



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 38, 39 and 40

No. 38 — Tuesday, 17 October 2023

- 1 The President took the Chair at 12.03 pm, read the Prayer and made an Acknowledgement of Country.
- 2 **BUSINESS OF THE COUNCIL — SUSPENSION OF STANDING AND SESSIONAL ORDERS —**
Jaclyn Symes moved, by leave, That so much of Standing and Sessional Orders be suspended to the extent necessary today to immediately allow —
 - (1) a minister to move, without leave or notice, a motion about events in Israel and Gaza;
 - (2) at the conclusion of the debate, the President to ask members to signify their agreement to the motion by rising in their places for one minute's silence;
 - (3) at the conclusion of the motion, unless otherwise ordered, the House to suspend its proceedings for one hour; and
 - (4) at the resumption of proceedings following this suspension, the House to follow the order of business for a Tuesday as set out in Standing Orders.Question — put and agreed to.
- 3 **EVENTS IN ISRAEL AND GAZA —** Jaclyn Symes moved, That this House —
 - (1) unequivocally condemns the attacks on Israel by Hamas, which are the heinous acts of terrorists, and have encompassed the targeting and murder of civilians, including women and children, the taking of hostages, and indiscriminate rocket fire;
 - (2) stands with Israel and recognises its inherent right to defend itself;
 - (3) condemns antisemitism and recognises that generations of Jewish people have been subjected to this hateful prejudice;
 - (4) calls for the immediate and unconditional release of all hostages;
 - (5) recognises that Hamas does not represent the Palestinian people, nor their legitimate needs and aspirations;
 - (6) acknowledges the devastating loss of Israeli and Palestinian life and that innocent civilians on all sides are suffering as a result of the attacks by Hamas and the subsequent conflict;
 - (7) supports justice and freedom for Israelis and Palestinians alike;

- (8) acknowledges what has unfolded is deeply distressing for many in the Victorian community, close to the heart of many, and it is important that we maintain respect for each other here at home as people express their views;
- (9) condemns all forms of hate speech and violent extremist activity, including antisemitism and Islamophobia;
- (10) recognises an attack on any religion is an attack on all religions and that we all share a responsibility to unite, condemn and defeat such an attack on our common values and way of life; and
- (11) affirms in the strongest possible terms that hateful prejudice has no place in Victoria.

Debate ensued.

Samantha Ratnam moved, as an amendment, That in paragraph (2), all words and expressions be **omitted** and **replaced** with —

“(2) condemns war crimes perpetrated by the state of Israel, including the bombing of Palestinian civilians and calls for an immediate ceasefire between all parties and an end to the war on Gaza, recognising also that for there to be peace there must be an end to the state of Israel’s illegal occupation of the Palestinian Territories;”.

Debate ensued.

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

The Council divided — The President in the Chair.

AYES, 7

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

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

NOES, 32

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

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

Question negated.

Original question — put and agreed to with members rising in their places for one minute’s silence to signify their agreement to the motion.

Pursuant to an order of the Council earlier this day, the sitting was suspended for one hour.

[Sitting suspended from 1.38 pm to 2.42 pm]

- 4 ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, on 10 October 2023, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

Justice Legislation Amendment Act 2023.

- 5 **COMMITTEE MEMBERSHIP** — The President advised the House that David Limbrick resigned from the Economy and Infrastructure Standing Committee, effective from 16 October 2023.

6 **QUESTION TIME** —

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

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ANSWERS TAKEN INTO CONSIDERATION — On the motion of Georgie Crozier, the answers given by Ingrid Stitt to questions relating to the sobering up centre in Collingwood (QwN 297) were ordered to be taken into consideration on the next day of meeting.

