



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 41, 42 and 43

No. 41 — Tuesday, 31 October 2023

- 1 The President took the Chair at 12.02 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 the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
On 20 October 2023 —
Summary Offences Amendment (Nazi Salute Prohibition) Act 2023.
On 24 October 2023 —
Bail Amendment Act 2023
Education and Training Reform Amendment (Land Powers) Act 2023.
- 3 **TRIPLE ZERO VICTORIA BILL 2023** — Pursuant to Standing Order 14.34, the President announced receipt of a report from the Clerk notifying that he had made the following correction in the schedule of amendments made by the Council to this Bill:
In Amendment 5, “subjection” has been changed to “subsection”.
- 4 **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 North Richmond Safe Injecting Room (QwN 326) 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 a minister to provide a written response to questions without notice pursuant to Standing Order 8.07 as follows:

- **Grass by roadsides (QwN 323)** — substantive and supplementary questions asked by Rikkie-Lee Tyrrell — response from Harriet Shing due Thursday, 2 November 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

5 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Jaclyn Symes, by leave, presented the Government response and progress report to Parliament about the implementation of the Independent Broad-Based Anti-corruption Commission's Operation Daintree recommendations, October 2023 (*Ordered to be tabled*).

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 13 of 2023 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

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

Advancing the Treaty Process with Aboriginal Victorians Act 2018 — under section 43 of the Act —

Advancing the Victorian Treaty Process — Report, 2022-23.

First Peoples' Assembly of Victoria — Report, 2023.

Auditor-General's Office — Report, 2022-23.

Crown Land (Reserves) Act 1978 — Order of 20 September 2023 giving approval to the granting of a lease at St Kilda Botanical Gardens Reserve.

Environment Protection Authority (EPA) — Report, 2022-23.

Financial Management Act 1994 — Minister for Environment's reports that 2022-23 Reports have not been received, together with an explanation for the delay, under section 46(3)(a) of the Act —

Caulfield Racecourse Reserve Trust.

Dhelkunya Dja Land Management Board.

Gunaikurnai Traditional Owner Land Management Board.

Phillip Island Nature Parks.

Yorta Yorta Traditional Owner Land Management Board.

Zoos Victoria.

Independent Broad-based Anti-corruption Commission — Report, 2022-23 (*Ordered to be published*).

Inquiries Act 2014 — Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Final Report (13 documents) (*released on 30 October 2023 – a non-sitting day*) (*Ordered to be published*).

Land Acquisition and Compensation Act 1986 — Minister's certificate of 23 October 2023 to not require the service of a notice of intention to acquire land, under section 7 of the Act.

LanguageLoop — Report, 2022-23.

Mental Health Tribunal — Report, 2022-23.

Ombudsman — Watchdog for the people: 50 years of the Victorian Ombudsman 1973-2023 (*Ordered to be published*).

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

Darebin Planning Scheme — Amendment C217.

Frankston Planning Scheme — Amendment C164.

Glen Eira Planning Scheme — Amendments C231 and C243.

Kingston Planning Scheme — Amendment C219.

Yarra Ranges Planning Scheme — Amendment C219.

Regional Development Victoria — Report, 2022-23.

Statutory Rules under the following Acts —

Circular Economy (Waste Reduction and Recycling) Act 2021 — No. 107.

Mutual Recognition (Victoria) Act 1998 — No. 109.

Trans-Tasman Mutual Recognition (Victoria) Act 1998 — No. 108.

Water Act 1989 — Nos. 110 and 111.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 108 and 109.

Sustainability Victoria — Report, 2022-23.

Queen Victoria Women's Centre Trust — Minister's report of receipt of the 2022-23 Report.

Victorian Electoral Commission — Report to Parliament on the 2022 Victorian State election and 2023 Narracan District supplementary election, October 2023.

Victorian Environmental Assessment Council Act 2001 — Notice of request to the Victorian Environmental Assessment Council for an Assessment of the values of the Immediate Protection Areas in the Central Highlands and East Gippsland, under section 26C of the Act.

Victorian Multicultural Commission — Report, 2022-23.

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PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper:

Response from the Minister for Roads and Road Safety to petition titled Road conditions in northeast Victoria (Petition No. 493) (presented by Rikkie-Lee Tyrrell on 3 October 2023) (*released on 30 October 2023 – a non-sitting day*).

