



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 71, 72 and 73

No. 71 — Tuesday, 18 June 2024

- 1 The President took the Chair at 12.02 pm, read the Prayer and made an Acknowledgement of Country.

- 2 **THE LATE HONOURABLE LOUIS STUART LIEBERMAN AM** — Jaclyn Symes moved, That this House expresses its sincere sorrow at the death, on 17 May 2024, of the Honourable Louis Stuart Lieberman AM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the Electoral District of Benambra from 1976 to 1992, and as Minister for Planning from 1979 to 1982, Assistant Minister of Health from 1979 to 1981, Minister for Minerals and Energy and Minister of Mines in 1981, and Minister for Local Government from 1981 to 1982.

Other members addressed the House.

Members rose in their places for one minute's silence as a mark of respect and the question was agreed to unanimously.

As a further mark of respect, the sitting was suspended for one hour.

[Sitting suspended from 12.19 pm to 1.23 pm]

- 3 **ASSENT TO ACTS** — The President read Messages from the Lieutenant-Governor informing the Council that he had —

On 4 June 2024, given the Royal Assent to the following Acts presented to him by the Speaker:

Appropriation (2024-2025) Act 2024

Appropriation (Parliament 2024-2025) Act 2024.

On 4 June 2024, given the Royal Assent to the following Acts presented to him by the Clerk of the Legislative Council:

Financial Management Amendment (Gender Responsive Budgeting) Act 2024

State Taxation Amendment Act 2024.

- 4 **QUESTION TIME** —

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

ANSWERS TAKEN INTO CONSIDERATION — Ordered that the following answers be taken into consideration on the next day of meeting —

- On the motion of David Davis, the answers given by Lizzie Blandthorn to questions relating to the impact of the Suburban Rail Loop East on early childhood centres (QwN 561).
- On the motion of Evan Mulholland, the answers given by Enver Erdogan to questions relating to defects in corrections centres (QwN 563).

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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:

- **Offshore gas projects (QwN 558)** — substantive and supplementary questions asked by Sarah Mansfield — response from Jaclyn Symes due Thursday, 20 June 2024.
- **Pig welfare (QwN 562)** — substantive question asked by Georgie Purcell — response from Gayle Tierney due Thursday, 20 June 2024.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

5 PETITIONS —

ALLOW SECURITY GUARDS ACCESS TO CERTAIN NON-LETHAL WEAPONS AND PROTECTIVE CLOTHING — Jeff Bourman presented a petition bearing 77 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to amend the *Private Security Act 2004*, *Control of Weapons Act 1990* and *Control of Weapons Regulations 2021* to allow unarmed security and crowd controllers access to certain non-lethal weapons and protective clothing (*Ordered to be tabled*).

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

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REDUCE PUBLIC TRANSPORT FEES FOR NON-DOMESTIC STUDENTS — Katherine Copey presented a petition bearing 79 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to initiate a reduction of daily Public Transport Victoria fares for non-domestic students in order for students to be able to consistently pay fares with a higher level of compliance and reduce financial strain while studying in Victoria and extend the Free Tram Zone radius to the University of Melbourne CBD campus so that students can commute to their campus with ease (*Ordered to be tabled*).

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REGULAR MAINTENANCE OF VICROADS ASSETS IN FRANKSTON CITY — Ann-Marie Hermans presented a petition bearing 517 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reinstate regular maintenance of VicRoads assets across Frankston City, and ensure there is money in the State Budget for the VicRoads maintenance budget (*Ordered to be tabled*).

On the motion of Ann-Marie Hermans, the petition was ordered to be taken into consideration on the next day of meeting.

SPEED LIMITS ON THE PYRENEES HIGHWAY NEAR CASTLEMAINE — Wendy Lovell presented a petition bearing 144 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately reinstate the previous speed limits in force on the Pyrenees Highway between the Calder Freeway and Castlemaine and introduce sensible safety measures for pedestrians in the short section of the Highway leading into Castlemaine (*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.

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ONE-PERSON POLICE STATIONS — Joe McCracken presented a petition bearing 1,982 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government and Victoria Police to guarantee that no amendments are made to the Victoria Police (Police Officers, Protective Services Officers, Police Reservists and Police Recruits) Enterprise Agreement 2019 to remove employees from one-person police stations which would put community safety at risk (*Ordered to be tabled*).

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

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END PARTNERSHIP WITH ELBIT SYSTEMS — Samantha Ratnam presented a petition bearing 242 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to end its partnership with Elbit Systems and its memorandum of understanding with Israel's Ministry of Defense, and support an immediate embargo on military trade from Victoria to Israel (*Ordered to be tabled*).

6 PAPERS —

PAPER PRESENTED BY ORDER OF THE COUNCIL — Harriet Shing, by leave, presented the Guidelines for the Classification of Computer Games 2023 (*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. 8 of 2024 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

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PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Nick McGowan tabled a Report on the Independent performance audit of the Auditor-General and the Victorian Auditor-General's Office 2024: budget variation from the Public Accounts and Estimates Committee (*Ordered to be published*).

Nick McGowan 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:

Crown Land (Reserves) Act 1978 — Order of 13 June 2024 giving approval to the granting of a licence at Euroa I49 Bushland Reserve.

- Interpretation of Legislation Act 1984 — Notice under section 32(3)(a)(iii) in relation to EPA Designation – Classification of black coal fly ash (*Gazette G23, 6 June 2024*).
- Planning and Environment Act 1987 — Notices of approval of the —
- Bayside Planning Scheme — Amendments C186 and C198.
 - Brimbank Planning Scheme — Amendment C240.
 - Frankston Planning Scheme — Amendment C152.
 - Greater Bendigo Planning Scheme — Amendment C242.
 - Kingston Planning Scheme — Amendment C222.
 - Latrobe Planning Scheme — Amendment C136.
 - Macedon Ranges Planning Scheme — Amendment C153.
 - Melbourne Planning Scheme — Amendments C401 and C470.
 - Monash Planning Scheme — Amendment C167.
 - Moorabool Planning Scheme — Amendment C104.
 - Mornington Peninsula Planning Scheme — Amendment C300.
 - Stonnington Planning Scheme — Amendment C324.
- Statutory Rules under the following Acts of Parliament —
- Drugs, Poisons and Controlled Substances Act 1981 — No. 41.
 - Public Health and Wellbeing Act 2008 — No. 46.
 - Road Safety Act 1986 — No. 43.
 - Service Victoria Act 2018 — No. 38.
 - Subordinate Legislation Act 1994 — Nos. 37 and 40.
 - Transfer of Land Act 1958 — No. 39.
 - Victoria Police Act 2013 — No. 42.
 - Water Act 1989 — No. 44.
 - Wildlife Act 1975 — No. 45.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in relation to Statutory Rule Nos. 32, 37, 39, 41, 42, 43, 44 and 46.
 - Legislative instruments and related documents under section 16B in respect of the Environment Protection Act 2017 —
 - EPA Designation – Classification of black coal fly ash.
 - EPA Determination – Development licence exemption for black coal fly ash.
 - EPA Determination – Permit exemption for black coal fly ash.
 - EPA Determination – Registration exemption for black coal fly ash.
- Trust for Nature (Victoria) — Report, 2022-23.

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

- Response from the Minister for Consumer Affairs to petition titled Give owners corporations more control over short-term accommodation (Petition No. 526) (presented by Georgie Crozier on 14 May 2024) (*released on 31 May 2024 – a non-sitting day*).
- Response from the Minister for Education to petition titled Build a secondary school in Heathcote (Petition No. 537) (presented by Gaëlle Broad on 18 April 2024) (*released on 5 June 2024 – a non-sitting day*).

Response from the Minister for Environment to petition titled Financial support for brumby re-homers (Petition No. 495) (presented by Bev McArthur on 14 November 2023) (*released on 30 May 2024*).

Response from the Minister for Health to petition titled Inquiry into gender identity services for young people (Petition No. 512) (presented by Bev McArthur on 14 May 2024) (*released on 11 June 2024 – 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:

Land (Revocation of Reservations) Act 2024 — Whole Act (other than Part 3) — 1 June 2024 (*Gazette S274, 28 May 2024*).

Service Victoria Amendment Act 2024 — Whole Act — 29 May 2024 (*Gazette S275, 28 May 2024*).

7 PRODUCTION OF DOCUMENTS —

2026 COMMONWEALTH GAMES BID — The Clerk tabled schedules of the 353 documents identified in response to a resolution of the Council on 1 May 2024 (on the motion of David Limbrick), relating to the 2026 Commonwealth Games bid.

The Clerk further tabled a letter from the Attorney-General, dated 30 May 2024, making a claim of executive privilege in relation to 350 documents in full and three documents in part.

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FUTURE GAS STRATEGY — The Clerk tabled a letter from the Attorney-General, dated 14 June 2024, in response to a resolution of the Council on 29 May 2024 (on the motion of David Davis), relating to the Future Gas Strategy, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

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AMALGAMATIONS OF VICTORIA'S HEALTH SERVICES — The Clerk tabled a letter from the Attorney-General, dated 14 June 2024, in response to a resolution of the Council on 29 May 2024 (on the motion of Georgie Crozier), relating to the amalgamations of Victoria's health services, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

8 MESSAGE FROM ASSEMBLY — PERFORMANCE AUDIT OF THE AUDITOR-GENERAL AND THE VICTORIAN AUDITOR-GENERAL'S OFFICE — The President announced the receipt of a Message from the Assembly advising the Council that they have agreed to the following resolution:

That a budget variation of an additional \$30,000 (excluding GST) be approved for MartinJenkins to deliver the performance audit of the Auditor-General and the Victorian Auditor-General's Office by the end of July 2024 — and requesting the agreement of the Legislative Council.