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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:

- **Public housing tower redevelopment consultation (QwN 298)** — substantive question asked by Samantha Ratnam — response from Harriet Shing due Wednesday, 18 October 2023.
- **Kangaroo leather industry (QwN 302)** — substantive and supplementary questions asked by Jeff Bourman — response from Gayle Tierney due Thursday, 19 October 2023.
- **Commissioner for Seniors (QwN 303)** — substantive and supplementary questions asked by David Davis — response from Ingrid Stitt due Wednesday, 18 October 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

7 **PAPERS** —

COMMITTEE REPORTS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 12 of 2023 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

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PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Nick McGowan tabled a Report on the Appointment of the Parliamentary Budget Officer 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:

Financial Management Act 1994 —

Financial Report for the State of Victoria, 2022-23 (incorporating Quarterly Financial Report No. 4) (*released on 6 October 2023 – a non-sitting day*) (*Ordered to be published*).

Minister for Tourism, Sport and Major Events' report that the Puffing Billy Railway Board Report, 2022-23 has not been received, together with an explanation for the delay, under section 46(3)(a) of the Act.

Occupational Health and Safety Act 2004 — Report of requests for the approval of persons or bodies by the Governor in Council, 2022-23, under section 11 of the Act.

Ombudsman — Report, 2022-23 (*released on 12 October 2023 – a non-sitting day*) (*Ordered to be published*).

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

Ararat Planning Scheme — Amendment C39 (Part 2).

Darebin Planning Scheme — Amendment C211.

Loddon Planning Scheme — Amendment C47.

Melbourne Planning Scheme — Amendment C434.

Monash Planning Scheme — Amendment C170.

Victoria Planning Provisions — Amendment VC247.

Yarra Ranges Planning Scheme — Amendment C186.

Statutory Rules under the following Acts —

Children, Youth and Families Act 2005 — No. 104.

Drugs, Poisons and Controlled Substances Act 1981 — No. 105.

Residential Tenancies Act 1997 — No. 106.

Subordinate Legislation Act 1994 — Legislative Instruments and related documents under section 16B in respect of —

Declaration of the dingo to be unprotected wildlife in certain areas, under section 7A of the Wildlife Act 1975.

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

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

The University of Melbourne — Report, 2021 (*replacement for copy tabled on Tuesday, 21 June 2022*).

8 PRODUCTION OF DOCUMENTS — STAFF SHORTAGES IN THE PUBLIC HEALTH SYSTEM —

The Clerk tabled two documents in full and one document in part and schedules of these documents in response to a resolution of the Council on 8 February 2023 (on the motion of Georgie Crozier), relating to staff shortages in the public health system.

The Clerk further tabled a letter from the Attorney-General, dated 28 September 2023, making a claim of executive privilege in relation to eight documents in full and one document in part.

9 PRODUCTION OF DOCUMENTS — ASSISTANT TREASURER BRIEFS ON THE BANKING AND FINANCIAL SERVICES CONTRACT —

The Clerk tabled three documents in full and five documents in part and schedules of the eight documents identified in response to a resolution of the Council on 8 March 2023 (on the motion of Georgie Crozier), relating to the Assistant Treasurer briefs on the banking and financial services contract.

The Clerk further tabled a letter from the Attorney-General, dated 28 September 2023, making a claim of executive privilege in relation to five documents in part.

10 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 18 October 2023 —

- (1) notice of motion given this day by Georgie Purcell on companion animal abuse;
- (2) notice of motion given this day by David Limbrick requesting the Legislative Assembly grant leave for the Premier to appear before the Select Committee on the 2026 Commonwealth Games Bid;
- (3) notice of motion given this day by David Davis on Sessional Orders relating to short form documents motions;
- (4) notice of motion given this day by David Davis on Sessional Orders relating to debate of requests for Assembly members to attend Council committee hearings;
- (5) notice of motion No. 152 standing in Trung Luu's name on transport infrastructure in western Victoria;
- (6) notice of motion No. 124 standing in Moira Deeming's name referring matters relating to medical affirmation treatment pathways for gender dysphoric children and adolescents to the Legal and Social Issues Committee.

Question — put and agreed to.

