



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 35, 36 and 37

No. 35 — Tuesday, 3 October 2023

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

2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 5 September 2023, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Council:

Energy Legislation Amendment Act 2023

Statute Law Amendment (References to the Sovereign) Act 2023.

3 **QUESTION TIME** —

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

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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:

- **Wildlife rescue funding (QwN 276)** — substantive and supplementary questions asked by Georgie Purcell — response from Jaclyn Symes due Thursday, 5 October 2023.
- **Prescription of puberty blockers in schools (QwN 278)** — substantive and supplementary questions asked by David Limbrick — response from Lizzie Blandthorn due Thursday, 5 October 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

4 **COMMITTEE MEMBERSHIP** — The President advised the House that Evan Mulholland resigned from the Electoral Matters Committee, effective from today.

5 **PETITIONS** —

STOP THE DEMOLITION OF THE BARAK BEACON PUBLIC HOUSING ESTATE TO SAVE \$88 MILLION — Katherine Copsey presented a petition bearing 100 signatures from certain citizens of Victoria requesting that the Legislative Council call on the

Government to consider, investigate and respond to the feasibility study, report and plans by OFFICE regarding the Barak Beacon public housing estate, stop demolition activities on the estate so that any tenderer can consider the options put forward by OFFICE and allow all tenants to remain in their homes while the report and options put forward by OFFICE are considered (*Ordered to be tabled*).

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REVERSE CUTS TO THE VISITING TEACHER SERVICE — Matthew Bach presented a petition bearing 424 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the cuts to the visiting teacher service (*Ordered to be tabled*).

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

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ROAD CONDITIONS IN NORTHEAST VICTORIA — Rikkie-Lee Tyrrell presented a petition bearing 209 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to investigate and rectify the potholes and the dangerous conditions of northeast Victorian roads (*Ordered to be tabled*).

On the motion of Rikkie-Lee Tyrrell, the petition was ordered to be taken into consideration on the next day of meeting.

- 6 PLANNING AND ENVIRONMENT AMENDMENT (SOIL PROTECTION) (SOLAR POWER GENERATION FACILITIES) BILL 2023** — Rikkie-Lee Tyrrell introduced *A Bill for an Act to amend the Planning and Environment Act 1987 to provide for the mandatory consideration of soil and waterway protection when making the determination of applications for permits relating to solar energy generation facilities and for other purposes*.

On the motion of Rikkie-Lee Tyrrell, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

7 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Lizzie Blandthorn, by leave, presented the Victorian public health and wellbeing plan 2023–2027 (*Ordered to be tabled*).

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COMMITTEE REPORTS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sheena Watt tabled Alert Digest No. 11 of 2023 (including Appendices and Extracts of Proceedings) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

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PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Michael Galea tabled a Report on the 2023–24 Budget Estimates (including Appendices) from the Public Accounts and Estimates Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

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

Education and Care Services National Law Act 2010 — Education and Care Services National Amendment (Bassinets) Regulations 2023, under section 303 of the Act.

Independent Broad-based Anti-corruption Commission and Ombudsman — Operation Watts: Progress report, September 2023 (*released on 14 September 2023 – a non-sitting day*) (*Ordered to be published*).

Ombudsman — Investigation into the Department of Transport and Planning's implementation of the zero and low emission vehicle charge, September 2023 (*released on 27 September 2023 – a non-sitting day*) (*Ordered to be published*).

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

Ballarat Planning Scheme — Amendment C241.

Boroondara Planning Scheme — Amendments C376 and C399.

Colac Otway Planning Scheme — Amendment C123.

Corangamite Planning Scheme — Amendment C63.

Darebin Planning Scheme — Amendment C214.

Greater Bendigo Planning Scheme — Amendment C283.

Kingston Planning Scheme — Amendment C199.

Knox Planning Scheme — Amendment C189.

Macedon Ranges Planning Scheme — Amendments C127 and C159.

Melbourne Planning Scheme — Amendments C455 and C458.

Mornington Peninsula Planning Scheme — Amendments C239 and C270.

Port Phillip Planning Scheme — Amendment C201.

Pyrenees Planning Scheme — Amendment C54.

Stonnington Planning Scheme — Amendments C296 and C335.

Victoria Planning Provisions — Amendments VC242, VC243 and VC246.

Whittlesea Planning Scheme — Amendment C271.

Yarra Planning Scheme — Amendments C320 and C321.

Statutory Rules under the following Acts —

Building Act 1993 — No. 102.

Commercial Passenger Vehicle Industry Act 2017 — No. 100.

Conservation, Forests and Lands Act 1987 — No. 99.

Dangerous Goods Act 1985 — No. 103.

Subordinate Legislation Act 1994 — No. 98.

Supreme Court Act 1986 — Nos. 95 and 96.

Victims of Crime Assistance Act 1996 — No. 101.

Wildlife Act 1975 — No. 97.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101 and 103.

Guidelines for the preparation, content, publication and availability of statutory rules, under section 26 of the Act.

Legislative Instruments and related documents under section 16B in respect of —

Ministerial Order 1412 – Structured Workplace Learning Arrangements, under the Education and Training Reform Act 2006.

Ministerial Order 1413 – Work Experience Arrangements, under the Education and Training Reform Act 2006.

Victorian Local Government Grants Commission — Allocation Report, year ended 31 August 2023.

Yoorrook Justice Commission — Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems, under section 37 of the Inquiries Act 2014 (*released on 4 September 2023 – a non-sitting day*) (*Ordered to be published*).