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

Circular Economy (Waste Reduction and Recycling) Act 2021 — Remaining provisions of Part 6 — 1 November 2023 (*Gazette S563, 24 October 2023*).

Water and Catchment Legislation Amendment Act 2021 — Remaining provisions (other than sections 23 and 30) — 20 November 2023 (*Gazette S564, 24 October 2023*).

6 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 1 November 2023 —

- (1) order of the day No. 14, second reading of the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023;
- (2) order of the day No. 9, second reading of the Charter of Human Rights and Responsibilities Amendment (Protection from Torture and Slavery) Bill 2023;
- (3) order of the day No. 3, resumption of debate on the second reading of the Residential Tenancies Amendment (Rent Freeze and Caps) Bill 2023;

- (4) order of the day No. 13, resumption of debate on the second reading of the Energy and Resources Legislation Amendment (Transition Away from Coal) Bill 2023;
- (5) order of the day No. 41, resumption of debate on a motion moved by David Davis on Sessional Orders relating to short form documents motions;
- (6) notice of motion No. 224 standing in Evan Mulholland's name on Labor's electric vehicle tax; and
- (7) order of the day No. 2, resumption of debate on the second reading of the Planning and Environment Amendment (Soil Protection) (Solar Power Generation Facilities) Bill 2023.

Question — put and agreed to.

- 7 MEMBERS' STATEMENTS** — Members made statements.
- 8 TRIPLE ZERO VICTORIA 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.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 171 to 225, be postponed until later this day.
- 10 GAMBLING LEGISLATION AMENDMENT BILL 2023** — Debate resumed on the question, That the Bill be now read a second time.
Evan Mulholland (*EM02C*) and Katherine Copsey (*KC15C*) 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 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 ADJOURNMENT** — Gayle Tierney moved, That the House do now adjourn.
Debate ensued.
The Council adjourned at 5.53 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 42 — Wednesday, 1 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 HYDROGEN ENERGY SUPPLY CHAIN PROJECT** — Sarah Mansfield presented a petition bearing 2,473 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to stop the Hydrogen Energy Supply Chain project in the Latrobe Valley and begin the urgent phase out of all existing coal projects with appropriate support for workers and communities (*Ordered to be tabled*).

The petition having received the required number of signatures, Sarah Mansfield listed the petition for future debate during Petitions (qualifying for debate).

3 PAPERS —

PAPER PRESENTED BY DIRECTION OF THE GOVERNOR — Jaclyn Symes presented, by direction of the Governor, the Magistrates' Court of Victoria Report, 2022-23 (*Ordered to be tabled*).

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PAPERS PRESENTED BY ORDER OF THE COUNCIL —

Jaclyn Symes, by leave, presented the:

Judicial College of Victoria Report, 2022-23 (*Ordered to be tabled*).

Victoria Law Foundation Report, 2022-23 (*Ordered to be tabled*).

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Enver Erdogan, by leave, presented the Victorian Veterans Council Report, 2022-23 (*Ordered to be tabled*).

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Gayle Tierney, by leave, presented the:

2022-23 Sustainability Fund Activities Report (*Ordered to be tabled*).

Visit Victoria Report, 2022-23 (*Ordered to be tabled*).

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Wendy Lovell, by leave, presented the:

Department of the Legislative Council Report, 2022-23 (*Ordered to be tabled*).

Department of Parliamentary Services Report, 2022-23 (*Ordered to be tabled*).

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PAPERS PRESENTED UNDER ACTS OF PARLIAMENT —

Pursuant to section 28 of the *Parliamentary Budget Officer Act 2017*, on behalf of the Public Accounts and Estimates Committee, Michael Galea tabled the Parliamentary Budget Office Report, 2022-23.

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The Clerk tabled the following papers:

Accident Compensation Conciliation Service (Workplace Injury Commission) — Report, 2022-23.

Adult, Community and Further Education Board — Report, 2022-23.

Adult Parole Board of Victoria — Report, 2022-23.

Agriculture Victoria Services Pty Ltd — Report, 2022-23.

Alexandra District Health — Report, 2022-23.

