



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.

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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:

- **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.

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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).

Jaclyn 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 Connemara 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*).

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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; Jacinta Ermacora; David Ettershank; 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; Jacinta Ermacora; David Ettershank; 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; 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; 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.

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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:

- **Rent freeze and caps (QwN 161)** — substantive and supplementary questions asked by Aiv Puglielli — response from Jaclyn Symes due Friday, 2 June 2023.

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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; Gaelle 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; Jacinta Ermacora; David Ettershank; 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

Moir 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.

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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; Gaelle 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.

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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; 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; 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; 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; 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; 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; 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.

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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."'