. Clause 3, page 6, after line 14 insert—
 - "(5) For the purposes of subsection (1A), that B consented to the conduct constituting the offence is not a lawful excuse except to the extent provided for by section 34AF(1A)."
11. Clause 3, page 6, after line 24 insert—

"(1A) It is a defence to a charge for an offence against section 34AE(1A) if—

- (a) B consented to the conduct constituting the offence; or
- (b) A reasonably believed that B consented to that conduct."

12. Clause 3, page 7, line 3, after "section 34AF(1)(b)" insert "and (1A)".
13. Clause 3, page 7, line 25, after "section 34AF(1)(b)" insert "and (1A)".
14. Clause 3, page 9, line 16, after "section 34AF(1)(b)(ii)" insert "and (1A)(b)".
15. Long title, omit "2".

Amendments circulated by Evan Mulholland (EM07C)

1. Clause 3, page 11, line 27, omit '34AE.'" and insert "34AE."
2. Clause 3, page 11, after line 27 insert—

'34AL Review of amendments made by Crimes Amendment (Non-fatal Strangulation) Act 2023

- (1) The Attorney-General must cause a review to be conducted of the operation of—
 - (a) this Subdivision; and
 - (b) section 5(2)(ba) of the **Family Violence Protection Act 2008**.
- (2) The review must be commenced no later than 2 years after the commencement of the **Crimes Amendment (Non-fatal Strangulation) Act 2023**.
- (3) The review must be completed no later than 6 months after it commences.
- (4) The Attorney-General must cause a copy of the review to be laid before each House of the Parliament no later than 14 sitting days after receiving it.".'.

2. STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023

Amendments circulated by Jaclyn Symes (JS36C)

1. Clause 1, page 2, after line 6 insert—
 - "(ab) to amend the **Fire Services Property Levy Act 2012** in relation to the Australian Valuation Property Classification Code for certain land uses; and"

NEW CLAUSE

2. Insert the following New Part to follow Part 2—

'Part 2A—Amendment of Fire Services Property Levy Act 2012

12A Amendment of Schedule

- (1) In item 3 of the Table in the Schedule to the **Fire Services Property Levy Act 2012**, for "615–623, 626–637," **substitute** "615–620, 623, 628–637,".
- (2) In item 5 of the Table in the Schedule to the **Fire Services Property Levy Act 2012**, for "640–642," **substitute** "621, 622, 626, 627, 640–642,".
3. Clause 16, line 8, after "land" insert "for a sale price less than the threshold amount".
4. Clause 16, line 16, after "land" insert "for a sale price less than the threshold amount".
5. Clause 16, after line 24 insert—
 - "(3) In this section—

sale price, in relation to a contract, means the price of the land that is specified in the contract, however expressed, less any discount or rebate that is specified in the contract, whether or not the discount or rebate is contingent;

threshold amount has the meaning given in section 10I."
6. Clause 16, page 16, line 9, omit '**1997**.'" and insert "**1997**".
7. Clause 16, page 16, after line 9 insert—

'10I CPI adjusted threshold amount

- (1) The **threshold amount** for a calendar year is to be determined in accordance with the following formula—
 - (a) for a contract entered into on or after 1 January 2024 and on or before 31 December 2024, \$10 000 000;
 - (b) for each subsequent calendar year, the amount determined in accordance with the following formula—

$$TA = \frac{A \times B}{C}$$

where—

TA is the threshold amount being determined for a calendar year;

A is the amount of the threshold amount for the previous calendar year, as rounded up or down in accordance with subsection (2);

B is the sum of—

- (a) the consumer price index number for the last reference period in the calendar year preceding the previous calendar year; and
- (b) the total of the consumer price index numbers for each of the reference periods (other than the last) in the previous calendar year;

C is the sum of—

- (a) the consumer price index number for the last reference period in the calendar year one year earlier than the calendar year referred to in paragraph (a) of B; and
- (b) the total of the consumer price index numbers for each of the reference periods (other than the last) in the calendar year one year earlier than the calendar year referred to in paragraph (b) of B.

Example

In the case of a determination of the threshold amount for 2025, "A" is the threshold amount for 2024, "B" is the sum of the consumer price index numbers for December 2023, March 2024, June 2024 and September 2024 and "C" is the sum of the consumer price index numbers for December 2022, March 2023, June 2023 and September 2023.

- (2) The threshold amount determined under subsection (1)(b) is to be rounded up or down to the nearest \$100 000 and, if the amount of the CPI to be adjusted is an exact multiple of \$50 000, is to be rounded up.
- (3) The Director of Consumer Affairs must publish the threshold amount for a calendar year on an appropriate website on or before 1 December in the calendar year preceding the relevant calendar year.
- (4) A failure to comply with subsection (3) in respect of a calendar year does not affect the operation of section 10G in respect of the threshold amount for that year.
- (5) In this section—

consumer price index means the all groups consumer price index weighted average of eight capital cities in original terms published by the Australian Bureau of Statistics as at 15 November immediately preceding the date on which the Director of Consumer Affairs publishes the threshold amount under subsection (3).".'

NEW CLAUSE

- 8. Insert the following New Clause to follow clause 16—

'16A New section 58 inserted

After section 57 of the **Sale of Land Act 1962** insert—

"58 Apportionment of amounts under contracts of sale of land

- (1) Section 10G does not apply to a contract of sale of land entered into before 1 January 2024.
- (2) Section 10H does not apply to any of the following—
 - (a) a contract of sale of land entered into before 1 January 2024;
 - (b) an option to enter into a contract of sale of land granted before 1 January 2024;

(c) a contract of sale of land entered into on or after 1 January 2024 under the exercise of an option that was granted before 1 January 2024.".'.

9. Clause 34, page 28, line 20, omit 'tax.'".' and insert "tax."
10. Clause 34, page 28, after line 20 insert—
 - '(4D) In making a determination under subsection (4B), the Commissioner must have regard to guidelines issued by the Treasurer under this section.
 - (4E) The Treasurer must issue guidelines for the exercise of the Commissioner's discretion under subsection (4B) and cause those guidelines to be published in the Government Gazette.
 - (4F) Guidelines issued under subsection (4E) are not a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**.'".'.
11. Long title, after "**Duties Act 2000**," insert "the **Fire Services Property Levy Act 2012**,".



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 50, 51 and 52

No. 50 — Tuesday, 6 February 2024

- 1 The President took the Chair at 12.02 pm, read the Prayer and made an Acknowledgement of Country.
- 2 **CONDOLENCE STATEMENTS —**
THE LATE RONALD WELLS — The President advised the House of the death, on 2 January 2024, of Dr Ronald James Herbert Wells, Member of the Legislative Assembly for the Electoral District of Dromana from 1985 to 1992 and the Legislative Council for the Electoral Province of Eumemmerring from 1992 to 1999.
THE LATE JOAN COXSEGE — The President advised the House of the death, on 14 January 2024, of Joan Marjorie Coxsege, Member of the Legislative Council for the Electoral Province of Melbourne West from 1979 to 1992.
THE LATE REG MACEY — The President advised the House of the death, on 30 January 2024, of Reg Macey, Member of the Legislative Council for the Electoral Province of Monash from 1985 to 1992.
Members rose in their place for one minute's silence as a mark of respect.
- 3 **ASSENT TO ACTS —** The President read Messages from the —
Administrator of Victoria informing the Council that she had, on 5 December 2023, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
Corrections Amendment (Parole Reform) Act 2023
Crimes Amendment (Non-fatal Strangulation) Act 2023.
Lieutenant-Governor informing the Council that he had, on 12 December 2023, given the Royal Assent to the following Act presented to him by the Clerk of the Parliaments:
State Taxation Acts and Other Acts Amendment Act 2023.

- 4 ACTING PRESIDENTS** — The President laid on the Table the following Warrant nominating Acting Presidents and discharging an Acting President:

LEGISLATIVE COUNCIL
VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I —

- (1) nominate —

Mr Jeff Bourman

Ms Jacinta Ermacora

to be an Acting President whenever requested to do so by the President or Deputy President; and

- (2) discharge Ms Sonja Terpstra as an Acting President.

Given under my hand on 6 February 2024.

SHAUN LEANE
President of the Legislative Council

- 5 RESIGNATION OF MEMBER** — The President announced the receipt of a letter from the Lieutenant-Governor advising of the receipt of the written resignation of Matthew Bach as a Member of the Victorian Legislative Council on 7 December 2023.

- 6 JOINT SITTING — CASUAL COUNCIL VACANCY** — Jaclyn Symes moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Matthew Bach and proposes that the place and time of such a meeting be the Legislative Assembly Chamber on Wednesday, 7 February 2024 at 6.15 pm.

Question — put and agreed to.

Message sent to the Assembly informing them of the resolution and requesting their agreement.

- 7 QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

ANSWERS TAKEN INTO CONSIDERATION — On the motion of Joe McCracken, the answers given by Gayle Tierney to questions relating to TAFE fees (QwN 394) were ordered to be taken into consideration on the next day of meeting.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 8 MESSAGE FROM THE ASSEMBLY — AMENDMENT TO INVITATION TO LEGISLATIVE COUNCIL MEMBERS — APOLOGY** — The President read a Message from the Assembly informing the Council that they had agreed to the following resolution —

That paragraph (2) of the resolution of the House on 16 November 2023, as amended on 28 November 2023, to invite Legislative Council members to attend the special sitting for the parliamentary apology for past care leavers be further amended to omit the words 'lower public gallery on the Opposition side of the House be deemed part of the Legislative Assembly Chamber and the'.

- 9 MESSAGE FROM THE ASSEMBLY — JOINT SITTING — CASUAL COUNCIL VACANCY** — The President read a Message from the Assembly informing the Council that they had agreed to the Council's proposal for a joint sitting on Wednesday, 7 February 2024 at 6.15 pm in the Legislative Assembly Chamber.

10 PETITIONS —

GIPPSLAND RENEWABLE ENERGY ZONE PROJECT — Melina Bath presented a petition bearing 55 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ensure that all new transmission infrastructure for the Gippsland Renewable Energy Zone project use world class underground construction to connect to the existing infrastructure (*Ordered to be tabled*).

* * * * *

REINSTATE THE ROAD SAFETY COMMITTEE — Georgie Crozier presented a petition bearing 559 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reinstate the parliamentary Road Safety Committee and commit the Victorian Parliament to join the federal Parliament and all states in a national conversation to reduce the national road toll (*Ordered to be tabled*).

* * * * *

STOP INTRODUCTION OF PAYROLL TAX ON CONTRACTORS INCLUDING DOCTORS — Georgie Crozier presented a petition bearing 5,675 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to stop the introduction of a payroll tax on contractor doctors and contractors in other health businesses needing deployed services (*Ordered to be tabled*).

* * * * *

SUPPORT THE NUCLEAR ENERGY (PROHIBITIONS) REPEAL BILL 2023 — David Limbrick presented a petition bearing 240 signatures from certain citizens of Victoria requesting that the Legislative Council vote in support of the Nuclear Energy (Prohibitions) Repeal Bill 2023 (*Ordered to be tabled*).

On the motion of David Limbrick, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

RETAIN TRAM STOP NUMBER 9 ON LA TROBE/VICTORIA STREET — Wendy Lovell presented a petition bearing 157 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to retain tram stop number 9, both eastbound and westbound, on La Trobe/Victoria Street, Melbourne (*Ordered to be tabled*).

On the motion of Wendy Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

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STOP THE HYDROGEN ENERGY SUPPLY CHAIN PROJECT — Sarah Mansfield presented a petition bearing 3,845 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to stop the Hydrogen Energy Supply Chain project in the Latrobe Valley and begin the urgent phase out of all existing coal projects with appropriate support for workers and communities (*Ordered to be tabled*).

On the motion of Sarah Mansfield, the petition was ordered to be taken into consideration on the next day of meeting.

REVERSE CUTS TO THE MELBOURNE YOUTH ORCHESTRAS — David Davis presented a petition bearing 192 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse its cuts to the Melbourne Youth Orchestras and fully restore its government funding (*Ordered to be tabled*).

On the motion of David Davis, the petition was ordered to be taken into consideration on the next day of meeting.

11 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Lizzie Blandthorn, by leave, presented the Municipal Monitor appointed to Strathbogie Shire Council: Report to the Minister for Local Government (*Ordered to be tabled*).

* * * * *

COMMITTEE REPORTS —

ECONOMY AND INFRASTRUCTURE COMMITTEE — Pursuant to Standing Order 23.22, Georgie Purcell tabled a Report on the Inquiry into the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023 (including an Appendix, Extracts of Proceedings and Minority Reports) from the Economy and Infrastructure Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

Georgie Purcell moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 1 of 2024 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Auditor-General — Reducing the Harm Caused by Drugs on Victorian Roads, December 2023 (*released on 6 December 2023 – a non-sitting day*) (*Ordered to be published*).

Caulfield Racecourse Reserve Trust — Report, 2022-23.

Crown Land (Reserves) Act 1978 — Order of 14 December 2023 giving approval for the granting of a lease at Albert Park.

Duties Act 2000 — Treasurer's Report of Foreign Purchaser Additional Duty Exemptions for 1 January 2023 to 30 June 2023, under section 3E(2) of the Act.

Financial Management Act 1994 — 2023-24 Budget Update (*released on 15 December 2023 – a non-sitting day*).

Gambling Regulation Act 2003 —

Wagering and Betting Licence issued to Tabcorp VIC Pty Ltd on 18 December 2023, under section 4.3A.14(1) of the Act.

Wagering and Betting Licence Related Agreement entered into with Tabcorp VIC Pty Ltd on 18 December 2023, under section 4.3A.14(1) of the Act.

- Independent Broad-based Anti-corruption Commission — Special report on Victoria Police's responses to IBAC's recommendations, December 2023 (*released on 12 December 2023 – a non-sitting day*) (*Ordered to be published*).
- Interpretation of Legislation Act 1984 — Notices under section 32(3)(a)(iii) in relation to —
- Statutory Rule No. 115/2023 (*Gazette G50, 14 December 2023*).
 - Statutory Rule No. 122/2023 (*Gazette G50, 14 December 2023*).
- Land Acquisition and Compensation Act 1986 — Minister's certificate of 20 December 2023 to not require the service of a notice of intention to acquire land, under section 7 of the Act.
- Legal Profession Uniform Law Application Act 2014 — Practitioner Remuneration Order 2024.
- Liquor Control Reform Act 1998 — Report, 2022-23 by the Chief Commissioner of Victoria Police, under section 148R of the Act.
- Local Government Act 2020 — Order in Council for the suspension of all of the councillors of the Strathbogie Shire Council and appointment of an administrator for the Council of 5 December 2023, under section 230(7) of the Act (*Gazette S648, 5 December 2023*).
- Major Events Act 2009 — Major Sporting Event Orders, of 19 December 2023, under section 22 of the Act, for the following cricket matches played at the Melbourne Cricket Ground —
- 2023 Boxing Day Test between Australia and Pakistan from 26 December to 30 December 2023.
 - One Day International between Australia and West Indies on 2 February 2024.
 - All 2023/2024 Big Bash League Twenty20 matches (including Finals).
- Ombudsman — Alleged politicisation of the public sector: Investigation of a matter referred from the Legislative Council on 9 February 2022 – Part 2, December 2023 (*released on 6 December 2023 – a non-sitting day*) (*Ordered to be published*).
- Planning and Environment Act 1987 —
- Infrastructure Contributions and Development Contribution Levies — Report, 2022-23, under section 46GZJ of the Act.
 - Notices of approval of the —
 - Bass Coast Planning Scheme — Amendment C152.
 - Baw Baw, Cardinia, Greater Dandenong, Greater Geelong, Hepburn, Latrobe, Melbourne, Melton, Merri-bek, Moira, Monash, Stonnington, Strathbogie and Wyndham Planning Schemes — Amendment GC230.
 - Brimbank Planning Scheme — Amendment C238.
 - Campaspe Planning Scheme — Amendment C124.
 - Central Goldfields Planning Scheme — Amendment C39.
 - Colac Otway Planning Scheme — Amendment C127.
 - Darebin Planning Scheme — Amendments C199 and C209.
 - East Gippsland Planning Scheme — Amendment C166.
 - Golden Plains Planning Scheme — Amendment C103.
 - Greater Bendigo Planning Scheme — Amendment C247.

Greater Dandenong Planning Scheme — Amendments C224, C240, C246 and C247.

Greater Geelong Planning Scheme — Amendments C339 (Part 2) and C455.

Greater Shepparton Planning Scheme — Amendments C239 and C242.

Hepburn Planning Scheme — Amendment C78.

Hobsons Bay Planning Scheme — Amendment C134.

Hume Planning Scheme — Amendment C269.

Latrobe Planning Scheme — Amendment C121.

Mansfield Planning Scheme — Amendment C59.

Maribyrnong Planning Scheme — Amendments C178 and C183.

Maroondah Planning Scheme — Amendment C146.

Melbourne Planning Scheme — Amendment C457 and C461.

Melton Planning Scheme — Amendment C242.

