



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 74, 75 and 76

No. 74 — Tuesday, 30 July 2024

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

- 2 **THE LATE HONOURABLE BARRY THOMAS PULLEN** — Jaclyn Symes moved, That this House expresses its sincere sorrow at the death, on 26 June 2024, of the Honourable Barry Thomas Pullen, 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 Council for the Electoral Province of Melbourne from 1982 to 1999, and as Minister for the Arts and Minister for Agriculture and Rural Affairs in 1989, Minister for Housing and Construction from 1988 to 1990, Minister for Education from 1990 to 1991, Minister for Education and Training from 1991 to 1992, and Minister for Conservation and Environment in 1992.

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 12.18 pm to 1.21 pm]

- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 25 June 2024, given the Royal Assent to the following Acts presented to her by the Clerk of the Legislative Council:

Local Government Amendment (Governance and Integrity) Act 2024

Sustainable Forests (Timber) Repeal Act 2024

Victorian Responsible Gambling Foundation Repeal and Advisory Councils Act 2024.

- 4 **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 a minister to provide a written response to questions without notice pursuant to Standing Order 8.07 as follows:

- **Veterinarian care access (QwN 586)** — substantive and supplementary questions asked by Georgie Purcell — response from Jaclyn Symes due Thursday, 1 August 2024.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

5 PETITIONS —

ALLOW DISABLING OF REMOTE FUNCTION OF ELECTRICITY SMART METERS —

Jeff Bourman presented a petition bearing 269 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to change regulations in Victoria to allow for the disabling of the remote function of electricity smart meters (*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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FUNDING FOR THE REFURBISHMENT OF JB OSBORNE THEATRE —

Gaelle Broad presented a petition bearing 1,021 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide funding to assist Crusoe College in restoring and refurbishing the JB Osborne Theatre for education and community purposes (*Ordered to be tabled*).

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

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AMEND THE ROAD SAFETY ACT 1986 TO EXEMPT MEDICAL CANNABIS PATIENTS —

David Ettershank presented a petition bearing 5,769 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to amend the *Road Safety Act 1986* to make it no longer an offence for a driver who is unimpaired to have detectable THC in their blood or oral fluid, provided they have taken their medication as prescribed (*Ordered to be tabled*).

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

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PLAN FOR A NEW SCHOOL IN WINCHELSEA —

Sarah Mansfield presented a petition bearing 352 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to consider planning for a new school on a greenfield site in Winchelsea to cater for the current and future growth of the town and surrounding areas (*Ordered to be tabled*).

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

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HALT BUILDING ELECTRICAL SUBSTATION AT BALLARAT EAST SITE —

Joe McCracken presented a petition bearing 2,004 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to intervene and halt the planned building of a major electrical substation by Powercor in Ballarat East as it

is closely surrounded by residences and request that the land be rezoned (*Ordered to be tabled*).

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

- 6 CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES AMENDMENT (RIGHT TO A SAFE CLIMATE) BILL 2024** — Sarah Mansfield introduced *A Bill for an Act to amend the Charter of Human Rights and Responsibilities Act 2006 to provide for a right to a safe climate and for other purposes*.

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

- 7 GOVERNMENT CONSTRUCTION PROJECTS INTEGRITY BILL 2024** — Evan Mulholland introduced *A Bill for an Act to impose certain obligations on parties to construction contracts entered into by or on behalf of the Crown and on certain registered employee organisations and for other purposes*.

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

- 8 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT (ENDING POLITICAL CORRUPTION) BILL 2024** — Sarah Mansfield introduced *A Bill for an Act to amend the Independent Broad-based Anti-corruption Commission Act 2011 in relation to the meaning of corrupt conduct and for other purposes*.

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

9 PAPERS —

COMMITTEE REPORTS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sheena Watt tabled Alert Digest No. 9 of 2024 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

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ENVIRONMENT AND PLANNING COMMITTEE — Pursuant to Standing Order 23.22, Ryan Batchelor tabled a Final Report and Summary booklet on the Inquiry into the 2022 flood event in Victoria (including Appendices, Extracts of Proceedings and Minority Reports) from the Environment and Planning Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report and Summary booklet published*).

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

Debate ensued.