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PAPERS PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following papers:

Response from the Minister for Public Transport to petition titled School bus service from Tatura to Kyabram (Petition No. 489) (presented by Wendy Lovell on 1 August 2023) (*released on 19 September 2023 – a non-sitting day*).

Response from the Treasurer to petition titled Reject the payroll tax on independent schools (Petition No. 484) (presented by Matthew Bach on 1 August 2023) (*released on 4 September 2023 – a non-sitting day*).

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

Disability and Social Services Regulation Amendment Act 2023 — Division 1 of Part 4 and section 267 — 20 September 2023 (*Gazette S483, 12 September 2023*).

Racing Amendment (Unauthorised Access) Act 2023 — 15 September 2023 (*Gazette S483, 12 September 2023*).

8 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 4 October 2023 —

- (1) order of the day made this day, second reading of the Planning and Environment Amendment (Soil Protection) (Solar Power Generation Facilities) Bill 2023;
- (2) order of the day No. 3, second reading of the Residential Tenancies Amendment (Rent Freeze and Caps) Bill 2023;
- (3) notice of motion given this day by Georgie Crozier on the new Premier, the Hon. Jacinta Allan MP, and government spending and integrity;
- (4) notice of motion given this day by Sarah Mansfield referring matters relating to climate resilience to the Environment and Planning Committee;
- (5) notice of motion given this day by Samantha Ratnam on the production of documents relating to the Housing Statement;
- (6) notice of motion given this day by Georgie Crozier on public drunkenness laws; and
- (7) notice of motion No. 110 standing in Nick McGowan's name on changing Maroondah Hospital's name.

Question — put and agreed to.

9 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE INDUSTRIAL HEMP INDUSTRY IN VICTORIA — Georgie Purcell moved, by leave, That the reporting date for the Economy and Infrastructure Committee's Inquiry into the industrial hemp industry in Victoria be extended to no later than 30 November 2023.

Question — put and agreed to.

10 MEMBERS' STATEMENTS — Members made statements.

11 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 63 to 171, be postponed until later this day.

12 JUSTICE LEGISLATION AMENDMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Samantha Ratnam (SR134C) and David Limbrick (DL59C) circulated amendments proposed to be moved during Committee of the whole.

Question — put and agreed to.

Bill read a second time.

The Acting President advised that the President ruled certain amendments proposed to be moved during Committee of the whole by David Limbrick (DL59C) are outside the scope of the Bill.

David Limbrick moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to repeal the *Unlawful Assemblies and Processions Act 1958* and consequentially amend the *Public Safety Preservation Act 1958*.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

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

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

NOES, 14

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

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

Question agreed to.

Bill committed to a Committee of the whole.

House in Committee.

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

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

13 ADJOURNMENT — Enver Erdogan moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 5.53 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 36 — Wednesday, 4 October 2023

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

2 COMMITTEE MEMBERSHIP — The President advised the House that Paul Hamer, Member for Box Hill, resigned from the Public Accounts and Estimates Committee, effective from today.

3 PETITION — WITHDRAW THE OVERLAY ON NEPEAN HIGHWAY PROPERTIES IN FRANKSTON — David Limbrick presented a petition bearing 516 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to withdraw the overlay placed on properties on the Nepean Highway, Frankston by the Minister for Planning and allow due process to take course (*Ordered to be tabled*).

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

4 PAPERS —

COMMITTEE REPORT — PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Michael Galea tabled a Report on the Appointment of a person to conduct the performance audit of the Auditor-General and Victorian Auditor-General's Office from the Public Accounts and Estimates Committee (*Ordered to be published*).

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

Australian Criminal Intelligence Commission — Chair of the Board of the Australian Criminal Intelligence Commission — Report, 2021-22.

Office of the Victorian Information Commissioner (OVIC) — Report, 2022-23.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 104 and 106.

5 MEMBERS' STATEMENTS — Members made statements.

6 PLANNING AND ENVIRONMENT AMENDMENT (SOIL PROTECTION) (SOLAR POWER GENERATION FACILITIES) BILL 2023 — Rikkie-Lee Tyrrell laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Rikkie-Lee Tyrrell moved, That the Bill be now read a second time.

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

7 RESIDENTIAL TENANCIES AMENDMENT (RENT FREEZE AND CAPS) BILL 2023 —

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

Aiv Puglielli moved, That the Bill be now read a second time.

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

8 GOVERNMENT SPENDING AND INTEGRITY — Georgie Crozier moved, That this House —

- (1) notes that the Hon. Jacinta Allan MP, as Premier takes over the biggest state debt in the country, larger than New South Wales, Queensland and Tasmania combined;
- (2) expresses concern at Premier Allan's ministerial legacy of waste, blowouts and mismanagement;
- (3) further notes that Premier Allan has been responsible for nearly \$30 billion in major project blowouts, including —
 - (a) \$3.6 billion on the Metro Tunnel;
 - (b) three years and \$4.7 billion on the West Gate Tunnel;
 - (c) \$13 billion on the North East Link;
- (4) condemns the culture of secrecy, disdain for integrity and the hatred of anti-corruption agencies that permeated in the former Andrews Government; and
- (5) calls on the Premier to overcome her legacy of waste, blowouts and mismanagement, return integrity to Government and begin to undo the nine years' worth of damage for which she is responsible.

Debate ensued.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 14

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

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

NOES, 19

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

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

Question negated.