Mitchell Planning Scheme — Amendment C157.

Moonee Valley Planning Scheme — Amendment C233.

Mornington Peninsula Planning Scheme — Amendment C303.

Murrindindi Planning Scheme — Amendment C75.

Surf Coast Planning Scheme — Amendment C141.

Victoria Planning Provisions — Amendments VC249 and VC250.

Whitehorse Planning Scheme — Amendment C241.

Yarra Planning Scheme — Amendment C269.

Yarra Ranges Planning Scheme — Amendments C211 and C222.

Yarriambiack Planning Scheme — Amendment C33.

Project Development and Construction Management Act 1994 — Nomination Order and Application Order of 5 December 2023, under sections 6 and 8 of the Act, and a statement of reasons for making a Nomination Order of 5 December 2023, under section 9 of the Act.

Statutory Rules under the following Acts —

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — No. 126/2023.

Architects Act 1991 — No. 135/2023.

Building Act 1993 — Nos. 132/2023 and 2/2024.

Casino Control Act 1991 — No. 119/2023.

Circular Economy (Waste Reduction and Recycling) Act 2021 — No. 134/2023.

Cladding Safety Victoria Act 2020 — No. 1/2024.

County Court Act 1958 — Nos. 120/2023 and 130/2023.

Health Practitioner Regulation National Law Act 2009 — No. 127/2023.

Heritage Act 2017 — No. 3/2024.

Magistrates' Court Act 1989 — No. 128/2023.

Magistrates' Court Act 1989 — Criminal Procedure Act 2009 — No. 129/2023.

Occupational Health and Safety Act 2004 — No. 4/2024.

Subordinate Legislation Act 1994 — No. 133/2023.

Supreme Court Act 1986 — Nos. 123/2023 and 124/2023.

Supreme Court Act 1986 — Administration and Probate Act 1958 — No. 125/2023.

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — No. 131/2023.

Subordinate Legislation Act 1994 —

Documents under section 15 in relation to —

Orders under the Occupational Health and Safety Act 2004 relating to the Workplace amenities and work environment compliance code.

Statutory Rule Nos. 119/2023, 121/2023, 123/2023, 124/2023, 125/2023, 126/2023, 128/2023, 129/2023, 130/2023, 131/2023, 132/2023, 133/2023, 134/2023, 1/2024, 2/2024, 3/2024 and 4/2024.

Legislative Instruments and related documents under section 16B in respect of —

Environment Protection Act 2017 —

EPA Designation – Classification of digestate for composting or other secondary processing or use.

EPA Determination – Specifications acceptable to the Authority for receiving digestate.

Essential Services Commission Act 2001 — Land Access Code of Practice 2023.

Water Efficiency Labelling and Standards Act 2005 — Water Efficiency Labelling and Standards scheme, Report, 2022-23.

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PAPERS PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following papers:

Response from the Minister for Planning to petition titled stop the North East Link splitting Watsonia (Petition No. 516) (presented by Nick McGowan on 30 November 2023) (*released on 18 December 2023 – a non-sitting day*).

Response from the Minister for Planning to petition titled Re-evaluate regulations for owner-occupied property planning permits (Petition No. 488) (presented by Matthew Bach on 2 November 2023) (*released on 18 December 2023 – a non-sitting day*).

Response from the Minister for Energy and Resources to petition titled Reject the decision to stop natural gas connection (Petition No. 497) (presented by David Limbrick on 15 November 2023) (*released on 3 January 2024 – a non-sitting day*).

Response from the Minister for Education to petition titled Funding for Mount Eliza Secondary College (Petition No. 492) (presented by Matthew Bach on 28 November 2023) (*released on 11 January 2024 – a non-sitting day*)

* * * * *

PROCLAMATIONS — The Clerk tabled proclamations of the Governor in Council fixing operative dates for the following Acts:

Environment Legislation Amendment (Circular Economy and Other Matters) Act 2023 — Remaining provisions — 20 December 2023 (*Gazette S686, 19 December 2023*).

Special Investigator Repeal Act 2023 — 2 February 2024 (*Gazette S687, 19 December 2023*).

The Clerk tabled a proclamation of the Lieutenant-Governor in Council fixing an operative date for the following Act:

Triple Zero Victoria Act 2023 — Whole Act, other than Part 11 — 15 December 2023 (*Gazette S670, 12 December 2023*).

12 PRODUCTION OF DOCUMENTS —

REDEVELOPMENT OF HIGH-RISE PUBLIC HOUSING SITES — The Clerk tabled a letter from the Attorney-General, dated 6 December 2023, in response to a resolution of the Council on 15 November 2023 (on the motion of Samantha Ratnam), relating to the redevelopment of high-rise public housing sites, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

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GAS AND ELECTRICITY SUPPLIES — The Clerk tabled a letter from the Attorney-General, dated 6 December 2023, in response to a resolution of the Council on 15 November 2023 (on the motion of David Davis), relating to gas and electricity supplies, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

* * * * *

COMMONWEALTH INFRASTRUCTURE REVIEW — The Clerk tabled a letter from the Attorney-General, dated 18 December 2023, in response to a resolution of the Council on 29 November 2023 (on the motion of David Davis), relating to the Commonwealth infrastructure review, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

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SEASONAL CHANGES TO THE 2023 DUCK HUNTING SEASON — The Clerk tabled 55 documents provided in full and seven documents provided in part, together with schedules of the 66 identified documents in response to a resolution of the Council on 3 May 2023 (on the motion of Jeff Bourman), relating to Seasonal changes to the 2023 duck hunting season.

The Clerk further tabled a letter from the Attorney-General, dated 1 February 2024, making a claim of executive privilege in relation to four documents in full and seven documents in part.

* * * * *

KANGAROO HARVEST MANAGEMENT PLAN — The Clerk tabled a letter from the Attorney-General, dated 6 February 2024, in response to a resolution of the Council on 29 November 2023 (on the motion of Georgie Purcell), relating to the Kangaroo Harvest Management Plan, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

13 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 7 February 2024 —

- (1) order of the day No. 1, second reading of the Drugs, Poisons and Controlled Substances Amendment (Pill Testing Pilot for Drug Harm Reduction) Bill 2023;
- (2) notice of motion given this day by Georgie Crozier on youth justice and youth crime;
- (3) notice of motion given this day by Georgie Crozier on ambulance services;
- (4) notice of motion given this day by David Davis on the Melbourne Youth Orchestras funding; and
- (5) notice of motion given this day by Jeff Bourman on firewood collection.

Question — put and agreed to.

14 COMMITTEE MEMBERSHIP — Georgie Crozier moved, by leave, That —

- (1) Georgie Crozier be discharged as a member of the Legal and Social Issues Standing Committee;
- (2) Renee Heath be a member of the Legal and Social Issues Standing Committee; and
- (3) Georgie Crozier be a participating member of the Legal and Social Issues Standing Committee.

Question — put and agreed to.

15 MEMBERS' STATEMENTS — Members made statements.**16 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 171 to 278, be postponed until later this day.**17 BIOSECURITY LEGISLATION AMENDMENT (INCIDENT RESPONSE) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Rikkie-Lee Tyrrell (*RT10C*), Sarah Mansfield (*SMA05C*) and David Limbrick (*DL61C*) circulated amendments proposed to be moved during Committee of the whole.

Georgie Purcell moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with “the Bill be withdrawn and not reintroduced until the Government sets out a new approach to animal welfare in Victoria.”

Debate ensued.

Question — That the reasoned amendment moved by Georgie Purcell be agreed to — put.

The Council divided — The President in the Chair.

AYES, 5

Katherine Copsy; Sarah Mansfield; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 32

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Georgie Crozier; Moira Deeming; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Harriet Shing; Adem Somyurek; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

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

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Jaclyn Symes moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 31

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 6

Katherine Copsey; Moira Deeming; Sarah Mansfield; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

18 JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2023 —

Debate resumed on the question, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

19 ADJOURNMENT — Lizzie Blandthorn moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 7.15 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 51 — Wednesday, 7 February 2024

1 The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.

2 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Municipal Association of Victoria — Report, 2022-23.

Subordinate Legislation Act 1994 — Documents under section 15 in relation to Statutory Rule No. 6.

3 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO LOCAL GOVERNMENT FUNDING AND SERVICES — Georgie Purcell moved, by leave, That the reporting date for the Economy and Infrastructure Committee's Inquiry into Local Government funding be extended to no later than 28 November 2024.

Question — put and agreed to.

4 MEMBERS' STATEMENTS — Members made statements.

- 5 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILL TESTING PILOT FOR DRUG HARM REDUCTION) BILL 2023** — Aiv Puglielli laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Aiv Puglielli moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

- 6 PRODUCTION OF DOCUMENTS — PORT OF HASTINGS' APPLICATION FOR OFFSHORE WIND TURBINE FACILITIES** — David Davis moved, That this House —

- (1) notes the Victorian Government's announcements concerning offshore wind energy and, in particular, its announced targets for offshore wind energy generation;
- (2) notes the 18 December 2023 decision of the Hon. Tanya Plibersek MP, the Federal Minister for the Environment and Water, to reject the Port of Hastings Corporation submission, on behalf of the Victorian Government, applying for approval for a construction and assembly facility for offshore wind turbines at Hastings;
- (3) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within three weeks of the House agreeing to this resolution, copies of —
 - (a) all materials submitted to the Federal Government as part of the Port of Hastings' application;
 - (b) all materials relied upon by the Port of Hastings and the Victorian Government in preparing its submission to the Federal minister;
 - (c) details of consultation/s undertaken by the Port of Hastings and the Victorian Government with stakeholders in relation to the proposed construction and assembly facility;
 - (d) any consultancy report/s relating to offshore wind energy generation or the Hastings proposal;
 - (e) any environmental impact assessments of the Port of Hastings proposal or alternate proposals undertaken or relied upon by the Victorian Government, including assessments relating to the internationally recognised RAMSAR wetlands adjacent to the Port of Hastings site and assessments in relation to the internationally recognised and declared Western Port Biosphere; and
 - (f) briefings provided to the Victorian Minister for Environment, Minister for Energy and Resources, and/or Minister for Climate Action on the Port of Hastings proposal, alternative proposals or offshore wind energy.

Debate ensued.

Question — put and agreed to.

- 7 PRODUCTION OF DOCUMENTS — BETTER REGULATION VICTORIA'S REVIEW OF VICTORIA'S APPROACH TO ILLICIT TOBACCO REGULATION** — David Limbrick moved, That this House —

- (1) notes that —
 - (a) since March 2023 there has been over 30 tobacconists firebombed in what Victoria Police Lunar Taskforce investigators believe is a result of criminal syndicates in conflict due to competition for profit derived from the illicit tobacco market;

- (b) Australian Border Force Deputy Commissioner, Tim Fitzgerald, recently stated that “we can confidently say organised crime are involved in the illicit vape market”;
 - (c) in October 2021 the Minister for Regulatory Reform, the Hon. Danny Pearson MP, requested that the Commissioner for Better Regulation conduct a review and provide advice on Victoria’s approach to illicit tobacco regulation;
 - (d) in March 2023 the *Herald Sun* reported that the Government had received the report from Better Regulation Victoria which recommended a licensing scheme for tobacco and vapes;
- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within four weeks of the House agreeing to this resolution, the final report, *Review of Victoria’s approach to illicit tobacco regulation*, produced by Better Regulation Victoria and all relevant documents related to the production of this report, including but not limited to —
- (a) consultation reports and correspondence;
 - (b) ministerial correspondence;
 - (c) briefing notes; and
 - (d) draft documents.

Debate ensued.

Question — put and agreed to.

- 8 YOUTH JUSTICE SYSTEM** — Evan Mulholland (for Georgie Crozier) moved, That this House —
- (1) notes that —
 - (a) out-of-control youth crime is jeopardising the safety of Victorian homes and families;
 - (b) youth crime rates are at their highest in ten years;
 - (c) there have been four Ministers for Youth Justice since 2018 overseeing cost blowouts and worsening youth crime outcomes;
 - (2) expresses concern at Labor’s waste and mismanagement of the youth justice system, notably —
 - (a) spending more than double New South Wales on detention-based supervision for young people per day;
 - (b) overseeing more than 70 per cent of young people leaving detention or community-based supervision returning to sentenced supervision within 12 months;
 - (3) further expresses concern that despite exorbitant funding, Victoria’s youth justice system fails to set young people on the path to rehabilitation;
 - (4) calls on the Allan Labor Government to —
 - (a) conduct an immediate audit of expenditure on youth crime in Victoria; and
 - (b) overhaul the youth justice system to improve its capacity to rehabilitate young Victorians and keep our community safe.

Debate ensued.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

9 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS’ STATEMENTS — Members asked questions without notice and ministers made statements.

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Duck shooting reforms (QwN 400)** — substantive and supplementary questions asked by Georgie Purcell — response from Gayle Tierney due Friday, 9 February 2024.
- **Israel Defence Ministry MOU (QwN 404)** — substantive and supplementary questions asked by David Ettershank — response from Jaclyn Symes due Friday, 9 February 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

10 YOUTH JUSTICE SYSTEM — Debate continued on the question, That this House —

- (1) notes that —
 - (a) out-of-control youth crime is jeopardising the safety of Victorian homes and families;
 - (b) youth crime rates are at their highest in ten years;
 - (c) there have been four Ministers for Youth Justice since 2018 overseeing cost blowouts and worsening youth crime outcomes;
- (2) expresses concern at Labor's waste and mismanagement of the youth justice system, notably —
 - (a) spending more than double New South Wales on detention-based supervision for young people per day;
 - (b) overseeing more than 70 per cent of young people leaving detention or community-based supervision returning to sentenced supervision within 12 months;
- (3) further expresses concern that despite exorbitant funding, Victoria's youth justice system fails to set young people on the path to rehabilitation;
- (4) calls on the Allan Labor Government to —
 - (a) conduct an immediate audit of expenditure on youth crime in Victoria; and
 - (b) overhaul the youth justice system to improve its capacity to rehabilitate young Victorians and keep our community safe.

The Deputy President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 20

Ryan Batchelor; John Berger; Lizzie Blandthorn; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

11 AMBULANCE SERVICES — Georgie Crozier moved, That this House —

- (1) notes that Victorian lives are being put at risk by the ongoing crisis within Ambulance Victoria that has seen —
 - (a) a reduction in mobile intensive care ambulance (MICA) services, including —
 - (i) a drop in the number of MICA paramedics;
 - (ii) large parts of the Victorian community being regularly left without MICA coverage;
 - (iii) a system that is dangerous and badly organised;
 - (iv) low morale and burnout amongst MICA paramedics;
 - (v) a disastrous rostering system;
 - (vi) insufficient funding to pay for shifts;
 - (b) an ageing fixed-wing aircraft fleet and issues that include —
 - (i) shortages in available aircraft due to maintenance;
 - (ii) an overworked and understaffed pilot workforce;
 - (iii) several pressurisation incidents;
- (2) expresses concern at the proposal by Ambulance Victoria to cut —
 - (a) MICA units from regional communities, including —
 - (i) Bairnsdale;
 - (ii) Sale;
 - (iii) Shepparton;
 - (iv) Swan Hill;
 - (v) Wangaratta;
 - (vi) Warrnambool;
 - (vii) Wodonga;
 - (viii) Wonthaggi;
 - (b) single-responder MICA units from regional communities, including —
 - (i) Ballarat;
 - (ii) Bendigo;
 - (iii) Horsham;
 - (iv) Morwell;
- (3) calls on the Allan Labor Government to —
 - (a) properly resource Ambulance Victoria;
 - (b) immediately release publicly —
 - (i) the review into MICA by Ambulance Victoria's quality and safety committee, including their recommendations; and
 - (ii) the independent aviation safety audit into Ambulance Victoria's fixed-wing aircraft pressurisation incidents.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Melina Bath; Gaele Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland; Georgie Purcell; Adem Somyurek; Rikkie-Lee Tyrrell.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 19

Ryan Batchelor; John Berger; Lizzie Blandthorn; Enver Erdogan; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

12 BUSINESS POSTPONED — Ordered — That the consideration of notice of motion, general business, No. 292, be postponed until later this day.

13 FIREWOOD COLLECTION — Jeff Bourman moved, That this House —

(1) notes that —

- (a) the Supreme Court's decision to place injunctions on rural firewood collection by licenced community foresters has resulted in a surge in illegal firewood collection on public land;
- (b) the collection of illegal firewood is in direct response to the need for people to use fires for cooking and heating, especially those who cannot afford alternative means;
- (c) dead wood is the easiest wood to collect and is most likely to be a habitat tree for native animals;

(2) calls on the Government to —

- (a) explore solutions to the current lack of available firewood for collection to satisfy the need for cheap and efficient fuel whilst not placing habitats at undue risk;
- (b) extend the current commercial firewood collection permits until an alternate system is made available to ensure continued firewood supply to older Victorians and people who are unable to collect their own firewood; and
- (c) remove the domestic firewood collection seasonal restrictions.

Debate ensued.