Question — put and agreed to.

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ELECTORAL MATTERS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Lee Tarlamis tabled a Report on the Inquiry into the conduct of the 2022 Victorian state election (including Appendices, Extracts of Proceedings and Minority Reports) from the Electoral Matters Committee, and presented Transcripts

of Evidence (*Transcripts of Evidence ordered to be tabled and the Report (two volumes) published*).

Lee Tarlamis moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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INTEGRITY AND OVERSIGHT COMMITTEE — Pursuant to section 35(2)(c) of the *Parliamentary Committees Act 2003*, and following the release of the report on 1 July 2024, the Clerk tabled the Report on the independent performance audit of the Victorian Ombudsman (including an Appendix) from the Integrity and Oversight Committee (*Ordered to be published*).

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

Question — put and agreed to.

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

Audit Act 1994 — Performance Audit of the Victorian Auditor-General and the Victorian Auditor-General's Office, 29 July 2024, under section 83(4) of the Act.

Auditor-General —

Access to Emergency Healthcare, June 2024 (*released on 25 June 2024 – a non-sitting day*) (*Ordered to be published*).

Managing State-significant Risks, June 2024 (*released on 27 June 2024 – a non-sitting day*) (*Ordered to be published*).

Results of 2023 Audits: Universities (*released on 28 June 2024 – a non-sitting day*) (*Ordered to be published*).

Crown Land (Reserves) Act 1978 —

Order of 8 July 2024 giving approval for the granting of a license at Alexandra Gardens Reserve.

Order of 15 July 2024 giving approval for the granting of a lease at Rosebud Public Park and Recreation Reserve.

Order of 18 July 2024 giving approval for the granting of a license at Alexandra Gardens Reserve.

Drugs, Poisons and Controlled Substances Act 1981 — Report, 2023, under section 96 by the Chief Commissioner of Victoria Police.

Gambling Regulation Act 2003 — Report of Independent Review Panel: Wagering and Betting Licensing Project, under section 10.2A.11(3) of the Act.

Independent Broad-based Anti-corruption Commission — Annual Plan, 2024-25 (*released on 27 June 2024 – a non-sitting day*) (*Ordered to be published*).

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on Gambling and liquor regulation in Victoria: a follow up of three Auditor-General reports.

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

Bass Coast Planning Scheme — Amendments C167 and C168.

Bayside Planning Scheme — Amendment C194.

Brimbank Planning Scheme — Amendment C225.

Colac Otway Planning Scheme — Amendment C124.

Glen Eira Planning Scheme — Amendment C247.
Greater Bendigo Planning Scheme — Amendment C241.
Greater Geelong Planning Scheme — Amendment C470.
Macedon Ranges Planning Scheme — Amendment C157.
Melbourne Planning Scheme — Amendments C381 and C471.
Mornington Peninsula Planning Scheme — Amendments C305 and C306.
Southern Grampians Planning Scheme — Amendment C60.
Stonnington Planning Scheme — Amendments C340 and C343.
Surf Coast Planning Scheme — Amendment C138.
Whitehorse Planning Scheme — Amendments C245, C249 and C251.
Yarra Planning Scheme — Amendments C293 and C322.

State Owned Enterprises Act 1992 — Constitution of Breakthrough Victoria Pty Ltd, under section 75(a) of the Act.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 59.
Circular Economy (Waste Reduction and Recycling) Act 2021 — No. 55.
Country Fire Authority Act 1958 — No. 49.
Fundraising Act 1998 — No. 67.
Honorary Justices Act 2014 — No. 66.
Local Government Act 2020 — City of Melbourne Act 2001 — Nos. 56 and 57.
National Electricity (Victoria) Act 2005 — No. 69.
Occupational Health and Safety Act 2004 — No. 63.
Offshore Petroleum and Greenhouse Gas Storage Act 2010 — No. 65.
Petroleum Act 1998 — No. 64.
Residential Tenancies Act 1997 — Nos. 47 and 58.
Road Management Act 2004 — No. 61.
Road Safety Act 1986 — No. 60.
Sale of Land Act 1962 — No. 48.
Subordinate Legislation Act 1994 — Nos. 51, 52 and 53.
Supreme Court Act 1986 — No. 36.
Treasury Corporation of Victoria Act 1992 — No. 68.
Victoria Police Act 2013 — No. 50.
Victorian Civil and Administrative Tribunal Act 1998 — No. 54.
Water Act 1989 — No. 62.