9 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, general business, Nos. 187 and 190, be postponed until later this day.**10 PUBLIC DRUNKENNESS LAWS —** Georgie Crozier moved, That this House —

- (1) expresses its concern that the *Summary Offences Amendment (Decriminalisation of Public Drunkenness) Act 2021* will increase risk to members of Victoria Police, people in a vulnerable state and the community, noting that —

- (a) the Victoria Police training video to leave an intoxicated female in a public area places the female at risk;
- (b) there is a health crisis in Victoria and these laws will increase pressure on regional hospitals and remove staff from struggling emergency rooms;
- (c) Victoria is the only state that has introduced laws to decriminalise public drunkenness that has not given police increased move-on laws or powers of arrest to ensure community safety is the priority;
- (2) calls on the Government to postpone the commencement of the *Summary Offences Amendment (Decriminalisation of Public Drunkenness) Act 2021* until —
 - (a) move-on laws are introduced to ensure police have the powers to put community safety first;
 - (b) the Government establishes at least three trial sites that operate for a 24-month period and a report on this trial is tabled in Parliament; and
 - (c) the Victoria Police training video is withdrawn and reissued with due consideration to the issues listed above and no police officer is trained to leave a vulnerable person in a potentially more dangerous or vulnerable position.

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

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

11 QUESTION TIME —

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

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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:

- **Management of drug testing dogs with respect to medicinal cannabis (QwN 283)** — substantive and supplementary questions asked by Rachel Payne — response from Enver Erdogan due Friday, 6 October 2023.
- **Australian flags on Victorian Government Department websites (QwN 286)** — substantive question asked by Moira Deeming — response from Jaclyn Symes due Friday, 6 October 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

12 ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO CLIMATE RESILIENCE —

Sarah Mansfield moved, by leave, in an amended form, That this House —

(1) notes that —

- (a) the impacts of climate change are intensifying;
- (b) the impacts on Victoria include an increase in frequency and severity of extreme weather and climate-related disaster events which will present significant challenges for Victoria's built environment, including private buildings as well as public infrastructure;

(2) requires the Environment and Planning Committee to inquire into, consider and report, by 30 June 2025, on —

- (a) the main risks facing Victoria's built environment and infrastructure from climate change and the impact these will have on the people of Victoria;

- (b) how the Victorian Government is preparing for and mitigating the impacts of climate change on our built environment and infrastructure;
- (c) the barriers facing Victoria in upgrading infrastructure to become more resilient to the impacts of climate change, including barriers in rebuilding or retrofitting infrastructure, including but not limited to, issues relating to insurance and barriers faced by local government;
- (d) the adequacy of the current Victorian planning system as it relates to its adaptation to, preparation for, and mitigation of climate change impacts;
- (e) what more could be done to better prepare Victoria's built environment and infrastructure, and therefore the community, for future climate disaster events; and
- (f) whether further inquiries or investigation may be needed into other aspects of climate change adaptation and climate disaster preparedness in Victoria, noting that climate change will have far-reaching impacts on all aspects of Victorian life, including but not limited to biodiversity, human health, primary production, industry, emergency services and more, and that while these areas may overlap with the matters covered in this inquiry, they may also warrant further investigation in their own inquiries.

Debate ensued.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 19

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

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

NOES, 14

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

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

Question agreed to.

13 PUBLIC DRUNKENNESS LAWS — Debate resumed on the question, That this House —

- (1) expresses its concern that the *Summary Offences Amendment (Decriminalisation of Public Drunkenness) Act 2021* will increase risk to members of Victoria Police, people in a vulnerable state and the community, noting that —
 - (a) the Victoria Police training video to leave an intoxicated female in a public area places the female at risk;
 - (b) there is a health crisis in Victoria and these laws will increase pressure on regional hospitals and remove staff from struggling emergency rooms;
 - (c) Victoria is the only state that has introduced laws to decriminalise public drunkenness that has not given police increased move-on laws or powers of arrest to ensure community safety is the priority;

- (2) calls on the Government to postpone the commencement of the *Summary Offences Amendment (Decriminalisation of Public Drunkenness) Act 2021* until —
- (a) move-on laws are introduced to ensure police have the powers to put community safety first;
 - (b) the Government establishes at least three trial sites that operate for a 24-month period and a report on this trial is tabled in Parliament; and
 - (c) the Victoria Police training video is withdrawn and reissued with due consideration to the issues listed above and no police officer is trained to leave a vulnerable person in a potentially more dangerous or vulnerable position.

On the motion of Lee Tarlamis, by leave, the debate on this motion was extended by up to 25 minutes.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

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

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

NOES, 20

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

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

Question negatived.

Business interrupted at 5.15 pm, pursuant to Sessional Orders.

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

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

Debate ensued.

The Council adjourned at 6.18 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 37 — Thursday, 5 October 2023

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

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

Independent Broad-based Anti-corruption Commission — Report to the Minister for Police, 1 January 2017 to 31 December 2020, under section 700 of the Sex Offenders Registration Act 2004.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 102 and 105.

- 3 SITTING OF THE COUNCIL** — Gayle Tierney moved, That the Council, at its rising, adjourn until Tuesday, 17 October 2023.

Question — put and agreed to.