On the motion of Lee Tarlamis, the debate was adjourned until the next day of meeting.

14 BUSINESS POSTPONED — Ordered — That the consideration of the remaining notices of motion and orders of the day, general business, be postponed until the next day of meeting.

15 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

16 ADJOURNMENT — Harriet Shing moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.58 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 52 — Thursday, 8 February 2024

- 1** The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.
- 2 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly on Wednesday, 7 February 2024 to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Matthew Bach and the joint sitting elected Richard Welch to hold the vacant seat in the Legislative Council.
- 3 RICHARD WELCH — DECLARATION OF ALLEGIANCE** — Richard Welch approached the Table and took and subscribed the oath required by law.
- 4 COMMITTEE MEMBERSHIP** — The President advised the House that Jackson Taylor, Member for Bayswater, resigned from the Integrity and Oversight Committee, effective from today.
- 5 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:
 - Community Visitors — Report, 2022-23 (*Ordered to be published*).
 - Fire Rescue Victoria — Report, 2022-23.
 - Fisheries Act 1995 — Report on the disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2022-23.
 - Office of Public Prosecutions Victoria — Report, 2022-23.
 - State Electricity Commission of Victoria — Report, 2022-23.
 - Statutory Rules under the following Acts —
 - Australian Crime Commission (State Provisions) Act 2003 — No. 6.
 - Livestock Disease Control Act 1994 — No. 5.
 - Victorian Collaborative Centre for Mental Health and Wellbeing — Report, 2022-23.
- 6 SITTING OF THE COUNCIL** — Lizzie Blandthorn moved, That the Council, at its rising, adjourn until Tuesday, 20 February 2024.

Question — put and agreed to.
- 7 MEMBERS' STATEMENTS** — Members made statements.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 202 to 298, be postponed until later this day.
- 9 JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Samantha Ratnam (for Katherine Copsey) (*KC18C*) circulated amendments proposed to be moved during Committee of the whole.

Business interrupted for members to attend a special sitting to consider a motion for a parliamentary apology for past care leavers, pursuant to a resolution of the Council on 28 November 2023.

[Sitting suspended from 11.28 am to 2.02 pm]

10 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

ANSWERS TAKEN INTO CONSIDERATION — On the motion of David Davis, the answers given by Harriet Shing to questions relating to Thomson River cultural partnership (QwN 412) were ordered to be taken into consideration on the next day of meeting.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Review of Wildlife Act (QwN 407)** — substantive and supplementary questions asked by Georgie Purcell — response from Gayle Tierney due Monday, 12 February 2024.
- **PFAS/PFOA contamination in water supply (QwN 411)** — substantive and supplementary questions asked by Moira Deeming — response from Gayle Tierney due Monday, 12 February 2024.
- **Red imported fire ants (QwN 413)** — substantive and supplementary questions asked by Jeff Bourman — response from Jaclyn Symes due Monday, 12 February 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

11 JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2023 —

Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

12 LAND (REVOCAION OF RESERVATIONS) BILL 2023 — Debate resumed on the question,

That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

13 JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2023 — The

President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.

14 BUILDING LEGISLATION AMENDMENT (DOMESTIC BUILDING INSURANCE NEW OFFENCES) BILL 2023 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Domestic Building Contracts Act 1995 and the Building Act 1993 and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn (for Harriet Shing), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for Evan Mulholland), the debate was adjourned for one week.

15 REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2023 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Monetary Units Act 2004 in relation to the use of fee units, to amend the Essential Services Commission Act 2001 in relation to various administrative and enforcement matters, to amend the Meat Industry Act 1993 in relation to the application of that Act, to amend the Seafood Safety Act 2003 in relation to transport, to amend the Food Act 1984 to modernise certain requirements, to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to permit exemptions, to amend the Regional Development Victoria Act 2002 in relation to advisory committee membership and other miscellaneous matters, to amend the Environment Protection Act 2017 in relation to the emergency transportation of waste, to make miscellaneous amendments to the Casino Control Act 1991 and the Gambling Regulation Act 2003, to make miscellaneous amendments to the Children, Youth and Families Act 2005, the Social Services Regulation Act 2021 and the Child Wellbeing and Safety Act 2005, to amend the Education and Training Reform Act 2006 in relation to various enforcement powers, to consequentially amend various Acts to reflect changes relating to Homes Victoria and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for Evan Mulholland), the debate was adjourned for one week.

16 SERVICE VICTORIA AMENDMENT BILL 2023 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Service Victoria Act 2018 to provide for further powers of the Service Victoria CEO and to provide for the delivery of services by or with non-government entities and for other purposes* and requesting the agreement of the Council.

On the motion of Lizzie Blandthorn (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Lizzie Blandthorn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier, the debate was adjourned for one week.

17 ADJOURNMENT — Lizzie Blandthorn moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.01 pm until Tuesday, 20 February 2024.

ROBERT McDONALD
Clerk of the Legislative Council

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COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 50, 51 and 52

BIOSECURITY LEGISLATION AMENDMENT (INCIDENT RESPONSE) BILL 2023

Committed Tuesday, 6 February 2024

Amendments circulated: David Limbrick (DL61C) (pp. 399-402), Sarah Mansfield (SMA05C) (p. 402) and Rikkie-Lee Tyrrell (RT10C) (p. 402)

Clauses 1 to 7 — put and agreed to.

Clause 8 — David Limbrick moved amendment Nos. 1 to 5 (DL61C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Jeff Bourman; Moira Deeming; David Limbrick; Georgie Purcell; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 32

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad;
Katherine Copey; Georgie Crozier; David Ettershank; Enver Erdogan; Jacinta Ermacora;
Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell;
Trung Luu; Sarah Mansfield; Joe McCracken; Nick McGowan; Tom McIntosh;
Evan Mulholland; Rachel Payne; Aiv Puglielli; Samantha Ratnam; Harriet Shing;
Adem Somyurek; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney;
Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 8 — put and agreed to.

Clauses 9 and 10 — put and agreed to.

Clause 11 — Rikkie-Lee Tyrrell moved amendment No. 1 (RT10C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Jeff Bourman; Moira Deeming; David Limbrick; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 33

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Sarah Mansfield; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 11 — put and agreed to.

Clauses 12 to 23 — put and agreed to.

Clause 24 — David Limbrick moved amendment Nos. 6 and 7 (*DL61C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Melina Bath; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland; Georgie Purcell; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Jeff Bourman; Katherine Copsey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 24 — put and agreed to.

Clauses 25 and 26 — put and agreed to.

New Clause 26A — David Limbrick moved amendment No. 9 (*DL61C*).

Question — That New Clause 26A stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland; Georgie Purcell; Adem Somyurek; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 20

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clauses 27 to 95 — put and agreed to.

Clauses 96 to 98 — Question — That clauses 96 to 98 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 29

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; David Limbrick; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clauses 99 and 100 — put and agreed to.

Bill reported without amendment.

* * * * *

JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2023

Committed Thursday, 8 February 2024

Amendments circulated: Jeff Bourman (JB76C) (p. 402), Katherine Copsey (KC18C) (p. 403) and Enver Erdogan (EE01C) (p. 403)

Clause 1 — Enver Erdogan (EE01C) and Jeff Bourman (JB76C) circulated amendments proposed to be moved during Committee of the whole.

Jeff Bourman moved amendment No. 1 (JB76C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Melina Bath; Jeff Bourman; Gaele Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Adem Somyurek; Rikkie-Lee Tyrrell; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 20

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Enver Erdogan moved amendment No. 1 (*EE01C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 1, as amended — put and agreed to.

Clauses 2 to 57 — put and agreed to.

New Clause 57A — Enver Erdogan moved amendment No. 2 (*EE01C*).

Question — That New Clause 57A stand part of the bill — put and agreed to.

Clauses 58 to 63 — put and agreed to.

Bill reported with amendments.

AMENDMENTS CIRCULATED IN RELATION TO —**1. BIOSECURITY LEGISLATION AMENDMENT (INCIDENT RESPONSE) BILL 2023***Amendments circulated by David Limbrick (DL61C)*

1. Clause 8, page 14, lines 9 to 15, omit all words and expressions on these lines.
2. Clause 8, page 14, line 16, omit "(c)" and insert "(b)".
3. Clause 8, page 14, line 20, omit "(d)" and insert "(c)".
4. Clause 8, page 14, line 27, omit "(e)" and insert "(d)".
5. Clause 8, page 14, line 30, omit "(f)" and insert "(e)".
6. Clause 24, lines 21 to 23, omit all words and expressions on these lines and insert—
 - '(1) In section 26(1) of the **Livestock Disease Control Act 1994**, after "is a" insert "reasonable".
 - (2) In section 26(1)(a) of the **Livestock Disease Control Act 1994**, after "area" (where first occurring) insert "likely to be impacted by an exotic disease".'
7. Clause 24, line 24, omit "(2)" and insert "(3)".
8. Clause 26, lines 16 to 18, omit all words and expressions on these lines and insert—

'(1)In section 29(1)(a) of the **Livestock Disease Control Act 1994**, after "area" (where first occurring) insert "likely to be impacted by an exotic disease".'

NEW CLAUSE
9. Insert the following New Clause to follow clause 26—

'26A New section 31A inserted

After section 31 of the **Livestock Disease Control Act 1994** insert—

"31A Reporting to Parliament in relation to an order declaring a restricted area or a control area

 - (1) If an order declaring a restricted area or a control area is made, varied, continued or revoked, as the case may be, the Minister must prepare a report in accordance with this section on the making, variation, continuation or revocation of that order, which must include the following—
 - (a) a statement of the reasons for the making, variation, continuation or revocation of the order;
 - (b) a copy of the advice of the chief veterinary officer of the Department (or chief plant health officer of the Department to the

extent that the order relates to bees) in respect of the making, variation, continuation or revocation of the order;

(c) a summary of the matters in subsection (4), if applicable.

(2) Subject to subsection (3), if a House of the Parliament is sitting on the day after the coming into force of an order declaring a restricted area or a control area or the variation, continuation or revocation of that order, as the case may be, the Minister must cause the report to be laid before that House on that day.

(3) If—

(a) a House of the Parliament is not sitting on the day after the coming into force of an order declaring a restricted area or a control area or the variation, continuation or revocation of that order, as the case may be; or

(b) for another reason it is not reasonably practicable for the report under subsection (1) to be laid before that House on that day—

the Minister must, within 5 business days of the coming into force of the order, give a copy of the report to the Clerk of that House.

(4) A report under subsection (1) in relation to a variation, continuation or revocation, as the case may be, of an order declaring a restricted area or a control area must also include a summary of any proceeding commenced for a contravention of any prohibition, restriction or requirement specified in the order during the period—

(a) beginning when the order that is varied, continued or revoked first came into force; and

(b) ending when the variation, continuation or revocation of the order came into force.

(5) If the Clerk of either House is given a copy of a report under subsection (3), the Clerk must—

(a) give a copy of the report to each member of the House as soon as practicable after receiving it; and

(b) cause a copy of the report to be laid before the House on the next sitting day of the House.

(6) A failure to comply with the requirements of this section in relation to a report under subsection (1) in respect of the making, variation, continuation or revocation of an order, as the case may be, declaring a restricted area or a control area does not affect the validity of the making of the order or the variation, continuation or revocation of that order."

10. Clause 60, lines 5 to 11, omit all words and expressions on these lines and insert—

'(1) In section 19(1) of the **Plant Biosecurity Act 2010**, for "Governor in Council may, by order" **substitute** "Minister may, by order published in the Government Gazette".'

11. Clause 65, lines 12 to 14, omit all words and expressions on these lines.
12. Clause 65, line 15, omit "(2)".

NEW CLAUSE

13. Insert the following New Clause to follow clause 68—

'68A New section 59E inserted

After section 59D of the **Plant Biosecurity Act 2010** insert—

"59E Reporting to Parliament in relation to an order declaring a control area or a restricted area

- (1) If an order declaring a control area or a restricted area is made, varied, extended or revoked, as the case may be, the Minister must prepare a report in accordance with this section on the making, variation, extension or revocation of that order, which must include the following—
 - (a) a statement of the reasons for the making, variation, extension or revocation of the order;
 - (b) a copy of the advice of the chief plant health officer of the Department in respect of the making, variation, extension or revocation of the order;
 - (c) a summary of the matters in subsection (4), if applicable.
- (2) Subject to subsection (3), if a House of the Parliament is sitting on the day after the coming into force of an order declaring a control area or a restricted area or the variation, extension or revocation of that order, as the case may be, the Minister must cause the report to be laid before that House on that day.
- (3) If—
 - (a) a House of the Parliament is not sitting on the day after the coming into force of an order declaring a control area or a restricted area or the variation, extension or revocation of that order, as the case may be; or
 - (b) for another reason it is not reasonably practicable for the report to be laid before that House on that day—

the Minister must, within 5 business days of the coming into force of the order, give a copy of the report to the Clerk of that House.

- (4) A report under subsection (1) in relation to a variation, extension or revocation of an order, as the case may be, declaring a control area or a restricted area must include a summary of any proceeding commenced

for a contravention of any prohibition, restriction or requirement specified in the order during the period—

- (a) beginning when the order declaring a control area or a restricted area that is varied, extended or revoked first came into force; and
 - (b) ending when the variation, extension or revocation came into force.
- (5) If the Clerk of either House is given a copy of a report under subsection (3), the Clerk must—
- (a) give a copy of the report to each member of the House as soon as practicable after receiving it; and
 - (b) cause a copy of the report to be laid before the House on the next sitting day of the House.
- (6) A failure to comply with the requirements of this section in relation to a report under subsection (1) in respect of the making, variation, extension or revocation of an order, as the case may be, declaring a control area or a restricted area does not affect the validity of the order or the variation, extension or revocation of that order."

Amendments circulated by Sarah Mansfield (SMA05C)

1. Clause 96, omit this clause.
2. Clause 97, omit this clause.
3. Clause 98, omit this clause.

Amendments circulated by Rikkie-Lee Tyrrell (RT10C)

1. Clause 11, line 21, omit "The" and insert "After consulting with relevant industry representatives, the".

2. JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2023

Amendments circulated by Jeff Bourman (JB76C)

1. Clause 1, page 2, lines 10 to 11, omit all words and expressions on those lines.
2. Clause 2, line 16, omit "Part 5," and insert "Part 5 and".
3. Clause 2, lines 16 to 17, omit "and section 14".
4. Clause 2, line 19, omit "Part 5," and insert "Part 5 and".
5. Clause 2, line 20, omit "and section 14".
6. Clause 14, omit this clause.

Amendments circulated by Katherine Copsey (KC18C)

1. Clause 1, page 3, line 5, omit "unauthorised".

NEW CLAUSE

2. Insert the following New Clause to follow clause 57—

'57A Other authorised access to, use of or disclosure of police information

In section 231(1) of the **Victoria Police Act 2013**—

(a) in paragraph (d), for "1986." substitute "1986;"

(b) after paragraph (d) insert—

"(e) the disclosure to the IBAC of police information that relates to—

- (i) the conduct of a member of Victoria Police personnel; or
- (ii) a systemic issue within Victoria Police.".

Amendments circulated by Enver Erdogan (EE01C)

1. Clause 1, page 3, line 5, omit "unauthorised".

NEW CLAUSE

2. Insert the following New Clause to follow clause 57—

'57A Other authorised access to, use of or disclosure of police information

After section 231(1)(a) of the **Victoria Police Act 2013** insert—

"(ab) the disclosure to the IBAC of police information that relates to the conduct of a member of Victoria Police personnel or a systemic issue within Victoria Police;".



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 53, 54 and 55

No. 53 — Tuesday, 20 February 2024

1 The President took the Chair at 12.02 pm, read the Prayer and made an Acknowledgement of Country.

2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

On 13 February 2024 —

Biosecurity Legislation Amendment (Incident Response) Act 2024

On 20 February 2024 —

Justice Legislation Amendment (Police and Other Matters) Act 2024

Land (Revocation of Reservations) Act 2024.

3 **QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Supermarket funding – Regional Infrastructure Fund, Investment Fast Track Fund (QwN 415)** — substantive question asked by Aiv Puglielli — response from Gayle Tierney due Wednesday, 21 February 2024.
- **Shepparton to Melbourne train line (QwN 419)** — substantive and supplementary questions asked by Rikkie-Lee Tyrrell — response from Harriet Shing due Thursday, 22 February 2024.
- **Review of social housing sector Victoria (QwN 421)** — supplementary question asked by Samantha Ratnam — response from Harriet Shing due Thursday, 22 February 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 4 PETITION — REJECT PROPOSAL TO CONSTRUCT A WASTE-TO-ENERGY PLANT IN LARA, GEELONG** — Sarah Mansfield presented a petition bearing 2,389 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to not impose an oversized, unsafe and unnecessary waste incinerator in the region and reject planning permit PA2001035 and development licence APP1004200 (*Ordered to be tabled*).

The petition having received the required number of signatures, Sarah Mansfield listed the petition for future debate during Petitions (qualifying for debate).