Alfred Health — Report, 2022-23.

Alpine Health — Report, 2022-23.

AMES Australia — Report, 2022-23.

Auditor-General — Domestic Building Oversight Part 1: Regulation, November 2023 (*Ordered to be published*).

Austin Health — Report, 2022-23.

Australian Centre for the Moving Image (ACMI) — Report, 2022-23.

Australian Health Practitioner Regulation Agency (AHPRA) — Report, 2022-23.

Bairnsdale Regional Health Service — Report, 2022-23.

Ballarat General Cemeteries Trust — Report, 2022-23.

Barwon Health — Report, 2022-23.

Barwon Region Water Corporation — Report, 2022-23.
Bass Coast Health — Report, 2022-23.
Beaufort and Skipton Health Service — Report, 2022-23.
Beechworth Health Service — Report, 2022-23.
Benalla Health — Report, 2022-23.
Bendigo Health — Report, 2022-23.
Boort District Health — Report, 2022-23.
Breakthrough Victoria Pty Ltd — Report, 2022-23.
Calvary Health Care Bethlehem Ltd — Report, 2022-23.
Casterton Memorial Hospital — Report, 2022-23.
Cenitex — Report, 2022-23.
Central Gippsland Region Water Corporation — Report, 2022-23.
Central Highlands Region Water Corporation — Report, 2022-23.
Central Highlands Rural Health — Report, 2022-23.
Cohuna District Hospital — Report, 2022-23.
Colac Area Health — Report, 2022-23.
Coliban Region Water Corporation — Report, 2022-23.
Commission for Children and Young People — Report, 2022-23 (*Ordered to be published*).
Confiscation Act 1997 — Asset Confiscation Operations Report, 2022-23.
Consumer Affairs Victoria — Report, 2022-23 (*Ordered to be published*).
Corangamite Catchment Management Authority — Report, 2022-23.
Coroners Court of Victoria — Report, 2022-23.
Coronial Council of Victoria — Report, 2022-23.
Corryong Health — Report, 2022-23.
Court Services Victoria — Report, 2022-23.
Criminal Organisations Control Act 2012 — Report, 2022-23, under section 133 by Victoria Police.
Dairy Food Safety Victoria — Report, 2022-23.
Dental Health Services Victoria — Report, 2022-23.
Development Victoria — Report, 2022-23.
Dhelkaya Health — Report, 2022-23.
Disability Services Commissioner — Report, 2022-23.
Docklands Studios Melbourne Pty Ltd — Report, 2022-23.
East Gippsland Catchment Management Authority — Report, 2022-23.
East Gippsland Region Water Corporation — Report, 2022-23.
East Grampians Health Service — Report, 2022-23.
East Wimmera Health Service — Report, 2022-23.
Eastern Health — Report, 2022-23.
Echuca Regional Health — Report, 2022-23.
Education Department — Report, 2022-23.
Emergency Services Superannuation Scheme (ESSSuper) — Report, 2022-23.
Emergency Services Telecommunications Authority (ESTA) — Report, 2022-23.
Energy, Environment and Climate Action Department (DECCA) — Report, 2022-23.
Energy Safe Victoria (ESV) — Report, 2022-23.
Essential Services Commission (ESC) — Report, 2022-23.

Evidence (Miscellaneous Provisions) Act 1958 — Report, 2022-23, under section 42BI by the Australian Criminal Intelligence Commission.

Families, Fairness and Housing Department (DFFH) — Report, 2022-23.

Film Victoria (VicScreen) — Report, 2022-23.

Financial Management Act 1994 — Assistant Treasurer's report that 2022-23 Reports have not been received, together with an explanation for the delay, under section 46(3)(a) of the Act —

Albury Wodonga Health.

Ambulance Services Victoria.

Architect Registration Board of Victoria.

Australian Grand Prix Corporation.

Central Gippsland Health Service.

Cladding Safety Victoria.

Commissioner for Environmental Sustainability.

Country Fire Authority.

Fire Rescue Victoria.

Fire Services Implementation Monitor.

Gippsland Southern Health Service.

Great Ocean Road Coast and Parks Authority.

Great Ocean Road Health.

Harness Racing Victoria.

Heritage Council.

Kerang District Health.