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

- 5 PERFORMANCE AUDIT OF THE AUDITOR-GENERAL'S OFFICE** — The President announced the receipt of a Message from the Assembly advising the Council that they have agreed to the following resolution:

That under section 82 of the *Audit Act 1994*, MartinJenkins be appointed:

- (a) to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office in 2023–2024;
- (b) in accordance with the Terms, Conditions and Specifications as set out in the Request for Tender issued by the Public Accounts and Estimates Committee on 1 August 2023; and
- (c) at a fixed fee of \$405,933 (excluding GST) —
and requesting the agreement of the Legislative Council.

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

Harriet Shing moved, That —

- (1) the Council agrees with the Assembly and resolves, That under section 82 of the *Audit Act 1994*, MartinJenkins be appointed —
 - (a) to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office in 2023–2024;
 - (b) in accordance with the Terms, Conditions and Specifications as set out in the Request for Tender issued by the Public Accounts and Estimates Committee on 1 August 2023;
 - (c) at a fixed fee of \$405,933 (excluding GST); and
- (2) a Message be sent to the Assembly informing them that the Council have agreed with the Assembly's resolution.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 83 to 171, be postponed until later this day.

- 7 BAIL AMENDMENT BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Evan Mulholland (*EM01C*) and Katherine Copsey (*KC13C and KC14C*) circulated amendments proposed to be moved during Committee of the whole.

Business interrupted at 12.00 noon.

8 QUESTION TIME —

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

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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:

- **Criminalisation of young people in residential care (QwN 290)** — substantive and supplementary questions asked by Rachel Payne — response from Lizzie Blandthorn due Friday, 6 October 2023.
- **McCoys Bridge (QwN 294)** — substantive and supplementary questions asked by Rikkie-Lee Tyrrell — response from Harriet Shing due Monday, 9 October 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

9 BAIL AMENDMENT BILL 2023 — Debate continued on the question, That the Bill be now read a second time.

Jaclyn Symes (*JS28C*) circulated amendments proposed to be moved during Committee of the whole.

Question — put and agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 33

Matthew Bach; Ryan Batchelor; John Berger; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

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

NOES, 3

Jeff Bourman; Moira Deeming; Rikkie-Lee Tyrrell.

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

Question agreed to.

Bill read a third time and passed.

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

10 EDUCATION AND TRAINING REFORM AMENDMENT (LAND POWERS) BILL 2023 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to make further provision for the acquisition,*

use and development of land for the purpose of early childhood education and care and for the purpose of services associated with early childhood education and care and for other purposes and requesting the agreement of the Council.

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

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

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

Ingrid Stitt incorporated the second reading speech in Hansard.

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

- 11 SUMMARY OFFENCES AMENDMENT (NAZI SALUTE PROHIBITION) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Summary Offences Act 1966 to make the public display or performance of Nazi gestures an offence, to extend the application of the offence of public display of Nazi symbols and for other purposes* and requesting the agreement of the Council.

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

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

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

Ingrid Stitt incorporated the second reading speech in Hansard.

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

- 12 TRIPLE ZERO VICTORIA BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to establish Triple Zero Victoria, to repeal the Emergency Services Telecommunications Authority Act 2004 and for other purposes* and requesting the agreement of the Council.

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

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

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

Ingrid Stitt incorporated the second reading speech in Hansard.

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

- 13 ADJOURNMENT** — Ingrid Stitt moved, That the House do now adjourn.
Debate ensued.

The Council adjourned at 6.42 pm until Tuesday, 17 October 2023.

ROBERT McDONALD
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 35, 36 and 37

JUSTICE LEGISLATION AMENDMENT BILL 2023

Committed Tuesday, 3 October 2023

Amendments circulated: David Limbrick (DL59C) (see p. 272) and Samantha Ratnam (SR134C) (see pp. 272-3)

Clause 1 — Samantha Ratnam moved amendment No. 1 (SR134C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 10

Jeff Bourman; Katherine Copsey; Moira Deeming; David Limbrick; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

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

NOES, 24

Matthew Bach; Ryan Batchelor; John Berger; Lizzie Blandthorn; Gaelle Broad; Georgie Crozier; David Davis; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney; Sheena Watt.

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

Question negated.

David Limbrick moved amendment Nos. 1 and 2 (DL59C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Katherine Copsey; David Limbrick; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Rikkie-Lee Tyrrell.

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

NOES, 26

Matthew Bach; Ryan Batchelor; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Gayle Tierney; Sheena Watt.

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

Question negated.

Clause 1 — put and agreed to.

Clauses 2 to 80 — put and agreed to.

Bill reported without amendment.

* * * * *

BAIL AMENDMENT BILL 2023

Committed Thursday, 5 October 2023

*Amendments circulated: Katherine Copsey (KC13C and KC14C) (see pp. 273-81),
Evan Mulholland (EM01C) (see p. 281) and Jaclyn Symes (JS28C) (see pp. 281-3)*

Clause 1 — Katherine Copsey moved amendment Nos. 1 and 2 (KC13C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

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

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

NOES, 30

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

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

Question negatived.

Jaclyn Symes moved amendment No. 1 (JS28C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 30

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

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

NOES, 6

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

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

Question agreed to.

Evan Mulholland moved amendment No. 1 (*EM01C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

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

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

NOES, 21

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

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

Question negatived.

Jaclyn Symes moved amendment Nos. 2 and 3 (*JS28C*).

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

Clause 1, as amended — put and agreed to.

Clauses 2 to 5 — put and agreed to.

Clause 6 — Jaclyn Symes moved amendment No. 4 (*JS28C*).

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

Clause 6, as amended — put and agreed to.

Clause 7 — put and agreed to.