- 5 BAIL AMENDMENT (INDICTABLE OFFENCES WHILST ON BAIL) BILL 2024** — Evan Mulholland introduced *A Bill for an Act to amend the Bail Amendment Act 2023 so that the offence of committing an indictable offence whilst on bail is not repealed, or to amend the Bail Act 1977 to re-enact that offence if it is repealed, and to make consequential amendments to other Acts and for other purposes*.

On the motion of Evan Mulholland, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

6 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Lizzie Blandthorn, by leave, presented the Parliamentary apology to Victorians who experienced historical abuse and neglect as children in institutional care (*Ordered to be tabled*).

Lizzie Blandthorn moved, by leave, That the paper be taken into consideration later this day.

Question — put and agreed to.

* * * * *

COMMITTEE REPORT — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sheena Watt tabled Alert Digest No. 2 of 2024 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Gambling Regulation Act 2003 — Electronic gaming machine tax review, under section 3.6.6D of the Act (*released on 12 February 2024 – a non-sitting day*) (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of approval of the —
Boroondara Planning Scheme — Amendment C406.

Greater Geelong Planning Scheme — Amendment C464.

Hobsons Bay and Wyndham Planning Schemes — Amendment GC214.

Strathbogie Planning Scheme — Amendment C80.

Victoria Planning Provisions — Amendments VC244 and VC254.

Subordinate Legislation Act 1994 — Documents under section 15 in relation to Statutory Rule Nos. 5, 7, 8, 9, 10 and 11.

PAPERS PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following papers:

Government response to the Legal and Social Issues Committee's Inquiry into homelessness in Victoria.

Government response to the Report from the Select Committee on Victoria's Recreational Native Bird Hunting Arrangements.

7 BUSINESS OF THE COUNCIL — Sarah Mansfield moved, by leave, That the following general business take precedence on Wednesday, 21 February 2024 —

- (1) order of the day made this day, second reading of the Bail Amendment (Indictable Offences Whilst on Bail) Bill 2024;
- (2) notice of motion No. 307, standing in Aiv Puglielli's name on the high cost of food and other essentials set by supermarkets;
- (3) order of the day No. 1, listed for a future day, resumption of debate on the second reading of the Drugs, Poisons and Controlled Substances Amendment (Pill Testing Pilot for Drug Harm Reduction) Bill 2023;
- (4) notice of motion given this day by David Davis establishing a Select Committee to inquire into Victoria's energy transmission; and
- (5) notice of motion given this day by David Davis referring the appointment of Jeroen Weimar as Deputy Secretary of Housing Implementation to the Ombudsman for investigation and report.

Question — put and agreed to.

8 MEMBERS' STATEMENTS — Members made statements.

9 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 202 to 298, be postponed until later this day.

10 SERVICE VICTORIA AMENDMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

11 PARLIAMENTARY APOLOGY TO VICTORIANS WHO EXPERIENCED HISTORICAL ABUSE AND NEGLECT AS CHILDREN IN INSTITUTIONAL CARE — Lizzie Blandthorn moved, That the Council take note of the Parliamentary apology to Victorians who experienced historical abuse and neglect as children in institutional care.

Debate ensued.

Question — put and agreed to.

12 REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Melina Bath, the debate was adjourned until the next day of meeting.

13 BUSINESS OF THE COUNCIL — ORDER OF BUSINESS — Gayle Tierney moved, by leave, That so much of Standing and Sessional Orders be suspended to the extent necessary to allow Richard Welch to make his inaugural speech.

Question — put and agreed to.

14 INAUGURAL SPEECH — RICHARD WELCH — Richard Welch made his inaugural speech.

15 ADJOURNMENT — Enver Erdogan moved, That the House do now adjourn.
Debate ensued.

The Council adjourned at 7.13 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 54 — Wednesday, 21 February 2024

1 The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.

2 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Statutory Rules under the following Acts of Parliament —

Bail Act 1977 — No. 8.

Co-operatives National Law Application Act 2013 — No. 9.

Public Health and Wellbeing Act 2008 — No. 10.

Rail Safety National Law Application Act 2013 — No. 11.

Victorian Civil and Administrative Tribunal Act 1998 — No. 7.

3 MEMBERS' STATEMENTS — Members made statements.

4 BAIL AMENDMENT (INDICTABLE OFFENCES WHILST ON BAIL) BILL 2024 — Evan Mulholland laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Evan Mulholland moved, That the Bill be now read a second time.

On the motion of Jaclyn Symes, the debate was adjourned for two weeks.

5 PRODUCTION OF DOCUMENTS — MEDICALLY SUPERVISED INJECTING ROOM IN MELBOURNE'S CBD — David Ettershank moved, That this House —

(1) notes the failure of the Victorian Government to release any report of the Expert Advisory Panel led by former Police Commissioner, Mr Ken Lay, into a second Medically Supervised Injecting Room in Melbourne's CBD;

(2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council —

(a) by Wednesday, 6 March 2024, a copy of Mr Lay's final report into a second Medically Supervised Injecting Room handed to the office of the former Minister for Mental Health in the week beginning 29 May 2023;

(b) by Monday, 18 March 2024, copies of —

(i) all drafts of Mr Lay's report into a second Medically Supervised Injecting Room handed to the office of the current and each former Minister for Mental Health and Minister for Health since October 2020;

(ii) all communications between the Department of Health and Mr Lay regarding the report and any related documents between January and September 2023; and

- (iii) all briefings to the Minister for Mental Health and the Minister for Health regarding options for a second Medically Supervised Injecting Room in Melbourne's CBD, since May 2020.

Debate ensued.

The President advised that the total time allocated for debate, pursuant to Sessional Order 6, had elapsed.

Question — put and agreed to.

6 PRICE REGULATION FOR SUPERMARKET GROCERIES — Aiv Puglielli moved, That this House notes that —

- (1) Victorians are struggling to afford food and other essentials due to the high prices set by supermarkets;
 - (2) the supermarket duopoly of Coles and Woolworths are increasing their profits;
 - (3) section 4 of the *Essential Services Commission Act 2001* gives the Government the power to declare an industry to be a regulated industry;
- and calls on the Victorian Government to declare groceries a regulated industry to prevent supermarkets from price gouging.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put.

The Council divided — The President in the Chair.

AYES, 5

Katherine Copey; Sarah Mansfield; Aiv Puglielli; Georgie Purcell, Samantha Ratnam.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 32

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Business interrupted at 12.01 pm, pursuant to Sessional Orders.

7 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

ANSWERS TAKEN INTO CONSIDERATION — On the motion of David Davis, the answers given by Jaclyn Symes to questions relating to the Wimmera region – aerial firefighting capacity (QwN 425) were ordered to be taken into consideration on the next day of meeting.

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Psychosocial safety regulations (QwN 422)** — substantive and supplementary questions asked by David Ettershank — response from Jaclyn Symes due Friday, 23 February 2024.
- **Greyhound racing deaths (QwN 424)** — substantive and supplementary questions asked by Georgie Purcell — response from Enver Erdogan due Friday, 23 February 2024.
- **Births, Deaths and Marriages Office (QwN 426)** — substantive and supplementary questions asked by David Limbrick — response from Jaclyn Symes due Friday, 23 February 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 8 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILL TESTING PILOT FOR DRUG HARM REDUCTION) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Katherine Copsey, the debate was adjourned until later this day.

- 9 SELECT COMMITTEE — VICTORIA'S ENERGY TRANSMISSION AND DISTRIBUTION NETWORKS** — David Davis moved, That —

- (1) a Select Committee of six members be appointed to inquire into, consider and report on Victoria's energy transmission, including but not limited to —
 - (a) the reliability and stability of Victoria's energy transmission and distribution networks;
 - (b) the electricity supply outages that occurred on Tuesday, 13 February 2024 and subsequent days and their impact on Victorian households and businesses;
 - (c) the cost of developing, maintaining and enhancing the reliable distribution networks necessary to support Victoria's increasing reliance on renewable energy and the affordability of such networks;
 - (d) the role of local energy generation and networks and storage, including batteries, in supporting the reliability and stability of Victoria's energy distribution networks;
- (2) the Committee may provide an interim report and will provide a final report by 30 June 2025;
- (3) the Committee will consist of two members from the Government nominated by the Leader of the Government in the Council, two members from the Opposition nominated by the Leader of the Opposition in the Council and two members from among the remaining members in the Council;
- (4) the members will be appointed by lodgement of the names with the President within seven calendar days of the Council agreeing to this resolution;
- (5) a member of the Committee may appoint a substitute to act in their place (for nominated meetings or for a defined period of time) by that member, or the leader of that member's party, writing to the Chair advising of the member who will act as their substitute;

- (6) a member who has been substituted off the Committee must not participate in any proceedings of the Committee for the nominated meetings or defined period of time that they have been substituted off for;
- (7) substitute members will have all the rights of a member of the Committee and shall be taken to be a member of the Committee for the purpose of forming a quorum;
- (8) the first meeting of the Committee will be held within one week of members' names being lodged with the President; and
- (9) the Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Melina Bath; Gaelle Broad; Jeff Bourman; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland; Georgie Purcell; Adem Somyurek; Rikkie-Lee Tyrrell; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 20

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

10 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILL TESTING PILOT FOR DRUG HARM REDUCTION) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Business interrupted at 5.15 pm, pursuant to Sessional Orders, the debate stood adjourned in the name of Trung Luu.

11 STATEMENTS ON TABLED PAPERS AND PETITIONS — Members made statements on reports, papers and petitions.

12 ADJOURNMENT — Lizzie Blandthorn moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.20 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 55 — Thursday, 22 February 2024

- 1 The President took the Chair at 9.34 am, read the Prayer and made an Acknowledgement of Country.
- 2 **PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:
 - Family Violence Protection Act 2008 — Report on the implementation of the Family Violence Multi-Agency Risk Assessment and Management Framework, 2022-23.
 - Victorian Curriculum and Assessment Authority — Report, 2022-23.
- 3 **SITTING OF THE COUNCIL** — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 5 March 2024.
Question — put and agreed to.
- 4 **COMMITTEE MEMBERSHIP** — Georgie Crozier moved, by leave, That Richard Welch be a participating member of the Environment and Planning Standing Committee.
Question — put and agreed to.
- 5 **MEMBERS' STATEMENTS** — Members made statements.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 202 to 325, be postponed until later this day.
- 7 **REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.
Samantha Ratnam (*SR136C*) circulated amendments proposed to be moved during Committee of the whole.
Question — put and agreed to.
Bill read a second time.
The President ruled that certain amendments proposed to be moved during Committee of the whole by Samantha Ratnam (*SR136C*) are outside the scope of the Bill.
Samantha Ratnam moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Essential Services Commission Act 2001* to provide for a new function in relation to the operation of supermarkets.
Question — put.
The Council divided — The President in the Chair.

AYES, 22

Melina Bath; Jeff Bourman; Gaele Broad; Katherine Copsey; David Davis; Moira Deeming; David Ettershank; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Joe McCracken; Nick McGowan; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 13

Ryan Batchelor; John Berger; Lizzie Blandthorn; Enver Erdogan; Michael Galea; Shaun Leane; Tom McIntosh; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Business interrupted at 11.54 am.

8 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Contaminated waste disposal (QwN 433)** — substantive and supplementary questions asked by Moira Deeming — response from Gayle Tierney due Monday, 26 February 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

9 REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2023 — Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

10 BUILDING LEGISLATION AMENDMENT (DOMESTIC BUILDING INSURANCE NEW OFFENCES) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Evan Mulholland moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with "the Bill be withdrawn and not reintroduced until the Government commits to comprehensively protect victims and their families from rogue behaviour from a small minority of dodgy builders and the potential loss of their deposit if a building company collapses."

Debate ensued.

Question — That the reasoned amendment moved by Evan Mulholland be agreed to — put.

The Council divided — The President in the Chair.

AYES, 11

Melina Bath; Gaele Broad; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Enver Erdogan; Jacinta Ermacora; Moira Deeming; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Lee Tarlamis; Sonja Terpstra; Gayle Tierney.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

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

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 11 CLIMATE CHANGE AND ENERGY LEGISLATION AMENDMENT (RENEWABLE ENERGY AND STORAGE TARGETS) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Climate Change Act 2017 to change its title and to amend and bring forward emissions reduction targets, to amend the Renewable Energy (Jobs and Investment) Act 2017 to increase the renewable energy target for 2030, to introduce a new renewable energy target for 2035 and to introduce energy storage targets and offshore wind energy targets and to amend the Planning and Environment Act 1987 to expressly require consideration of climate change when making certain decisions under that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Evan Mulholland (for David Davis), the debate was adjourned for one week.

- 12 EDUCATION AND TRAINING REFORM AMENDMENT (EARLY CHILDHOOD EMPLOYMENT POWERS) BILL 2024** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to provide for the employment of persons at, or for the purposes of operating, government early learning centres and to consequentially amend the Long Service Leave Act 2018 and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt (for Lizzie Blandthorn), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Evan Mulholland (for Georgie Crozier), the debate was adjourned for one week.

- 13 FIREARMS AND CONTROL OF WEAPONS (MACHETES) AMENDMENT BILL 2024** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Firearms Act 1996 to further provide for the service of firearm prohibition orders and for related and minor matters, to amend the Control of Weapons Act 1990 to clarify that a machete is a type of knife and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt (for Enver Erdogan), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Evan Mulholland (for David Davis), the debate was adjourned for one week.

- 14 ADJOURNMENT** — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.44 pm until Tuesday, 5 March 2024.

ROBERT McDONALD
Clerk of the Legislative Council

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DRAFT

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 53, 54 and 55

REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2023

Committed Thursday, 22 February 2024

Amendments circulated: Samantha Ratnam (SR136C) (pp. 418-19)

Clause 1 — Samantha Ratnam moved amendment No. 1 (SR136C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Katherine Cosey; Sarah Mansfield; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 30

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman;
Gaelle Broad; David Davis; Moira Deeming; David Ettershank; Enver Erdogan;
Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane;
David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan;
Tom McIntosh; Evan Mulholland; Rachel Payne; Harriet Shing; Ingrid Stitt; Lee Tarlamis;
Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 1 — put and agreed to.

Clauses 2 to 108 — put and agreed to.

Bill reported without amendment.

* * * * *

BUILDING LEGISLATION AMENDMENT (DOMESTIC BUILDING INSURANCE NEW OFFENCES) BILL 2023

Committed Thursday, 22 February 2024

Clauses 1 to 19 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —

1. REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2023

Amendments circulated by Samantha Ratnam (SR136C)

1. Clause 1, line 8, after "matters" insert ", to provide for a new function in relation to the operation of supermarkets".
2. Clause 23, after line 11 insert—
 - '(ab) after paragraph (fc) of the definition of *essential service* insert—
 - "(fd) the retail grocery industry in relation to the operation of supermarkets;"

NEW CLAUSES

3. After clause 23 insert the following new clauses—
 - 23A Interpretation and application of Act**
After section 5(4) of the **Essential Services Commission Act 2001** insert—
"(5) Despite subsection (4), this Act applies to an essential service which is the retail grocery industry in relation to the operation of supermarkets despite not being provided by a regulated industry."
 - 23B Functions of the Commission**
After section 10(l) of the **Essential Services Commission Act 2001** insert—
"(la) to perform the functions conferred on the Commission under section 10F;"
 - 23C New section 10F inserted**
After section 10E of the **Essential Services Commission Act 2001** insert—
"10F Commission's functions in relation to retail grocery industry (supermarkets)
(1) The objectives of the Commission in carrying out its functions under this section in relation to the retail grocery industry involving the operation of supermarkets is to deter excessive price increases in supermarkets.
(2) Without limiting subsection (1) and section 10, the functions of the Commission under this Act in relation to the retail grocery industry involving the operation of supermarkets include the following—
(a) to monitor and report on prices in supermarkets, including but not limited to—
 - (i) retail prices; and
 - (ii) supply chain prices, including producer, manufacturer and wholesale prices;

- (b) to monitor and report on the competitiveness of the Victorian retail grocery industry involving the operation of supermarkets.".'.

LONG TITLE

- 4. In the Long Title, after "enforcement matters" insert "and to provide for a new function in relation to the operation of supermarkets".

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LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 56, 57 and 58

No. 56 — Tuesday, 5 March 2024

- 1 The President took the Chair at 12.02 pm, read the Prayer and made an Acknowledgement of Country.
 - 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
On 27 February 2024 —
Building Legislation Amendment (Domestic Building Insurance New Offences) Act 2024
Service Victoria Amendment Act 2024.
On 5 March 2024 —
Regulatory Legislation Amendment (Reform) Act 2024.
 - 3 **SENATE VACANCY** — The President announced the receipt of a Message from the Governor transmitting a letter from the President of the Senate notifying that a vacancy had occurred in the Senate following the death of Senator Linda White.
 - 4 **QUESTION TIME** —
QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.
* * * * *
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed a minister to provide a written response to questions without notice pursuant to Standing Order 8.07 as follows:
- **Tobacco and vaping arson incidents (QwN 442)** — substantive and supplementary questions asked by David Limbrick — response from Enver Erdogan due Thursday, 7 March 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

5 PETITIONS —

EXTEND FINANCIAL SUPPORT TO CUSTOMERS OF MONTEGO HOMES AND CHATHAM

HOMES — Evan Mulholland presented a petition bearing 1,168 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide the customers of Montego Homes and Chatham Homes with the same financial support that was provided to Porter Davis customers under the Liquidated Builders Customer Support Payment Scheme (*Ordered to be tabled*).

