



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 47, 48 and 49

No. 47 — Tuesday, 28 November 2023

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

2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had —

On 21 November 2023, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Council:

Early Childhood Legislation Amendment (Premises Approval in Principle) Act 2023

Transport Legislation Amendment Act 2023.

On 28 November 2023, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

Environment Legislation Amendment (Circular Economy and Other Matters) Act 2023.

3 **QUESTION TIME** —

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

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

- **Drug detection dogs and medicinal cannabis (QwN 369)** — substantive and supplementary questions asked by Rachel Payne — response from Enver Erdogan due Thursday, 30 November 2023.
- **Game Management Authority (QwN 372)** — substantive and supplementary questions asked by Jeff Bourman — response from Gayle Tierney due Thursday, 30 November 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

4 PETITIONS —

FUNDING FOR MOUNT ELIZA SECONDARY COLLEGE — Matthew Bach presented a petition bearing 843 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide funding for Mount Eliza Secondary College to create a science, technology, engineering and mathematics centre and a dedicated welfare facility, and to redevelop the senior learning and drama centres (*Ordered to be tabled*).

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

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ABANDON LETHAL MANAGEMENT OF BRUMBIES — Wendy Lovell presented a petition bearing 1,087 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately abandon the lethal management of wild-living brumbies, commission a population count of horses in the Alpine National Park, recognise the heritage value of wild-living brumbies, undertake research into the benefits that brumbies bring to the Alpine National Park and develop new management plans (*Ordered to be tabled*).

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

5 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Enver Erdogan, by leave, presented the Consumer Policy Research Centre Report, 2022-23 (*Ordered to be tabled*).

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COMMITTEE REPORTS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 15 of 2023 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

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LEGAL AND SOCIAL ISSUES COMMITTEE — Pursuant to Standing Order 23.22, Trung Luu tabled a Report on the Inquiry into the rental and housing affordability crisis in Victoria (including an Appendix, Extracts of Proceedings and a Minority Report) from the Legal and Social Issues Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

Trung Luu moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Nick McGowan tabled a Report on Gambling and liquor regulation in Victoria: a follow up of three Auditor-General reports (including Appendices, Extracts of Proceedings and a Minority Report) from the Public Accounts and Estimates Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

Nick McGowan moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

6 MESSAGE FROM ASSEMBLY — AMENDMENT TO INVITATION TO LEGISLATIVE COUNCIL

MEMBERS — APOLOGY — The President read a Message from the Assembly informing the Council that they had agreed to amend the resolution of the Assembly on 16 November 2023 inviting Legislative Council members to attend the special sitting for the parliamentary apology for past care leavers as follows:

- (1) omit 'Wednesday 29 November 2023' and insert 'Thursday 8 February 2024';
- (2) omit '10.00 am' and insert '11.30 am'.

7 BUSINESS OF THE HOUSE — Jaclyn Symes moved, by leave, That —

- (1) the resolution on 16 November 2023 altering the order of business for Wednesday, 29 November 2023 be rescinded;
- (2) so much of Standing and Sessional Orders be suspended to the extent necessary to allow the following to apply to the sitting of the Council on Thursday, 8 February 2024 —
 - (a) the order of business to be —
 - Messages
 - Formal business
 - Members' statements (up to 15 members)
 - Government business
 - At 2.00 pm** Questions
 - Government business (continues)
 - At 10.00 pm** Adjournment (up to 20 members);
 - (b) the President to suspend the sitting of the Council to allow members to attend the Assembly Chamber at 11.30 am for a special sitting to consider a motion for a parliamentary apology for past care leavers and resume the sitting of the Council at 2.00 pm; and
 - (c) any business under discussion at the time the President suspends the sitting will be resumed at the resumption of the sitting of the Council following 'Questions'.

Question — put and agreed to.

8 PAPERS —

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

Auditor-General — Auditor-General's Report on the Annual Financial Report of the State of Victoria: 2022-23 (*released on 24 November 2023 – a non-sitting day*) (*Ordered to be published*).

Health Complaints Commissioner — Report, 2022-23.

Independent Broad-based Anti-corruption Commission — Firearm Prohibition Order Biennial Ministerial Report, 8 May 2018 to 31 December 2020, under section 174D of the Firearms Act 1996.

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

Bayside Planning Scheme — Amendments C187 and C200.

Cardinia Planning Scheme — Amendment C268.

Greater Bendigo Planning Scheme — Amendment C269.

Kingston Planning Scheme — Amendment C205.

Melbourne Planning Scheme — Amendment C454.

Mildura Planning Scheme — Amendment C118.

Wangaratta Planning Scheme — Amendment C79 (Part 1).

Yarra Ranges Planning Scheme — Amendment C198.

Residential Tenancies Bond Authority — Report, 2022-23.

Statutory Rules under the following Acts —

Associations Incorporation Reform Act 2012 — No. 116.

Heavy Vehicle National Law Application Act 2013 — No. 118.

Public Records Act 1973 — No. 117.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 115, 118 and 120.

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PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper: Response from the Minister for Planning to petition titled Withdraw the overlay on Nepean Highway properties in Frankston (Petition No. 494) (presented by David Limbrick on 4 October 2023) (*released on 21 November 2023 – a non-sitting day*).