Clause 8 — Jaclyn Symes moved amendment Nos. 5 and 6 (*JS28C*).

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

Clause 8, as amended — put and agreed to.

Clauses 9 to 12 — put and agreed to.

Clause 13 — Jaclyn Symes moved amendment No. 7 (*JS28C*).

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

Clause 13, as amended — put and agreed to.

Clauses 14 and 15 — put and agreed to.

Heading to Division 4 of Part 2 — Jaclyn Symes moved amendment No. 8 (*JS28C*).

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

Clauses 16 to 23 — put and negatived.

Clause 24 — Jaclyn Symes moved amendment Nos. 17 to 21 (*JS28C*).

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

Clause 24, as amended — put and agreed to.

Clause 25 — Jaclyn Symes moved amendment Nos. 22 and 23 (*JS28C*).

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

Clause 25, as amended — put and agreed to.

Clause 26 — Jaclyn Symes moved amendment Nos. 24 to 27 (*JS28C*).

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

Clause 26, as amended — put and agreed to.

Clauses 27 to 29 — put and agreed to.

Clause 30 — Jaclyn Symes moved amendment Nos. 28 to 45 (*JS28C*).

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

Clause 30, as amended — put and agreed to.

Clauses 31 to 107 — put and agreed to.

New Division Heading and New Clause 107A — Katherine Copsey moved amendment No. 1 (*KC14C*).

Question — That New Division Heading and New Clause 107A stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Katherine Copsey; Sarah Mansfield; Aiv Puglielli; Georgie Purcell; Samantha Ratnam.

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

NOES, 31

Matthew Bach; Ryan Batchelor; John Berger; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Rikkie-Lee Tyrrell; Sheena Watt.

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

Question negatived.

Clauses 108 and 109 — put and agreed to.

New Clause 109A — Katherine Copsey moved amendment No. 2 (*KC14C*).

Question — That New Clause 109A stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

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

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

NOES, 30

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

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

Question negatived.

Clauses 110 to 116 — put and agreed to.

New Clause 116A — Jaclyn Symes moved amendment No. 46 (*JS28C*).

Question — That New Clause 116A stand part of the Bill — put and agreed to.

Clause 117 — Jaclyn Symes moved amendment No. 47 (*JS28C*).

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

Clause 117, as amended — put and agreed to.

Clauses 118 to 120 — put and agreed to.

Bill reported with amendments.

AMENDMENTS CIRCULATED IN RELATION TO —

1. JUSTICE LEGISLATION AMENDMENT BILL 2023

Amendments circulated by David Limbrick (DL59C)

1. Clause 1, page 3, line 11, omit "powers." and insert "powers; and".
2. Clause 1, page 3, after line 11 insert—

"(I) to repeal the **Unlawful Assemblies and Processions Act 1958** and consequentially amend the **Public Safety Preservation Act 1958**."

NEW CLAUSES

3. Insert the following New Part after Part 12—

"Part 12A—Repeal of Unlawful Assemblies and Processions Act 1958

79A Repeal of Unlawful Assemblies and Processions Act 1958

The **Unlawful Assemblies and Processions Act 1958** is repealed.

79B Amendment of Public Safety Preservation Act 1958

Section 10(2) of the **Public Safety Preservation Act 1958** is repealed."

4. Long title, after "**Victoria Police Act 2013**" insert "and to repeal the **Unlawful Assemblies and Processions Act 1958** and consequentially amend the **Public Safety Preservation Act 1958**".

Amendments circulated by Samantha Ratnam (SR134C)

1. Clause 1, page 2, line 21, omit "3" and insert "9".
2. Clause 26, line 13, omit 'years'.' and insert "years".
3. Clause 26, after line 13 insert—

'16	Primary site lung cancer	15 years
17	Primary site skin cancer	15 years
18	Primary site penile cancer	15 years
19	Primary site pancreatic cancer	10 years
20	Malignant mesothelioma	15 years
21	Primary site thyroid cancer	10 years".'
4. Clause 27, line 20, omit 'years'.' and insert "years".

5. Clause 27, after line 20 insert—

'16	Primary site lung cancer	15 years
17	Primary site skin cancer	15 years
18	Primary site penile cancer	15 years
19	Primary site pancreatic cancer	10 years
20	Malignant mesothelioma	15 years
21	Primary site thyroid cancer	10 years".

2. BAIL AMENDMENT BILL 2023*Amendments circulated by Katherine Copsey (KC13C)*

1. Clause 1, lines 8 to 10, omit all words and expressions on these lines and insert—
 "(i) abolishing the 2 step tests; and".
2. Clause 1, page 2, lines 1 and 2, omit all words and expressions on these lines and insert—
 "(iii) changing the unacceptable risk test; and".
3. Division heading before clause 4, omit this heading.
4. Clause 4, omit this clause.
5. Clause 5, omit this clause.
6. Clause 6, omit this clause.
7. Clause 7, omit this clause.
8. Clause 8, omit this clause.

NEW CLAUSES

9. Insert the following New Division after Division 2 of Part 2—

'Division 2A—Abolition of 2 step tests**11A Definitions**

In section 3 of the Principal Act, the definitions of *Schedule 1 offence*, *Schedule 2 offence* and *unacceptable risk test* are **repealed**.

11B Sections 3AA, 3D, 4AA, 4A, 4C and 4D repealed

Sections 3AA, 3D, 4AA, 4A, 4C and 4D of the Principal Act are **repealed**.