Subordinate Legislation Act 1994 —

Documents under section 15 in relation to Statutory Rule Nos. 33, 40, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68 and 69.

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

Dairy Food Safety Victoria Determination of licence classes and fees for dairy businesses for 1 July 2024 – 30 June 2025 under the Dairy Act 2000.

Ministerial Order No. 1454 – Government ELC Workforce (Employment Conditions) under the Education and Training Reform Act 2006.

Notice of declaration of a kind of insurance that is excluded from the definition of business insurance under section 3(2A) of the Duties Act 2000.

Water Act 1989 —

Corangamite Catchment Management Authority by-law No. 5 Waterways Protection 2024.

Goulburn Broken Catchment Management Authority by-law No. 4 Waterways Protection 2024.

Mallee Catchment Management Authority by-law No. 2 Waterways Protection 2024.

Ministerial Prohibition Determination Applicable to Particular Place of Take Approvals that are Tagged – July 2024.

North Central Catchment Management Authority by-law No. 2 Waterways Protection 2024.

North East Catchment Management Authority by-law No. 2024/01 Waterways Protection.

Order to Amend the Trading Rules for Declared Water Systems 2023 (Removal of the Grandfathered Use Reserve from the Goulburn to Murray Trade Rule).

West Gippsland Catchment Management Authority by-law No. 4 Waterways Protection 2024.

Wimmera Catchment Management Authority by-law No. 3 Waterways Protection 2024.

Surveillance Devices Act 1999 — Inspection Report by the Victorian Inspectorate on surveillance device records inspected during the period 1 January 2023 to 30 June 2023, under section 30Q of the Act.

Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian Inspectorate on Victoria Police records for the March to August 2023 period, under section 37D of the Act.

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 —

Determination No. 1/2024 setting the value of salaries and allowances for Members of Parliament (Victoria), effective 1 July 2024, under section 26 of the Act.

Guidelines No. 1/2024, effective 1 August 2024, under section 36 of the Act.

Victorian Inspectorate —

Annual Plan 2024-25 (*released on 28 June 2024 – a non-sitting day*).

Reports on controlled operations records and reports, 2022-23, for —

Department of Energy, Environment and Climate Action, under section 74P of the Wildlife Act 1975.

Game Management Authority, under section 74P of the Wildlife Act 1975.

Independent Broad-based Anti-corruption Commission, under section 39 of the Crimes (Controlled Operations) Act 2004.

Victorian Fisheries Authority, under section 131T of the Fisheries Act 1995.

Victoria Police, under section 39 of the Crimes (Controlled Operations) Act 2004.

Special Report: Investigation of unauthorised disclosures by an integrity officer (*released on 25 June 2024 – a non-sitting day*) (*Ordered to be published*).

Wrongs Act 1958 — Notice of scale of fees and costs for referrals of medical questions to medical panels under Part VBA (*Gazette G26, 27 June 2024*).

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

Government response to the Economy and Infrastructure Committee’s Inquiry into the industrial hemp industry in Victoria (*released on 24 June 2024 – a non-sitting day*).

Responses from the Minister for Mental Health to petitions titled —

Allow consumption and possession of small quantities of cannabis (petition No. 555) (presented by Rachel Payne on 28 May 2024) (*released on 12 July 2024 – a non-sitting day*).

Introduce medically supervised injecting rooms and needle syringe programs (petition No. 523) (presented by Sarah Mansfield on 2 May 2024) (*released on 11 July 2024 – a non-sitting day*).

Responses from the Minister for Police to petitions titled —

Allow security guards access to certain non-lethal weapons and protective clothing (petition No. 550) (presented by Jeff Bourman on 18 June 2024) (*released on 23 July 2024 – a non-sitting day*).

One-person police stations (petition No. 507) (presented by Joe McCracken on 18 June 2024) (*released on 23 July 2024 – a non-sitting day*).

Responses from the Minister for Public and Active Transport to petitions titled —

Permanent accessible tram stops on Sydney Road (petition No. 549) (presented by Samantha Ratnam on 18 April 2024) (*released on 20 June 2024*).