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

Harriet Shing moved, That the Council agrees with the Assembly and resolves, That a budget variation be approved for MartinJenkins to deliver the performance audit of the Auditor-General and the Victorian Auditor-General's Office by the end of July 2024.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

9 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 19 June 2024 —

- (1) notice of motion given this day by Sarah Mansfield referring matters relating to the flood planning decisions at Kensington Banks and Rivervue estates to the Ombudsman;
- (2) notice of motion given this day by Sarah Mansfield referring matters relating to Victoria's oil and gas infrastructure to the Environment and Planning Committee;
- (3) notice of motion given this day by David Davis establishing a Select Committee on trade union intimidation;
- (4) notice of motion given this day by Evan Mulholland referring the Victorian Managed Insurance Authority's management of domestic building insurance claims to the Ombudsman; and
- (5) notice of motion given this day by David Davis on energy failures.

Question — put and agreed to.

10 MEMBERS' STATEMENTS — Members made statements.

11 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 278 to 452, be postponed until later this day.

12 LOCAL GOVERNMENT AMENDMENT (GOVERNANCE AND INTEGRITY) BILL 2024 — Debate resumed on the question, That the Bill be now read a second time.

Sarah Mansfield (*SMA18C*) and Lizzie Blandthorn (*LB24C*) circulated amendments proposed to be moved during Committee of the whole.

Question — put.

The Council divided — The President in the Chair.

AYES, 30

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Georgie Crozier; David Davis; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Georgie Purcell; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt; Richard Welch.

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

NOES, 7

Katherine Copsey; Moira Deeming; David Limbrick; Sarah Mansfield; 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 agreed to.

Bill read a second time.

The President ruled certain amendments proposed to be moved during Committee of the whole by Sarah Mansfield (*SMA18C*) are outside the scope of the Bill.

Sarah Mansfield moved, That it be an instruction to the Committee that they have the power to consider New Clauses to amend the *Local Government Act 2020* to prohibit certain donors from making a gift to a candidate or a Councillor during the donation

period equal to or exceeding the gift disclosure threshold and to prohibit a person from making a gift to or for the benefit of a Councillor that exceeds the general cap for the election period.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Melina Bath; Katherine Copsey; Georgie Crozier; David Davis; Moira Deeming; 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; Richard Welch.

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

NOES, 15

Ryan Batchelor; John Berger; Lizzie Blandthorn; Jeff Bourman; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Tom McIntosh; Harriet Shing; Ingrid Stitt; 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)

Question agreed to.

[Sitting suspended from 6.26 pm to 7.28 pm]

Bill committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted.

Lizzie Blandthorn moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 29

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Jeff Bourman; Georgie Crozier; David Davis; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Georgie Purcell; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Sheena Watt; Richard Welch.

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

NOES, 7

Katherine Copsey; Moira Deeming; David Limbrick; Sarah Mansfield; 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 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.

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

Debate ensued.

The Council adjourned at 10.26 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 72 — Wednesday, 19 June 2024

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

2 PETITIONS —

RECONSIDER THE BARAK BEACON DEVELOPMENT HOUSING PROPOSAL —

Georgie Crozier presented a petition bearing 143 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reconsider the Barak Beacon development housing proposal and the available facilities, amenities, road infrastructure, community welfare and building by-laws and confine the development to its original target of three and four storey towers to reduce the dwellings from 408 to 250 public housing homes (*Ordered to be tabled*).

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RETAIN THE LORD'S PRAYER IN LEGISLATIVE COUNCIL PROCEEDINGS —

Evan Mulholland presented a petition bearing 10,912 signatures from certain citizens of Victoria requesting that the Legislative Council recognise the valuable role of the Lord's Prayer in Parliament and ensure its practice continues to play an integral part of our democratic tradition (*Ordered to be tabled*).

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

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

Auditor-General —

Domestic Building Oversight Part 2: Dispute Resolution, June 2024 (*Ordered to be published*).

Effectiveness of the Tutor Learning Initiative, June 2024 (*Ordered to be published*).

Planning Social Housing, June 2024 (*Ordered to be published*).

Crown Land (Reserves) Act 1978 —

Order of 13 March 2024 giving approval to the granting of a licence at St Kilda Botanical Gardens Reserve.

Order of 8 April 2024 giving approval to the granting of a lease at Sandringham Beach Park.

Order of 9 May 2024 giving approval to the granting of a licence at St Kilda Botanical Gardens.

Order of 13 May 2024 giving approval to the granting of a licence at St Kilda Botanical Gardens.

Order of 21 May 2024 giving approval to the granting of a licence at Sandringham Beach Park.

Order of 5 June 2024 giving approval to the granting of a lease at Flemington and Kensington Reserve.

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of a Ministerial Prohibition Determination Applicable to Particular Place of Take Approvals that are Tagged – June 2024 under the Water Act 1989.

4 MEMBERS' STATEMENTS — Members made statements.

5 PRODUCTION OF DOCUMENTS — MEMORANDUM OF UNDERSTANDING FOR IMPLEMENTATION OF THE FIRE MEDICAL RESPONSE BY CFA VOLUNTEERS —

Georgie Crozier moved, That this House —

- (1) notes that Ambulance Victoria has executed a memorandum of understanding (MOU) with the Country Fire Authority (CFA) regarding the implementation of the Fire Medical Response by CFA volunteers;
- (2) requires the Leader of the Government, pursuant to Standing Order 10.01, to table in the Council by 18 July 2024 —
 - (a) the MOU between Ambulance Victoria and the CFA regarding the implementation of the Fire Medical Response by CFA volunteers; and
 - (b) a copy of all briefs, advice and correspondence provided to the Minister for Ambulance Services and the Minister for Emergency Services in relation to the MOU.

Debate ensued.

Question — put and agreed to.

6 OMBUDSMAN REFERRAL — FLOOD PLANNING DECISIONS AT KENSINGTON BANKS AND RIVERVUE ESTATES — Sarah Mansfield moved, That this House —

- (1) notes that —
 - (a) Kensington Banks is a recent development advertised as being above the flood risk zone, and is not currently subject to a Land Subject to Inundation Overlay (LSIO);
 - (b) recent flood re-modelling by Melbourne Water re-classified over 900 homes in Kensington Banks as a flood risk in 2024, resulting in financial burden and risk for residents who purchased homes in good faith, based on government advice about flood risk;
 - (c) the Rivervue retirement development in Avondale Heights was inundated during the 2022 floods and the LSIO was moved during the development process;
- (2) pursuant to section 16 of the *Ombudsman Act 1973*, refers the following matters to the Ombudsman for investigation and report —
 - (a) the development of Kensington Banks, including —
 - (i) the flood information relied on at the time of development;
 - (ii) whether promised flood mitigation measures were effectively undertaken at the time of development;
 - (iii) flood risk information provided to residents before they moved in;
 - (iv) losses incurred by residents as a result of changed flood modelling;
 - (v) the accuracy of historical and current Melbourne Water modelling and implications for residents;
 - (b) the relocation of the LSIO at Rivervue;

- (c) policy changes needed in the future;
- (d) compensation, support, and proposed measures and solutions for residents in the affected areas;
- (e) any other related matters; and
- (3) requires the Ombudsman investigation to include at least one day of public hearings.

Debate ensued.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Katherine Copsey; Georgie Crozier; David Davis; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Rikkie-Lee Tyrrell; Sheena Watt; Richard Welch.

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

NOES, 3

Jeff Bourman; Moira Deeming; David Limbrick.

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

Question agreed to.

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.

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

- **Public housing access (QwN 565)** — substantive question asked by Samantha Ratnam — response from Harriet Shing due Friday, 21 June 2024.
- **Emergency services budget (QwN 566)** — substantive and supplementary questions asked by Georgie Crozier — response from Jaclyn Symes due Thursday, 20 June 2024.
- **Native bird hunting compliance (QwN 567)** — substantive and supplementary questions asked by Jeff Bourman — response from Gayle Tierney due Friday, 21 June 2024.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 8 LOCAL GOVERNMENT AMENDMENT (GOVERNANCE AND INTEGRITY) BILL 2024** — 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 notice of motion, general business, No. 462, be postponed until later this day.
- 10 SELECT COMMITTEE — TRADE UNION INTIMIDATION** — David Davis moved, That —
- (1) a Select Committee of six members be appointed to inquire into, consider and report, by 30 June 2025, on trade union intimidation, including but not limited to —
 - (a) recent examples of union intimidation and threats including the recent comments by John Setka, Secretary of the CFMEU, and similar comments by other trade unions regarding the Australian Football League head of umpires, Steven McBurney, and other examples of union intimidation, threats and extortion;
 - (b) whether the criminal law, including the law as it relates to extortion, is sufficient and adequate to deal with Mr Setka's threats and intimidation;
 - (c) the involvement of, and comment by, Luke Hilakari, Victorian Trades Hall Council Secretary, and the apparent involvement of other Victorian unions;
 - (d) the impact on the construction industry, including construction costs, of similar threats and intimidation directed towards construction industry participants;
 - (e) whether union behaviour and culture has contributed to project cost blowouts and time delays in project completion, noting the massive cost blowouts on Victorian government construction projects and the significant time delays, including on the Big Build;
 - (f) whether the abolition of the Australian Building and Construction Commission on 6 February 2023 by the Albanese Labor Government has had a negative impact on construction costs;
 - (g) whether the abolition of the Code Compliance Unit on 18 January 2015 by the Andrews/Allan Labor Government has had a negative impact on construction costs;
 - (2) the Committee will consist of two members from the Government nominated by the Leader of the Government in the Council, two members from the Opposition nominated by the Leader of the Opposition in the Council and two members from among the remaining members in the Council;
 - (3) the members will be appointed by lodgement of the names with the President within seven calendar days of the Council agreeing to this resolution;
 - (4) the Chair of the Committee will be a non-Government member;
 - (5) a member of the Committee may appoint a substitute to act in their place (for nominated meetings or for a defined period of time) by that member, or the leader of that member's party, writing to the Chair advising of the member who will act as their substitute;
 - (6) a member who has been substituted off the Committee must not participate in any proceedings of the Committee for the nominated meetings or defined period of time that they have been substituted off for;