11C Court to make preliminary determination if terrorism risk alleged

- (1) Section 8AA(1)(b) of the Principal Act is **repealed**.
- (2) Note 2 at the foot of section 8AA(1) of the Principal Act is **repealed**.

- (3) The note at the foot of section 8AA(2) of the Principal Act is **repealed**.

11D Power of police officer, sheriff or authorised person to grant or refuse bail

- (1) In the note at the foot of section 10(5) of the Principal Act—
- (a) **omit** the first dot point;
 - (b) in the third dot point, for "record;" **substitute** "record.";
 - (c) **omit** the fourth dot point.
- (2) In section 10(5A), for "13, 13AA or 13A" **substitute** "13 or 13AA".

11E Power of bail justice to grant or refuse bail

- (1) In the note at the foot of section 10A(5) of the Principal Act—
- (a) for "13, 13AA or 13A" **substitute** "13 or 13AA";
 - (b) **omit** the first dot point;
 - (c) in the third dot point, for "record;" **substitute** "record.";
 - (d) **omit** the fourth dot point.
- (2) In section 10A(5AAB), for "13, 13AA or 13A" **substitute** "13 or 13AA".

11F Informant must bring person to court if bail justice prohibited from granting bail

In section 10B(1) of the Principal Act, for "13, 13AA or 13A" **substitute** "13 or 13AA".

11G Section 12A repealed

Section 12A of the Principal Act is **repealed**.

11H Treason, murder, certain other offences

Section 13(3) and (4) of the Principal Act are **repealed**.

11I Section 13A repealed

Section 13A of the Principal Act is **repealed**.

11J Schedules 1 and 2 repealed

Schedules 1 and 2 to the Principal Act are **repealed**.

10. Clause 12, omit this clause.
11. Clause 13, omit this clause.
12. Clause 14, lines 26 to 33, omit all words and expressions on these lines and insert—
 - '(1) For the heading to section 4E of the Principal Act **substitute**—
 - "Unacceptable risk test"**.

(2) For section 4E(1) of the Principal Act **substitute**—

"(1) A bail decision maker must refuse bail for a person accused of an offence if—

(a) the bail decision maker is satisfied that, if the accused is released on bail, there is—

(i) a specific and immediate risk to the safety and welfare of another person; or

(ii) a serious risk of interfering with a witness; or

(iii) a demonstrable risk that the person will abscond by fleeing the jurisdiction; and

(b) the risk is an unacceptable risk.

(1A) A bail decision maker must not refuse bail under subsection (1) if the bail decision maker is satisfied that, if the person were found guilty of the offence charged, it is unlikely that the person would be sentenced to a term of imprisonment.

(1B) A bail decision maker must not refuse bail under subsection (1) solely because—

(a) the decision maker considers that the accused may not attend court; or

(b) the accused does not have—

(i) any accommodation; or

(ii) any adequate accommodation; or

(iii) a fixed address.

(1C) If a court has determined under section 8AA(2) that there is a risk that a person accused of an offence will commit a terrorism or foreign incursion offence, the court must refuse bail for the person if the court is satisfied that the risk is an unacceptable risk."

(3) After section 4E(2) of the Principal Act **insert**—

"(2A) If subsection (1C) applies, the prosecutor bears the burden of satisfying the court that the risk referred to in that subsection is unacceptable."

(4) In section 4E(3) of the Principal Act, after "subsection (1)(a)" **insert** "or (1C)".

13. Clause 15, omit this clause.

NEW CLAUSE

14. Insert the following New Clause to follow clause 15—

'15A Conduct conditions

(1) For section 5AAA(1) of the Principal Act **substitute**—

"(1) A bail decision maker considering the release of an accused on bail must impose any condition that, in the opinion of the bail decision maker, will reduce the likelihood that the accused may—

- (a) be a risk to the safety or welfare of another person; or
- (b) interfere with a witness; or
- (c) abscond by fleeing the jurisdiction.

Example

A bail decision maker may impose a condition in order to reduce the likelihood that the accused may commit a family violence offence."

(2) In section 5AAA(2)(a) of the Principal Act, for "(d);" **substitute** "(c);".'. .

- 15. Division heading preceding clause 16, omit this heading.
- 16. Clause 16, omit this clause.
- 17. Clause 17, omit this clause.
- 18. Clause 18, omit this clause.
- 19. Clause 19, omit this clause.
- 20. Clause 20, omit this clause.
- 21. Clause 21, omit this clause.
- 22. Clause 22, omit this clause.
- 23. Clause 23, omit this clause.
- 24. Clause 24, omit this clause.
- 25. Division heading preceding clause 25, omit this heading.
- 26. Clause 25, omit this clause.
- 27. Division heading preceding clause 26, omit this heading.
- 28. Clause 26, omit this clause.
- 29. Division heading preceding clause 27, omit this heading.
- 30. Clause 27, omit this clause.
- 31. Clause 28, omit this clause.
- 32. Division heading preceding clause 29, omit this heading.
- 33. Clause 29, omit this clause.
- 34. Clause 30, omit this clause.
- 35. Clause 117, line 11, omit all words and expressions on this line.