Reduce public transport fees for non-domestic students (petition No. 513) (presented by Katherine Copsey on 18 June 2024) (*released on 23 July 2024 – a non-sitting day*).

Responses from the Minister for Road and Road Safety to petitions titled —

Regular maintenance of VicRoads assets in Frankston City (petition No. 551) (presented by Ann-Marie Hermans on 18 June 2024) (*released on 10 July 2024 – a non-sitting day*).

Speed limits on the Pyrenees Highway near Castlemaine (petition No. 562) (presented by Wendy Lovell on 18 June 2024) (*released on 10 July 2024 – a non-sitting day*).

Response from the Minister for Transport Infrastructure to petition titled Include toilet facilities at the new Ringwood East Station (petition No. 543) (presented by Sonja Terpstra on 2 May 2024) (*released on 25 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:

Gambling Legislation Amendment Act 2023 — Division 2 of Part 3 — 30 August 2024 (*Gazette S406, 23 July 2024*).

State Electricity Commission Amendment Act 2024 — 1 July 2024 (*Gazette S319, 18 June 2024*).

Sustainable Forests (Timber) Repeal Act 2024 — 1 July 2024 (*Gazette S345, 25 June 2024*).

Transport Legislation Amendment Act 2023 — Part 5 and sections 37, 47, 49 and 55 — 1 July 2024 (*Gazette S319, 18 June 2024*).

Victorian Responsible Gambling Foundation Repeal and Advisory Councils Act 2024
— 1 July 2024 (*Gazette S345, 25 June 2024*).

10 PRODUCTION OF DOCUMENTS —

MEMORANDUM OF UNDERSTANDING FOR IMPLEMENTATION OF THE FIRE MEDICAL RESPONSE BY CFA VOLUNTEERS — The Clerk tabled one document and a letter from the Attorney-General, dated 23 July 2024, in response to a resolution of the Council on 19 June 2024 (on the motion of Georgie Crozier), relating to the memorandum of understanding for the implementation of the Fire Medical Response by CFA volunteers.

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REDEVELOPMENT OF HIGH-RISE PUBLIC HOUSING SITES — The Clerk tabled a letter from the Attorney-General, dated 29 July 2024, and a schedule of the 146 documents that the Government, in correspondence tabled on 20 June 2024, made a claim of executive privilege over in full, 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.

11 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 31 July 2024 —

- (1) order of the day made this day, second reading of the Government Construction Projects Integrity Bill 2024;
- (2) notice of motion No. 437 standing in David Ettershank's name on medicinal cannabis and driving;
- (3) notice of motion given this day by Rikkie-Lee Tyrrell referring matters relating to community consultation practices to the Environment and Planning Committee; and
- (4) notice of motion given this day by Georgie Crozier establishing a Select Committee on corruption and misconduct by the construction division of the CFMEU.

Question — put and agreed to.

12 MEMBERS' STATEMENTS — Members made statements.

13 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 278 to 474, and order of the day, government business, No. 1, be postponed until later this day.

14 CONFISCATION AMENDMENT (UNEXPLAINED WEALTH) BILL 2024 — Debate resumed on the question, That the Bill be now read a second time.

Evan Mulholland moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with "the Bill be withdrawn and not reintroduced until the Government commits to —

- (1) consulting properly with stakeholders, including the Law Institute of Victoria and the Victorian Bar, to consider and address their concerns; and
- (2) assuring Victorians that the Bill contains sufficient safeguards to adequately protect the rights of innocent people with no involvement in criminal activity."

Debate ensued.

Evan Mulholland (*EM11C*) and Jaclyn Symes (*JS47C*) circulated amendments proposed to be moved during Committee of the whole.

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

The Council divided — The President in the Chair.

AYES, 15

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

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

NOES, 20

Ryan Batchelor; John Berger; 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; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

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

Question negatived.

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

The Council divided — The President in the Chair.

AYES, 33

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

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

NOES, 2

Moira Deeming; David Limbrick.

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

Question agreed to.

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

House in Committee.

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

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

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

Debate ensued.