Mental Health Complaints Commissioner.

Northeast Health Wangaratta.

Omeo District Health.

Portland District Health.

Remembrance Parks Central Victoria.

Robinvale District Health Service.

Rural Northwest Health.

State Electricity Commission.

Surveyors Registration Board of Victoria.

Swan Hill District Health.

Trust for Nature.

VicForests.

Victorian Aboriginal Heritage Council.

Victorian Building Authority.

Victorian Collaborative Centre.

Victorian Curriculum and Assessment Authority.

Victorian Equal Opportunity and Human Rights Commission.

Victorian Fisheries Authority.

Victorian Institute of Forensic Medicine.

Victorian Institute of Forensic Mental Health.

Victorian Legal Services Board.

Victorian Planning Authority.

Victorian Professional Standards Council.

Victorian Responsible Gambling Foundation.

Forensic Leave Panel — Report, 2022.
Game Management Authority (GMA) — Report, 2022-23.
Geelong Cemeteries Trust — Report, 2022-23.
Geelong Performing Arts Centre Trust — Report, 2022-23.
Geoffrey Gardiner Dairy Foundation — Report, 2022-23.
Gippsland and Southern Rural Water Corporation — Report, 2022-23.
Glenelg Hopkins Catchment Management Authority — Report, 2022-23.
Goulbourn Broken Catchment Management Authority — Report, 2022-23.
Goulburn-Murray Rural Water Corporation — Report, 2022-23.
Goulburn Valley Health — Report, 2022-23.
Goulburn Valley Region Water Corporation — Report, 2022-23.
Government Services Department (DGS) — Report, 2022-23.
Grampians Health — Report, 2022-23.
Grampians Wimmera Mallee Water Corporation (GWMWater) — Report, 2022-23.
Greater Metropolitan Cemeteries Trust — Report, 2022-23.
Greater Western Water Corporation — Report, 2022-23.
Greyhound Racing Victoria (GRV) — Report, 2022-23.
Health Department — Report, 2022-23.
Health Purchasing Victoria (HealthShare) — Report, 2022-23.
Heathcote Health — Report, 2022-23.
Hesse Rural Health Service — Report, 2022-23.
Heywood Rural Health — Report, 2022-23.
Infrastructure Victoria — Report, 2022-23.
Inglewood and Districts Health Service — Report, 2022-23.
Jobs, Skills, Industry and Regions Department (DJSIR) — Report, 2022-23.
Judicial Commission of Victoria — Report, 2022-23.
Justice and Community Safety Department (DJCS) — Report, 2022-23.
Kardinia Park Stadium Trust — Report, 2022-23.
Kilmore District Health — Report, 2022-23.
Kooweerup Regional Health Service — Report, 2022-23.
Kyabram District Health Service — Report, 2022-23.
Labour Hire Licensing Authority — Report, 2022-23.
Latrobe Regional Health — Report, 2022-23.
Legal Practitioners' Liability Committee — Report, 2022-23.
Legal Services Council and Commissioner for Uniform Legal Services Regulation — Report, 2022-23.
Library Board of Victoria — Report, 2022-23.
Lower Murray Urban and Rural Water Corporation — Report, 2022-23.
Mallee Catchment Management Authority — Report, 2022-23.
Mallee Track Health and Community Service — Report, 2022-23.
Mansfield District Hospital — Report, 2022-23.
Maryborough District Health Service — Report, 2022-23.
Melbourne and Olympic Parks Trust — Report, 2022-23.
Melbourne Arts Precinct Corporation — Report, 2022-23.
Melbourne Convention and Exhibition Trust — Report, 2022-23.
Melbourne Health — Report, 2022-23.
Melbourne Market Authority — Report, 2022-23.