On the motion of Evan Mulholland, the petition was ordered to be taken into consideration on the next day of meeting.

* * * * *

BAN ALL FIREWORKS DISPLAYS — Georgie Purcell presented a petition bearing 1,103

signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to move towards a total ban of fireworks in Victoria, seek safer and more environmentally friendly options, such as drone and water projection shows and roll out education programs that highlight the dangers and risk of personal injury through the use of illegal fireworks and legislate harsher penalties for their use (*Ordered to be tabled*).

On the motion of Georgie Purcell, the petition was ordered to be taken into consideration on the next day of meeting.

6 PAPERS —

COMMITTEE REPORT — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 3 of 2024 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Electoral Act 2002 — Electoral Review Expert Panel’s Report on Victoria’s laws on political finance and electronic assisted voting, November 2023, under section 222DB(5) of the Act.

Interpretation of Legislation Act 1984 — Notices under section 32(3)(a)(iii) in relation to —

Statutory Rule No. 102/2023 (*Gazette G9, 29 February 2024*).

Statutory Rule No. 106/2023 (*Gazette G9, 29 February 2024*).

Land Acquisition and Compensation Act 1986 — Minister’s certificate of 22 February 2024 to not require the service of a notice of intention to acquire land, under section 7 of the Act.

Planning and Environment Act 1987 — Notices of approval of the —

Central Goldfields Planning Scheme — Amendment C38.

Macedon Ranges Planning Scheme — Amendment C145.

Maribyrnong Planning Scheme — Amendments C162 and C186.

Melbourne Planning Scheme — Amendment C379.

Moonee Valley Planning Scheme — Amendment C232.

Murrindindi Planning Scheme — Amendment C76.

Whitehorse Planning Scheme — Amendment C220.

Wyndham Planning Scheme — Amendment C262.

Yarra Ranges Planning Scheme — Amendment C217.
Statutory Rule under the Children’s Services Act 1996 — No. 12.
Subordinate Legislation Act 1994 — Documents under section 15 in relation to
Statutory Rule No. 12.
Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian
Inspectorate on Victoria Police records inspected in February 2023, under
section 37D of the Act.

* * * * *

PAPERS PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following
papers:

President’s Report on overdue government responses to standing committee
reports, as at 29 February 2024.
Response from the Minister for Roads and Road Safety to petition titled Reinstatement
the Road Safety Committee (Petition No. 521) (presented by Georgie Crozier on
6 February 2024) (*released on 28 February 2024 — a non-sitting day*).
Response from the Minister for Energy and Resources to petition titled Support the
Nuclear Energy (Prohibitions) Repeal Bill 2023 (Petition No. 503) (presented by
David Limbrick on 6 February 2024) (*released on 4 March 2024 — a non-sitting
day*).

* * * * *

PROCLAMATION — The Clerk tabled a proclamation of the Governor in Council fixing an
operative date for the following Act:

Building Legislation Amendment (Domestic Building Insurance New Offences)
Act 2024 — 28 February 2024 (*Gazette S88, 27 February 2024*).

7 PRODUCTION OF DOCUMENTS —

PORT OF HASTINGS’ APPLICATION FOR OFFSHORE WIND TURBINE FACILITIES —

The Clerk tabled a letter from the Attorney-General, dated 26 February 2024, in
response to a resolution of the Council on 7 February 2024 (on the motion of
David Davis), relating to Port of Hastings’ application for offshore wind turbine
facilities, advising that there was insufficient time to respond and that a final response
to the Order would be provided as soon as possible.

On the motion of David Davis, the Attorney-General’s letter was ordered to be taken into
consideration on the next day of meeting.

* * * * *

**BETTER REGULATION VICTORIA’S REVIEW OF VICTORIA’S APPROACH TO ILLICIT
TOBACCO REGULATION** —

The Clerk tabled a letter from the Attorney-General, dated
26 February 2024, in response to a resolution of the Council on 7 February 2024
(on the motion of David Limbrick), relating to Better Regulation Victoria’s review of
Victoria’s approach to illicit tobacco regulation, advising that there was insufficient
time to respond and that a final response to the Order would be provided as soon as
possible.

8 COMMITTEE MEMBERSHIP — Rachel Payne moved, by leave, That —

- (1) David Ettershank be discharged as a member of the Economy and Infrastructure
Standing Committee; and
- (2) David Ettershank be a participating member of the Economy and Infrastructure
Standing Committee.

Question — put and agreed to.

9 MEMBERS' STATEMENTS — Members made statements.

10 BUSINESS OF THE COUNCIL — Evan Mulholland moved, by leave, That —

- (1) the following general business take precedence on Wednesday, 6 March 2024 —
 - (a) order of the day No. 24, second reading of the Offshore Petroleum and Greenhouse Gas Storage Amendment (No New Oil or Gas Activities) Bill 2022;
 - (b) notice of motion given this day by Adem Somyurek on ASIO and their finding that a foreign spy unit had recruited a former member of Parliament;
 - (c) order of the day No. 1, listed for a future day, resumption of debate on the second reading of the Bail Amendment (Indictable Offences Whilst on Bail) Bill 2024;
 - (d) notice of motion No. 313, standing in David Davis' name referring the appointment of Jeroen Weimar as Deputy Secretary of Housing Implementation to the Ombudsman for investigation and report;
 - (e) notice of motion No. 292, standing in David Davis' name on the Melbourne Youth Orchestras funding; and
- (2) Standing Order 7.06 be suspended to the extent necessary to allow debate on the second reading of the Bail Amendment (Indictable Offences Whilst on Bail) Bill 2024 to occur.

Question — put and agreed to.

11 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion government business, Nos. 202 to 325, be postponed until later this day.

12 WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (WORKCOVER SCHEME MODERNISATION) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Jeff Bourman (*JB74C*) circulated amendments proposed to be moved during Committee of the whole.

Samantha Ratnam moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with "the Bill be withdrawn and not reintroduced until the Government has publicly released all modelling undertaken on the financial and human impacts of the Bill."

Debate ensued.

Jaclyn Symes (*JS40C*) circulated amendments proposed to be moved during Committee of the whole.

Question — That the reasoned amendment moved by Samantha Ratnam be agreed to — put.

The Council divided — The President in the Chair.

AYES, 8

Katherine Copsy; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 26

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; TrungLuu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

[Sitting suspended from 6.29 pm to 7.32 pm]

Bill further considered in Committee of the whole.

Business interrupted at 10.00 pm.

Jaclyn Symes declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

Business interrupted at the conclusion of the declared extension.

Jaclyn Symes declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

Business interrupted at the conclusion of the declared extension.

The Council continued to sit after 12.00 midnight.

WEDNESDAY, 6 MARCH 2024

Jaclyn Symes moved, That the sitting be extended.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 25

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 9

Katherine Copsey; David Ettershank; David Limbrick; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Jaclyn Symes moved, That the Bill be now read a third time and do pass.

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

The Council divided — The President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Council.

Question — That the Bill do pass — put and agreed to.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.

- 13 CONSTITUTION AMENDMENT (SEC) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Constitution Act 1975 and for other purposes* and requesting the agreement of the Council.

On the motion of Harriet Shing (for Ingrid Stitt), the Bill was read a first time.

On the motion of Harriet Shing, the second reading was made an order of the day for the next day of meeting.

14 ADJOURNMENT — Gayle Tierney moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 2.29 am until later this day.

ROBERT McDONALD
Clerk of the Legislative Council

No. 57 — Wednesday, 6 March 2024

1 The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

2 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Inquiries Act 2014 — Report of the Board of Inquiry into historical child sexual abuse in Beaumaris Primary School and certain other government schools (*Ordered to be published*).

Ombudsman — Investigation into healthcare provision for Aboriginal people in Victorian prisons, March 2024 (*Ordered to be published*).

3 PRODUCTION OF DOCUMENTS — MEDICALLY SUPERVISED INJECTING ROOM IN MELBOURNE'S CBD — The Clerk tabled a letter from the Attorney-General, dated 6 March 2024, in response to a resolution of the Council on 21 February 2024 (on the motion of David Ettershank), relating to a Medically Supervised Injecting Room in Melbourne's CBD, advising that executive privilege was claimed at this time in relation to the report identified in paragraph (a) of the resolution, and that there was insufficient time to respond in relation to the documents identified in paragraph (b) of the resolution, and that a final response to the Order would be provided as soon as possible.

4 MEMBERS' STATEMENTS — Members made statements.

5 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (NO NEW OIL OR GAS ACTIVITIES) BILL 2022 — Samantha Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Samantha Ratnam moved, That the Bill be now read a second time.

On the motion of Lee Tarlamis, the debate was adjourned for two weeks.

6 PRODUCTION OF DOCUMENTS — ALBURY WODONGA HEALTH — Wendy Lovell moved, That this House —

(1) notes —

- (a) the Government's refusal to provide the Albury Wodonga Health Clinical Services Plan and Master Plan;
- (b) the Government was informed of challenges and safety concerns of the existing Albury site and did not investigate before committing to a brownfield redevelopment;
- (c) in 2023 the NSW Government released service planning and the 2021 Master Plan, recommending a greenfield single-site hospital;

- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within three weeks of the House agreeing to this resolution, copies of —
- (a) all documents created since January 2019 relating to the Albury Wodonga Regional Deal Health Reference Group, the Executive Board of the Regional Deal, and the Joint Ministerial Council and Albury and Wodonga Councils, including —
 - (i) minutes and resolutions;
 - (ii) consultations, submissions, and reports;
 - (iii) correspondence or briefs;
 - (b) all documents from January 2020 relating to the clinical service and master planning of Albury Wodonga Health, Albury and Wodonga campuses, and the redevelopment of the Albury Hospital, including —
 - (i) Clinical Service Plans or reviews;
 - (ii) master planning documentation;
 - (iii) consultations with clinicians;
 - (iv) capital investment analyses and proposals;
 - (v) geotechnical assessments;
 - (vi) point of care projections;
 - (vii) value management studies;
 - (viii) transport planning;
 - (ix) correspondence or briefs;
 - (c) all documents from January 2022 relating to the entity planning of Wodonga Hospital, including —
 - (i) correspondence or briefs;
 - (ii) capital investment analyses and proposals;
 - (iii) value management studies;
 - (iv) site planning; and
 - (v) consultations, investigations, and reports.

Debate ensued.

Question — put and agreed to.

7 PRODUCTION OF DOCUMENTS — VICTORIA'S BUS NETWORK PLAN REVIEW —

Trung Luu moved, That this House —

- (1) notes the failure of the Allan Labor Government to release, in full, Victoria's Bus Network Plan Review announced in 2021;
- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within three weeks of the House agreeing to this resolution, copies of —
 - (a) Victoria's Bus Network Plan Review and Bus Reform Implementation Plan;
 - (b) all submissions to the Bus Network Plan Review process;
 - (c) all supporting documents from Victoria's Bus Network Plan Review; and
 - (d) all briefings to the current Minister for Public and Active Transport and each former Minister for Public Transport regarding Victoria's Bus Network Plan Review.

Debate ensued.

Question — put and agreed to.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of notice of motion, general business, No. 332, be postponed until later this day.

- 9 BAIL AMENDMENT (INDICTABLE OFFENCES WHILST ON BAIL) BILL 2024** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 12

Melina Bath; Gaele Broad; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Enver Erdogan; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Business interrupted at 12.07 pm, pursuant to Sessional Orders.

- 10 QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Animal welfare in abattoirs (QwN 445)** — substantive and supplementary questions asked by Georgie Purcell — response from Jaclyn Symes due Friday, 8 March 2024.
- **Free TAFE course completions (QwN 448)** — substantive question asked by Joe McCracken — response from Gayle Tierney due Thursday, 7 March 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 11 WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (WORKCOVER SCHEME MODERNISATION) BILL 2023** — The President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.

12 ASIO FINDING RELATING TO A FOREIGN SPY UNIT RECRUITING A FORMER MEMBER OF PARLIAMENT — Adem Somyurek moved, That this House —

- (1) notes the comments made by Mr Mike Burgess, Director-General of ASIO, that a foreign spy unit had successfully cultivated and recruited a former Australian politician;
- (2) expresses its unequivocal support and gratitude to the brave officers of ASIO working to ensure Australians are kept safe from threats to Australia's national security;
- (3) invites ASIO to provide a briefing to members of the Victorian Parliament on the advanced tactics, referenced by Mr Burgess, which are used by foreign agents to enlist and undermine members of parliament;
- (4) recognises the importance of protecting the confidentiality and integrity of ongoing investigations while also understanding the potential implications of not publicly identifying a former member of parliament threatening Australia's national security; and
- (5) notes that the stability and integrity of parliamentary democracy are fundamental to national security, as they underpin the legitimacy of the government and the trust of the public in Parliament, and our other democratic institutions.

Debate ensued.

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

13 OMBUDSMAN REFERRAL — APPOINTMENT OF JEROEN WEIMAR AS DEPUTY SECRETARY OF HOUSING IMPLEMENTATION — David Davis moved, That this House —

- (1) notes the appointment of Mr Jeroen Weimar as Deputy Secretary of Housing Implementation in the Department of Premier and Cabinet and that —
 - (a) it follows an admission by Premier Jacinta Allan MP, that she had conversations with the head of the Department, Mr Jeremi Moule, about Mr Weimar's appointment and there were no other candidates for the position;
 - (b) Mr Weimar has no experience in housing and, until a few months ago, was the head of the Commonwealth Games organising committee;
 - (c) the Commonwealth Games debacle has cost Victorian taxpayers at least \$600 million and trashed the state's reputation;
 - (d) in her report on the alleged politicisation of the public sector last December, the Ombudsman, Ms Deborah Glass, found "frequent side-stepping of merit-based recruitment...";
 - (e) the Ombudsman also found candidates were "often hand-picked without an open and advertised process";
- (2) pursuant to section 16 of the *Ombudsman Act 1973*, refers the following matter to the Ombudsman for investigation and report —
 - (a) the appointment of Mr Weimar as Deputy Secretary of Housing Implementation in the Department of Premier and Cabinet, as it raises the same concerns that the Ombudsman's report warned against in terms of public perception of the politicisation of the public service; and
 - (b) any other breach of applicable policies, laws or codes in relation to this appointment.

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 3, had elapsed.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Melina Bath; Gaelle Broad; David Davis; David Ettershank; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland; Rachel Payne; Rikkie-Lee Tyrrell; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 18

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Lee Tarlamis; Sonja Terpstra; Gayle Tierney.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

- 14 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining notices of motion and orders of the day, general business, be postponed until the next day of meeting.
- 15 STATEMENTS ON TABLED PAPERS AND PETITIONS** — Members made statements on reports, papers and petitions.
- 16 PETITIONS (QUALIFYING FOR DEBATE) — REJECT PROPOSAL TO CONSTRUCT A WASTE-TO-ENERGY PLANT IN LARA, GEELONG** — Sarah Mansfield moved, That the petition be taken into consideration.

Debate ensued.

The Acting President advised that the time allocated for debate had concluded.

Question — put and agreed to.

- 17 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 202 to 325, be postponed until later this day.
- 18 CONSTITUTION AMENDMENT (SEC) BILL 2023** — Harriet Shing laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Harriet Shing moved, That the Bill be now read a second time.

Harriet Shing incorporated the second reading speech in Hansard.

On the motion of David Davis, the debate was adjourned for one week.

- 19 EDUCATION AND TRAINING REFORM AMENDMENT (EARLY CHILDHOOD EMPLOYMENT POWERS) BILL 2024** — Debate resumed on the question, That the Bill be now read a second time.

Wendy Lovell moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with “the Bill be withdrawn and not reintroduced until the Government —

- (1) provides a preliminary or draft fee structure for the early learning centres (ELCs) scheduled to open in 2025 and 2026;
- (2) seeks written feedback from any childcare centre, kindergarten or preschool within a 15 kilometre radius of the proposed government ELC sites regarding the likely impact of a government ELC on their workforce capacity and enrolments, and provides their feedback to the House;
- (3) conducts an analysis on the childcare workforce implications of the new government ELC sites, including —
 - (a) establishing the workforce vacancy rates around the locations of the new sites;
 - (b) providing the House with a comprehensive plan on how the Government will ensure existing childcare centres and kindergartens are not disadvantaged in their ability to recruit and retain staff in their existing programs; and
- (4) provides an estimate of the budget impact of the operating costs for the government ELCs scheduled to open in 2025 and 2026.”.

Debate ensued.

Business interrupted at 6.03 pm, pursuant to Sessional Orders.