- (7) substitute members will have all the rights of a member of the Committee and shall be taken to be a member of the Committee for the purpose of forming a quorum;
- (8) the first meeting of the Committee will be held within one week of members' names being lodged with the President; and
- (9) the Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.

Debate ensued.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 13

Melina Bath; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell; Richard Welch.

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

NOES, 21

Ryan Batchelor; John Berger; Lizzie Blandthorn; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; 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)

Question negatived.

11 OMBUDSMAN REFERRAL — VICTORIAN MANAGED INSURANCE AUTHORITY'S MANAGEMENT OF DOMESTIC BUILDING INSURANCE CLAIMS — Evan Mulholland moved, That this House —

(1) notes —

- (a) many aspirational Victorians have had their dreams of home ownership undermined by the unexpected insolvency of their builder;
 - (b) the Victorian Managed Insurance Authority (VMIA) has unreasonably refused, reduced, or prolonged domestic building insurance (DBI) claims without transparency;
 - (c) that as at April 2024, according to figures revealed under freedom of information requests, there were over 1,600 outstanding claims with the VMIA in the construction, property and DBI categories;
 - (d) the VMIA has acknowledged there are 2,158 claims currently unresolved, including 661 cases where an offer has been made but not yet accepted;
 - (e) a group of 30 families frustrated with the VMIA wrote to the Ombudsman in December asking for an investigation into how claims for DBI are handled;
- (2) further notes that the VMIA has allegedly engaged in unhelpful practices in relation to DBI claims, including —
- (a) promising remedial action to claimants but either failing to follow through or undertaking other actions that may be detrimental to a just insurance outcome;
 - (b) ignoring just and fair requests for transparency;

- (c) breaching good faith by providing building quotes consistently below reasonable market rates;
- (d) the use of non-disparagement agreements in order to pressure Victorians to settle their claims; and
- (3) pursuant to section 16 of the *Ombudsman Act 1973*, requests that the Ombudsman investigate the VMIA's management of DBI claims.

Debate ensued.

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

Question — put and agreed to.

12 ENERGY FAILURES — David Davis moved, That this House notes that —

- (1) the Redbridge EnergyShift tracking poll, conducted in May, shows 64 per cent of Victorians were supportive of the use of natural gas in the energy transition, significantly more than voters in any other state and compared with 56 and 54 per cent in Queensland and New South Wales respectively;
- (2) the poll also shows that —
 - (a) 71 per cent of Victorians believed blackouts were very or somewhat likely, compared with 67 per cent nationally;
 - (b) Victorians overwhelmingly prioritise cost and reliability in the shift to lower-emissions energy generation;
- (3) Victorians know Labor's energy policies are chaotic and ineffective and that Labor, by insufficiently firming inherently intermittent renewable energy generation with gas-fired generation capacity, has botched the transition to low emissions energy;
- (4) the supply of natural gas from Bass Strait is likely to reduce over the next few years, yet the Victorian Labor Government has not issued a single conventional onshore natural gas exploration permit in its almost ten years in office;
- (5) the St Vincent de Paul and Alviss Consulting report, titled *Observations from the Vinnies' Tariff-Tracker Project*, found the price of electricity to households had increased by 28 per cent in the year to January 2024, and the price of gas by 22 per cent;

and calls on the Premier, the Hon. Jacinta Allan MP, and the Minister for Energy and Resources, the Hon. Lily D'Ambrosio MP, to rethink their extreme ideological opposition to natural gas.

Business interrupted at 5.15 pm, pursuant to Sessional Orders.

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

14 PETITIONS (QUALIFYING FOR DEBATE) — ALLOW CONSUMPTION AND POSSESSION OF SMALL QUANTITIES OF CANNABIS — Rachel Payne moved, That the petition be taken into consideration.

Debate ensued.

Question — put and agreed to.

15 ADJOURNMENT — Lizzie Blandthorn 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. 73 — Thursday, 20 June 2024

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

2 PETITIONS —

RESCIND THE ENVIRONMENTAL AUDIT OVERLAY IN THE WONTHAGGI NORTH EAST PRECINCT STRUCTURE PLAN — Renee Heath presented an electronic petition bearing 2,264 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to, as a matter of urgency, immediately rescind the decision to retrospectively blight the properties of hundreds of owners in the Wonthaggi North East Precinct Structure Plan locality with the newly introduced Environmental Audit Overlay (*Ordered to be tabled*).

* * * * *

RESCIND THE ENVIRONMENTAL AUDIT OVERLAY IN THE WONTHAGGI NORTH EAST PRECINCT STRUCTURE PLAN — Renee Heath presented a paper petition bearing 2,050 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to, as a matter of urgency, immediately rescind the decision to retrospectively blight the properties of hundreds of owners in the Wonthaggi North East Precinct Structure Plan locality with the newly introduced Environmental Audit Overlay (*Ordered to be tabled*).

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

3 PAPERS —

PAPERS PRESENTED BY ORDER OF THE COUNCIL —

Lizzie Blandthorn, by leave, presented the Victorian Government Response to the Community Visitors Report, 2022-23 (*Ordered to be tabled*).

* * * * *

Jaclyn Symes, by leave, presented the:

Victorian Government Aboriginal Affairs Report, 2023, and Domain 1 to 6 Data Tables and 2023 Closing the Gap Tables (*Ordered to be tabled*).

Nyaal Banyul Geelong Convention and Event Centre Project: Project Summary, March 2024 (*Ordered to be tabled*).

Government's Progress Report on the recommendations made by the Independent Broad-Based Anti-corruption Commission in its Operation Daintree Special Report (*Ordered to be tabled*).

Government and Victorian Public Sector Commissioner's Responses to the Victorian Ombudsman Report on the Alleged politicisation of the public sector: Investigation of a matter referred from the Legislative Council on 9 February 2022 – Part 2 (*Ordered to be tabled*).

ECONOMY AND INFRASTRUCTURE COMMITTEE — Pursuant to Standing Order 23.22, Georgie Purcell tabled a Report on the Inquiry into pig welfare in Victoria (including an Appendix, Extracts of Proceedings and a Minority Report) 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.

* * * * *

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

Auditor-General —

Annual Plan, 2024–25.

Assuring the Integrity of the Victorian Government's Procurement Activities, June 2024 (*Ordered to be published*).

Effectiveness of Arterial Road Congestion Initiatives, June 2024 (*Ordered to be published*).

Metro Tunnel Project: Phase 3 — Systems Integration, Testing and Commissioning, June 2024 (*Ordered to be published*).

Education and Care Services National Law Act 2010 — National Education and Care Services Freedom of Information Commission, Privacy Commissioners and Ombudsman — Report, 2022-23.

Land Tax Act 2005 — Treasurer's Report for 1 July 2022 to 30 June 2023 of Land Tax Absentee Owner Surcharge Exemptions, under section 3BB of the Act.

Multicultural Victoria Act 2011 — Victorian Government Report on Multicultural Affairs, 2022-23.

Phillip Island Nature Parks — Report, 2022-23.

Road Safety Act 1986 — Documents in relation to the Order in Council declaring certain motor vehicles not to be motor vehicles — electric scooters.

State Owned Enterprises Act 1992 — Under section 75 of the Act —

Constitution of SEC Energy Pty Ltd.

Constitution of SEC Infrastructure Pty Ltd.

Constitution of SEC Victoria Pty Ltd.

4 PRODUCTION OF DOCUMENTS —

COMMONWEALTH INFRASTRUCTURE REVIEW — The Clerk tabled 11 documents in full, three documents in part and schedules of the 36 documents identified in response to a resolution of the Council on 29 November 2023 (on the motion of David Davis), relating to the Commonwealth infrastructure review.

The Clerk further tabled a letter from the Attorney-General, dated 18 June 2024, making a claim of executive privilege in relation to 22 documents in full and three documents in part.

* * * * *

KANGAROO HARVEST MANAGEMENT PLAN — The Clerk tabled 122 documents in full, two documents in part and schedules of the 128 documents identified in response to a resolution of the Council on 29 November 2023 (on the motion of Georgie Purcell), relating to the Kangaroo Harvest Management Plan.