11 BAIL AMENDMENT BILL 2023 — The Acting President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.

12 MEMBERS' STATEMENTS — Members made statements.

13 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 83 to 205, be postponed until later this day.

14 SUMMARY OFFENCES AMENDMENT (NAZI SALUTE PROHIBITION) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

David Davis (*DD125C*) circulated amendments proposed to be moved during Committee of the whole.

[Sitting suspended from 6.30 pm to 7.33 pm]

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

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

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

NOES, 2

David Limbrick; Rikkie-Lee Tyrrell.

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

Question agreed to.

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

House in Committee.

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

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

15 EDUCATION AND TRAINING REFORM AMENDMENT (LAND POWERS) BILL 2023 —
Debate resumed on the question, That the Bill be now read a second time.

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

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

The Council adjourned at 10.15 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 39 — Wednesday, 18 October 2023

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

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

Auditor-General — Eloquent: the Joint Venture Between DoT and Xerox, October 2023 (*Ordered to be published*).

Planning and Environment Act 1987 — Notice of approval of the Victoria Planning Provisions — Amendment VC241.

3 MEMBERS' STATEMENTS — Members made statements.

4 COMPANION ANIMAL ABUSE — Georgie Purcell moved, That this House notes that —

- (1) companion animal abuse is a form of family and domestic violence (FDV);
- (2) studies show women with companion animals have reported threatened or deliberate animal abuse in up to 53 per cent of FDV situations;
- (3) concern for the welfare of companion animals is a significant contributor to women and children remaining in violent homes;
- (4) the property status of animals under the current legislation makes it easy for perpetrators to acquire and maintain ownership of pets for use in coercive control;
- (5) emerging research shows clear links between animal cruelty and the increased likelihood of violence against humans;
- (6) in 2020 the Government supported a motion to better protect companion animals and victim survivors in situations of FDV;

and calls on the Government to investigate amending the *Family Violence Protection Act 2008* to include a specific offence for cruelty to animals as a form of early intervention and to further investigate the link between violence towards animals and humans in order to make appropriate reforms.

Debate ensued.

Question — put and agreed to.

- 5 REQUEST FOR PREMIER TO APPEAR — SELECT COMMITTEE ON THE 2026 COMMONWEALTH GAMES BID** — David Limbrick moved, That this House requests that the Legislative Assembly grant leave to the Premier, the Hon. Jacinta Allan MP, to appear before the Legislative Council Select Committee on the 2026 Commonwealth Games Bid to provide evidence in her capacity as the former Minister for Commonwealth Games Delivery.

Debate ensued.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

6 QUESTION TIME —

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

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 7 REQUEST FOR PREMIER TO APPEAR — SELECT COMMITTEE ON THE 2026 COMMONWEALTH GAMES BID** — Debate continued on the question, That this House requests that the Legislative Assembly grant leave to the Premier, the Hon. Jacinta Allan MP, to appear before the Legislative Council Select Committee on the 2026 Commonwealth Games Bid to provide evidence in her capacity as the former Minister for Commonwealth Games Delivery.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

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

NOES, 17

Ryan Batchelor; John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Tom McIntosh; Rachel Payne; Georgie Purcell; Harriet Shing; Ingrid Stitt; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

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

Question agreed to.

Message sent to the Legislative Assembly informing them of the resolution.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, general business, Nos. 207, 212 and 152, be postponed until later this day.
- 9 LEGAL AND SOCIAL ISSUES COMMITTEE — MEDICAL AFFIRMATION TREATMENT PATHWAYS FOR GENDER DYSPHORIC CHILDREN AND ADOLESCENTS** — Moira Deeming moved, That this House —
- (1) recognises that medical affirmation of gender dysphoric children and adolescents is currently one of the most controversial areas of medicine due to the lack of clinical consensus about what is being treated, the diagnostic process, whether a

diagnosis is required, the asserted benefits, risks and outcomes of the medical pathway and the alternative pathways which exist;