Amendments circulated by Katherine Copsey (KC14C)

NEW CLAUSE

1. Insert the following New Division after Division 3 of Part 5—

'Division 3A—Annual reports**107A New Part 4A inserted**

After Part 4 of the Principal Act **insert**—

"Part 4A—Annual reports**18B Annual report of Chief Commissioner to contain information on bail decisions**

- (1) The Chief Commissioner, in the Chief Commissioner's report of operations under Part 7 of the **Financial Management Act 1994**, must include the information set out in subsection (2) in respect of—

- (a) the financial year to which the report relates; and
- (b) each of the following categories of accused person—
 - (i) children;
 - (ii) adults;
 - (iii) men;
 - (iv) women;
 - (v) persons identified as vulnerable adults;
 - (vi) persons identified as Aboriginal persons.

- (2) For the purposes of subsection (1) the information is—

- (a) for each category of accused person, the total number of decisions by police officers about granting bail to the accused persons in that category; and
- (b) the total number of those bail decisions where bail has been granted; and
- (c) the total number of those bail decisions where bail has been refused; and
- (d) for each of those bail decisions, the police station where the decision was made.

18C Annual report of Court Services Victoria to contain information on bail decisions

- (1) Court Services Victoria (within the meaning of the **Court Services Victoria Act 2014**), in its report of operations under Part 7 of the **Financial**

Management Act 1994, must include the information set out in subsection (2) in respect of—

- (a) the financial year to which the report relates; and
- (b) each of the following categories of accused persons—
 - (i) children;
 - (ii) adults;
 - (iii) men;
 - (iv) women;
 - (v) persons identified as vulnerable adults;
 - (vi) persons identified as Aboriginal persons.

(2) For the purposes of subsection (1) the information is—

- (a) for each category of accused person, the total number of decisions about granting bail to the accused persons in that category made by each court that is a court to which the definition of jurisdiction in the **Court Services Victoria Act 2014** applies; and
- (b) the total number of those bail decisions where bail has been granted; and
- (c) the total number of those bail decisions where bail has been refused; and
- (d) for each of those bail decisions, the court, including the location of the court, in which the decision was made.

18D Annual report of Department of Justice and Community Safety to contain information on bail decisions

(1) The Minister responsible for the preparation of the report of operations of the Department of Justice and Community Safety under Part 7 of the **Financial Management Act 1994**, must include in that report the information set out in subsection (2) in respect of—

- (a) the financial year to which the report relates; and
- (b) each of the following categories of accused persons—
 - (i) children;
 - (ii) adults;
 - (iii) men;
 - (iv) women;
 - (v) persons identified as vulnerable adults;
 - (vi) persons identified as Aboriginal persons.

(2) For the purposes of subsection (1) the information is—

- (a) for each category of accused person, the total number of decisions by bail justices about granting bail to the accused persons in that category; and
- (b) the total number of those bail decisions where bail has been granted; and
- (c) the total number of those bail decisions where bail has been refused; and
- (d) for each of those bail decisions, the place where the decision was made."

NEW CLAUSE

2. Insert the following New Clause to follow the Division heading before clause 110—

'109A Guiding principles

After section 1B(1)(c) of the Principal Act **insert—**

- "(ca) taking into account the established understanding of the negative effects of imprisonment on former prisoners, including an association with poorer social, economic and cultural outcomes and higher rates of subsequent offending; and
- (cb) promoting bail decision making that is not discriminatory, particularly by regard being had to—
- (i) the surrounding circumstances of vulnerable persons such as women, children, people with disabilities and Aboriginal persons; and
 - (ii) the disproportionate rates of imprisonment and deaths in custody of Aboriginal persons; and"

NEW CLAUSE

3. Insert the following New Clause to follow clause 115—

'115A New section 32C inserted

After section 32B of the Principal Act **insert—**

"32C Appointment of expert panel to review amendments made by Bail Amendment Act 2023

- (1) The Attorney-General must appoint a panel for the purposes of conducting a review under section 32D(1).
- (2) A panel appointed under subsection (1) may consist of as many persons as the Attorney-General considers appropriate.
- (3) A panel appointed under subsection (1) must consist of persons who, in the opinion of the Attorney-General, possess appropriate qualifications or expertise to conduct the review.

32D Review of amendments made by Bail Amendment Act 2023

- (1) As soon as is practicable after the end of each review period specified in subsection (2), the Attorney-General must cause a review to be conducted of the operation, during that period, of the amendments made to this Act by the **Bail Amendment Act 2023**.
- (2) The review periods are—
 - (a) the period of 12 months following the commencement of the **Bail Amendment Act 2023**; and
 - (b) each subsequent period of 4 years.
- (3) A review under subsection (1) is to be conducted by a panel appointed under section 32C for the purposes of that review.
- (4) A review under subsection (1) must examine whether, during the review period—
 - (a) vulnerable persons such as women, children, people with disabilities and Aboriginal persons have been adversely affected as a consequence of the amendments made to this Act by the **Bail Amendment Act 2023**; or
 - (b) those amendments have affected—
 - (i) recidivism; and
 - (ii) the rate at which offences are committed; and
 - (iii) the safety of the community; and
 - (iv) sentencing (including the making of declarations that periods of custody are to be reckoned as having been already served under a sentence); or
 - (c) those amendments have operated as intended.
- (5) A review under subsection (1) may make recommendations, including recommendations in relation to the matters set out in subsection (4)(a), (b) and (c).
- (6) A review under subsection (1) must be completed no later than 6 months after the end of the review period to which it relates.
- (7) The Attorney-General must cause a copy of a review under subsection (1) to be laid before each House of the Parliament no later than 14 sitting days after receiving it.