9 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 29 November 2023 —

- (1) notice of motion given this day by David Davis referring the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023 to the Economy and Infrastructure Committee;
- (2) notice of motion given this day by Trung Luu on transport infrastructure for the western suburbs;
- (3) order of the day No. 2, resumption of debate on the second reading of the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023;
- (4) notice of motion No. 242, standing in Sarah Mansfield's name referring matters relating to food affordability to the Legal and Social Issues Committee; and
- (5) notice of motion given this day by Samantha Ratnam referring matters relating to cost-of-living pressures to the Legal and Social Issues Committee.

Question — put and agreed to.

10 COMMITTEE MEMBERSHIP —

Lizzie Blandthorn moved, by leave, That —

- (1) Sonja Terpstra be discharged as a member of the Environment and Planning Standing Committee;
- (2) Jacinta Ermacora be a member of the Environment and Planning Standing Committee;
- (3) Jacinta Ermacora be discharged as a member of the Economy and Infrastructure Standing Committee; and
- (4) Sonja Terpstra be a member of the Economy and Infrastructure Standing Committee.

Question — put and agreed to.

Georgie Crozier moved, by leave, That —

- (1) Matthew Bach be discharged as a member of the Procedure Committee, the Privileges Committee and the Legal and Social Issues Standing Committee;

- (2) Evan Mulholland be a member of the Procedure Committee;
- (3) Evan Mulholland be a member of the Privileges Committee; and
- (4) Georgie Crozier be a member of the Legal and Social Issues Standing Committee.

Question — put and agreed to.

11 MEMBERS' STATEMENTS — Members made statements.

12 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 171 to 255, be postponed until later this day.

13 CORRECTIONS AMENDMENT (PAROLE REFORM) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

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

14 CRIMES AMENDMENT (NON-FATAL STRANGULATION) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Georgie Crozier (for Evan Mulholland) (*EM07C*) circulated amendments proposed to be moved during Committee of the whole.

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

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

Debate ensued.

The Council adjourned at 6.45 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 48 — Wednesday, 29 November 2023

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

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

Auditor-General — Contractors and Consultants in the Victorian Public Service: Spending, November 2023 (*Ordered to be published*).

Confiscation Act 1997 — Reports under section 139A of the Act, by Victoria Police —

Report, 2021-22.

Report, 2022-23.

Crimes (Assumed Identities) Act 2004 — Reports, 2022-23, under section 31 of the Act, by —

Australian Criminal Intelligence Commission.

Victoria Police.

Evidence (Miscellaneous Provisions) Act 1958 — Report, 2022-23, under section 42BI of the Act, by Victoria Police.

Fire Services Implementation Monitor — Report, 2022-23.

Planning and Environment Act 1987 — Notices of approval of the —
Casey Planning Scheme — Amendment C275.

Manningham, South Gippsland and Southern Grampians Planning Schemes —
Amendment GC231.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of
Statutory Rule Nos. 113, 114 and 122.

Surveillance Devices Act 1999 — Report, 2022-23, under section 30L of the Act, by
the Office of the Special Investigator.

Terrorism (Community Protection) Act 2003 — Report, 2022-23, under section 37F
of the Act, by Victoria Police.

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

Birrarung Council Report on the implementation of Burndap Birrarung Burndap
Umarkoo — Yarra Strategic Plan 2023.

Burndap Birrarung Burndap Umarkoo — Yarra Strategic Plan, Report 2022-23 —
Reporting on implementation from 1 July 2022 to 30 June 2023.

3 MEMBERS' STATEMENTS — Members made statements.

4 PRODUCTION OF DOCUMENTS — KANGAROO HARVEST MANAGEMENT PLAN — Georgie Purcell moved, That this House —

- (1) notes that the Government commenced the commercial killing of kangaroos on 1 October 2019, under the Victorian Kangaroo Harvest Management Plan, and has consistently increased the shooting quota each year since;
- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within ten weeks of the House agreeing to this resolution, all documents relating to the Kangaroo Harvest Management Plan, including but not limited to —
 - (a) population modelling and counts for the development of the commercial quotas each year, including all information and data that informed the counts;
 - (b) assessment of the impact of floods, fires, road strike, development and urban sprawl and any other matters or events that may affect kangaroo populations;
 - (c) the number of joeys killed as a result of the Kangaroo Harvest Management Plan each year and the effect on short and long term population projections;
 - (d) the development and expansion of approved shooting zones across Victoria, including the consideration and reasons to expand zones onto public land;
 - (e) the reasoning for the decision to increase the quota by 30 per cent, as announced on 31 December 2022;
 - (f) any consultation, including the current federal consultation, on the 2024-2028 Kangaroo Harvest Management Plan;
 - (g) professional shooter compliance and regulation processes, including the number of reports and investigations of alleged illegal kangaroo shooting; and
 - (h) the cost to the Government to operate the program.

Debate ensued.

The President advised that the total time allocated for debate, pursuant to Sessional Order 6, had elapsed.

Question — put and agreed to.