The Clerk further tabled a letter from the Attorney-General, dated 18 June 2024, making a claim of executive privilege in relation to four documents in full and two documents in part, and noting that the Government proposes to deliver responsive documents in two tranches, with the second tranche to be produced within approximately six weeks.

* * * * *

MEDICALLY SUPERVISED INJECTING ROOM IN MELBOURNE'S CBD — The Clerk tabled three documents in full, three documents in part and schedules of the 17 documents identified in response to a resolution of the Council on 21 February 2024 (on the motion of David Ettershank), and further to the Government's initial response on 30 April 2024, relating to a Medically Supervised Injecting Room in Melbourne's CBD.

The Clerk further tabled a letter from the Attorney-General, dated 19 June 2024, making a claim of executive privilege in relation to 11 documents in full.

* * * * *

REDEVELOPMENT OF HIGH-RISE PUBLIC HOUSING SITES — The Clerk tabled 12 documents in full and a schedule of the documents provided in response to a resolution of the Council on 15 November 2023 (on the motion of Samantha Ratnam), relating to the redevelopment of high-rise public housing sites.

The Clerk further tabled a letter from the Attorney-General, dated 19 June 2024, making a claim of executive privilege in relation to 146 documents in full.

- 5 SITTING OF THE COUNCIL** — Lizzie Blandthorn moved, That the Council, at its rising, adjourn until Tuesday, 30 July 2024.

Question — put and agreed to.

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

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 278 to 474, be postponed until later this day.

- 8 VICTORIAN RESPONSIBLE GAMBLING FOUNDATION REPEAL AND ADVISORY COUNCILS BILL 2024** — Debate resumed on the question, That the Bill be now read a second time.

Katherine Copsey (*KC21C*) circulated an amendment proposed to be moved during Committee of the whole.

Question — put.

The Council divided — The President in the Chair.

AYES, 23

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

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

NOES, 13

Melina Bath; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell; Richard Welch.

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

Question agreed to.

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

House in Committee.

Business interrupted at 12.00 noon.

9 QUESTION TIME —

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

* * * * *

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:

- **Threatened species list – ducks (QwN 574)** — substantive and supplementary questions asked by Jeff Bourman — response from Gayle Tierney due Monday, 24 June 2024.
- **Social gender transition at schools – record keeping (QwN 578)** — substantive and supplementary questions asked by Moira Deeming — response from Lizzie Blandthorn due Monday, 24 June 2024.
- **Cost of renewable energy transition (QwN 580)** — substantive and supplementary questions asked by Rikkie-Lee Tyrrell — response from Ingrid Stitt due Monday, 24 June 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

10 VICTORIAN RESPONSIBLE GAMBLING FOUNDATION REPEAL AND ADVISORY COUNCILS BILL 2024 — Bill further considered in Committee of the whole.

Bill reported with an amendment, the Report was adopted.

Lizzie Blandthorn 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; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; 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

Melina Bath; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell; Richard Welch.

(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 an amendment and requesting their agreement.

11 SUSTAINABLE FORESTS (TIMBER) REPEAL BILL 2024 — Debate resumed on the question,
That the Bill be now read a second time.

Melina Bath moved, as a reasoned amendment, That all the words after “That” be omitted and replaced with “the Bill be withdrawn and not reintroduced until fair compensation for loss of income is received by all those impacted by the Labor Government’s early closure of the sustainable native timber industry.”.

Debate ensued.

Melina Bath (*MB12C*) and Sarah Mansfield (*SMA17C*) circulated amendments proposed to be moved during Committee of the whole.

Question — That the reasoned amendment moved by Melina Bath be agreed to — put.

The Council divided — The President in the Chair.

AYES, 14

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

(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; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; 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)

Question negated.

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

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

House in Committee.

Business interrupted at 6.30 pm.

On the motion of Jaclyn Symes, the meal break scheduled for this day was suspended.

Bill further considered in Committee of the whole.

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; David Limbrick; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Ingrid Stitt; Jaclyn Symes; Sonja Terpstra; Sheena Watt.

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

NOES, 12

Melina Bath; Georgie Crozier; Moira Deeming; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell; Richard Welch.

(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.

12 VICTORIAN RESPONSIBLE GAMBLING FOUNDATION REPEAL AND ADVISORY COUNCILS

BILL 2024 — The President read a Message from the Assembly informing the Council that they have agreed to the amendment made by the Council in this Bill.

13 JUSTICE LEGISLATION AMENDMENT (INTEGRITY, DEFAMATION AND OTHER MATTERS)

BILL 2024 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crime Statistics Act 2014, the Criminal Procedure Act 2009, the Defamation Act 2005, the Freedom of Information Act 1982, the Independent Broad-based Anti-corruption Commission Act 2011, the Judicial Commission of Victoria Act 2016, the Local Government Act 2020, the Ombudsman Act 1973, the Privacy and Data Protection Act 2014, the Public Interest Disclosures Act 2012, the Public Interest Monitor Act 2011, the Racing Act 1958, the Spent Convictions Act 2021, the Surveillance Devices Act 1999, the Telecommunications (Interception) (State Provisions) Act 1988 and the Victorian Inspectorate Act 2011, to make consequential amendments to various Acts following the establishment of the National Anti-Corruption Commission and for other purposes* and requesting the agreement of the Council.

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

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

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

Jaclyn Symes incorporated the second reading speech in Hansard.

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

14 PARLIAMENTARY WORKPLACE STANDARDS AND INTEGRITY BILL 2024 — The President read a Message from the Assembly presenting *A Bill for an Act to establish a Parliamentary Workplace Standards and Integrity Commission, Parliamentary Integrity Adviser and Parliamentary Ethics Committee, to make consequential and related amendments to Acts and for other purposes* and requesting the agreement of the Council.

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

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

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

Jaclyn Symes incorporated the second reading speech in Hansard.

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

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

Debate ensued.

The Council adjourned at 7.24 pm until Tuesday, 30 July 2024.

ROBERT McDONALD
Clerk of the Legislative Council

Published under the authority of the Legislative Council, Parliament of Victoria

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 71, 72 and 73

LOCAL GOVERNMENT AMENDMENT (GOVERNANCE AND INTEGRITY) BILL 2024

Committed Tuesday, 18 June 2024

Amendments circulated: Lizzie Blandthorn (LB24C) (pp. 570-3) and Sarah Mansfield (SMA18C) (pp. 573-82)

Clause 1 — Sarah Mansfield moved amendment Nos. 1 to 3 (SMA18C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

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

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

NOES, 29

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

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

Question negatived.

Lizzie Blandthorn moved amendment Nos. 1 and 2 (LB24C).

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

Clause 1, as amended — put and agreed to.

Clause 2 — Lizzie Blandthorn moved amendment Nos. 3 and 4 (LB24C).

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

Clause 2, as amended — put and agreed to.

Clause 3 — put and agreed to.

Clause 4 — Sarah Mansfield moved amendment No. 6 (SMA18C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

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

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

NOES, 29

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

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

Question negatived.

Clause 4 — put and agreed to.

Clause 5 — put and agreed to.

Clause 6 — Lizzie Blandthorn moved amendment No. 5 (*LB24C*).

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

Clause 6, as amended — put and agreed to.

Clause 7 — Lizzie Blandthorn moved amendment Nos. 6 and 7 (*LB24C*).

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

Clause 7, as amended — put and agreed to.

Clauses 8 to 14 — put and agreed to.

Clause 15 — Lizzie Blandthorn moved amendment No. 8 (*LB24C*).

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

Clause 15, as amended — put and agreed to.

Clauses 16 to 18 — put and agreed to.

Clause 19 — Lizzie Blandthorn moved amendment Nos. 9 to 12 (*LB24C*).

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

Clause 19, as amended — put and agreed to.

Clauses 20 to 23 — put and agreed to.

Clause 24 — Lizzie Blandthorn moved amendment Nos. 13 to 15 (*LB24C*).

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

Clause 24, as amended — put and agreed to.

Clauses 25 to 30 — put and agreed to.

Clause 31 — Lizzie Blandthorn moved amendment Nos. 16 and 17 (*LB24C*).

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

Clause 31, as amended — put and agreed to.

Clauses 32 to 44 — put and agreed to.

Clauses 45 and 46 — Question — That clauses 45 and 46 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 29

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

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

NOES, 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)

Question agreed to.

Clauses 47 to 65 — put and agreed to.

Clause 66 — Question — That clause 66 stand part of the Bill — put and negatived.

Clauses 67 and 68 — put and agreed to.

Clause 69 — Lizzie Blandthorn moved amendment No. 19 (*LB24C*).

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

Clause 69, as amended — put and agreed to.

Clause 70 — Question — That clause 70 stand part of the Bill — put and negatived.

Clause 71 — put and agreed to.

Clause 72 — Question — That clause 72 stand part of the Bill — put and negatived.

Clause 73 — put and agreed to.

Clauses 74 and 75 — Question — That the Part heading preceding clause 74, and clauses 74 and 75 stand part of the Bill — put and negatived.

Clause 76 — put and agreed to.

Long title — Lizzie Blandthorn moved amendment No. 25 (*LB24C*).

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.

* * * * *

VICTORIAN RESPONSIBLE GAMBLING FOUNDATION REPEAL AND ADVISORY COUNCILS BILL 2024

Committed Thursday, 20 June 2024

Amendment circulated: Katherine Copsey (KC21C) (pp. 582-3)

Clauses 1 to 17 — put and agreed to.