20 ADJOURNMENT — The President proposed the question, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.41 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 5 — Thursday, 8 March 2024

- 1** The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.
- 2 COMMITTEE MEMBERSHIP** — The President advised the House that Kim O’Keeffe, Member for Shepparton, resigned from the Scrutiny of Acts and Regulations Committee, effective from 6 March 2024.
The President advised the House that Ellen Sandell, Member for Melbourne, resigned from the Public Accounts and Estimates Committee, effective from 6 March 2024.
- 3 PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:
 - Auditor-General — Results of 2022-23 Audits: Local Government, March 2024 (*Ordered to be published*).
 - Building Act 1993 — Cladding Rectification Levy Review Report, December 2023, under section 205LO of the Act.
 - Cladding Safety Victoria Act 2020 — Cladding Safety Victoria Act 2020 Review Report, December 2023, under section 45 of the Act.
 - Members of Parliament (Standards) Act 1978 — Register of Interests — Return submitted by a Member of the Legislative Council — Primary Return, 4 March 2024 (*Ordered to be published*).

- 4 SITTING OF THE COUNCIL** — Lizzie Blandthorn moved, That the Council, at its rising, adjourn until Tuesday, 19 March 2024.

Question — put and agreed to.

- 5 COMMITTEE MEMBERSHIP** — Lizzie Blandthorn moved, by leave, That Aiv Puglielli be a member of the Public Accounts and Estimates Committee.

Question — put and agreed to.

Evan Mulholland moved, by leave, That Gaelle Broad be a member of the Scrutiny of Acts and Regulations Committee.

Question — put and agreed to.

- 6 MEMBERS' STATEMENTS** — Members made statements.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 221 to 325, be postponed until later this day.

- 8 EDUCATION AND TRAINING REFORM AMENDMENT (EARLY CHILDHOOD EMPLOYMENT POWERS) BILL 2024** — Debate resumed on the question, That the Bill be now read a second time — and on the reasoned amendment moved by Wendy Lovell — That all the words after “That” be omitted and replaced with “the Bill be withdrawn and not reintroduced until the Government —

- (1) provides a preliminary or draft fee structure for the early learning centres (ELCs) scheduled to open in 2025 and 2026;
- (2) seeks written feedback from any childcare centre, kindergarten or preschool within a 15 kilometre radius of the proposed government ELC sites regarding the likely impact of a government ELC on their workforce capacity and enrolments, and provides their feedback to the House;
- (3) conducts an analysis on the childcare workforce implications of the new government ELC sites, including —
 - (a) establishing the workforce vacancy rates around the locations of the new sites;
 - (b) providing the House with a comprehensive plan on how the Government will ensure existing childcare centres and kindergartens are not disadvantaged in their ability to recruit and retain staff in their existing programs; and
- (4) provides an estimate of the budget impact of the operating costs for the government ELCs scheduled to open in 2025 and 2026.”.

Question — That the reasoned amendment moved by Wendy Lovell be agreed to — put.

The Council divided — The President in the Chair.

AYES, 11

Melina Bath; Gaelle Broad; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; David Ettershank; Jacinta Ermacora; Michael Galea; Shaun Leane; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

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

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Business interrupted at 12.00 noon.

9 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to questions without notice pursuant to Standing Order 8.07 as follows:

- **PFAS contamination (QwN 453)** — substantive and supplementary questions asked by Moira Deeming — response from Harriet Shing due Tuesday, 12 March 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

10 EDUCATION AND TRAINING REFORM AMENDMENT (EARLY CHILDHOOD EMPLOYMENT POWERS) BILL 2024 — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

11 FIREARMS AND CONTROL OF WEAPONS (MACHETES) AMENDMENT BILL 2024 — The order of the day having been read for the resumption of debate on the question, That the Bill be now read a second time —

On the motion of Lee Tarlamis, the debate was adjourned until later this day.

12 CLIMATE CHANGE AND ENERGY LEGISLATION AMENDMENT (RENEWABLE ENERGY AND STORAGE TARGETS) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

David Davis moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with “the Bill be withdrawn and not reintroduced until the Government —

- (1) guarantees secure and reliable energy for every Victorian, noting the recent system collapse which led to 530,000 people without power;
- (2) commits to energy being affordable, noting the 25 per cent price increase over the last year;

- (3) details how Victoria will have adequate baseload power, noting the State Government's ban on gas;
- (4) sets out a plan to upgrade 57-year-old transmission infrastructure, noting that almost one in seven of Victoria's 13,000 electricity transmission towers is damaged and experts warned the Government in 2020 of the risks in extreme weather events;
- (5) reveals to Victorians exactly how the new planning powers, and ministerial directions, will operate, and why the Government is stripping communities from planning decisions;
- (6) explains what the impact will be on agricultural land, when analysis from the Government's offshore wind policy directions paper of March 2020 shows that to meet net zero targets, up to 70 per cent of Victoria's land will need to host wind and solar farms;
- (7) provides an update on how Victoria will reach the 2032 wind target, noting the collapse of the flagship project in Hastings; and
- (8) provides public transparency on climate measures through a website with live measures covering emissions, renewable energy, battery storage, and wind energy."

Debate ensued.

Sarah Mansfield (*SMA07C and SMA08C*) circulated amendments proposed to be moved during Committee of the whole.

Question — That the reasoned amendment moved by David Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 13

Melina Bath; Gaele Broad; David Davis; Moira Deeming; Renee Heath; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 19

Ryan Batchelor; John Berger; Katherine Copesey; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 28

Ryan Batchelor; Melina Bath; John Berger; Gaele Broad; Katherine Copesey; David Davis; David Ettershank; Michael Galea; Shaun Leane; Wendy Lovell; Trung Luu; Sarah Mansfield; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 3

Moira Deeming; David Limbrick; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported with an amendment, the Report was adopted.

Ingrid Stitt moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 28

Ryan Batchelor; Melina Bath; John Berger; Gaelle Broad; Katherine Cosey; David Davis; David Ettershank; Michael Galea; Shaun Leane; Wendy Lovell; Trung Luu; Sarah Mansfield; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 2

David Limbrick; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with an amendment and requesting their agreement.

- 13 STATE ELECTRICITY COMMISSION AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the State Electricity Commission Act 1958 to abolish the State Electricity Commission of Victoria established by that Act, to make related amendments to that Act and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of David Davis, the debate was adjourned for one week.

- 14 COGNATE DEBATE** — Ingrid Stitt moved, by leave, That this House authorises the President to permit the second reading debates of the Constitution Amendment (SEC) Bill 2023 and the State Electricity Commission Amendment Bill 2023 to be taken concurrently.

Question — put and agreed to.

15 STATUTE LAW REVISION BILL 2024 — The President read a Message from the Assembly presenting *A Bill for an Act to revise the statute law of Victoria* and requesting the agreement of the Council.

On the motion of Ingrid Stitt (for Jaclyn Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Evan Mulholland, the debate was adjourned for one week.

16 PRIVATE SECURITY AND COUNTY COURT AMENDMENT BILL 2024 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Private Security Act 2004 to provide for a new licensing system for the private security industry and to amend the County Court Act 1958 and the Sentencing Act 1991 to extend the operation of the Drug Court Division of the County Court and for other purposes* and requesting the agreement of the Council.

On the motion of Ingrid Stitt (for Enver Erdogan), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Ingrid Stitt laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ingrid Stitt moved, That the Bill be now read a second time.

Ingrid Stitt incorporated the second reading speech in Hansard.

On the motion of Evan Mulholland, the debate was adjourned for one week.

17 ADJOURNMENT — Ingrid Stitt moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.07 pm until Tuesday, 19 March 2024.

ROBERT McDONALD
Clerk of the Legislative Council

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DRAFT

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 56, 57 and 58

WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (WORKCOVER SCHEME MODERNISATION) BILL 2023

Committed Tuesday, 5 March 2024

Amendments circulated: Jeff Bourman (JB74C) (pp. 449-450) and Jaclyn Symes (JS40C) (pp. 450-1)

Clause 1 — Question — That clause 1 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clauses 2 and 3 — put and agreed to.

Clause 4 — Samantha Ratnam (for Jeff Bourman) moved amendment No. 1 (JB74C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 26

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Question — That clause 4 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 26

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clause 5 — Samantha Ratnam (for Jeff Bourman) moved amendment No. 2 (*JB74C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Jaclyn Symes moved amendment No. 1 (*JS40C*).

Question — That the amendment be agreed to — put and agreed to.

Samantha Ratnam (for Jeff Bourman) moved amendment No. 3 (*JB74C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 5, as amended — put.

The Committee divided — The Deputy President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clause 6 — Question — That clause 6 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clauses 7 and 8 — Question — That clauses 7 and 8 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clause 9 — Samantha Ratnam (for Jeff Bourman) moved amendment No. 5 (JB74C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Question — That clause 9 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clauses 10 and 11 — Question — That clauses 10 and 11 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clause 12 — Jaclyn Symes moved amendment No. 2 (*JS40C*).

Question — That the amendment be agreed to — put and agreed to.

Clause 12, as amended — put.

The Committee divided — The Deputy President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clause 13 — Question — That clause 13 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clauses 14 and 15 — Question — That clauses 14 and 15 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clause 16 — Samantha Ratnam (for Jeff Bourman) moved amendment Nos. 7 to 11 (*JB74C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Question — That clause 16 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clauses 17 to 21 — Question — That clauses 17 to 21 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

New Clause 21A — Jaclyn Symes moved amendment No. 3 (*JS40C*).

Question — That New Clause 21A stand part of the Bill — put and agreed to.

Clause 22 — Question — That clause 22 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clauses 23 and 24 — Samantha Ratnam (for Jeff Bourman) moved amendment Nos. 26 to 28 (*JB74C*).

Question — That the Division heading preceding clause 23 and clauses 23 and 24 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Clauses 25 to 32 — Question — That clauses 25 to 32 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 8

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill reported with amendments.

EDUCATION AND TRAINING REFORM AMENDMENT (EARLY CHILDHOOD EMPLOYMENT POWERS) BILL 2024

Committed Thursday, 7 March 2024

Clauses 1 to 19 — put and agreed to.

Bill reported without amendment.

* * * * *

CLIMATE CHANGE AND ENERGY LEGISLATION AMENDMENT (RENEWABLE ENERGY AND STORAGE TARGETS) BILL 2023

Committed Thursday, 7 March 2024

Amendments circulated: Sarah Mansfield (SMA07C and SMA08C) (pp. 451-2)

Clause 1 — Sarah Mansfield moved amendment Nos. 1 and 2 (SMA08C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 24

Ryan Batchelor; Melina Bath; John Berger; Gaele Broad; David Davis; Michael Galea; Renee Heath; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Sarah Mansfield moved amendment Nos. 1 and 2 (SMA07C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 24

Ryan Batchelor; Melina Bath; John Berger; Gaelle Broad; David Davis; Michael Galea; Renee Heath; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Clause 1 — put and agreed to.

Clauses 2 to 5 — put and agreed to.

New Clause 5A — Sarah Mansfield moved amendment No. 3 (*SM08C*).

Question — That New Clause 5A stand part of the Bill — put and agreed to.

Clauses 6 to 31 — put and agreed to.

Bill reported with an amendment.

AMENDMENTS CIRCULATED IN RELATION TO —**1. WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT
(WORKCOVER SCHEME MODERNISATION) BILL 2023***Amendments circulated by Jeff Bourman (JB74C)*

1. Clause 4, line 8, omit "significant".
2. Clause 5, line 20, omit "predominantly".
3. Clause 5, lines 27 to 31, omit all words and expressions on those lines and insert—
 - 'a worker a mental injury predominantly caused by—
 - (a) traumatic events experienced by the worker or to which the worker has been exposed that may be considered usual or typical and reasonably expected to occur in the course of the worker's duties; or
 - (b) usual or typical work engaged in by the worker that may be considered unreasonable in respect of volume.".'.
4. Clause 6, lines 10 to 21, omit all words and expressions on these lines.
5. Clause 9, line 6, omit "may" and insert "will".
6. Clause 12, lines 26 and 27, omit all words and expressions on those lines.
7. Clause 16, line 30, omit "greater" and insert "total".
8. Clause 16, line 33, omit "or" and insert "and".
9. Clause 16, page 11, line 5, omit "must not" and insert "may".
10. Clause 16, page 11, line 6, omit "unless" and insert "even if".
11. Clause 16, page 11, line 7, after "injuries" insert "do not".
12. Clause 16, page 12, lines 1 to 32, omit all words and expressions on those lines.
13. Clause 16, page 13, lines 1 to 34, omit all words and expressions on those lines.
14. Clause 16, page 14, lines 1 to 34, omit all words and expressions on those lines.
15. Clause 16, page 15, lines 1 to 17, omit all words and expressions on those lines.
16. Clause 16, page 15, line 18, omit "**167F**" and insert "**167C**".
17. Clause 16, page 15, lines 29 to 34, omit all words and expressions on those lines.
18. Clause 16, page 16, lines 1 to 35, omit all words and expressions on those lines.
19. Clause 16, page 17, line 1, omit "**167H**" and insert "**167D**".

20. Clause 16, page 18, line 6, omit "**167I**" and insert "**167E**".
21. Clause 16, page 18, line 13, omit "**167J**" and insert "**167F**".
22. Clause 16, page 18, line 20, omit "**167K**" and insert "**167G**".
23. Clause 16, page 18, lines 24 to 28, omit "any of the following—
 - (a) an impairment determination;
 - (b) an interim determination;
 - (c) an ongoing eligibility determination."

and insert "an impairment determination or an ongoing eligibility determination."

24. Clause 19, line 20, omit "167F(1)" and insert "167C(1)".
25. Clause 21, line 8, omit "167J" and insert "167F".
26. Division heading preceding clause 23, omit this heading.
27. Clause 23, omit this clause.
28. Clause 24, omit this clause.
29. Clause 25, page 26, lines 10 to 13, omit all words and expressions on those lines.
30. Clause 25, page 26, line 14, omit "(f)" and insert "(e)".

Amendments circulated by Jaclyn Symes (JS40C)

1. Clause 5, line 24, omit "of the Principal Act".
2. Clause 12, lines 30 to 32, omit "the **Workplace Injury Rehabilitation and Compensation Act 2013**" and insert "this Act".

NEW CLAUSE

3. Insert the following New Division after Division 2 of Part 2—

'Division 2A—Return to Work Advisory Subcommittee

21A WorkCover Advisory Committee

After section 512(5) of the Principal Act insert—

"(6) The WorkCover Advisory Committee must establish a Return to Work Advisory Subcommittee.

(7) The Return to Work Advisory Subcommittee must be chaired by the Chairperson of the Board.

(8) The function of the Return to Work Advisory Subcommittee is to advise the Board in relation to the following—

- (a) ways to promote the occupational rehabilitation and early return to work of injured workers;
 - (b) the establishment, administration and operation of occupational rehabilitation services, vocational re-education facilities and return to work programs available to injured workers.
- (9) In this section—

Chairperson of the Board means the Chairperson appointed under section 509."'.

2. CLIMATE CHANGE AND ENERGY LEGISLATION AMENDMENT (RENEWABLE ENERGY AND STORAGE TARGETS) BILL 2023

Amendments circulated by Sarah Mansfield (SMA07C)

1. Clause 1, page 2, line 12, omit "65%" and insert "82%".
2. Clause 1, page 2, line 14, omit "95%" and insert "100%".
3. Clause 23, line 4, omit "65%" and insert "82%".
4. Clause 23, line 9, omit "95%" and insert "100%".

Amendments circulated by Sarah Mansfield (SMA08C)

1. Clause 1, page 2, line 12, omit "65%" and insert "100%".
2. Clause 1, lines 13 and 14, omit all word and expressions on these lines.
3. Insert the following New Clause after clause 5—

NEW CLAUSE

'5A New section 7A inserted

After section 7 of the **Climate Change Act 2017** insert—

"7A Independent expert advice in relation to determination for net zero greenhouse gas emissions

- (1) In determining the amount of total greenhouse gas emissions attributable to the State, the Minister must obtain advice from one or more persons who are appropriately qualified, in the Minister's opinion, to act as an independent expert.
- (2) The advice obtained under subsection (1) must include an independent assessment of the amount of total greenhouse gas emissions attributable to the State.
- (3) In forming the advice, an independent expert must consider—

- (a) the demonstrated effectiveness of any proposed activities for the removal of greenhouse gas emissions from the atmosphere; and
- (b) the likely effectiveness of any eligible offsets.

(4) The Minister must publish any independent expert advice obtained under this section on the Internet site of the Department as soon as practicable after the advice is received by the Minister.".'. .

- 4. Clause 23, line 4, omit "65%" and insert "100%".
- 5. Clause 23, lines 7 to 13, omit all words and expressions on these lines.
- 6. Clause 26, omit this clause.

AMENDMENT OF LONG TITLE

- 7. Long title, omit ", to introduce a new renewable energy target for 2035".