Melbourne Port Lessor Pty Ltd — Report, 2022-23.
Melbourne Recital Centre — Report, 2022-23.
Melbourne Water Corporation — Report, 2022-23.
Mercy Hospitals Victoria Ltd — Report, 2022-23.
Mildura Base Public Hospital — Report, 2022-23.
Mildura Cemeteries Trust — Minister's report of receipt of the 2022-23 Report.
Monash Health — Report, 2022-23.
Moyness Health Services — Report, 2022-23.
Murray-Darling Basin Authority — Report, 2021-22.
Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of the 2022-23 Report.
Museums Board of Victoria — Report, 2022-23.
National Gallery of Victoria (NGV) — Report, 2022-23.
National Health Funding Pool — Report, 2022-23.
National Health Practitioner Ombudsman and Privacy Commissioner — Report, 2022-23.
NCN Health — Report, 2022-23.
North Central Catchment Management Authority — Report, 2022-23.
North East Catchment Management Authority — Report, 2022-23.
North East Link State Tolling Corporation — Report, 2022-23.
North East Region Water Corporation — Report, 2022-23.
Northern Health — Report, 2022-23.
Office of the National Rail Safety Regulator — Report, 2022-23.
Office of the Public Advocate — Report, 2022-23 (*Ordered to be published*).
Orbost Regional Health — Report, 2022-23.
Parks Victoria — Report, 2022-23.
Peninsula Health — Report, 2022-23.
Peter MacCallum Cancer Centre — Report, 2022-23.
Phytogene Pty Ltd — Minister's report of receipt of the 2022-23 Report.
Police Registration and Services Board — Report, 2022-23.
Port of Hastings Corporation — Report, 2022-23.
Ports Victoria — Report, 2022-23.
Post Sentence Authority — Report, 2022-23.
Premier and Cabinet Department (DPC) — Report, 2022-23.
PrimeSafe — Report, 2022-23.
Public Interest Monitor — Report, 2022-23.
Public Record Office Victoria (PROV) — Report, 2022-23.
Queen Elizabeth Centre — Report, 2022-23.
Racing Integrity Commissioner — Report, 2022-23.
Radiation Advisory Committee — Report, 2022-23.
Respect Victoria — Report, 2022-23.
Road Safety Camera Commissioner — Report, 2022-23.
Rochester and Elmore District Health Service — Report, 2022-23.
Rolling Stock Holdings (Victoria) Pty Limited — Report, 2022-23.
Rolling Stock Holdings (Victoria-VL) Pty Limited — Report, 2022-23.
Rolling Stock (VL-1) Pty Limited — Report, 2022-23.
Rolling Stock (VL-2) Pty Limited — Report, 2022-23.

Rolling Stock (VL-3) Pty Limited — Report, 2022-23.
Royal Botanic Gardens Board — Report, 2022-23.
Royal Children's Hospital — Report, 2022-23.
Royal Victorian Eye and Ear Hospital — Report, 2022-23.
Royal Women's Hospital — Report, 2022-23.
Safe Transport Victoria — Report, 2022-23.
Serious Offenders Act 2018 — Review of the *Serious Offenders Act 2018*, under section 348 of the Act.
Seymour Health — Report, 2022-23.
Shrine of Remembrance Trustees — Report, 2022-23.
South East Water Corporation — Report, 2022-23.
South Gippsland Hospital — Report, 2022-23.
South Gippsland Region Water Corporation — Report, 2022-23.
South West Healthcare — Report, 2022-23.
Southern Metropolitan Cemeteries Trust — Report, 2022-23.
St Vincent's Hospital (Melbourne) Limited — Report, 2022-23.
State Sport Centres Trust — Report, 2022-23.
State Trustees Limited — Report, 2022-23.
Suburban Rail Loop Authority (SRL) — Report, 2022-23.
Surveillance Devices Act 1999 — Reports, 2022-23, under section 30L, by the —
 Australian Criminal Intelligence Commission.
 Department of Energy, Environment and Climate Action.
 Environment Protection Authority.
 Game Management Authority.
 Victorian Fisheries Authority.
 Victoria Police.
Tallangatta Health Service — Report, 2022-23.
Terang and Mortlake Health Service — Report, 2022-23.
Timboon and District Healthcare Service — Report, 2022-23.
Transport Accident Commission (TAC) — Report, 2022-23.
Transport and Planning Department (DTP) — Report, 2022-23.
Treasury and Finance Department (DTF) — Report, 2022-23.
Treasury Corporation of Victoria — Report, 2022-23.
Tweddle Child and Family Health Service — Report, 2022-23.
Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of the 2022-23 Report.
Victims of Crime Assistance Tribunal — Report, 2022-23.
Victoria 2026 Pty Ltd — Report, 2022-23.
Victoria Legal Aid — Report, 2022-23.
Victoria Police — Report, 2022-23.
Victoria State Emergency Service Authority (SES) — Report, 2022-23.
Victorian Academy of Teaching and Leadership — Report, 2022-23.
Victorian Arts Centre Trust — Report, 2022-23.
Victorian Assisted Reproductive Treatment Authority — Minister's report of receipt of the 2022-23 Report.
Victorian Assisted Reproductive Treatment Authority — Report, 2022-23, under section 114 of the Assisted Reproductive Treatment Act 2008.