New Clause 17A — Katherine Copsey moved amendment No. 1 (*KC21C*).

Question — That New Clause 17A stand part of the Bill — put and agreed to.

Clauses 18 to 21 — put and agreed to.

Bill reported with an amendment.

* * * * *

SUSTAINABLE FORESTS (TIMBER) REPEAL BILL 2024

Committed Thursday, 20 June 2024

Amendments circulated: Melina Bath (MB12C) (pp. 583-8) and Sarah Mansfield (SMA17C) (pp. 588-90)

Clauses 1 to 15 — put and agreed to.

New Clause 15A — Sarah Mansfield moved amendment No. 1 (*SMA17C*).

Question — That New Clause 15A stand part of the Bill — 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, 29

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

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

Question negated.

Clause 16 — Sarah Mansfield moved amendment No. 3 (SMA17C).

Question — That the amendment 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, 27

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

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

Question negated.

Clause 16 — put and agreed to.

Clauses 17 to 19 — put and agreed to.

Clause 20 — Melina Bath moved amendment Nos. 1 and 2 (MB12C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Melina Bath; Georgie Crozier; Moira Deeming; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rickie-Lee Tyrrell; Richard Welch.

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

NOES, 19

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

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

Question negated.

Clause 20 — put and agreed to.

Clause 21 — Melina Bath moved amendment No. 3 (*MB12C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 13

Melina Bath; Georgie Crozier; Moira Deeming; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell; Richard Welch.

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

NOES, 19

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

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

Question negated.

Clause 21 — put and agreed to.

New Clause 21A — Melina Bath moved amendment No. 4 (*MB12C*).

Question — That New Clause 21A, moved by Melina Bath, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 12

Melina Bath; Georgie Crozier; Moira Deeming; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell; Richard Welch.

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

NOES, 20

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

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

Question negated.

New Clause 21A — Sarah Mansfield moved amendment No. 4 (*SMA17C*).

Question — That New Clause 21A, moved by Sarah Mansfield, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

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

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

NOES, 27

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Georgie Crozier; Moira Deeming; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Ann-Marie Hermans; Shaun Leane; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Ingrid Stitt; Jaclyn Symes; Sonja Terpstra; Rikkie-Lee Tyrrell; Sheena Watt; Richard Welch.

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

Question negatived.

Clauses 22 to 27 — put and agreed to.

New Clause 27A — Melina Bath moved amendment No. 5 (*MB12C*).

Question — That New Clause 27A stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 12

Melina Bath; Georgie Crozier; Moira Deeming; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell; Richard Welch.

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

NOES, 20

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

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

Question negatived.

Clauses 28 to 69 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —

1. LOCAL GOVERNMENT AMENDMENT (GOVERNANCE AND INTEGRITY BILL 2024)

Amendments circulated by Lizzie Blandthorn (LB24C)

1. Clause 1, page 2, line 13, omit "changes;" and insert "changes."
2. Clause 1, page 2, lines 14 to 17, omit all words and expressions on these lines.
3. Clause 2, lines 19 to 20, omit "and Part 4".
4. Clause 2, line 22, omit "and Part 4 come" and insert "comes".
5. Clause 6, lines 11 to 28, omit all words and expressions on these lines and insert—
 - '(2) After section 34(2)(i) of the Principal Act **insert**—
 - "(ia) is the subject of an Order under section 34A that has not been disallowed by a resolution of either House of Parliament; or
 - (ib) has been subject to 2 or more Orders under section 229A in the preceding 8 years and the period during which the second of those Orders may be disallowed by a resolution of either House of Parliament has expired, for the period of 4 years following the expiry of that disallowance period; or".
 - (3) After section 34(2) of the Principal Act **insert**—
 - "(2A) A person is disqualified from being a Councillor for the period determined under subsection (2B) if—
 - (a) the person has been subject to a finding of serious misconduct by a Councillor Conduct Panel under section 167 in the preceding 8 years and the period during which the person can apply under section 170 to VCAT for a review of that finding has expired; and
 - (b) the person has been subject to an Order under section 229A in the preceding 8 years and the period during which that Order may be disallowed by a resolution of either House of Parliament has expired.
 - (2B) For the purposes of subsection (2A), the period of disqualification is the later of the following periods—
 - (a) 4 years following the finding of serious misconduct;
 - (b) 4 years following the expiry of the disallowance period specified in subsection (2A)(b).".
6. Clause 7, page 6, line 9, omit 'meeting.'" and insert "meeting."
7. Clause 7, page 6, after line 9 insert—
 - '(6) An Order made under subsection (1)—
 - (a) must be laid before both Houses of Parliament—
 - (i) if Parliament is then sitting, within 7 days after its making; or

(ii) if Parliament is not then sitting, within 7 days after the next meeting of Parliament; and

(b) may be disallowed by a resolution of either House of Parliament within 7 days after it has been laid before each House.".'. .

8. Clause 15, line 18, omit "suspend" and insert "recommend the suspension of".
9. Clause 19, page 12, line 8, before "client legal privilege" insert "legal professional privilege or".
10. Clause 19, page 12, line 10, omit "client legal" and insert "that".
11. Clause 19, page 12, line 14, before "client legal privilege" insert "legal professional privilege or".
12. Clause 19, page 12, line 19, before "client legal privilege" insert "legal professional privilege or".
13. Clause 24, page 19, line 5, before "client legal privilege" insert "legal professional privilege or".
14. Clause 24, page 19, line 17, before "client legal privilege" insert "legal professional privilege or".
15. Clause 24, page 19, line 19, omit "client legal" and insert "that".
16. Clause 31, lines 10 to 33 and page 25, lines 1 to 25, omit all words and expressions on these lines and insert—

"(1) On the recommendation of the Minister, the Governor in Council, by Order, may suspend a Councillor for a period not exceeding 12 months.

(2) The Minister must not make a recommendation under subsection (1) unless—

(a) a Municipal Monitor or a Commission of Inquiry has provided a report to the Minister stating that the Councillor—

(i) is creating a serious risk to the health and safety of Councillors or members of Council staff; or

(ii) in the Councillor's capacity as a Councillor, is creating a serious risk to the health and safety of other persons; or

(iii) is preventing the Council from performing its functions; and

(b) the Minister is satisfied that the Councillor—

(i) is creating a serious risk to the health and safety of Councillors or members of Council staff; or

(ii) in the Councillor's capacity as a Councillor, is creating a serious risk to the health and safety of other persons; or

(iii) is preventing the Council from performing its functions; and

(c) the Minister is satisfied that—

- (i) the Councillor has not been the subject of a determination under section 167 in respect of conduct specified in the report; and
 - (ii) no Councillor Conduct Panel is considering a matter that is dealt with in the report; and
- (d) the Minister has notified the Councillor in writing that—
 - (i) the Minister intends to make the recommendation; and
 - (ii) the Councillor may provide a response to the Minister within 10 business days; and
- (e) the Minister has considered any response provided by the Councillor within 10 business days after the notification.
- (3) If an Order is made under subsection (1), the Minister must provide a copy of the Order to the Councillor and to the Council.
- (4) A copy of an Order given to a Council under subsection (3) must be tabled at and recorded in the minutes of the next Council meeting.
- (5) An Order made under subsection (1)—
 - (a) must be laid before both Houses of Parliament—
 - (i) if Parliament is then sitting, within 7 sitting days after its making; or
 - (ii) if Parliament is not then sitting, within 7 days after the next meeting of Parliament; and
 - (b) may be disallowed by a resolution of either House of Parliament within 7 days after it has been laid before each House.
- (6) If an Order made under subsection (1) is disallowed by a resolution of either House of Parliament, the Councillor resumes office on that disallowance."
- 17. Clause 31, page 25, line 27, omit "A Councillor suspended under section 229A" and insert "Unless an Order made under section 229A is disallowed by a resolution of either House of Parliament, a Councillor suspended by that Order".
- 18. Clause 66, omit this clause.
- 19. Clause 69, page 48, lines 17 to 18, omit all words and expressions on these lines.
- 20. Clause 70, omit this clause.
- 21. Clause 72, omit this clause.
- 22. Part heading preceding clause 74, omit this heading.
- 23. Clause 74, omit this clause.
- 24. Clause 75, omit this clause.

AMENDMENT OF LONG TITLE

25. Long title, omit ", to make consequential amendments to the **Victorian Civil and Administrative Tribunal Act 1998**".

Amendments circulated by Sarah Mansfield (SMA18C)

1. Clause 1, page 2, lines 4 to 7, omit all words and expressions on these lines.
2. Clause 1, page 2, line 13, omit "changes;" and insert "changes".
3. Clause 1, page 2, lines 14 to 17, omit all words and expressions on these lines.
4. Clause 2, lines 19 to 20, omit "and Part 4".
5. Clause 2, line 22, omit "and Part 4 come" and insert "comes".
6. Clause 4, after line 20 insert—

'(2A) In section 3(1) of the Principal Act **insert** the following definitions—

"gambling industry business entity has the meaning given by section 305C;

prohibited donor has the meaning given by section 305A;

property developer has the meaning given by section 305B;"'.
7. Clause 6, lines 11 to 14, omit all words and expressions on these lines and insert—

"(2) Section 34(2)(i) of the Principal Act is **repealed**."
8. Clause 6, line 17, after "years" insert "and the period during which the person may apply under section 170 to VCAT for a review of those findings has expired".
9. Clause 6, lines 24 to 28, omit all words and expressions on these lines and insert—

'**adverse decision** means a finding of serious misconduct under section 167.'"'
10. Clause 7, omit this clause.
11. Clause 12, omit this clause.
12. Clause 14, omit this clause.
13. Clause 15, omit this clause.
14. Clause 19, page 13, lines 10 to 34 and page 14, lines 1 to 7, omit all words and expressions on these lines.
15. Clause 26, line 17, omit "functions." and insert 'functions.'"'
16. Clause 26, lines 18 to 31 and page 21, lines 1 to 5, omit all words and expressions on these lines.
17. Clause 31, omit this clause.