- (2) notes that despite international medical and legislative moves to restrict the medical affirmation treatment pathway for gender dysphoric minors, which involves the three stages of puberty blockade, cross-sex hormones and surgery, it remains the dominant pathway in Victoria;
- (3) further notes that the legislation governing gender dysphoric children and adolescents in Victoria impacts the rights of children, parents and professionals;
- (4) requires the Legal and Social Issues Committee to inquire into, consider and report, within 12 months of the House agreeing to this resolution, on the appropriateness of medical affirmation treatment pathways for gender dysphoric children and adolescents in Victoria, including but not limited to —
 - (a) the lack of clinical consensus about what gender dysphoria is and how it is treated, including —
 - (i) the diagnostic process;
 - (ii) whether a diagnosis is required;
 - (iii) the asserted benefits, risks, and outcomes of the medical pathway;
 - (iv) the impact of social gender affirmation on rates of medical gender affirmation;
 - (v) the alternative pathways which exist;
 - (b) the impact and operation of legislation governing this issue, including —
 - (i) the rights of minors to access evidence-based care;
 - (ii) the rights of parents; and
 - (iii) the rights of professionals.

Debate ensued.

David Limbrick moved, as amendments, That —

1. In paragraph (4)(b)(ii), **omit** ‘and’.
2. In paragraph (4)(b)(iii), **omit** ‘professionals.’ and **insert** ‘professionals;’ in its place.
3. After paragraph (4)(b)(iii), **insert** —
 - “(c) medical treatments and services available to detransitioners, and the current state of medical research in this area; and
 - (d) any other related matters.”.

Debate ensued.

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

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

The Council divided — The President in the Chair.

AYES, 16

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

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

NOES, 21

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

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

Question negated.

Original question — put.

The Council divided — The President in the Chair.

AYES, 16

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

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

NOES, 21

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

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

Question negated.

- 10 SESSIONAL ORDERS — SHORT FORM DOCUMENTS MOTIONS** — David Davis moved, That, until the end of the Session, unless otherwise ordered by the Council, the following Sessional Order be adopted, to come into operation on the next sitting week:

X. Production of documents – short form documents motions with debate

After Standing Order 10.01(3) insert:

- (4) A motion under this Standing Order (other than a motion that imposes a sanction) may be treated by the Council as a short form documents motion with debate. The following short form documents motion with debate procedures will apply —
- (a) a member must advise of the intention for the motion to be treated by the Council as a short form documents motion with debate at the time of giving notice under Standing Order 6.01;
 - (b) a maximum of two motions under this Sessional Order may be debated each day that general business is scheduled to occur;
 - (c) if additional notices above the number permitted for debate each sitting day are given for short form documents motions with debate, they will be listed on subsequent sitting days in the order that notice was given;
 - (d) a motion proposed to be debated under this Sessional Order will take precedence at the time prescribed for general business, as follows —
 - (i) where the House has resolved that certain general business take precedence, no short form documents motions with debate will be called until a member has moved the second reading of any

- bills for which precedence has been ordered and it has been adjourned pursuant to Standing Order 14.06;
- (ii) where the House has not resolved any general business that will take precedence, any short form documents motions with debate will be listed as the first item/s in general business;
- (e) the following time limits will apply to a short form documents motion with debate —
 - (i) the mover of the motion may speak only once for up to six minutes;
 - (ii) any other member may speak for up to five minutes;
 - (iii) the total time for consideration of the motion will be up to 20 minutes; and
- (f) at the conclusion of debate or after 20 minutes of debate (whichever occurs first), the President will put all questions necessary to dispose of the motion and any amendments.

Debate ensued.

Business interrupted at 5.15 pm, pursuant to Sessional Orders, the debate stood adjourned in the name of Michael Galea.

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

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

Debate ensued.