5 PRODUCTION OF DOCUMENTS — COMMONWEALTH INFRASTRUCTURE REVIEW —

David Davis moved, That this House —

- (1) notes the Commonwealth Government's review of national infrastructure projects and notes that this included a review of the Melbourne Airport Rail Link (MARL) and other Victorian infrastructure projects;
- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within three weeks of the House agreeing to this resolution, copies of —
 - (a) all documents submitted to the Commonwealth infrastructure review by the Victorian Government or its agencies;
 - (b) all studies and assessments on the MARL undertaken by or commissioned by the Victorian Government or its agencies, including options considered, assessments of costs and benefits, any route analysis conducted and details of assessment of market-led proposals; and
 - (c) options for the location and model of the proposed airport railway station, including assessments of advantages and disadvantages of different models.

Debate ensued.

The President advised that the total time allocated for debate, pursuant to Sessional Order 6, had elapsed.

Question — put and agreed to.

6 ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (WORKCOVER SCHEME MODERNISATION) BILL 2023 — David Davis moved, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by 5 March 2024, on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023 and in undertaking this inquiry the Committee is required to hold public hearings and is empowered, under the Standing Orders, to utilise a sub-committee.

Debate ensued.

Ryan Batchelor moved, as an amendment, That the words “by 5 March 2024” be **omitted** and **replaced** with “by 6 February 2024”.

Debate ensued.

Bev McArthur moved, as an amendment to the amendment moved by Ryan Batchelor, That the words “by 6 February 2024” be **omitted** and **replaced** with “by 22 February 2024”.

Debate ensued.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

7 QUESTION TIME —

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

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

- **Recreational duck hunting (QwN 376)** — substantive and supplementary questions asked by Georgie Purcell — response from Gayle Tierney due Friday, 1 December 2023.
- **Murray-Darling Basin Plan (QwN 379)** — supplementary question asked by Sarah Mansfield — response from Harriet Shing due Thursday, 30 November 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 8 ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (WORKCOVER SCHEME MODERNISATION) BILL 2023** — Debate continued on the question, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by 5 March 2024, on the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023 and in undertaking this inquiry the Committee is required to hold public hearings and is empowered, under the Standing Orders, to utilise a sub-committee — and on the amendment moved by Ryan Batchelor, That the words “by 5 March 2024” be **omitted** and **replaced** with “by 6 February 2024” — and on the amendment moved by Bev McArthur to the amendment moved by Ryan Batchelor, That the words “by 6 February 2024” be **omitted** and **replaced** with “by 22 February 2024”.

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

Question — That the amendment moved by Bev McArthur to the amendment moved by Ryan Batchelor be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19

Matthew Bach; Melina Bath; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Aiv Puglielli; Samantha Ratnam; Adem Somyurek; Rikkie-Lee Tyrrell.

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

NOES, 21

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

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

Question negated.

Question — That the amendment moved by Ryan Batchelor be agreed to — put and agreed to.

Question — That the motion, amended as follows, be agreed to — That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by 6 February 2024, on the Workplace Injury Rehabilitation and Compensation

Amendment (WorkCover Scheme Modernisation) Bill 2023 and in undertaking this inquiry the Committee is required to hold public hearings and is empowered, under the Standing Orders, to utilise a sub-committee — put.

The Council divided — The President in the Chair.

AYES, 23

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

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

NOES, 17

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

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

Question agreed to.

9 BUSINESS POSTPONED — Ordered — That the consideration of notice of motion, general business, No. 268, be postponed until later this day.

10 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REGULATION OF PERSONAL ADULT USE OF CANNABIS) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

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

11 LEGAL AND SOCIAL ISSUES COMMITTEE — FOOD SECURITY — Sarah Mansfield moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, by 14 November 2024, on the impacts and drivers of, and solutions for, food security in Victoria, including but not limited to —

- (1) the impact of food insecurity in Victoria, on —
 - (a) physical and mental health;
 - (b) poverty and hardship; and
- (2) options available to lower the cost of food and improve access to affordable, nutritious and culturally appropriate food.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

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

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

NOES, 16

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

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

Question agreed to.

Business interrupted at 5.17 pm, pursuant to Sessional Orders.

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

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

Debate ensued.

The Council adjourned at 6.29 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 49 — Thursday, 30 November 2023

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

2 PETITION — STOP THE NORTH EAST LINK SPLITTING WATSONIA — Nick McGowan presented a petition bearing 712 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to change its current design of the Northern Package of North East Link to put a cover on the Watsonia section (*Ordered to be tabled*).

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

3 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILL TESTING PILOT FOR DRUG HARM REDUCTION) BILL 2023 — Aiv Puglielli, and also on behalf of Rachel Payne and Georgie Purcell, introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for a pilot of pill-testing services for the purposes of drug harm reduction and to make consequential amendments and for other purposes*.

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

4 PAPERS —

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

Children's Court of Victoria Report, 2022-23 (*Ordered to be tabled*).

County Court of Victoria Report, 2022-23 (*Ordered to be tabled*).

Supreme Court of Victoria Report, 2022-23 (*Ordered to be tabled*).

COMMITTEE REPORTS —

ECONOMY AND INFRASTRUCTURE COMMITTEE — Pursuant to Standing Order 23.22, Georgie Purcell tabled a Report on the Inquiry into the industrial hemp industry in Victoria (including an Appendix and Extracts of Proceedings) from the Economy and Infrastructure Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

Georgie Purcell moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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INTEGRITY AND OVERSIGHT COMMITTEE —

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ryan Batchelor tabled a Report on the Appointment of a person to conduct the independent performance audit of the Victorian Ombudsman (including an Appendix) from the Integrity and Oversight Committee (*Ordered to be published*).