DRAFT



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 59, 60 and 61

No. 59 — Tuesday, 19 March 2024

1 The President took the Chair at 12.03 pm, read the Prayer and made an Acknowledgement of Country.

2 **THE LATE HONOURABLE DIGBY GLEN CROZIER** — Georgie Crozier moved, That this House expresses its sincere sorrow at the death, on 26 February 2024, of the Honourable Digby Glen Crozier, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Council for the Electoral Province of Western from 1973 to 1985 and member of the Legislative Assembly for the Electoral District of Portland from 1985 to 1988, and as Minister for Tourism, and Minister for State Development and of Decentralisation from 1976 to 1978, Minister for State Development, Decentralisation and Tourism from 1978 to 1979, Minister for Local Government from 1979 to 1981 and Minister of Mines, and Minister for Minerals and Energy from 1981 to 1982.

Other members addressed the House.

Members rose in their places for one minute's silence as a mark of respect and the question was agreed to unanimously.

As a further mark of respect, the sitting was suspended for one hour.

[Sitting suspended from 12.31 pm to 1.33 pm]

3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 13 March 2024, given the Royal Assent to the following Acts presented to her by the Deputy Clerk of the Legislative Council:

Education and Training Reform Amendment (Early Childhood Employment Powers) Act 2024

Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Act 2024.

4 **QUESTION TIME** —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to questions without notice pursuant to Standing Order 8.07 as follows:

- **Use of medicinal cannabis for endometriosis pain management (QwN 464)** — substantive and supplementary questions asked by Rachel Payne — response from Ingrid Stitt due Thursday, 21 March 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

5 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Harriet Shing, by leave, presented the Homes Victoria's Project Summary Ground Lease Model: South Yarra, Prahran, Hampton East and Port Melbourne (*Ordered to be tabled*).

* * * * *

COMMITTEE REPORT — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 4 of 2024 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Financial Management Act 1994 — 2023-24 Mid-Year Financial Report (incorporating Quarterly Financial Report No. 2), March 2024 (*Ordered to be published*) (*released on 8 March 2024 – a non-sitting day*).

Interpretation of Legislation Act 1984 — Notice under section 32(3)(a)(iii) in relation to Statutory Rule No. 5 (*Gazette S122, 14 March 2024*).

Murray-Darling Basin Authority — Report, 2022-23.

Parliamentary Budget Office — Operational Plan 2024-25: Priorities and protocols.

Planning and Environment Act 1987 — Notices of approval of the —

Bass Coast Planning Scheme — Amendment C164.

Kingston Planning Scheme — Amendment C206.

Latrobe Planning Scheme — Amendment C147.

Queenscliffe Planning Scheme — Amendment C39.

Stonnington Planning Scheme — Amendments C332 and C337.

Victoria Planning Provisions — Amendment VC256.

Wyndham Planning Scheme — Amendment C268.

Yarra Planning Scheme — Amendment C323.

Subordinate Legislation Act 1994 — Legislative Instruments and related documents under section 16B in respect of Waterways Protection Model By-Law 2024 under section 287ZB of the Water Act 1989.

* * * * *

PAPERS PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following papers:

Response from the Minister for Economic Growth to petition titled Stop the Hydrogen Energy Supply Chain project (Petition No. 517) (presented by Sarah Mansfield on 1 November 2023) (*released on 15 March 2024 – a non-sitting day*).

Response from the Minister for Economic Growth to petition titled Stop the Hydrogen Energy Supply Chain project (Petition No. 491) (presented by Sarah Mansfield on 6 February 2024) (*released on 15 March 2024 — a non-sitting day*).

Response from the Minister for Housing to petition titled Stop the demolition of the Barak Beacon public housing estate to save \$88 million (Petition No. 470.1) (presented by Katherine Copsey on 3 October 2023).

Response from the Treasurer to petition titled Stop introduction of payroll tax on contractors including doctors (Petition No. 508) (presented by Georgie Crozier on 6 February 2024) (*released on 18 March 2024 — a non-sitting day*).

* * * * *

PROCLAMATION — The Clerk tabled a proclamation of the Governor in Council fixing an operative date for the following Act:

Disability and Social Services Regulation Amendment Act 2023 — Subdivision 3 of Division 2 of Part 2 and sections 265 and 266 — 27 March 2024 (*Gazette S118, 13 March 2024*).

- 6 PRODUCTION OF DOCUMENTS — VICTORIA'S BUS NETWORK PLAN REVIEW** — The Clerk tabled a letter from the Attorney-General, dated 15 March 2024, in response to a resolution of the Council on 6 March 2024 (on the motion of Trung Luu), relating to Victoria's Bus Network Plan Review, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.
- 7 BUSINESS OF THE COUNCIL** — Samantha Ratnam moved, by leave, That the following general business take precedence on Wednesday, 20 March 2024 —
- (1) notice of motion given this day by Georgie Purcell on wildlife rescue;
 - (2) notice of motion No. 340, in an amended form, standing in Samantha Ratnam's name referring matters relating to public housing to the Legal and Social Issues Committee;
 - (3) order of the day No. 8, resumption of debate on the second reading of the Human Rights and Housing Legislation Amendment (Ending Homelessness) Bill 2023;
 - (4) notice of motion No. 339, standing in David Davis' name relating to overdue production of documents orders;
 - (5) notice of motion given this day by Georgie Crozier on budget management; and
 - (6) notice of motion No. 268, standing in Trung Luu's name on new rail lines to Melton and Wyndham Vale.

Question — put and agreed to.

- 8 MEMBERS' STATEMENTS** — Members made statements.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 221 to 325, be postponed until later this day.
- 10 CONSTITUTION AMENDMENT (SEC) BILL 2023 — STATE ELECTRICITY COMMISSION AMENDMENT BILL 2023** — The concurrent debate commenced on the questions, That these Bills be now read a second time.

Evan Mulholland (for David Davis) (*DD129C*) and Sarah Mansfield (*SMA13C and SMA14C*) circulated amendments to the Constitution Amendment (SEC) Bill 2023 proposed to be moved during Committee of the whole.

Richard Welch moved a reasoned amendment to the question, That the State Electricity Commission Amendment Bill 2023 be now read a second time, That all the words after “That” be omitted and replaced with “the Bill be withdrawn and not reintroduced until the Government includes annual reporting on property, rights and liabilities of the former SEC into the Bill that requires the Treasurer to ensure that every report of operations and financial statements of the Department of Treasury and Finance under Part 7 of the *Financial Management Act 1994* separately accounts for the property, rights and liabilities of the former SEC that became property, rights and liabilities of the State under that Part of the Act.”.

Debate ensued.

The concurrent debate having concluded —

11 CONSTITUTION AMENDMENT (SEC) BILL 2023 — On the motion of Lee Tarlamis, the debate on the question, That the Bill be now read a second time, was adjourned until the next day of meeting.

12 STATE ELECTRICITY COMMISSION AMENDMENT BILL 2023 — Question — That the reasoned amendment moved by Richard Welch be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15

Melina Bath; Gaele Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Jeff Bourman; Katherine Copsy; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 23

Ryan Batchelor; John Berger; Lizzie Blandthorn; Jeff Bourman; Katherine Copsy; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Samantha Ratnam; Harriet Shing; Adem Somyurek; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 15

Melina Bath; Gaele Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a second time and, by leave, read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

13 CLIMATE CHANGE AND ENERGY LEGISLATION AMENDMENT (RENEWABLE ENERGY AND STORAGE TARGETS) BILL 2023 — The President read a Message from the Assembly informing the Council that they have agreed to the amendment made by the Council in this Bill.

14 ADJOURNMENT — Gayle Tierney moved, That the House do now adjourn.
Debate ensued.

The Council adjourned at 6.57 pm until later this day.

ROBERT McDONALD
Clerk of the Legislative Council

No. 60 — Wednesday, 20 March 2024

1 The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.

2 PETITION — REJECT NEW TAXES — David Limbrick presented a petition bearing 125 signatures from certain citizens of Victoria requesting that the Legislative Council reject the new taxes added in the State Budget (*Ordered to be tabled*).

On the motion of David Limbrick, the petition was ordered to be taken into consideration on the next day of meeting.

3 HEMP INDUSTRY BILL 2024 — Rachel Payne introduced *A Bill for an Act to re-enact, with amendments, the law relating to the cultivation and processing of industrial hemp for certain authorised purposes, to make consequential amendments to the Drugs, Poisons and Controlled Substances Act 1981 and for other purposes.*

On the motion of Rachel Payne, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

4 PAPERS —

COMMITTEE REPORT — PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Michael Galea tabled a Report on 2021-22 and 2022-23 financial and performance outcomes from the Public Accounts and Estimates Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

Michael Galea moved, That the Council take note of the Report.

Question — put and agreed to.

* * * * *

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

Auditor-General — Withdrawal from 2026 Commonwealth Games, March 2024 (*Ordered to be published*).

Commissioner for Environmental Sustainability Victoria — Strategic Audit 2022-23: Implementation of environmental management systems by agencies and public authorities.

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Ordinary Returns, 1 July 2023 to 31 January 2024 (*Ordered to be published*).

Ombudsman — Social housing complaint handling – progress report, March 2024 (*Ordered to be published*).

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice No. 1/2024 (*Gazette S113, 8 March 2024*).

* * * * *

PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper: Response from the Minister for Planning to petition titled Reject proposal to construct a waste-to-energy plant in Lara, Geelong (Petition No. 534) (presented by Sarah Mansfield on 20 February 2024) (*released on 19 March 2024*).

5 MEMBERS' STATEMENTS — Members made statements.

6 PRODUCTION OF DOCUMENTS — RECREATIONAL NATIVE BIRD HUNTING ARRANGEMENTS — Georgie Purcell moved, That this House requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within four weeks of the House agreeing to this resolution, all documents relating to Victoria's native bird hunting arrangements, pertaining to —

- (1) the decision making for the Government response to the Legislative Council Select Committee's Inquiry into Victoria's recreational native bird hunting arrangements; and
- (2) the 2024 season arrangements including all communication between the Department of Energy, Environment and Climate Action and the Game Management Authority with the Minister for Outdoor Recreation, the Minister for Environment and the Premier.

Debate ensued.

The President advised that the total time allocated for debate, pursuant to Sessional Order 6, had elapsed.

Question — put and agreed to.

7 WILDLIFE RESCUE — Georgie Purcell moved, That this House —

- (1) notes that —
 - (a) wildlife rescue is a legitimate emergency service that fulfills the government's responsibility to protect native animals;
 - (b) rehabilitating wildlife often constitutes more than a full-time job but is largely volunteer led;
 - (c) rescues have increased 40 per cent since this time last year unaccompanied by any additional funding;
 - (d) industry and government rely on the work of rescue teams to tranquilize injured and displaced kangaroos, costing \$70 for a single Zoletil capsule;
 - (e) volunteer rescue team, Vets for Compassion, spend upwards of \$20,000 annually to dart and relocate kangaroos;
 - (f) Bravecto has proven to be successful in the treatment of mange in wombats but is inaccessible to carers costing \$80 to \$100 per animal;

- (g) there are few vaccinated wildlife carers in Victoria equipped to care for threatened grey headed flying foxes, in part due to the excessive cost of pre-exposure prophylaxis (PrEP) injections;
 - (h) rescuers are without financial and resource supports and resort to savings and superannuation funds;
 - (i) animal rescuers are struggling to balance paid work with volunteer hours resulting in many leaving the field;
 - (j) professionalisation of wildlife rescue will reduce the burden on highly skilled volunteers;
- (2) calls on the Government to —
- (a) investigate a reimbursement program for commonly used but self-funded medicines;
 - (b) assess the feasibility of trialling paid full-time positions for wildlife rescuers; and
 - (c) facilitate a roundtable to provide recommendations on how to further improve and better support the rescue and rehabilitation of wildlife in Victoria.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 13

Melina Bath; Gaelle Broad; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

8 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

ANSWERS TAKEN INTO CONSIDERATION — On the motion of Georgie Crozier, the answers given by Gayle Tierney to questions relating to Free TAFE completion rates (QwN 473) were ordered to be taken into consideration on the next day of meeting.

QUESTION DIRECTED FOR WRITTEN RESPONSE — The President directed a minister to provide a written response to a question without notice pursuant to Standing Order 8.07 as follows:

- **Review of conversion practices legislation (QwN 470)** — substantive question asked by David Limbrick — response from Jaclyn Symes due Thursday, 21 March 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

9 LEGAL AND SOCIAL ISSUES COMMITTEE — PUBLIC HOUSING — Samantha Ratnam moved, That this House —

- (1) notes the Government's Housing Statement outlines an intention to demolish and redevelop Melbourne's 44 public housing high-rise buildings by 2051, including a plan to build a majority of private homes on these publicly owned sites;
- (2) requires the Legal and Social Issues Committee to inquire into, consider and report by December 2025, on —
 - (a) the rationale and cost modelling for the decision to demolish and redevelop the 44 high-rise public housing buildings and associated sites ('the plan'), including alternatives to demolition, such as refurbishment and renovation;
 - (b) the impact of the plan, including the compulsory relocation and displacement of public housing residents on the future net availability of public community housing, and the existing decanting plans and the department estimates on the number of people who will permanently leave the area being developed;
 - (c) the findings and adequacy of consultations with —
 - (i) public housing tower residents and their representatives;
 - (ii) relevant local stakeholders such as health, community and education service providers, residents and Councils;
 - (iii) State and Federal Government departments and agencies;
 - (d) the efficacy of the proposed financial, legal and project delivery models (including the Ground Lease Model) to be used for the plan, versus alternative models to improve and increase the number of public and community homes on the sites in question and in Victoria;
 - (e) building standards for the developments including whether there will be the same standards for public, community and private housing;
 - (f) how different development and ownership models will be integrated within each site to enhance community integration and achieve a diversity of tenants;
 - (g) the likely impacts of the plan on —
 - (i) the number of bedrooms currently at each location versus the proposed number of new bedrooms per site;
 - (ii) the number of public and community housing homes at each location and how remaining public land will be used;
 - (iii) the Victorian Housing Register, and homelessness while the plan is being delivered;
 - (iv) the future of public housing in Victoria; and
 - (h) any other related matters.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Melina Bath; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; David Ettershank; Renee Heath; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 16

Ryan Batchelor; John Berger; Lizzie Blandthorn; Jeff Bourman; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; David Limbrick; Tom McIntosh; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney; Sheena Watt.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

10 BUSINESS POSTPONED — Ordered — That the consideration of order of the day, general business, No. 1, be postponed until later this day.

11 PRODUCTION OF DOCUMENTS — OVERDUE PRODUCTION OF DOCUMENTS ORDERS — David Davis moved, That this House —

(1) notes the failure of the Leader of the Government to comply with a number of resolutions of the Council requiring the Leader of the Government to table specified documents in the Legislative Council by particular dates, and further notes that orders for the following have not been complied with —

(a) Hydrogen Energy Supply Chain Project on 22 March 2023;

(b) Gas and electricity supplies on 15 November 2023;

(c) Redevelopment of high-rise public housing sites on 15 November 2023;

(d) Kangaroo Harvest Management Plan on 29 November 2023;

(e) Commonwealth infrastructure review on 29 November 2023;

(f) Port of Hastings' application for offshore wind turbine facilities on 7 February 2024;

(g) Victoria's Review of Victoria's approach to illicit tobacco regulation on 7 February 2024;

(2) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*, and the power to make Standing Orders under section 43 of that Act;

(3) affirms the right of the Council to require the production of documents;

(4) requires the Leader of the Government to table in the Council, by 1.00 pm on 30 April 2024, the documents ordered by the Council in the motions identified in paragraphs (1)(a) to (g);

(5) further notes that on 6 March 2024 the Government claimed executive privilege with respect to Ken Lay's final report into a second medically supervised injecting room handed to the office of the former Minister for Mental Health in the week beginning 29 May 2023, which was required to be produced by the Council's resolution on 21 February 2024;

(6) requires the Leader of the Government to comply with Standing Order 10.03, which would include delivery of Ken Lay's final report into a second medically

supervised injecting room to the Clerk and may involve assessment by an independent legal arbiter, to be appointed by the President; and

- (7) permits that if the Leader of the Government has not complied with Standing Orders 10.01 to 10.03 in relation to all the documents listed in paragraphs (1) and (5) within the timeframe specified in paragraph (4), the Council will, at the conclusion of formal business on Tuesday, 30 April 2024 (or if formal business does not occur that day, at the conclusion of formal business on the next sitting day) give precedence for a non-government member to move, without leave, “That this House suspends the Leader of the Government from the service of the Council for the remainder of today and for the next two subsequent sitting days”.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Melina Bath; Jeff Bourman; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Moira Deeming; David Ettershank; Renee Heath; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Adem Somyurek; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 14

Ryan Batchelor; John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Tom McIntosh; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Business interrupted at 5.20 pm, pursuant to Sessional Orders.

- 12 STATEMENTS ON TABLED PAPERS AND PETITIONS** — Members made statements on reports, papers and petitions.