The Council adjourned at 6.29 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 40 — Thursday, 19 October 2023

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

2 MESSAGE FROM ASSEMBLY — REQUEST FOR PREMIER TO APPEAR — SELECT COMMITTEE ON THE 2026 COMMONWEALTH GAMES BID — The President read a Message from the Assembly informing the Council that they had refused to grant leave to the Premier, the Hon Jacinta Allan MP, to appear before the Legislative Council Select Committee on the 2026 Commonwealth Games Bid to provide evidence in her capacity as the former Minister for Commonwealth Games Delivery.

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

3 PAYROLL TAX AMENDMENT (PROTECTING VICTORIANS' ACCESS TO GPs, DENTISTS AND OTHER ALLIED HEALTH PRACTITIONERS) BILL 2023 — Georgie Crozier introduced *A Bill for an Act to amend the Payroll Tax Act 2007 in relation to medical practices and for other purposes.*

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

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

National Parks Act 1975 — Report, 2022-23 on the working of the Act.

National Parks Advisory Council — Report, 2022-23.

Recycling Victoria — Report, 2022-23.

Renewable Energy (Jobs and Investment) Act 2017 — Victorian Renewable Energy Target — 2022-23 Progress Report, under section 8 of the Act.

Victorian Electoral Commission — Report, 2022-23.

Victorian Inspectorate — Report, 2022-23.

5 SITTING OF THE COUNCIL — Lizzie Blandthorn moved, That the Council, at its rising, adjourn until Tuesday, 31 October 2023.

Question — put and agreed to.

6 MEMBERS' STATEMENTS — Members made statements.

7 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 171 to 205, be postponed until later this day.

8 EDUCATION AND TRAINING REFORM AMENDMENT (LAND POWERS) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 36

Matthew Bach; Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Enver Erdogan; 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; Sonja Terpstra; Gayle Tierney; Sheena Watt.

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

NOES, 3

Moira Deeming; David Limbrick; Rikkie-Lee Tyrrell.

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

Question agreed to.

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

House in Committee.

Business interrupted at 12.00 noon.

9 QUESTION TIME —

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

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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:

- **Public swimming pools (QwN 315)** — substantive and supplementary questions asked by Rikkie-Lee Tyrrell — response from Gayle Tierney due Monday, 23 October 2023.
- **Housing service delivery data (QwN 316)** — substantive question asked by Wendy Lovell — response from Harriet Shing due Friday, 20 October 2023.
- **Price controls for food and other essentials (QwN 317)** — substantive and supplementary questions asked by Katherine Copsey — response from Jaclyn Symes due Monday, 23 October 2023.
- **Wildlife emergency response (QwN 319)** — substantive and supplementary questions asked by Georgie Purcell — response from Gayle Tierney due Monday, 23 October 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

10 EDUCATION AND TRAINING REFORM AMENDMENT (LAND POWERS) BILL 2023 — Bill further considered in Committee of the whole.

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

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

11 TRIPLE ZERO VICTORIA BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Ann-Marie Hermans (for Georgie Crozier) (*GC54C*) and Jaclyn Symes (*JS31C*) circulated amendments proposed to be moved during Committee of the whole.

Question — put and agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.

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

12 STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the First Home Owner Grant and Home Buyer Schemes Act 2000, the Land Tax Act 2005, the Local Government Act 1989, the Property Law Act 1958, the Sale of Land Act 1962, the Treasury Corporation of Victoria Act 1992, the Valuation of Land Act 1960 and the Windfall Gains Tax Act 2021 and for other purposes* and requesting the agreement of the Council.

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

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

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

Jaclyn Symes incorporated the second reading speech in Hansard.

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

- 13 GAMBLING LEGISLATION AMENDMENT BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Casino Control Act 1991, the Casino (Management Agreement) Act 1993 and the Gambling Regulation Act 2003 and for other purposes* and requesting the agreement of the Council.

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

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

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

Jaclyn Symes incorporated the second reading speech in Hansard.

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

- 14 SPECIAL INVESTIGATOR REPEAL BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to repeal the Special Investigator Act 2021 and to abolish the Office of the Special Investigator, to make necessary transitional arrangements, to continue in operation certain offences, to make consequential and related amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

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

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

Jaclyn Symes incorporated the second reading speech in Hansard.