Ryan Batchelor moved, That the Council take note of the Report.

Question — put and agreed to.

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Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ryan Batchelor tabled a Report on the Performance of the Victorian integrity agencies 2021/22 (including an Appendix) from the Integrity and Oversight Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

Ryan Batchelor moved, That the Council take note of the Report.

Question — put and agreed to.

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

Ambulance Victoria — Report, 2022-23.

Auditor-General —

Fair Presentation of Service Delivery Performance 2023, November 2023 (*Ordered to be published*).

Major Projects Performance Reporting 2023, November 2023 (*Ordered to be published*).

Commissioner for Environmental Sustainability Victoria — Victorian State of the Environment 2023 Report (3 documents).

Dhelkunya Dja Land Management Board — Minister's report of receipt of the 2022-23 Report.

Emerald Tourist Railway Board (Puffing Billy Railway) — Report, 2022-23.

Falls Creek Alpine Resort Management Board — Report, 2022.

Families, Fairness and Housing Department (DFFH) — Report, 2022-23 (*replacement for copy tabled on Wednesday, 1 November 2023*).

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of the 2022-23 Report.

Heritage Council of Victoria — Minister's report of receipt of the 2022-23 Report.

Local Jobs First — Report, 2022-23.

Mental Health Complaints Commissioner — Report, 2022-23.
 Mine Land Rehabilitation Authority — Report, 2022-23.
 Mount Buller and Mount Stirling Alpine Resort Management Board — Report, 2022.
 Mount Hotham Alpine Resort Management Board — Report, 2022.
 Police Informants Royal Commission Implementation Monitor Act 2021 — Royal Commission into the Management of Police Informants: Progress Report, 2022-23, under section 28 of the Act.
 Portland District Health — Report, 2022-23 (*replacement for copy tabled on Thursday, 16 November 2023*).
 Professional Standards Council of Victoria — Report, 2022-23.
 Sentencing Advisory Council — Report, 2022-23.
 Southern Alpine Resort Management Board — Report, 2022.
 Spent Convictions Act 2021 — Review of the *Spent Convictions Act 2021*, November 2023, under section 25 of the Act.
 Statutory Rules under the following Acts —
 Building Act 1993 — No. 122.
 Gambling Regulation Act 2003 — No. 121.
 Subordinate Legislation Act 1994 — Legislative Instruments and related documents under section 16B in respect of the Water Act 1989 —
 Declaration of Rationing Areas in Declared Water Systems 2023.
 Ministerial Prohibition Determination Applicable to Particular Place of Take Approvals that are Tagged – November 2023.
 Ministerial Rules for Managing General Place of Take Approvals.
 Water Trading Rules for Declared Water Systems 2023.
 Surveyors Registration Board — Minister's report of receipt of the 2022-23 Report.
 Victims of Crime Commissioner — Report, 2022-23.
 Victorian Equal Opportunity and Human Rights Commission — Report, 2022-23 (*Ordered to be published*).
 Victorian Fisheries Authority — Report, 2022-23.
 Victorian Institute of Forensic Medicine — Report, 2022-23.
 Victorian Legal Services Board and Legal Services Commissioner — Report, 2022-23 (*Ordered to be published*).
 Victoria's Mental Health and Wellbeing Services — Report, 2022-23.

5 MESSAGE FROM ASSEMBLY — PERFORMANCE AUDIT OF VICTORIAN OMBUDSMAN —

The President read a Message from the Assembly informing the Council that they have agreed to the following resolution:

In accordance with s 24D(1) of the *Ombudsman Act 1973*, the Legislative Council and Legislative Assembly appoint O'Connor Marsden & Associates Pty Ltd ('O'Connor Marsden'):

- (1) to conduct the performance audit of the Victorian Ombudsman;
- (2) in accordance with the Agreement for the provision of services for the performance audit of the Victorian Ombudsman;
- (3) at the fixed-fee level of remuneration of \$231,000 (including GST) to be paid upon completion of the following:
 - (a) \$46,200 (including GST) upon Parliament's acceptance of O'Connor Marsden's audit plan, representing 20 per cent of the total fee;

- (b) \$69,300 (including GST) upon Parliament's acceptance of O'Connor Marsden's progress report, representing 30 per cent of the total fee;
 - (c) \$115,500 (including GST) upon Parliament's acceptance of the final draft report, representing 50 per cent of the total fee;
- and requesting the agreement of the Council.

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

Jaclyn Symes moved, That the Council agree with the Assembly in the appointment of O'Connor Marsden & Associates Pty Ltd ('O'Connor Marsden') to conduct the performance audit of the Victorian Ombudsman and a Message be sent to the Assembly informing them that the Council have agreed with the Assembly's resolution.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

- 6 SITTING OF THE COUNCIL** — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 6 February 2024.

Question — put and agreed to.

- 7 COMMITTEE MEMBERSHIP** — Georgie Purcell moved, by leave, That David Ettershank be a member of the Economy and Infrastructure Standing Committee.

Question — put and agreed to.

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

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 171 to 263, be postponed until later this day.