- 13 ADJOURNMENT** — Enver Erdogan moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.11 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 61 — Thursday, 21 March 2024

- 1** The President took the Chair at 9.33 am, read the Prayer and made an Acknowledgement of Country.

- 2 PAPERS** —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Lizzie Blandthorn, by leave, presented the Government Response to the 5-Year Legislative Review of the Child Information Sharing Scheme *(Ordered to be tabled)*.

PAPERS PRESENTED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following papers:

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

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

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

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

* * * * *

PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper:
Government response to the Economy and Infrastructure Committee's Inquiry into land transfer duty fees.

3 SITTING OF THE COUNCIL — Harriet Shing moved, That the Council, at its rising, adjourn until Thursday, 18 April 2024.

Question — put and agreed to.

4 REGIONAL SITTING — ORDER OF BUSINESS — Harriet Shing moved, by leave, That so much of Standing and Sessional Orders be suspended to the extent necessary to enable the sitting of the Council on Thursday, 18 April 2024, to commence at 9.30 am at the Echuca Library, Echuca, and that the order of business on that day will be —

- (1) Lord's Prayer and Acknowledgement of Country;
- (2) the Proclamation to be read by the Clerk;
- (3) two community members, authorised by the President, to attend on the floor of the House to address the Council;
- (4) Messages;
- (5) Formal business;
- (6) Members' statements (up to 15 members);
- (7) Government business;
- (8) **At 11.30 am** Questions;
- (9) Lunch break (90 minutes);
- (10) Government business (continues); and
- (11) **At 5.00 pm** Adjournment (up to 20 members).

Question — put and agreed to.

5 MEMBERS' STATEMENTS — Members made statements.

6 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 230 to 325, be postponed until later this day.

7 FIREARMS AND CONTROL OF WEAPONS (MACHETES) AMENDMENT BILL 2024 — Debate resumed on the question, That the Bill be now read a second time.

Evan Mulholland (*EM08C*) and Katherine Copsy (*KC19C*) circulated amendments proposed to be moved during Committee of the whole.

Business interrupted at 12.00 noon.

8 QUESTION TIME —

QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed ministers to provide written responses to questions without notice pursuant to Standing Order 8.07 as follows:

- **Free fishing rod program (QwN 480)** — substantive and supplementary questions asked by Jeff Bourman — response from Gayle Tierney due Monday, 25 March 2024.
- **Isolation of children at Cherry Creek Youth Justice Centre (QwN 484)** — supplementary question asked by Katherine Copsey — response from Enver Erdogan due Monday, 25 March 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

9 FIREARMS AND CONTROL OF WEAPONS (MACHETES) AMENDMENT BILL 2024 —

Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Enver Erdogan moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 36

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Moira Deeming; David Ettershank; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Sarah Mansfield; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Adem Somyurek; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt; Richard Welch.
(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 1

David Limbrick.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question agreed to.

Bill read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

10 PRIVATE SECURITY AND COUNTY COURT AMENDMENT BILL 2024 — Debate resumed on the question, That the Bill be now read a second time.

David Davis (*DD130C*) circulated amendments proposed to be moved during Committee of the whole.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

- 11 ENERGY AND PUBLIC LAND LEGISLATION AMENDMENT (ENABLING OFFSHORE WIND ENERGY) BILL 2024** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Land Act 1958, the Crown Land (Reserves) Act 1978 and the Forests Act 1958 to enable licences over public land to be granted for up to 21 years for purposes relating to offshore wind energy generation, to include offshore wind energy generation companies within the scope of certain provisions in the National Parks Act 1975 and to amend the Electricity Industry Act 2000 to enable the Minister to declare persons to be offshore wind energy generation companies and for other purposes* and requesting the agreement of the Council.

On the motion of Harriet Shing (for Ingrid Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Harriet Shing laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Harriet Shing moved, That the Bill be now read a second time.

Harriet Shing incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for David Davis), the debate was adjourned for one week.

- 12 ESTATE AGENTS, RESIDENTIAL TENANCIES AND OTHER ACTS AMENDMENT (FUNDING) BILL 2024** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Residential Tenancies Act 1997 in relation to funding dispute resolution and advocacy services, to amend the Estate Agents Act 1980 in relation to funding dispute resolution and advocacy services and to abolish the Estate Agents Council, to amend the Business Licensing Authority Act 1998 to facilitate closure of the Sex Work Regulation Fund, to amend the Public Records Act 1973 to abolish the Public Records Advisory Council and for other purposes* and requesting the agreement of the Council.

On the motion of Harriet Shing (for Enver Erdogan), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Harriet Shing laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Harriet Shing moved, That the Bill be now read a second time.

Harriet Shing incorporated the second reading speech in Hansard.

On the motion of Evan Mulholland, the debate was adjourned for one week.

- 13 NATIONAL ELECTRICITY (VICTORIA) AMENDMENT (VICGRID) BILL 2024** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the National Electricity (Victoria) Act 2005 in relation to VicGrid and for other purposes* and requesting the agreement of the Council.

On the motion of Harriet Shing (for Ingrid Stitt), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Harriet Shing laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Harriet Shing moved, That the Bill be now read a second time.

Harriet Shing incorporated the second reading speech in Hansard.

On the motion of Georgie Crozier (for David Davis), the debate was adjourned for one week.

14 ADJOURNMENT — Harriet Shing moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.25 pm until Thursday, 18 April 2024.

ROBERT McDONALD
Clerk of the Legislative Council

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COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 59, 60 and 61

FIREARMS AND CONTROL OF WEAPONS (MACHETES) AMENDMENT BILL 2024

Committed Thursday, 21 March 2024

Amendments circulated: Evan Mulholland (EM08C) (p. 472) and Katherine Copsey (KC19C) (pp. 472-75)

Clause 1 — Evan Mulholland moved amendment No. 1 (EM08C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 22

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Clause 1 — put and agreed to.

Clauses 2 to 13 — put and agreed to.

Clause 14 — Katherine Copsey moved amendment Nos. 1 to 3 (KC19C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Katherine Copsey; David Ettershank; David Limbrick; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 29

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Katherine Copsey moved amendment No. 4 (KC19C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Katherine Copsey; David Ettershank; David Limbrick; Sarah Mansfield; Rachel Payne;
 Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 29

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Katherine Copsey moved amendment No. 12 (KC19C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Katherine Copsey; David Ettershank; David Limbrick; Sarah Mansfield; Rachel Payne;
 Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 29

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Katherine Copsey moved amendment No. 16 (KC19C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Katherine Copsey; David Ettershank; David Limbrick; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 29

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Katherine Copsey moved amendment No. 17 (KC19C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 30

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negatived.

Katherine Copsey moved amendment No. 18 (KC19C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Katherine Copsey; David Ettershank; David Limbrick; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 29

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Katherine Copsey moved amendment Nos. 21 to 24 (KC19C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Katherine Copsey; David Ettershank; David Limbrick; Sarah Mansfield; Rachel Payne;
 Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 29

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Clause 14 — put and agreed to.

Clause 15 — Katherine Copsey moved amendment No. 53 (KC19C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Katherine Copsey; David Ettershank; Sarah Mansfield; Rachel Payne; Aiv Puglielli;
 Georgie Purcell; Samantha Ratnam.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 30

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Clause 15 — put and agreed to.

Clauses 16 to 25 — put and agreed to.

Bill reported without amendment.

* * * * *

PRIVATE SECURITY AND COUNTY COURT AMENDMENT BILL 2024

Committed Thursday, 21 March 2024

Amendments circulated: David Davis (DD130C) (p. 476)

Clauses 1 to 52 — put and agreed to.

Clause 53 — David Davis moved amendment No. 1 (DD130C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Melina Bath; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Evan Mulholland; Adem Somyurek; Richard Welch.

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

NOES, 21

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

(Recorded by Clerks-at-the-Table, pursuant to an order of the Council on 23 April 2020)

Question negated.

Clause 53 — put and agreed to.

Clauses 54 to 65 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —

1. FIREARMS AND CONTROL OF WEAPONS (MACHETES) AMENDMENT BILL 2024

Amendments circulated by Evan Mulholland (EM08C)

1. Clause 1, line 10, omit "to clarify that a machete is a type of knife" and insert "in relation to the classification of machetes".
2. Clause 24, lines 5 to 8, omit all words and expressions after "in the definition of" and insert '**prohibited weapon**, after "firearm" insert " , a machete".'.

AMENDMENT OF LONG TITLE

3. Long title, omit "to clarify that a machete is a type of knife" and insert "in relation to the classification of machetes".

Amendments circulated by Katherine Copsey (KC19C)

1. Clause 14, line 11, omit "**Power of Chief Commissioner to**" and insert "**Magistrate may**".
2. Clause 14, line 13, omit "a police officer" and insert "the Chief Commissioner".
3. Clause 14, line 14, omit "the Chief Commissioner" and insert "a magistrate".
4. Clause 14, line 18, after "individual" insert "who is of or over the age of 18 years and".
5. Clause 14, line 23, omit "the police officer making the application" and insert "a police officer".
6. Clause 14, lines 27 to 28, omit "the Chief Commissioner" and insert "a magistrate".
7. Clause 14, page 9, line 2, omit "individual; and" and insert "individual.".
8. Clause 14, page 9, lines 3 to 5, omit all words and expressions on those lines.
9. Clause 14, page 9, line 6, omit "The Chief Commissioner" and insert "A magistrate".
10. Clause 14, page 9, lines 8 to 9, omit "and, where the case so requires, subsection (1)(c),".
11. Clause 14, page 9, lines 22 to 29, omit all words and expressions on those lines.
12. Clause 14, page 10, line 11, omit "90 days" and insert "28 days".
13. Clause 14, page 10, lines 11 to 12, omit "the Chief Commissioner" and insert "a magistrate".
14. Clause 14, page 10, lines 18 to 19, omit "the Chief Commissioner" and insert "a magistrate".
15. Clause 14, page 10, line 24, omit "the Chief Commissioner" and insert "a magistrate".

16. Clause 14, page 10, lines 28 to 29, omit "is reasonably satisfied" and insert "believes on reasonable grounds".
17. Clause 14, page 11, after line 20 insert—
- "(aa) must inform the individual of the grounds on which the police officer has formed the belief required under section 112ZA(1)(a) in sufficient detail to allow the individual to understand the reason why the police officer has stopped and directed the individual; and
- (ab) must state orally the officer's name, rank and place of duty; and
- (ac) must give to the individual a written document that sets out—
- (i) the fact that the police officer has stopped and directed the individual under section 112ZA(1); and
- (ii) the detail of the grounds for the police officer's belief and the reason why the police officer stopped the individual; and
- (iii) the officer's name, rank, place of duty and operational type; and".
18. Clause 14, page 11, lines 25 to 33, omit all words and expressions on those lines and insert—
- "(b) must warn the individual of the effect of section 112ZA(2), if the individual refuses or fails to comply with a direction under section 112ZA."
19. Clause 14, page 12, lines 1 to 3, omit all words and expressions on those lines.
20. Clause 14, page 12, before line 4 insert—
- "112ZBA Offence for police officer to give incorrect information**
- A police officer who, under section 112ZB(ab)—
- (a) states a name or rank that is false in a material particular; or
- (b) states as the officer's place of duty an address other than the name of the police station that is the officer's ordinary place of duty—
- is guilty of an offence and liable to a penalty of not more than 5 penalty units."
21. Clause 14, page 12, lines 5 to 6, omit "**or go to police station or other safe place**".
22. Clause 14, page 12, lines 7 to 21, omit all words and expressions on those lines and insert—
- "(1) If the police officer is reasonably satisfied that a service direction determination applies to the individual on the basis of the information given under section 112ZA(1)(b), for the purpose of serving the firearm prohibition order, the police officer may direct the individual to remain at the place where the individual has been stopped."
23. Clause 14, page 12, line 23, omit "subsection (1)(a) or (b)" and insert "subsection (1)".
24. Clause 14, page 12, lines 25 to 26, omit "or to which the individual has gone (as the case requires)".
25. Clause 14, page 13, lines 5 to 33, omit all words and expressions on those lines.
26. Clause 14, page 14, lines 1 to 33, omit all words and expressions on those lines.

27. Clause 14, page 15, lines 1 to 31, omit all words and expressions on those lines.
28. Clause 14, page 17, line 20, omit "circumstances; and" and insert "circumstances."
29. Clause 14, page 17, lines 21 to 23, omit all words and expressions on those lines.
30. Clause 14, page 20, lines 1 to 5, omit all words and expressions on those lines and insert—

"(2) The individual to whom the firearm prohibition order applies must be of or over the age of 18 years."
31. Clause 14, page 23, line 18, omit "112ZX; and" and insert "112ZX."
32. Clause 14, page 23, lines 19 to 21, omit all words and expressions on those lines.
33. Clause 14, page 23, lines 29 to 33, omit all words and expressions on those lines.
34. Clause 14, page 24, lines 1 to 33, omit all words and expressions on those lines.
35. Clause 14, page 25, lines 1 to 7, omit all words and expressions on those lines.
36. Clause 14, page 25, line 13, omit "Division 6 or 7" and insert "Division 7".
37. Clause 14, page 25, line 25, omit "Division 6 or 7" and insert "Division 7".
38. Clause 14, page 26, line 12, omit "Division 6 or 7" and insert "Division 7".
39. Clause 14, page 26, line 29, omit "Division 6 or 7" and insert "Division 7".
40. Clause 14, page 27, line 2, omit "Division 6 or 7" and insert "Division 7".
41. Clause 14, page 27, lines 30 to 31, omit "the giving of the direction,".
42. Clause 14, page 28, line 3, omit "**Division 6 or 7**" and insert "**Division 7**".
43. Clause 14, page 28, lines 4 to 5, omit "Division 6 or 7" and insert "Division 7".
44. Clause 14, page 28, line 18, omit "Division 6 or 7" and insert "Division 7".
45. Clause 14, page 28, line 22, omit "Division 6 or 7" and insert "Division 7".
46. Clause 14, page 28, line 23, omit "Division 6 or 7" and insert "Division 7".
47. Clause 14, page 29, lines 16 to 17, omit "**service direction determinations**" and insert "**holding in custody**".
48. Clause 14, page 29, lines 18 to 22, omit all words and expressions on those lines.
49. Clause 14, page 29, lines 23 to 28, omit all words and expressions on those lines and insert—

"(2) A police officer who, for the purpose of serving a firearm prohibition order, holds an individual in custody under Division 7 must make a written record of that holding in custody."
50. Clause 14, page 31, lines 29 to 34 and page 32, lines 1 to 4, omit all words and expressions on those lines and insert—

- "(1) The Chief Commissioner, on request and without charge, must provide a copy of a record made under section 112ZZA(2) to the individual who was held in custody."
51. Clause 14, page 32, lines 12 to 15, omit all words and expressions on those lines.
52. Clause 14, page 32, line 29, omit "the detention,".
53. Clause 15, line 20, after "112ZA(1)" insert "and the ethnic appearance of each individual to whom such a direction was given".
54. Clause 15, lines 24 to 26, omit "detained under Division 6 of Part 4A and the number".
55. Clause 15, page 34, lines 13 to 21, omit all words and expressions on those lines.
56. Clause 16, line 33, omit "detention" and insert "custody".
57. Clause 19, page 37, lines 29 to 32, omit all words and expressions on those lines.
58. Clause 19, page 38, lines 7 to 9, omit "detained under Division 6 of Part 4A and the number".
59. Clause 20, lines 3 to 4, omit "**matters under Part 4A and this Part**" and insert "**the making of firearm prohibition orders**".
60. Clause 20, lines 5 to 31 and page 40, lines 1 to 19, omit all words and expressions on those lines and insert—
- '(1) The IBAC, in accordance with this section, must review the making of firearm prohibition orders.
- (2) A review under subsection (1) must be conducted for each 3 month period of every year, with the first period commencing on 1 January of that year.
- (3) Subject to subsection (4), in each 3 month review the IBAC must review the making of a proportion of the firearm prohibition orders made during the period under review.
- (4) In a 3 month review the IBAC may review every firearm prohibition order if the IBAC so determines.
- (5) A 3 month review may have regard to—
- (a) a matter arising in a previous 3 month period if that matter is connected with a matter being reviewed for the period under review; or
- (b) a firearm prohibition order made during a previous 3 month period if that order is connected with a matter being monitored under section 173.
- (6) The IBAC must determine the proportion of the orders to be reviewed having regard to the number of orders made during the period, the need to have a representative sample of orders made and any other relevant issues.".'
61. Clause 21, lines 25 to 31, omit all words and expressions on those lines and insert—
- "(1) Once the IBAC has made a determination under section 174F(6), the IBAC must give the Chief Commissioner written notice of the firearm prohibition orders to be reviewed."
62. Clause 21, page 41, lines 2 to 3, omit "or service direction determination".
63. Clause 22, omit this clause.

2. PRIVATE SECURITY AND COUNTY COURT AMENDMENT BILL 2024

Amendments circulated by David Davis (DD130C)

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

'(7) After section 180(3) of the Principal Act **insert**—

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

DRAFT