NEW CLAUSE

18. Insert the following New Clause to follow clause 32—

'32A New sections 305A to 305E inserted

Before section 306 of the Principal Act **insert—**

"305A Meaning of *prohibited donor*

For the purposes of this Division, ***prohibited donor*** means—

- (a) a property developer; or
- (b) a gambling industry business entity—

and includes any industry representative organisation if the majority of its members are prohibited donors and does not include a person or entity in respect of whom a determination under section 309C is in effect.

305B Meaning of *property developer*

- (1) For the purposes of this Division, ***property developer*** means—

- (a) a natural person or a corporation if—
 - (i) the natural person or corporation carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit; and
 - (ii) in the course of the business—
 - (A) one relevant planning application has been made by or on behalf of the natural person or corporation and is pending; or
 - (B) three or more relevant planning applications made by or on behalf of the natural person or corporation have been determined within the preceding 7 years; or
- (b) a person who is a close associate of a natural person or a close associate of a corporation referred to in paragraph (a).

- (2) Any activity engaged in by a natural person or corporation for the dominant purpose of providing commercial premises at which the natural person or corporation, or a related body corporate of the corporation, will carry on business is to be disregarded for the purpose of determining whether the natural person or corporation is a property developer unless that business involves the sale or leasing of a substantial part of the premises.

- (3) In this section and section 305C—

close associate of a corporation means each of the following—

- (a) a director or officer of the corporation or the spouse of such a director or officer;
- (b) a related body corporate of the corporation;

- (c) a person whose voting power in the corporation or a related body corporate of the corporation is greater than 20% or the spouse of such a person;
- (d) if the corporation or a related body corporate of the corporation is a stapled entity in relation to a stapled security, the other stapled entity in relation to that stapled security;
- (e) if the corporation is a trustee, manager or responsible entity in relation to a trust, a person who holds more than 20% of the units in the trust (in the case of a unit trust) or is a beneficiary of the trust (in the case of a discretionary trust);
- (f) in relation to a corporation that is a property developer, a person in a joint venture or partnership with the property developer in connection with a relevant planning application made by or on behalf of the property developer who is likely to obtain a financial gain if development that would be or is authorised by the application is authorised or carried out;

close associate of a natural person means each of the following—

- (a) the spouse of the person;
- (b) in relation to a natural person who is a property developer, a person in a joint venture or partnership with the property developer in connection with a relevant planning application made by or on behalf of the property developer who is likely to obtain a financial gain if development that would be or is authorised by the application is authorised or carried out;

officer has the same meaning as it has in the Corporations Act;

related body corporate has the same meaning as it has in the Corporations Act;

relevant planning application means any of the following—

- (a) a request to a planning authority to make or amend a planning scheme under the **Planning and Environment Act 1987**;
- (b) a request to a responsible authority for a permit or an amendment to a permit under the **Planning and Environment Act 1987**;
- (c) an application or request that is prescribed by the regulations to be a relevant planning application;

stapled entity means an entity the interests in which are traded along with the interests in another entity as stapled securities and (in the case of a stapled entity that is a trust) includes any trustee, manager or responsible entity in relation to the trust;

voting power has the same meaning as in the Corporations Act.

305C Meaning of **gambling industry business entity**

For the purposes of this Division, **gambling industry business entity** means—

- (a) a corporation engaged in a business undertaking that is mainly concerned with wagering, betting or other gambling (including the manufacture of machines used primarily for that purpose) but only if it is for the ultimate purpose of making a profit; or
- (b) a person who is a close associate of a corporation referred to in paragraph (a).

305D General cap on gifts

- (1) It is unlawful for a person or body to make a gift to or for the benefit of a Councillor or candidate if the gift exceeds the general cap for the election period.
- (2) It is unlawful for a Councillor or candidate to accept a gift from a person or body if, by itself or due to aggregation under subsection (6), the gift exceeds the general cap for the election period.
- (3) Despite subsection (2), a Councillor or candidate may accept a gift that, due to aggregation under subsection (6), exceeds the general cap for the election period if the Councillor or candidate does not know, and could not reasonably have known, of the other gifts included in the aggregation.
- (4) If a Councillor or candidate accepts a gift in accordance with subsection (3), the Councillor or candidate must return to the donor or forfeit to the State the amount by which the gift exceeds the general cap for the election period.
- (5) In determining whether the general cap is exceeded for the election period, the following must be disregarded—
 - (a) a contribution made by the Councillor or candidate to their own election campaign;
 - (b) a minor gift made to or for the benefit of the Councillor or candidate.
- (6) For the purposes of this section, a gift the value of which is equal to or less than the general cap must be treated as a gift that exceeds the general cap if the aggregate of the gift and all other gifts (excluding minor gifts) made by the same person or body to the same Councillor or candidate within the election period exceeds the general cap.
- (7) A person who knowingly makes or accepts a gift that it is unlawful for the person to make or accept under this section is guilty of an offence.

Penalty: 300 penalty units or 2 years imprisonment or both.

- (8) In this section—

general cap means the amount determined under section 305E;

minor gift means a gift the value of which is equal to or less than \$50.

305E Amount of general cap

- (1) The general cap, in respect of a Councillor or candidate, is—
- (a) for an election period that starts before 1 July 2025, the amount of \$4000; or
 - (b) for an election period that starts on or after 1 July 2025, the amount determined under subsection (2).
- (2) For the purposes of subsection (1)(b), the amount specified in subsection (1)(a) must be varied, for the financial year beginning 1 July 2025 and each subsequent financial year, in accordance with the formula—

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

where—

- A** is the amount specified in subsection (1)(a) or, if that amount has been varied in accordance with this section, that amount as last so varied;
 - B** is the all groups consumer price index for Melbourne in original terms for the most recent reference period in the preceding calendar year most recently published by the Australian Bureau of Statistics as at 15 June immediately preceding the day on which the variation is made;
 - C** is the all groups consumer price index for Melbourne in original terms for the corresponding reference period one year before the reference period referred to in **B** published by the Australian Bureau of Statistics as at 15 June immediately preceding the day on which the variation is made.
- (3) Where it is necessary for the purposes of this section to calculate an amount, the amount is taken to have been calculated in accordance with this section if the calculation is made to the nearest whole \$10.

305F Interim return by candidate

- (1) No later than 14 days before election day, a person who is a candidate in the election must give an interim election campaign donation return to the Chief Executive Officer.

Penalty: 60 penalty units.

- (2) An interim election campaign donation return must—
- (a) be in the prescribed form; and
 - (b) contain the prescribed details in respect of any gifts received since the beginning of the donation period by or on behalf of the candidate, to be used for or in connection with the election

campaign, the amount or value of which is equal to or exceeds the gift disclosure threshold.

- (3) Despite subsection (2), a candidate is not required to specify the prescribed details of an amount in an interim return if—
 - (a) the amount was a gift made in a private capacity to the candidate for the candidate's personal use; and
 - (b) the candidate has not used, and will not use, the gift solely or substantially for a purpose related to the election.
- (4) A reference in subsection (2) to a gift made by a person includes a reference to a gift made on behalf of the members of an unincorporated association.
- (5) For the purposes of this section, 2 or more gifts made by the same person to or for the benefit of a candidate are to be taken to be one donation.
- (6) A person who—
 - (a) gives an interim return that contains particulars that the person knows are false or misleading in a material particular; or
 - (b) provides information that the person knows is false or misleading in a material particular to a person required to give an interim return under this section—

is guilty of an offence and liable to a fine not exceeding 60 penalty units.
- (7) If a person is found guilty or convicted of an offence under subsection (6), a court may make an order that the offender give an interim return under subsection (1) that is not false or misleading in a material particular.
- (8) If no details are required to be included in an interim return under this section in respect of a candidate, the interim return—
 - (a) must be given; and
 - (b) must include a statement to the effect that no gifts of a kind required to be disclosed were received.".'.

NEW CLAUSES

19. Insert the following New Clauses to follow clause 33—

'33A Responsibilities of Chief Executive Officer

Before section 307(1) of the Principal Act **insert—**

"(1AA) The Chief Executive Officer must ensure that, no later than 7 days before election day, a summary of each interim election campaign donation return given to the Chief Executive Officer under section 305F is made available on the Council's Internet site.".

33B Other matters relating to summaries of returns

- (1) In section 308(3) of the Principal Act, for "given under section 306" **substitute** "received by the Chief Executive Officer".
- (2) After section 308(3) of the Principal Act **insert**—
"(4) In this section—

election campaign donation return includes an interim election campaign donation return."