- 10 CRIMES AMENDMENT (NON-FATAL STRANGULATION) BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

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

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

- 11 STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023** — Debate resumed on the question, That the Bill be now read a second time — and on the reasoned amendment moved by Evan Mulholland — That all the words after "That" be omitted and replaced with "this Bill be withdrawn and redrafted to —

- (a) take into account consultation with key housing industry stakeholders on the impact of this Bill; and
- (b) ease cost-of-living pressures to ensure every Victorian has the best opportunity to enjoy the social and economic benefits home ownership provides."

Business interrupted at 12.00 noon.

12 QUESTION TIME —

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

* * * * *

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

- **Melbourne Airport Rail Link (QwN 382)** — substantive and supplementary questions asked by David Ettershank — response from Harriet Shing due Monday, 4 December 2023.
- **Public and social housing with gas appliances (QwN 385)** — substantive question asked by David Davis — response from Harriet Shing due Friday, 1 December 2023.
- **State debt (QwN 387)** — substantive and supplementary questions asked by David Limbrick — response from Jaclyn Symes due Monday, 4 December 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

13 STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023 — Debate continued on the question, That the Bill be now read a second time — and on the reasoned amendment moved by Evan Mulholland — That all the words after “That” be omitted and replaced with “this Bill be withdrawn and redrafted to —

- (a) take into account consultation with key housing industry stakeholders on the impact of this Bill; and
- (b) ease cost-of-living pressures to ensure every Victorian has the best opportunity to enjoy the social and economic benefits home ownership provides.”.

Jaclyn Symes (*JS36C*) circulated amendments proposed to be moved during Committee of the whole.

Question — That the reasoned amendment moved by Evan Mulholland be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

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

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

NOES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; 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.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; 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)

NOES, 16

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

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

Question agreed to.

Bill read a second time.

On the motion of Lee Tarlamis, further consideration of the Bill was adjourned until later this day.

- 14 CRIMES AMENDMENT (NON-FATAL STRANGULATION) BILL 2023** — The President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.

- 15 STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023** — The order of the day was read for the resumption of the consideration of the Bill.

The President ruled that certain amendments proposed to be moved during Committee of the whole by Jaclyn Symes (*JS36C*) are outside the scope of the Bill.

Jaclyn Symes moved, That it be an instruction to the Committee that they have power to consider amendments and a New Clause to amend the *Fire Services Property Levy Act 2012* in relation to the Australian Valuation Property Classification Code for certain land uses.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; 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)

NOES, 16

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

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

Question agreed to.

Bill read a third time and passed.

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

- 16 BUDGET PAPERS, 2023-24** — Debate resumed on the question, That the Council take note of the Budget Papers, 2023-24.

Question — put and agreed to.

- 17 COMMITTEE MEMBERSHIP** — Harriet Shing moved, by leave, That Michael Galea be a participating member of the Economy and Infrastructure Standing Committee.

Question — put and agreed to.

- 18 BEST START, BEST LIFE REFORMS** — Sheena Watt moved, That this House notes that the Allan Labor Government leads the nation in early childhood through its Best Start, Best Life reforms by —

- (1) delivering 50 government owned and operated early learning centres;
- (2) establishing Free Kinder, saving families \$2,500 for each child every year; and
- (3) introducing Pre-Prep, a play-based learning program for every four-year-old child.

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

- 19 BIOSECURITY LEGISLATION AMENDMENT (INCIDENT RESPONSE) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Livestock Disease Control Act 1994, the Plant Biosecurity Act 2010 and the Livestock Management Act 2010 and for other purposes* and requesting the agreement of the Council.

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

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

Harriet Shing moved, That the Bill be now read a second time.

Harriet Shing incorporated the second reading speech in Hansard.

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

- 20 JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Child Employment Act 2003, the Fire Rescue Victoria Act 1958, the Firearms Act 1996, the Road Safety Act 1986, the Terrorism (Community Protection) Act 2003, the Victoria Police Act 2013, the Victorian Civil and Administrative Tribunal Act 1998 and the Worker Screening Act 2020 and for other purposes* and requesting the agreement of the Council.

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

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

Harriet Shing moved, That the Bill be now read a second time.

Harriet Shing incorporated the second reading speech in Hansard.

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

- 21 LAND (REVOCATION OF RESERVATIONS) BILL 2023** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the revocation of certain permanent reservations of Crown land at Shepparton, Toolangi, Seaspray, Haunted Stream, Narracan South, Darlimurla, Mirboo, Wombelano, Geelong, Clunes, Melbourne and Walhalla, to revoke related Crown grants and to re-reserve certain land and for other purposes* and requesting the agreement of the Council.

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

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

Harriet Shing moved, That the Bill be now read a second time.

Harriet Shing incorporated the second reading speech in Hansard.

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

- 22 BEST START, BEST LIFE REFORMS** — Debate resumed on the question, That this House notes that the Allan Labor Government leads the nation in early childhood through its Best Start, Best Life reforms by —

- (1) delivering 50 government owned and operated early learning centres;
- (2) establishing Free Kinder, saving families \$2,500 for each child every year; and
- (3) introducing Pre-Prep, a play-based learning program for every four-year-old child.