Victorian Civil and Administrative Tribunal (VCAT) — Report, 2022-23.
Victorian Disability Worker Commission and Disability Worker Registration Board of Victoria — Report, 2022-23.
Victorian Environmental Assessment Council (VEAC) — Report, 2022-23.
Victorian Environmental Water Holder — Report, 2022-23.
Victorian Funds Management Corporation (VFMC) — Report, 2022-23.
Victorian Gambling and Casino Control Commission — Report, 2022-23.
Victorian Government Purchasing Board (VGPB) — Report, 2022-23.
Victorian Health Promotion Foundation (VicHealth) — Report, 2022-23.
Victorian Institute of Sport Trust — Report, 2022-23.
Victorian Institute of Teaching — Report, 2022-23.
Victorian Law Reform Commission — Report, 2022-23 (*Ordered to be published*).
Victorian Managed Insurance Authority (VMIA) — Report, 2022-23.
Victorian Marine and Coastal Council — Report, 2022-23.
Victorian Pharmacy Authority — Minister's report of receipt of the 2022-23 Report.
Victorian Plantations Corporation — Report, 2022-23.
Victorian Public Sector Commission — Report, 2022-23.
Victorian Racing Integrity Board — Report, 2022-23.
Victorian Rail Track (VicTrack) — Report, 2022-23.
Victorian Registration and Qualifications Authority — Report, 2022-23.
Victorian Small Business Commission — Report, 2022-23 (*Ordered to be published*).
Victorian Strawberry Industry Development Committee — Minister's report of receipt of the 2022-23 Report.
Victorian Veterans Council — Minister's report of receipt of the 2022-23 Report.
Victorian WorkCover Authority (WorkSafe Victoria) — Report, 2022-23.
V/Line Corporation — Report, 2022-23.
Wannon Region Water Corporation — Report, 2022-23.
West Gippsland Catchment Management Authority — Report, 2022-23.
West Gippsland Healthcare Group — Report, 2022-23.
West Wimmera Health Service — Report, 2022-23.
Western District Health Service — Report, 2022-23.
Western Health — Report, 2022-23.
Westernport Region Water Corporation — Report, 2022-23.
Wimmera Catchment Management Authority — Report, 2022-23.
Witness Protection Act 1991 — Report, 2022-23, under section 20R of the Act by Victoria Police.
Yarra Valley Water Corporation — Report, 2022-23.
Yarram and District Health Service — Report, 2022-23.
Yarrawonga Health — Report, 2022-23.
Yea and District Memorial Hospital — Report, 2022-23.
Youth Parole Board — Report, 2022-23.
Zoological Parks and Gardens Board (Zoos Victoria) — Report, 2022-23.

4 MEMBERS' STATEMENTS — Members made statements.

5 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REGULATION OF PERSONAL ADULT USE OF CANNABIS) BILL 2023 — Rachel Payne laid on the Table the

statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Rachel Payne moved, That the Bill be now read a second time.

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

- 6 CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES AMENDMENT (PROTECTION FROM TORTURE AND SLAVERY) BILL 2023** — David Limbrick laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

David Limbrick moved, That the Bill be now read a second time.

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

- 7 RESIDENTIAL TENANCIES AMENDMENT (RENT FREEZE AND CAPS) BILL 2023** — 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 later this day.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

- 8 QUESTION TIME —**

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

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

- **Greyhound racing animal welfare (QwN 328)** — substantive and supplementary questions asked by Georgie Purcell — response from Enver Erdogan due Friday, 3 November 2023.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of order of the day, general business, No. 4, be postponed until later this day.