The Council adjourned at 6.20 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 75 — Wednesday, 31 July 2024

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

- 2 **PETITION — PLAN FOR A NEW SCHOOL IN WINCHELSEA** — Sarah Mansfield presented a petition bearing 356 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to consider planning for a new school on a greenfield site in Winchelsea to cater for the current and future growth of the town and surrounding areas (*Ordered to be tabled*).

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

- 3 **PAPERS —**

PAPER PRESENTED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following paper:

Auditor-General — Results of 2023 Audits: Technical and Further Education Institutes, July 2024 (*Ordered to be published*).

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

Responses from the Minister for Planning to petitions titled Rescind the Environmental Audit Overlay in the Wonthaggi North East Precinct Structure Plan (petition Nos. 556 and 563) (presented by Renee Heath on 20 June 2024) (*released on 30 July 2024*).

- 4 **MEMBERS' STATEMENTS** — Members made statements.
- 5 **GOVERNMENT CONSTRUCTION PROJECTS INTEGRITY BILL 2024** — Evan Mulholland laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Evan Mulholland moved, That the Bill be now read a second time.

On the motion of John Berger, the debate was adjourned for two weeks.

- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of notice of motion, No. 494, be postponed until the next day of meeting.

- 7 **PRODUCTION OF DOCUMENTS — TRANSITION OUT OF COMMERCIAL NATIVE FOREST LOGGING** — Sarah Mansfield moved, That this House —

(1) notes that the Victorian Government has committed more than \$900 million to Victoria's transition out of commercial native forest logging;

(2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within three weeks of the House agreeing to this resolution, any —

(a) contracts, materials or submissions provided by the Minister for Agriculture, the Minister for Environment or the Department of Energy, Environment and Climate Action (DEECA) regarding this funding;

(b) materials, including assessments and briefs, provided by DEECA to the Minister for Environment and the Minister for Agriculture concerning how this funding was spent; and

- (c) consultancies or work by contractors used to inform how this funding was spent.

Debate ensued.

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

Question — put and agreed to.

- 8 CONFISCATION AMENDMENT (UNEXPLAINED WEALTH) BILL 2024** — The Acting President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.

- 9 MEDICINAL CANNABIS AND DRIVING** — David Ettershank moved, That this House notes that —

- (1) since 2016 medicinal cannabis has been prescribed in Victoria and provided life-changing relief for many Victorians;
- (2) Victoria's driving laws treat medicinal cannabis patients like criminals, causing many to avoid their medication, putting their health at risk;
- (3) no other legally prescribed medication attracts this discrimination;
- (4) medicinal cannabis should be treated like other prescribed drugs which incur no offence if the driver is taking them as directed and is not impaired;
- (5) roadside drug testing is designed to measure presence rather than impairment, making it unreliable;
- (6) in 2022-23 over 7,000 Victorians were charged for presence alone, compared to around 100 charged for impairment;
- (7) the resulting loss of licence is devastating for those who rely on driving to access work, education and health services;
- (8) in addition to the closed-circuit track trial, the Government has funded —
 - (a) a report by the Medicinal Cannabis and Safe Driving Working Group;
 - (b) a Monash University study into drivers who use medicinal cannabis;
 - (c) two Swinburne University of Technology studies into roadside screening;
- (9) there have been multiple driving trials similar to that proposed by the Government;

and calls on the Government to immediately establish a legal defence for medicinal cannabis prescription holders charged with the presence of drugs in their system, if they were taken in accordance with a prescription and were not impaired when tested, and ensure this defence operates until the completion of the trial and subsequent legislation is passed by the Parliament.

Debate ensued.

Michael Galea moved, as amendments —

- 1. In paragraph (2), **omit** the words “like criminals” and **replace** them with “indiscriminately”.
- 2. In paragraph (5), **omit** the words and expressions “, making it unreliable”.
- 3. **Omit** paragraph (9).
- 4. **Omit** all words and expressions in the final hanging paragraph and **replace** them with —

“and calls on the Government to: (a) consider a proposal to establish a legal defence for medicinal cannabis prescription holders charged with the presence of THC in their system, if they were taken in accordance with a prescription

and were not impaired when tested, (b) ensure that this proposal includes widespread consultation with a range of legal and road safety stakeholders, and (c) table a report on this proposal in the Legislative Council by no later than 18 October 2024.”.