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

- 23 STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023** — The President read a Message from the Assembly informing the Council that, in relation to '*A Bill for an Act to amend the Duties Act 2000, the Fire Services Property Levy Act 2012, the First Home Owner Grant and Home Buyer Schemes Act 2000, the Land Tax Act 2005, the Local Government Act 1989, the Property Law Act 1958, the Sale of Land Act 1962, the Treasury Corporation of Victoria Act 1992, the Valuation of Land Act 1960 and the Windfall Gains Tax Act 2021 and for other purposes*' the Assembly have:

- (1) agreed to the amendments made by the Council; and
- (2) made further amendments with which agreement is requested.

On the motion of Lizzie Blandthorn, the Assembly's Message was ordered to be taken into consideration forthwith.

The further amendments for consideration by the Council were circulated and are as follows:

FURTHER AMENDMENT No. 1

1. Insert the following New Clauses to follow Clause 27—

'27A What is the rate of land tax?

For section 35(3) of the **Land Tax Act 2005** substitute—

- "(3) Subject to section 88EB, the rate of vacant residential land tax is—
- (a) if the land was not liable for vacant residential land tax in the preceding tax year—1%; or
 - (b) if the land was liable for vacant residential land tax in the preceding tax year but not the tax year preceding that tax year—2%; or
 - (c) if the land was liable for vacant residential land tax in the last 2 preceding tax years—3%.

Note

For the purposes of the vacant residential land tax, the taxable value of the land is the capital improved value of the land as at the relevant date—see section 19(1A)."

27B Holiday home exemption

For section 88A(1)(a) of the **Land Tax Act 2005 substitute—**

- "(a) in the year preceding the tax year—
- (i) the owner of the land or a vested beneficiary of a trust to which the land is subject used and occupied other land in Australia as a principal place of residence; and
 - (ii) the owner of the land or a vested beneficiary of a trust to which the land is subject, or a relative of the owner or vested beneficiary, used and occupied the land as a holiday home for a period of at least 4 weeks (whether continuous or aggregate); and".

FURTHER AMENDMENT No. 2

2. Insert the following New Clause to follow Clause 28—

'28A New sections 88EA to 88EC inserted

After section 88E of the **Land Tax Act 2005 insert—**

"88EA Land becomes residential land during third year preceding tax year and has not been used or occupied or changed ownership

- (1) Land is exempt from vacant residential land tax for a tax year if—
- (a) at the commencement of the third year preceding the tax year the land was not residential land within the meaning of section 34B(1); and
 - (b) during the third year preceding the tax year the land becomes residential land within the meaning of section 34B(1); and
 - (c) during the second year preceding the tax year the land is exempt from vacant residential land tax under section 88D; and
 - (d) during the year immediately preceding the tax year the land is exempt from vacant residential land tax under section 88E; and
 - (e) for the period from which the land becomes residential land within the meaning of section 34B(1) up to the tax year—
 - (i) the land has not been used or occupied; and
 - (ii) the land has not changed ownership; and

- (f) the Commissioner is satisfied that during the period referred to in paragraph (e) the owner of the land made genuine attempts to sell the land at or below the price that they expected to receive when construction commenced on the land.
- (2) To obtain an exemption from vacant residential land tax under this section, the owner of the land must—
 - (a) apply to the Commissioner for the exemption on or before 15 January of the tax year; and
 - (b) give the Commissioner any information the Commissioner requests for the purpose of enabling the Commissioner to determine whether the land is exempt from vacant residential land tax under this section.

88EB Residential land that has not been used or occupied or changed ownership for more than 3 years

- (1) Land is eligible for a concessional rate of vacant residential land tax of 1% for a tax year if—
 - (a) in a preceding tax year, the land becomes residential land within the meaning of section 34B(1); and
 - (b) in a tax year after the tax year referred to in paragraph (a) but preceding the tax year, the land is exempt from land tax under section 88EA; and
 - (c) for the period from which the land becomes residential land within the meaning of section 34B(1) up to the tax year—
 - (i) the land has not been used or occupied; and
 - (ii) the land has not changed ownership.

88EC Publication of report on exemptions and concession

- (1) The Commissioner must publish on the Commissioner's website an annual report of the following information for the 12 month period to which the report relates—
 - (a) for each postcode in Victoria, the number of—
 - (i) exemptions granted under each of sections 88D, 88E and 88EA; and
 - (ii) concessions granted under section 88EB;
 - (b) the total amount of vacant residential land tax that was not payable because of the grant of the exemptions and the concessions referred to in paragraph (a).".'.

FURTHER AMENDMENT No. 3

- 3. Clause 30, line 15, omit "the commencement day, the land is" and insert "31 December 2023 the land was".

FURTHER AMENDMENT No. 4

- 4. Clause 30, line 27, omit "the commencement day, the land is" and insert "31 December 2023 the land was".

FURTHER AMENDMENT No. 5

- 5. Clause 30, line 33, omit "**2023**;" and insert '**2023**.". '.

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 47, 48 and 49

CRIMES AMENDMENT (NON-FATAL STRANGULATION) BILL 2023

Committed Thursday, 30 November 2023

Amendments circulated: Jeff Bourman (JB68C) (pp. 370-1) and Evan Mulholland (EM07C) (p. 371)

Clause 1 — Jeff Bourman (JB68C) circulated amendments proposed to be moved during Committee of the whole.