- 10 SESSIONAL ORDERS — SHORT FORM DOCUMENTS MOTIONS** — Debate resumed on the question, 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 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;
- 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.

Harriet Shing moved, as an amendment, That all words and expressions in the preamble be **omitted** and **replaced** with —

“That this House requires the Procedure Committee to inquire into, consider and report on the following proposed Sessional Order and in particular examine the implications of creating this new procedural process and how this new process may impact the running of the House:”.

Debate ensued.

Question — That the amendment moved by Harriet Shing be agreed to — put.

The Council divided — The President in the Chair.

AYES, 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)

NOES, 19

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; Katherine Copsey; Georgie Crozier; 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; Rikkie-Lee Tyrrell.

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

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

AYES, 22

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

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

NOES, 14

Ryan Batchelor; John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Tom McIntosh; 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.

11 ELECTRIC VEHICLE TAX — Evan Mulholland moved, That this House notes —

- (1) on 18 October 2023 the High Court of Australia determined that Labor's electric vehicle (EV) tax was unlawful;
- (2) Labor's EV tax was widely criticised at the time as a disincentive to electric vehicle take up, effectively punishing Victorians who make the switch;
- (3) prior to the November 2022 State Election, the Liberals and Nationals committed to pausing Labor's EV tax, in line with the position of New South Wales;
- (4) Labor's EV tax was a bad tax from the very beginning and was only introduced because the Labor Government was desperate to find new ways to pay for their record debt, waste and mismanagement;
- (5) Labor's EV tax was always just a tax grab that crushed take up of electric vehicles by Victorians;

and calls on the Allan Government to immediately commit to returning every cent raised from Victorians by this botched and unlawful tax and now come clean on how much money was spent fighting the case in the High Court.

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

12 PLANNING AND ENVIRONMENT AMENDMENT (SOIL PROTECTION) (SOLAR POWER GENERATION FACILITIES) 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.

13 RESIDENTIAL TENANCIES AMENDMENT (RENT FREEZE AND CAPS) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

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

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

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

Debate ensued.

The Council adjourned at 6.31 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 43 — Thursday, 2 November 2023

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

2 PETITION — RE-EVALUATE REGULATIONS FOR OWNER-OCCUPIED PROPERTY PLANNING PERMITS — Matthew Bach presented a petition bearing 24 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to re-evaluate the planning permit process for owner-occupied construction projects, revise the existing regulations, balance applicant and objector rights, and expedite planning permit acquisition (*Ordered to be tabled*).

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

Harness Racing Victoria — Report, 2022-23.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 107.

4 SITTING OF THE COUNCIL — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 14 November 2023.

Question — put and agreed to.

5 MEMBERS' STATEMENTS — Members made statements.

6 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 171 to 235, be postponed until later this day.

7 SPECIAL INVESTIGATOR REPEAL BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Evan Mulholland moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “this Bill be withdrawn and instead the Government puts in place measures to ensure that those responsible for the Lawyer X scandal are held to account”.

Debate ensued.

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; Gaelle Broad; Georgie Crozier; 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; 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, 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; 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; Gaele Broad; Georgie Crozier; 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)

Question agreed to.

Bill read a second time.

Business interrupted at 12.11 pm.

8 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:

- **Native timber hardwood supply for housing (QwN 339)** — supplementary question asked by Melina Bath — response from Harriet Shing due Monday, 6 November 2023.
- **Murray-Darling Basin Plan (QwN 340)** — substantive question asked by Sarah Mansfield — response from Harriet Shing due Friday, 3 November 2023.
- **Duck hunting 2024 season (QwN 342)** — substantive and supplementary questions asked by Jeff Bourman — response from Jaclyn Symes due Monday, 6 November 2023.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

9 SPECIAL INVESTIGATOR REPEAL BILL 2023 — Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 20

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; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt.

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

NOES, 13

Matthew Bach; Melina Bath; Jeff Bourman; Gaelle Broad; 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)

Question agreed to.

Bill read a third time and passed.

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

10 STATE TAXATION ACTS AND OTHER ACTS AMENDMENT BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Evan Mulholland moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with the words “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”.

Debate ensued.

