



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; Gaelle 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; 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 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; 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, 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; Jacinta Ermacora; David Ettershank; 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; Jacinta Ermacora; David Ettershank; 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 negated.

- 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; 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.

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; 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.

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; 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, 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; 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, 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; 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, 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; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming;
Jacinta Ermacora; David Ettershank; 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; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming;
Jacinta Ermacora; David Ettershank; 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; 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 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;
Jacinta Ermacora; David Ettershank; 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."