Debate ensued.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

10 QUESTION TIME —

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

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ANSWERS TAKEN INTO CONSIDERATION — On the motion of Georgie Crozier, the answers given by Gayle Tierney to questions relating to the CFMEU – Skills First program (QwN 592) were ordered to be taken into consideration on the next day of meeting.

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

- **Gas substitution roadmap (QwN 593)** — substantive and supplementary questions asked by David Limbrick — response from Ingrid Stitt due Friday, 2 August 2024.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

11 MEDICINAL CANNABIS AND DRIVING — Debate continued on the question, That this House notes that —

- (1) since 2016 medicinal cannabis has been prescribed in Victoria and provided life-changing relief for many Victorians;
- (2) Victoria’s driving laws treat medicinal cannabis patients like criminals, causing many to avoid their medication, putting their health at risk;
- (3) no other legally prescribed medication attracts this discrimination;
- (4) medicinal cannabis should be treated like other prescribed drugs which incur no offence if the driver is taking them as directed and is not impaired;
- (5) roadside drug testing is designed to measure presence rather than impairment, making it unreliable;
- (6) in 2022-23 over 7,000 Victorians were charged for presence alone, compared to around 100 charged for impairment;
- (7) the resulting loss of licence is devastating for those who rely on driving to access work, education and health services;
- (8) in addition to the closed-circuit track trial, the Government has funded —
 - (a) a report by the Medicinal Cannabis and Safe Driving Working Group;
 - (b) a Monash University study into drivers who use medicinal cannabis;
 - (c) two Swinburne University of Technology studies into roadside screening;
- (9) there have been multiple driving trials similar to that proposed by the Government;

and calls on the Government to immediately establish a legal defence for medicinal cannabis prescription holders charged with the presence of drugs in their system, if

they were taken in accordance with a prescription and were not impaired when tested, and ensure this defence operates until the completion of the trial and subsequent legislation is passed by the Parliament — and on the following amendments moved by Michael Galea —

1. In paragraph (2), **omit** the words “like criminals” and **replace** them with “indiscriminately”.
2. In paragraph (5), **omit** the words and expressions “, making it unreliable”.
3. **Omit** paragraph (9).
4. **Omit** all words and expressions in the final hanging paragraph and **replace** them with —

“and calls on the Government to: (a) consider a proposal to establish a legal defence for medicinal cannabis prescription holders charged with the presence of THC in their system, if they were taken in accordance with a prescription and were not impaired when tested, (b) ensure that this proposal includes widespread consultation with a range of legal and road safety stakeholders, and (c) table a report on this proposal in the Legislative Council by no later than 18 October 2024.”.

Question — That the amendments moved by Michael Galea be agreed to — put and agreed to.

Question — That the motion, amended as follows, be agreed to — That this House notes that —

- (1) since 2016 medicinal cannabis has been prescribed in Victoria and provided life-changing relief for many Victorians;
- (2) Victoria’s driving laws treat medicinal cannabis patients indiscriminately, causing many to avoid their medication, putting their health at risk;
- (3) no other legally prescribed medication attracts this discrimination;
- (4) medicinal cannabis should be treated like other prescribed drugs which incur no offence if the driver is taking them as directed and is not impaired;
- (5) roadside drug testing is designed to measure presence rather than impairment;
- (6) in 2022-23 over 7,000 Victorians were charged for presence alone, compared to around 100 charged for impairment;
- (7) the resulting loss of licence is devastating for those who rely on driving to access work, education and health services;
- (8) in addition to the closed-circuit track trial, the Government has funded —
 - (a) a report by the Medicinal Cannabis and Safe Driving Working Group;
 - (b) a Monash University study into drivers who use medicinal cannabis;
 - (c) two Swinburne University of Technology studies into roadside screening;

and calls on the Government to: (a) consider a proposal to establish a legal defence for medicinal cannabis prescription holders charged with the presence of THC in their system, if they were taken in accordance with a prescription and were not impaired when tested, (b) ensure that this proposal includes widespread consultation with a range of legal and road safety stakeholders, and (c) table a report on this proposal in the Legislative Council by no later than 18 October 2024 — put and agreed to.