Jeff Bourman moved amendment No. 1 (JB68C).

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

Clause 1 — put and agreed to.

Clause 2 — put and agreed to.

Clause 3 — Evan Mulholland moved amendment Nos. 1 and 2 (EM07C).

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

Clause 3, as amended — put and agreed to.

Clauses 4 to 6 — put and agreed to.

Bill reported with amendments.

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STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023

Committed Thursday, 30 November 2023

Amendments circulated: Jaclyn Symes (JS36C) (pp. 371-4)

Clause 1 — Jaclyn Symes moved amendment No. 1 (JS36C).

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

Clause 1, as amended — put and agreed to.

Clauses 2 and 3 — put and agreed to.

Clauses 4 to 7 — no question put pursuant to Standing Order 14.16(2).

Clauses 8 to 10 — put and agreed to.

Clauses 11 and 12 — no question put pursuant to Standing Order 14.16(2).

New Clause 12A — Jaclyn Symes moved amendment No. 2 (*JS36C*).

Question — That New Clause 12A stand part of the Bill — put and agreed to.

Clauses 13 to 15 — put and agreed to.

Clause 16 — Jaclyn Symes moved amendment Nos. 3 to 7 (*JS36C*).

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

Clause 16, as amended — put and agreed to.

New Clause 16A — Jaclyn Symes moved amendment No. 8 (*JS36C*).

Question — That New Clause 16A stand part of the Bill — put and agreed to.

Clauses 17 to 20 — put and agreed to.

Clause 21 — no question put pursuant to Standing Order 14.16(2).

Clauses 22 to 26 — put and agreed to.

Clause 27 — no question put pursuant to Standing Order 14.16(2).

Clauses 28 to 31 — put and agreed to.

Clause 32 — no question put pursuant to Standing Order 14.16(2).

Clause 33 — put and agreed to.

Clause 34 — Jaclyn Symes moved amendment Nos. 9 and 10 (*JS36C*).

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

Clause 34, as amended — put and agreed to.

Clause 35 — no question put pursuant to Standing Order 14.16(2).

Clause 36 — put and agreed to.

Clauses 37 to 46 — no question put pursuant to Standing Order 14.16(2).

Clause 47 — put and agreed to.

Clause 48 — no question put pursuant to Standing Order 14.16(2).

Clause 49 — put and agreed to.

Long Title — Jaclyn Symes moved amendment No. 11 (*JS36C*).

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

Question — That the long title, as amended, be the long title of the Bill — put and agreed to.

Bill reported with amendments.

AMENDMENTS CIRCULATED IN RELATION TO —

1. CRIMES AMENDMENT (NON-FATAL STRANGULATION) BILL 2023

Amendments circulated by Jeff Bourman (JB68C)

1. Clause 1, line 6, omit "2".
2. Clause 3, lines 24 and 25, omit "conduct constituting an offence against section 34AE(1)" and insert "choking, strangling or suffocation".
3. Clause 3, line 27, omit "conduct" and insert "choking, strangling or suffocation".
4. Clause 3, page 5, after line 9 insert—

"(1A) A person (A) commits an offence if—

 - (a) A intentionally and without lawful excuse chokes, strangles or suffocates another person (B); and
 - (b) A intends the choking, strangling or suffocation to cause an injury to B; and
 - (c) the choking, strangling or suffocation causes an injury to B; and
 - (d) the choking, strangling or suffocation is a sexual activity.

Penalty: Level 5 imprisonment (10 years maximum)."
5. Clause 3, page 5, line 10, omit "subsection (1)" and insert "subsections (1) and (1A)".
6. Clause 3, page 5, line 14, after "subsection (1)" insert "or (1A)".
7. Clause 3, page 5, after line 32 insert—

"(1A) A person (A) commits an offence if—

 - (a) A intentionally and without lawful excuse chokes, strangles or suffocates another person (B); and
 - (b) the choking, strangling or suffocation is a sexual activity.

Penalty: Level 6 imprisonment (5 years maximum)."
8. Clause 3, page 6, line 5, omit "34AF" and insert "34AF(1)".
9. Clause 3, page 6, line 6, omit "34AF" and insert "34AF(1)".
10. Clause 3, page 6, after line 14 insert—

"(5) For the purposes of subsection (1A), that B consented to the conduct constituting the offence is not a lawful excuse except to the extent provided for by section 34AF(1A)."
11. Clause 3, page 6, after line 24 insert—

"(1A) It is a defence to a charge for an offence against section 34AE(1A) if—

- (a) B consented to the conduct constituting the offence; or
- (b) A reasonably believed that B consented to that conduct."

12. Clause 3, page 7, line 3, after "section 34AF(1)(b)" insert "and (1A)".
13. Clause 3, page 7, line 25, after "section 34AF(1)(b)" insert "and (1A)".
14. Clause 3, page 9, line 16, after "section 34AF(1)(b)(ii)" insert "and (1A)(b)".
15. Long title, omit "2".