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

- 15 ADJOURNMENT** — Gayle Tierney moved, That the House do now adjourn.
Debate ensued.

The Council adjourned at 6.47 pm until Tuesday, 31 October 2023.

ROBERT McDONALD
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 38, 39 and 40

SUMMARY OFFENCES AMENDMENT (NAZI PROHIBITION) BILL 2023

Committed Tuesday, 17 October 2023

Amendments circulated: David Davis (DD125C) (see p. 304)

Clauses 1 to 5 — put and agreed to.

Clause 6 — David Davis moved amendment No. 1 (DD125C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

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

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

NOES, 22

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

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

Question negated.

Clause 6 — put and agreed to.

Clause 7 — put and agreed to.

Clause 8 — David Davis moved amendment Nos. 2 and 3 (DD125C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

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

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

NOES, 22

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

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

Question negated.

Clause 8 — put and agreed to.

Clauses 9 to 11 — put and agreed to.

Bill reported without amendment.

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EDUCATION AND TRAINING REFORM AMENDMENT (LAND POWERS) BILL 2023

Committed Thursday, 19 October 2023

Clauses 1 to 23 — put and agreed to.

Bill reported without amendment.

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TRIPLE ZERO VICTORIA BILL 2023

Committed Thursday, 19 October 2023

Amendments circulated: Georgie Crozier (GC54C) (see pp. 304-6) and Jaclyn Symes (JC31C) (see p. 306)

Clauses 1 to 16 — put and agreed to.

Clause 17 — Jaclyn Symes moved amendment No. 1 (*JC31C*).

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

Clause 17, as amended — put and agreed to.

Clauses 18 to 69 — put and agreed to.

Clause 70 — Georgie Crozier moved amendment Nos. 2 and 3 (*GC54C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

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

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

NOES, 22

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

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

Question negatived.

Clause 70 — put and agreed to.

Clause 71 — put and agreed to.

New Clauses 71A and 71B — Georgie Crozier moved amendment No. 4 (GC54C).

Question — That new clauses 71A and 71B stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

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

NOES, 22

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

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

Question negatived.

Clause 72 — Georgie Crozier moved amendment No. 5 (GC54C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

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

NOES, 22

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

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

Question negated.

Clause 72 — put and agreed to.

Clause 73 — put and agreed to.

New Clause 73A — Georgie Crozier moved amendment No. 6 (GC54C).

Question — That new clause 73A stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

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

NOES, 22

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

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

Question negated.

Clause 74 — Jaclyn Symes moved amendment No. 2 (JS31C).

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

Clause 74, as amended — put and agreed to.

Clauses 75 to 82 — put and agreed to.

Clause 83 — Jaclyn Symes moved amendment Nos. 3 to 5 (JS31C).

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

Clause 83, as amended — put and agreed to.

Clauses 84 to 105 — put and agreed to.

Bill reported with amendments.

AMENDMENTS CIRCULATED IN RELATION TO —

1. SUMMARY OFFENCES AMENDMENT (NAZI PROHIBITION) BILL 2023

Amendments circulated by David Davis (DD125C)

1. Clause 6, page 3, line 14, after "used by" insert "and associated with".
2. Clause 8, after line 24 insert—
 - "(1A) A police officer may give a direction to a person to cease performing a Nazi gesture if the police officer reasonably believes the person is committing an offence against section 41K(1A) by performing the Nazi gesture."
3. Clause 8, page 7, after line 6 insert—
 - '(4) In section 41L of the Principal Act—
 - (a) in subsection (3), after "(1)" insert ", (1A)";
 - (b) in subsection (5), after "(1)" insert ", (1A)".'