33C Certain gifts not to be accepted

In section 309(1) of the Principal Act, for "It" **substitute** "Subject to section 309A, it".

33D New sections 309A to 309E inserted

After section 309 of the Principal Act **insert**—

"309A Gifts from prohibited donors unlawful

- (1) It is unlawful for a prohibited donor to make a gift the amount or value of which is equal to or exceeds the gift disclosure threshold—
 - (a) during the donation period, to a candidate or for the benefit of a candidate; or
 - (b) to a Councillor.
- (2) It is unlawful for a person to make a gift the amount or value of which is equal to or exceeds the gift disclosure threshold on behalf of a prohibited donor—
 - (a) during the donation period, to a candidate or for the benefit of a candidate; or
 - (b) to a Councillor.
- (3) It is unlawful for a candidate or a person acting on behalf of a candidate to accept a gift the amount or value of which is equal to or exceeds the gift disclosure threshold during the donation period that was made (wholly or partly) by a prohibited donor or a person on behalf of a prohibited donor.
- (4) It is unlawful for a Councillor or a person acting on behalf of a Councillor to accept a gift the amount or value of which is equal to or exceeds the gift disclosure threshold that was made (wholly or partly) by a prohibited donor or a person on behalf of a prohibited donor.
- (5) It is unlawful for a prohibited donor to solicit another person to make a gift the amount or value of which is equal to or exceeds the gift disclosure threshold—

- (a) during the donation period, to a candidate or for the benefit of a candidate; or
 - (b) to a Councillor.
- (6) It is unlawful for a person to solicit another person on behalf of a prohibited donor to make a gift the amount or value of which is equal to or exceeds the gift disclosure threshold—
 - (a) during the donation period, to a candidate or for the benefit of a candidate; or
 - (b) to a Councillor.

309B Offence relating to gift from prohibited donor

A person who does any act that is unlawful under section 309A is guilty of an offence if the person was, at the time of the act, aware of the facts that result in the act being unlawful.

Penalty: 400 penalty units or imprisonment for 2 years.

309C Making of determination that person is not a prohibited donor

- (1) A person may apply to the VEC for a determination that the person, or another entity, is not a person or entity specified in section 305A(a) or (b).
- (2) The application must be written and supported by enough information to enable the VEC to decide the application.
- (3) If the VEC is satisfied the person or entity to whom the application relates is not a person or entity specified in section 305A(a) or (b), the VEC must make the determination sought by the applicant.
- (4) If the VEC is not satisfied the person or entity to whom the application relates is not a person or entity specified in section 305A(a) or (b), the VEC must—
 - (a) decide not to make the determination; and
 - (b) give the applicant an information notice about the decision.
- (5) A determination made under this section has effect for 1 year unless it is earlier revoked.

309D Revocation of determination

- (1) If, at any time, the VEC ceases to be satisfied that the person or entity in respect of whom a determination under section 309C relates is not a person or entity specified in section 305A(a) or (b), the VEC may revoke the determination by giving a written notice of revocation to the person or entity and, if the person or entity was not the applicant for the determination, the applicant.

- (2) The notice of revocation given to the person or entity must include, or be accompanied by, an information notice about the decision to revoke the determination.

309E Register of determinations

- (1) The VEC must keep a register of determinations made under section 309C.
- (2) The register must include any revocations made under section 309D.
- (3) The VEC must make the register available for public inspection without fee."

33E Certain amounts forfeited to State

In section 310(1) of the Principal Act, after "309" **insert** "or 309A".

33F New section 310A inserted

After section 310 of the Principal Act **insert**—

"310A Exception for membership subscriptions

An annual or other subscription paid to a party by a natural person as a member of the party or for the person's affiliation with the party is not a gift for the purposes of this Division unless it is above the gift disclosure threshold.".'.

20. Clause 45, omit this clause.
21. Clause 46, omit this clause.
22. Clause 58, lines 32 to 34 and page 43, lines 1 to 15, omit all words and expressions on these lines and insert—

'For section 149(3) of the Principal Act **substitute**—

"(3) Without limiting subsection (2), the Principal Councillor Conduct Registrar may do any of the following—

- (a) request information from a Council that the Principal Councillor Conduct Registrar considers necessary to make a determination under section 144(1)(c) or 155(1)(c);
- (b) request information from a Council or another person or body that the Principal Councillor Conduct Registrar considers necessary to make a determination under section 144(1B) or 155(2);
- (c) disclose information in an application made under section 143 or 154 to a person or body that the Principal Councillor Conduct Registrar is satisfied under section 144(1B) or 155(2) is dealing with or would more appropriately deal with the matter the subject of the application.".'.

23. Clause 66, omit this clause.
24. Clause 69, page 48, lines 17 to 18, omit all words and expressions on these lines.

25. Clause 70, omit this clause.
26. Clause 72, omit this clause.
27. Part heading preceding clause 74, omit this heading.
28. Clause 74, omit this clause.
29. Clause 75, omit this clause.

AMENDMENT OF LONG TITLE

30. Long title, omit ", to make consequential amendments to the **Victorian Civil and Administrative Tribunal Act 1998**".

2. VICTORIAN RESPONSIBLE GAMBLING FOUNDATION REPEAL AND ADVISORY COUNCILS BILL 2024

Amendment circulated by Katherine Copsey (KC21C)

NEW CLAUSE

1. Insert the following New Clause to follow Clause 17—

'17A New section 44A inserted

Before section 45 of the **Victorian Gambling and Casino Control Commission Act 2011** insert—

"44A Review of repeal of Victorian Responsible Gambling Foundation Act 2011

- (1) The Minister must cause a review of the repeal of the **Victorian Responsible Gambling Foundation Act 2011** to be commenced within one year after the second anniversary of the repeal of that Act.
- (2) The review must consider and report on—
 - (a) the efficiency, effectiveness, appropriateness and co-ordination of functions related to gambling harm across the Commission, the Department of Justice and Community Safety and the Department of Health; and
 - (b) the methods used to identify gambling-related matters to research, the independence of that research and the value of any gambling-related research that is conducted or commissioned by the Commission, the Department of Justice and Community Safety or the Department of Health; and
 - (c) whether the Auditor-General's recommendations to prevent and protect the community from gambling harm have been fully implemented; and

(d) the availability, delivery and quality of gambling harm treatment services and gambling harm public education programs.

- (3) The Minister must cause a copy of the report of the review to be laid before each House of the Parliament not later than 2 years after the second anniversary of the repeal of the **Victorian Responsible Gambling Foundation Act 2011**.". '.

3. SUSTAINABLE FORESTS (TIMBER) REPEAL BILL 2024

Amendments circulated by Melina Bath (MB12C)

1. Clause 20, line 12, before "After" insert "(1)".
2. Clause 20, after line 16 insert—
 - '(2) After section 52(1A)(i) of the **Forests Act 1958** insert—
 - "(ia) in the case of a licence or permit granted to a member of a traditional owner group, or a traditional owner group, within the meaning of the **Traditional Owner Settlement Act 2010**, to take away forest produce and to offer that produce for sale;
 - (ib) to take away forest produce, to use that produce in the manufacture of any thing and to offer that thing for sale;
 - (ic) to cut and take away a commercial quantity of forest produce for the purposes of offering that produce for sale for use as firewood, being a commercial quantity that either individually or together with one or more other licences or permits granted under this section for the purposes of this paragraph, is not less than the quantity required to sustain demand for firewood in Victoria;".
 - (3) After section 52(1B)(b) of the **Forests Act 1958** insert—
 - "(ba) in the case of a licence or permit granted to a member of a traditional owner group, or a traditional owner group, within the meaning of the **Traditional Owner Settlement Act 2010**, to take away forest produce and to offer that produce for sale;
 - (bb) to take away forest produce, to use that produce in the manufacture of any thing and to offer that thing for sale;
 - (bc) to cut and take away a commercial quantity of forest produce for the purposes of offering that produce for sale for use as firewood, being a commercial quantity that either individually or together with one or more other licences or permits granted under this section for the purposes of this paragraph, is not less than the quantity required to sustain demand for firewood in Victoria;".'.
3. Clause 21, page 13, after line 20 insert—

"57NAA Interpretation

In sections 57NB and 57NC, ***imminent damage*** means loss of viable populations throughout a species range but does not include loss of viable populations arising from an activity performed for the purposes of preventing or suppressing disease, dieback or fire, including thinning, cutting and removing timber, planned burning and creating or maintaining firebreaks, fire access tracks or public roads."