Amendments circulated by Evan Mulholland (EM07C)

1. Clause 3, page 11, line 27, omit '34AE.'" and insert "34AE."
2. Clause 3, page 11, after line 27 insert—

'34AL Review of amendments made by Crimes Amendment (Non-fatal Strangulation) Act 2023

- (1) The Attorney-General must cause a review to be conducted of the operation of—
 - (a) this Subdivision; and
 - (b) section 5(2)(ba) of the **Family Violence Protection Act 2008**.
- (2) The review must be commenced no later than 2 years after the commencement of the **Crimes Amendment (Non-fatal Strangulation) Act 2023**.
- (3) The review must be completed no later than 6 months after it commences.
- (4) The Attorney-General must cause a copy of the review to be laid before each House of the Parliament no later than 14 sitting days after receiving it.".

2. STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023

Amendments circulated by Jaclyn Symes (JS36C)

1. Clause 1, page 2, after line 6 insert—
 - "(ab) to amend the **Fire Services Property Levy Act 2012** in relation to the Australian Valuation Property Classification Code for certain land uses; and"

NEW CLAUSE

2. Insert the following New Part to follow Part 2—

'Part 2A—Amendment of Fire Services Property Levy Act 2012

12A Amendment of Schedule

- (1) In item 3 of the Table in the Schedule to the **Fire Services Property Levy Act 2012**, for "615–623, 626–637," **substitute** "615–620, 623, 628–637,".
- (2) In item 5 of the Table in the Schedule to the **Fire Services Property Levy Act 2012**, for "640–642," **substitute** "621, 622, 626, 627, 640–642,".
3. Clause 16, line 8, after "land" insert "for a sale price less than the threshold amount".
4. Clause 16, line 16, after "land" insert "for a sale price less than the threshold amount".
5. Clause 16, after line 24 insert—

"(3) In this section—

sale price, in relation to a contract, means the price of the land that is specified in the contract, however expressed, less any discount or rebate that is specified in the contract, whether or not the discount or rebate is contingent;

threshold amount has the meaning given in section 10I."
6. Clause 16, page 16, line 9, omit '**1997.**' and insert "**1997.**".
7. Clause 16, page 16, after line 9 insert—

'10I CPI adjusted threshold amount

- (1) The **threshold amount** for a calendar year is to be determined in accordance with the following formula—
 - (a) for a contract entered into on or after 1 January 2024 and on or before 31 December 2024, \$10 000 000;
 - (b) for each subsequent calendar year, the amount determined in accordance with the following formula—

$$TA = \frac{A \times B}{C}$$

where—

TA is the threshold amount being determined for a calendar year;

A is the amount of the threshold amount for the previous calendar year, as rounded up or down in accordance with subsection (2);

B is the sum of—

- (a) the consumer price index number for the last reference period in the calendar year preceding the previous calendar year; and
- (b) the total of the consumer price index numbers for each of the reference periods (other than the last) in the previous calendar year;

C is the sum of—

- (a) the consumer price index number for the last reference period in the calendar year one year earlier than the calendar year referred to in paragraph (a) of B; and
- (b) the total of the consumer price index numbers for each of the reference periods (other than the last) in the calendar year one year earlier than the calendar year referred to in paragraph (b) of B.

Example

In the case of a determination of the threshold amount for 2025, "A" is the threshold amount for 2024, "B" is the sum of the consumer price index numbers for December 2023, March 2024, June 2024 and September 2024 and "C" is the sum of the consumer price index numbers for December 2022, March 2023, June 2023 and September 2023.

- (2) The threshold amount determined under subsection (1)(b) is to be rounded up or down to the nearest \$100 000 and, if the amount of the CPI to be adjusted is an exact multiple of \$50 000, is to be rounded up.
- (3) The Director of Consumer Affairs must publish the threshold amount for a calendar year on an appropriate website on or before 1 December in the calendar year preceding the relevant calendar year.
- (4) A failure to comply with subsection (3) in respect of a calendar year does not affect the operation of section 10G in respect of the threshold amount for that year.
- (5) In this section—

consumer price index means the all groups consumer price index weighted average of eight capital cities in original terms published by the Australian Bureau of Statistics as at 15 November immediately preceding the date on which the Director of Consumer Affairs publishes the threshold amount under subsection (3).".'.

NEW CLAUSE

- 8. Insert the following New Clause to follow clause 16—

'16A New section 58 inserted

After section 57 of the **Sale of Land Act 1962** insert—

"58 Apportionment of amounts under contracts of sale of land

- (1) Section 10G does not apply to a contract of sale of land entered into before 1 January 2024.
- (2) Section 10H does not apply to any of the following—
 - (a) a contract of sale of land entered into before 1 January 2024;
 - (b) an option to enter into a contract of sale of land granted before 1 January 2024;

(c) a contract of sale of land entered into on or after 1 January 2024 under the exercise of an option that was granted before 1 January 2024.".'.

9. Clause 34, page 28, line 20, omit 'tax.'".' and insert "tax."
10. Clause 34, page 28, after line 20 insert—
 - '(4D) In making a determination under subsection (4B), the Commissioner must have regard to guidelines issued by the Treasurer under this section.
 - (4E) The Treasurer must issue guidelines for the exercise of the Commissioner's discretion under subsection (4B) and cause those guidelines to be published in the Government Gazette.
 - (4F) Guidelines issued under subsection (4E) are not a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**.'".'.
11. Long title, after "**Duties Act 2000**," insert "the **Fire Services Property Levy Act 2012**,".