32E Government response to review

- (1) After receiving a review under section 32D(1), the Attorney-General must cause a response to the review to be prepared.
- (2) A response under subsection (1) must do the following things in respect of each recommendation set out in the review—

- (a) specify the action (if any) proposed to be taken with respect to the recommendation;
 - (b) if an action is proposed to be taken, identify which Minister, Department, or public authority (as the case may be) has responsibility for undertaking that action;
 - (c) if no action is proposed to be taken, or if the action that is proposed to be taken does not implement the recommendation, explain why the recommendation is not to be implemented.
- (3) The Attorney-General must cause a copy of a response under subsection (1) to be laid before each House of the Parliament no later than 3 months after receiving the review under section 32D(1) to which it relates.".'.

Amendments circulated by Evan Mulholland (EM01C)

- 1. Clause 1, page 2, lines 13 and 14, omit all words and expressions on these lines.
- 2. Clause 8, line 16, omit "**repealed**;" and insert "**repealed**".
- 3. Clause 8, line 17, omit all words and expressions on this line.
- 4. Part heading preceding clause 39, omit "**certain offences**" and insert "**offence to contravene certain conduct conditions**".
- 5. Clause 40, omit this clause.
- 6. Clause 118, line 29, after "30(1)" insert "or 30B".

Amendments circulated by Jaclyn Symes (JS28C)

- 1. Clause 1, page 2, lines 1 and 2, omit all words and expressions on these lines.
- 2. Clause 1, page 2, line 26, omit "bail." and insert "bail; and".
- 3. Clause 1, page 2, after line 26 insert—

"(e) to require a review of the operation of the amendments made by this Act."
- 4. Clause 6, lines 21 and 22, omit "4AA or 4AAB," and insert "4AA,".
- 5. Clause 8, lines 6 to 14, omit all words and expressions on these lines.
- 6. Clause 8, line 15, omit "(2)".
- 7. Clause 13, lines 20 and 21, omit "whichever of section 4AA or 4AAB applies," and insert "section 4AA,".
- 8. Division heading preceding clause 16, omit "**Bail tests that apply to children**" and insert "**Notes to heading to Schedule 1**".
- 9. Clause 16, omit this clause.

10. Clause 17, omit this clause.
11. Clause 18, omit this clause.
12. Clause 19, omit this clause.
13. Clause 20, omit this clause.
14. Clause 21, omit this clause.
15. Clause 22, omit this clause.
16. Clause 23, omit this clause.
17. Clause 24, line 24, omit "an adult" and insert "a person".
18. Clause 24, lines 27 to 29, omit all words and expressions on these lines.
19. Clause 24, line 30, omit "3" and insert "2".
20. Clause 24, line 31, omit "See—" and insert 'See section 4AA(2).'. '.
21. Clause 24, lines 32 and 33, omit all words and expressions on these lines.
22. Clause 25, line 6, omit "adult" and insert "accused".
23. Clause 25, line 9, omit "adult" and insert "accused".
24. Clause 26, line 25, omit "adult" and insert "accused".
25. Clause 26, line 28, omit "person" and insert "accused".
26. Clause 26, page 16, line 3, omit "adult" and insert "accused".
27. Clause 26, page 16, line 6, omit "person" and insert "accused".
28. Clause 30, page 18, Flow Chart 1, omit "Flow Chart 4" and insert "Flow Chart 3".
29. Clause 30, page 18, Flow Chart 1, omit "Flow Chart 5" and insert "Flow Chart 4".
30. Clause 30, page 19, line 3, omit "an adult" and insert "a person".
31. Clause 30, page 19, heading to Flow Chart 2, omit "to adults".
32. Clause 30, page 19, Flow Chart 2, omit "Flow Chart 4" (wherever occurring) and insert "Flow Chart 3".
33. Clause 30, page 19, Flow Chart 2, omit "Flow Chart 5" and insert "Flow Chart 4".
34. Clause 30, page 19, Flow Chart 2, omit "Flow Chart 6" (wherever occurring) and insert "Flow Chart 5".
35. Clause 30, page 20, lines 1 to 4, omit all words and expressions on these lines.
36. Clause 30, page 20, Flow Chart 3, omit this flow chart.

37. Clause 30, page 21, line 1, omit "(5)" and insert "(4)".
38. Clause 30, page 21, line 1, omit "4" and insert "3".
39. Clause 30, page 21, heading to Flow Chart 4, omit "4" and insert "3".
40. Clause 30, page 22, line 1, omit "(6)" and insert "(5)".
41. Clause 30, page 22, line 1, omit "5" and insert "4".
42. Clause 30, page 22, heading to Flow Chart 5, omit "5" and insert "4".
43. Clause 30, page 23, line 1, omit "(7)" and insert "(6)".
44. Clause 30, page 23, line 1, omit "6" and insert "5".
45. Clause 30, page 23, heading to Flow Chart 6, omit "6" and insert "5".

NEW CLAUSE

46. Insert the following New Clause to follow clause 116—

'116A New section 32C inserted

After section 32B of the Principal Act **insert—**

"32C Review of amendments made by Bail Amendment Act 2023

- (1) The Attorney-General must cause a review to be conducted of the operation of the amendments made to this Act by the **Bail Amendment Act 2023**.
- (2) The review must be commenced no later than 2 years after the commencement of the **Bail Amendment Act 2023**.
- (3) The review must be completed no later than 6 months after it commences.
- (4) The Attorney-General must cause a copy of the review to be laid before each House of the Parliament no later than 14 sitting days after receiving it."

47. Clause 117, line 11, omit all words and expressions on this line.