NEW CLAUSE

4. Insert the following clause to follow clause 21—

'21A New sections 73A to 73L inserted

After section 73 of the **Forests Act 1958** insert—

"State forest safety zones**73A Definitions**

In sections 73B to 73L—

authorised person means the following—

- (a) the Secretary, when performing a function, or exercising a power, of the Secretary;
- (b) an authorised officer, when performing a function, or exercising a power, of an authorised officer;
- (c) a utility performing functions in a State forest and any employee, agent or contractor of that utility when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract;
- (d) a transport authority performing functions in a State forest and any employee, agent or contractor of that transport authority when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract;
- (e) a person undertaking timber harvesting operations in accordance with an authorisation specified in section 45(2) and any employee, agent or contractor of that person when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract;
- (f) a person who is the holder of a licence or permit under section 52 of the **Forests Act 1958** granted for the purposes set out in subsection (1A)(c), (d), (e), (f) or (g) of that section and any employee, agent or contractor of that person when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract and with the terms of the licence or permit;
- (g) a person who is the holder of a licence under section 141 or 147, or of a right under section 149, of the **Land Act 1958**, when undertaking an activity authorised by that licence or

- right, or an employee, agent or contractor of that person when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract and with the terms of the licence or right;
- (h) a person who is an employee, agent or contractor of the Department when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract employment, agency or contract;
 - (i) a person who is an employee, agent or contractor of Fire Rescue Victoria, WorkSafe Victoria, the Department of Transport, the Environment Protection Authority or the State Emergency Service, when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract;
 - (j) a person who is a police officer, when performing a function, or exercising a power, of a police officer;
 - (k) a person who is an environmental auditor within the meaning of the **Environment Protection Act 2017**, when performing the function of an environmental auditor;
 - (l) a person appointed by the Secretary to observe the conduct of an environmental audit within the meaning of the **Environment Protection Act 2017**, when performing that function and in the company of a person referred to in paragraph (k);
 - (m) a person who is the holder of a lease, licence, permit or other authority under the **Mineral Resources (Sustainable Development) Act 1990** (other than a miner's right or a tourist fossicking authority) and any employee, agent or contractor of that person when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract and with the terms of the lease, licence, permit or other authority;
 - (n) a person who is the holder of a lease, licence, permit or other authority under the **Geothermal Energy Resources Act 2005**, **Greenhouse Gas Geological Sequestration Act 2008** or **Petroleum Act 1998** and any employee, agent or contractor of that person when acting in accordance with the terms of the employee's, agent's or contractor's employment, agency or contract and with the terms of the lease, licence, permit or other authority;
 - (o) a person who is a member of a traditional owner group when that person is acting under and in accordance with an agreement under Part 6 of the **Traditional Owner Settlement Act 2010**;

timber harvesting operations means any of the following kinds of activities carried out by a person or body—

- (a) for the primary purpose of the sale, or the processing and sale—
 - (i) felling or cutting trees or parts of trees;
 - (ii) taking or removing timber;
 - (iii) delivering timber to a buyer or transporting to a place for collection by a buyer or sale to a buyer;
 - (iv) any works, including road works, ancillary to any of the activities referred to in subparagraphs (i) to (iii);
 - (b) the provision or use of machinery or equipment for timber harvesting in a state forest safety zone;
 - (c) engaging in timber harvesting operations in a state forest safety zone as an authorised person;
 - (d) regeneration burning—
- but does not include the collection of firewood for domestic use;

state forest safety zone has the meaning given by section 73C.

73B Power to declare certain areas for the purposes of sections 73B to 73L

For the purposes of section 73C(a), the Minister, by order published in the Government Gazette, may declare an area specified in a licence granted under section 52 for a purpose referred to in subsection (1A)(c), (d), (e), (f) or (g) of that section to be a coupe for the purposes of sections 73B to 73L.

73C What is a state forest safety zone?

A state forest safety zone is—

- (a) a coupe; and
- (b) any road that is within that coupe that has been closed for the purposes of timber harvesting operations; and
- (c) any area of State forest that is within 150 metres from the boundary of that coupe.

73D Notice of state forest safety zone to be given

- (1) Before the initial commencement of timber harvesting operations in a particular state forest safety zone, the person conducting the operations must ensure that a notice that complies with subsection (2) is conspicuously displayed on or near the zone including on any road that is an entry point to the zone.
- (2) A notice under subsection (1) must—
 - (a) specify the location of the state forest safety zone; and
 - (b) specify the commencement date of timber harvesting operations in that zone; and

(c) state that offences and penalties apply in that zone.

73E Direction to leave a state forest safety zone

- (1) An authorised officer may direct a person to leave a state forest safety zone (and not re-enter the zone) in a manner specified in the direction.
- (2) A person must not refuse or fail to comply with a direction under subsection (1).

Penalty: 60 penalty units.

73F Direction to stop or move a vehicle in a state forest safety zone

- (1) An authorised officer may direct a person operating a vehicle in a state forest safety zone to stop or manoeuvre the vehicle in a manner specified in the direction.
- (2) A person must not refuse or fail to comply with a direction under subsection (1).

Penalty: 60 penalty units.

73G Direction to remove a dog from a state forest safety zone

- (1) An authorised officer may direct a person in apparent control of a dog in a state forest safety zone notice of which has been given in accordance with section 73D to remove the dog from the zone.
- (2) A person must not refuse or fail to comply with a direction under subsection (1).

Penalty: 60 penalty units.

73H Offence to enter or remain in a state forest safety zone

A person (other than an authorised person) must not enter, or remain in, a state forest safety zone notice of which has been given in accordance with section 73D.

Penalty: 60 penalty units.

73I Offence to be in possession of a prohibited thing in a state forest safety zone

A person (other than an authorised person) must not be in possession of a prohibited thing in a state forest safety zone notice of which has been given in accordance with section 73D.

Penalty: 60 penalty units.

73J Offence to allow a dog to enter a state forest safety zone

A person must not allow a dog to enter a state forest safety zone notice of which has been given in accordance with section 73D.

Penalty: 60 penalty units.

73K Offence to remove or destroy a barrier or fence

A person must not unlawfully break down, damage or destroy a barrier or fence which has been erected to prohibit or restrict access to a state forest safety zone.

Penalty: 60 penalty units.

73L Offence to remove or destroy notice

A person must not unlawfully alter, obliterate, deface, remove or destroy a notice displayed in accordance with section 73D.

Penalty: 60 penalty units."

NEW CLAUSE

5. Insert the following New Clause to follow clause 27—

'27A New section 97A inserted

After section 97 of the **Forests Act 1958** insert—

"97A Civil proceedings

A civil proceeding may not be commenced in relation to an actual, apprehended or threatened contravention of—

- (a) this Act; or
- (b) the regulations; or
- (c) an instrument made under this Act; or
- (d) a licence or permit granted under this Act—

other than by or on behalf of the Crown or an entity that represents the Crown."

Amendments circulated by Sarah Mansfield (SMA17C)

NEW CLAUSE

1. Insert the following clause before clause 16—

'15A Definitions

In section 3(1) of the **Conservation, Forests and Lands Act 1987** insert the following definition—

"relevant international instruments means the following—

- (a) the Convention on Biological Diversity;
- (b) the United Nations Framework Convention on Climate Change;

- (c) the United Nations Declaration on the Rights of Indigenous Peoples;
 - (d) any other international convention relating to the sustainability, use and management of the environment to which Australia is a party;".'
- 2. Clause 16, page 9, lines 13 to 17, omit all words and expressions on these lines and insert—
 - "(2) In determining criteria and indicators under subsection (1), the Minister must—
 - (a) take into account any nationally or internationally agreed criteria and indicators, and relevant international instruments, for sustainable forest management; and
 - (b) consult any traditional owner group entity (within the meaning of the **Traditional Owner Settlement Act 2010**) of the land and take into account the rights and interests of the traditional owner group by acknowledging the group's cultural connections to land, biodiversity and resources through a relationship to Country."
- 3. Clause 16, page 10, lines 21 to 30, omit all words and expressions on these lines and insert—
 - "40E Sustainability Charter**
 - (1) The Minister must develop a Sustainability Charter.
 - (2) A Sustainability Charter must set out objectives for the sustainability of forests.
 - (3) In determining the objectives of a Sustainability Charter, at least one objective must be included to encourage participation by any traditional owner group entity (within the meaning of the **Traditional Owner Settlement Act 2010**) of the land in the management of the State forests on Country.
 - (4) In developing a Sustainability Charter, the Minister must consult with—
 - (a) the Minister administering the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**; and
 - (b) the Minister administering the **Climate Change Act 2017**; and
 - (c) any traditional owner group entity (within the meaning of the **Traditional Owner Settlement Act 2010**) of the land."

NEW CLAUSE

- 4. Insert the following clause to follow clause 21—
 - '21A Secretary may enter into agreements and arrangements relating to the prevention and suppression of fires and recovery from fires**
 - (1) After section 62C(2) of the **Forests Act 1958** insert—

"(2A) Before entering into an agreement or arrangement under subsection (1) or (2) that relates (in whole or in part) to activity for the prevention of or recovery from fire that is likely to affect a threatened or endangered species, the Secretary must—

- (a) undertake an assessment of the likely ecological impact of the activity; and
- (b) consider any action statement under section 19 of the **Flora and Fauna Guarantee Act 1988** relating to the threatened or endangered species; and
- (c) ensure that the agreement or arrangement provides that any logging to be undertaken under the agreement or arrangement must not contravene the action statement."

(2) After section 62C(3A) of the **Forests Act 1958** insert—

"(3B) The Conservation Regulator of the Department of Energy, Environment and Climate Action, or the Environment Protection Authority, may investigate the ecological implications of activities undertaken under an agreement or arrangement under subsection (1) or (2) and make appropriate recommendations to the Secretary about the activities.

(3C) A person must not sell, or offer for sale, any timber or forest produce that is cut in or removed from a State forest in undertaking an activity under an agreement or arrangement under subsection (1) or (2).

Penalty: 20 penalty units."

(3) **Insert** the following definition in section 62C(4) of the **Forests Act 1958**—

"**Environment Protection Authority** has the same meaning as Authority has in the **Environment Protection Act 2017**";".