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

11 PLANNING SYSTEM AND HOUSING — Ryan Batchelor moved, That this House recognises the Allan Labor Government is getting on with a package of reforms to the planning system to clear the backlog of approvals and build more, good quality homes, faster, including —

- (1) clearing the backlog of 1,400 housing permit applications that have been stuck with councils for more than six months;
- (2) making sure big planning decisions are made faster by expanding Victoria’s Development Facilitation Program;
- (3) introducing clear planning controls to deliver an additional 60,000 homes around an initial 10 activity centres across Melbourne;
- (4) making it easier to build a second small home on your property;
- (5) streamlining assessment pathways with a range of new Deemed to Comply residential standards for different types of homes;

- (6) introducing legislative reforms to strengthen our planning system;
- (7) expanding Future Homes provisions so that it now applies in well located places across the whole of Victoria and working with industry and universities to develop new designs; and
- (8) bolstering the Department of Transport and Planning by bringing on 90 new planners to help with a range of priorities like clearing the backlog, making good decisions faster and increasing housing choice in activity centres.

Debate ensued.

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

12 EARLY CHILDHOOD LEGISLATION AMENDMENT (PREMISES APPROVAL IN PRINCIPLE)

BILL 2023 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Care Services National Law Act 2010 and the Education and Care Services National Law set out in the Schedule to that Act to provide for the approval in principle of certain types of education and care service premises, to amend the Children's Services Act 1996 to make certain offences infringement offences and to provide for the approval in principle of certain types of children's service premises, and for other purposes* and requesting the agreement of the Council.

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

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

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

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

13 ENVIRONMENT LEGISLATION AMENDMENT (CIRCULAR ECONOMY AND OTHER MATTERS) BILL 2023

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Circular Economy (Waste Reduction and Recycling) Act 2021 to further provide for matters relating to the container deposit scheme, the waste to energy scheme and the recovery of regulatory costs for those schemes and to amend the Environment Protection Act 2017 to improve the operation of that Act and for other purposes* and requesting the agreement of the Council.

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

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

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

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

14 TRANSPORT LEGISLATION AMENDMENT BILL 2023

— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Bus Safety Act 2009, the Commercial Passenger Vehicle Industry Act 2017, the Marine (Domestic Commercial Vessel National Law Application) Act 2013, the Road Management Act 2004, the Road*

Safety Act 1986, the Sentencing Act 1991, the Transport Accident Act 1986, the Transport (Compliance and Miscellaneous) Act 1983, the Transport Integration Act 2010 and other Acts and for other purposes and requesting the agreement of the Council.

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

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

Lizzie Blandthorn moved, That the Bill be now read a second time.

Lizzie Blandthorn incorporated the second reading speech in Hansard.

On the motion of Evan Mulholland, the debate was adjourned for one week.

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

Debate ensued.

The Council adjourned at 5.52 pm until Tuesday, 14 November 2023.

ROBERT McDONALD
Clerk of the Legislative Council

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COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 41, 42 and 43

GAMBLING LEGISLATION AMENDMENT BILL 2023

Committed Tuesday, 31 October 2023

Amendments circulated: Katherine Copsey (KC15C) (p. 329) and Evan Mulholland (EM02C) (p. 329)

Clauses 1 to 25 — put and agreed to.

Clause 26 — Katherine Copsey moved amendment Nos. 1 and 2 (KC15C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy 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, 28

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

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

Question negatived.

Evan Mulholland moved amendment No. 1 (EM02C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

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

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

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; 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 26 — put and agreed to.

Clauses 27 and 28 — put and agreed to.

Bill reported without amendment.

* * * * *

SPECIAL INVESTIGATOR REPEAL BILL 2023

Committed Thursday, 2 November 2023

Clauses 1 to 72 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —**1. GAMBLING LEGISLATION AMENDMENT BILL 2023***Amendments circulated by Katherine Copsey (KC15C)*

1. Clause 26, line 5, omit "**4:00 a.m.**" and insert "**midnight**".
2. Clause 26, lines 10 and 11, omit "4:00 a.m. and 10:00 a.m. on any day" and insert "midnight on any day and 10:00 a.m. on the following day".

Amendments circulated Evan Mulholland (EM02C)

Clause 26, line 14, after "casino operator" insert "or in relation to an approved venue that is within 3 km of a casino".