2. TRIPLE ZERO VICTORIA BILL 2023

Amendments circulated by Georgie Crozier (GC54C)

1. Clause 17, line 17, omit "As soon as practicable" and insert "Within 14 days".
2. Clause 70, line 4, before "Triple" insert "(1)".
3. Clause 70, after line 12 insert—
 - "(2) Triple Zero Victoria must ensure reports made under subsection (1) are—
 - (a) recorded and collated in a written document; and
 - (b) published quarterly on Triple Zero Victoria's website."

NEW CLAUSES

4. Insert the following New Clauses to follow clause 71—
 - "71A Board to report to Parliament about performance of Triple Zero Victoria**
 - (1) The Board must prepare a written report for each financial year in respect of any advice it has received from the Operational Committee in relation to a matter specified in section 55(2)(f) and (g).
 - (2) The Board must give to the clerk of each House of Parliament the report prepared under subsection (1) for a financial year as soon as practicable after it has been prepared.

71B Tabling of report received under section 71A

- (1) The clerk of each House of Parliament must table a report received under section 71A in the House on the day on which it is received or on the next sitting day of the House.
 - (2) If the Board proposes to give a copy of the report on a day when neither House is sitting, the Board must—
 - (a) give at least one business day's notice of intention to do so to the clerk of each House; and
 - (b) give the report to the clerk of each House on the day indicated in the notice; and
 - (c) publish the report on Triple Zero Victoria's website as soon as practicable after giving it to the clerk of each House.
 - (3) The clerk of each House must—
 - (a) notify each member of the House of the receipt of the notice under subsection (2)(a) on the same day that the clerk receives that notice; and
 - (b) give a copy of the report to each member of the House as soon as practicable after the report is received under subsection (2)(b); and
 - (c) table the report in the House on the next sitting day of the House."
5. Clause 72, page 53, after line (2) insert—

"(4) A copy of a report prepared under subsection (1) must be published on Triple Zero Victoria's website within 14 days after it has been given to the Justice Secretary and the Inspector-General for Emergency Management."
- NEW CLAUSE
6. Insert the following New Clause to follow clause 73—

"73A Triple Zero Victoria to publish monthly reports

In respect of every month, Triple Zero Victoria must publish a report on the matters specified in Schedule 1—

 - (a) within 14 days after the end of each month; and
 - (b) on Triple Zero Victoria's website."
7. Clause 83, line 15, before "Subject" insert "(1)".
8. Clause 83, lines 19 and 20, omit "on Triple Zero Victoria's website" and insert "in accordance with subsection (2)".
9. Clause 83, after line 20, insert—

"(2) Data referred to in subsection (1) must be published quarterly on Triple Zero Victoria's website."

NEW SCHEDULE

10. Insert the following New Schedule to follow clause 105—

"Schedule 1**Matters to be addressed in monthly reports**

- 1 Number of calls received by Triple Zero Victoria each day.
- 2 Number of calls not answered within 10 seconds of connecting.
- 3 The number of calls received each day in respect of the following—
 - (a) an emergency requiring an ambulance service;
 - (b) a fire or environment related emergency requiring an appliance;
 - (c) a matter requiring Victoria Police assistance;
 - (d) an emergency requiring the Victoria State Emergency Service;
 - (e) a matter in respect of which emergency assistance is not required.
- 4 Any disruption to call taking and dispatch services caused by equipment failure or similar.
- 5 Length of time between taking call and the dispatch of an emergency vehicle."

Amendments circulated by Jaclyn Symes (JS31C)

1. Clause 17, line 17, omit "As soon as practicable" and insert "Within 14 days".
2. Clause 74, after line 13 insert—

"(1A) The Chief Executive Officer must ensure the annual report includes a summary of any advice the Board has received from the Operational Committee in relation to a matter specified in section 55(2)(f) and (g)."
3. Clause 83, line 15, before "Subject" insert "(1)".
4. Clause 83, lines 19 and 20, omit "on Triple Zero Victoria's website" and insert "in accordance with subsection (2)".
5. Clause 83, after line 20, insert—

"(2) Data referred to in subsection (1) must be published on Triple Zero Victoria's website annually or at intervals set by the Emergency Management Commissioner."