12 ENVIRONMENT AND PLANNING COMMITTEE — COMMUNITY CONSULTATION PRACTICES — Rikkie-Lee Tyrrell moved, That this House —

- (1) notes that —

- (a) Victorians expect a high standard of community consultation on matters that affect them;
 - (b) Victorians also have an expectation that community consultations will be conducted in a way that is accessible, meaningful, and allows all participants to express their views without fear or favour;
 - (c) the Allan Labor Government states in its own Public Engagement Framework that it commits to meaningful, principled and inclusive public engagement, yet not all Victorians who participate in consultations have a satisfactory experience;
 - (d) community members are often left out of consultation processes due to location, timing, notification and the extent of consultation processes;
 - (e) Victorians who genuinely engage in consultation processes have the right to expect those conducting the consultations are prepared, across the details, and fully equipped to answer questions;
- (2) requires the Environment and Planning Committee to inquire into, consider and report, by 28 February 2026, on —
- (a) community consultation practices done by, and on behalf of, state and local government and statutory authorities, and providers of essential services such as utilities, in Victoria;
 - (b) the use of non-government providers to do consultations on behalf of government agencies;
 - (c) standards of conduct, including preparedness, to be expected in community consultations;
 - (d) groups or regions who are underrepresented by existing consultation practices, and options to improve their engagement;
 - (e) the Engage Victoria platform, its use and effectiveness, and areas for improvement; and
 - (f) best practice community consultation in other jurisdictions in Australia and other comparable countries.

Debate ensued.

Question — put and agreed to.

13 SELECT COMMITTEE — CORRUPTION AND MISCONDUCT BY THE CONSTRUCTION DIVISION OF THE CFMEU — Georgie Crozier moved, That —

- (1) a Select Committee of nine members be appointed to inquire into, consider and report, by March 2025, on allegations of corruption and misconduct by the construction division of the Construction, Forestry and Maritime Employees Union (CFMEU) on Victorian State Government projects, including but not limited to —
- (a) the nature, extent, and impact of misconduct, including kickbacks, standover tactics, corruption, waste, intimidation, bribery, the infiltration of criminal elements, and any other illegal conduct involving the CFMEU or others on Victorian Government projects, including ‘Big Build’ initiatives;
 - (b) any connections between CFMEU misconduct and the oversight, directives, actions, and failures to act by Victorian Ministers and officials, including the Premier, and the Victorian Government agencies responsible for major projects;

- (c) the nature and extent of the provision and misuse of public funds by the CFMEU and CFMEU funded entities;
 - (d) the impact of the Victorian State Government's management of major projects, procurement, systems, contractual arrangements, and practices on the failure to prevent, detect, and address such misconduct on Victorian Government projects;
 - (e) the impacts of CFMEU misconduct on the health and wellbeing of workers on Victorian Government projects, with a particular focus on mental health;
 - (f) any other relevant matter;
- (2) the Committee will consist of three members from the Government nominated by the Leader of the Government in the Council, three members from the Opposition nominated by the Leader of the Opposition in the Council and three 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, 17

Melina Bath; Jeff Bourman; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell; 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; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

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

Question negated.

- 14 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining notices of motion and orders of the day, general business, be postponed until the next day of meeting.

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

- 16 PETITIONS (QUALIFYING FOR DEBATE) — RETAIN THE LORD’S PRAYER IN LEGISLATIVE COUNCIL PROCEEDINGS** — Evan Mulholland moved, That the petition be taken into consideration.

Debate ensued.

The President advised that the time allocated for debate had concluded.

Question — put and agreed to.

- 17 ADJOURNMENT** — Gayle Tierney moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.49 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 76 — Thursday, 1 August 2024

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

- 2 PETITION — STOP WHOLESALE DESTRUCTION AND PRIVATISATION OF PUBLIC HOUSING** — Samantha Ratnam presented a petition bearing 2,001 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately stop the wholesale destruction and privatisation of public housing and instead maintain existing public housing and build new public housing on public land *(Ordered to be tabled)*.

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

- 3 PAPERS —**

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

Statutory Rules under the following Acts of Parliament —

Conservation, Forests and Lands Act 1987 — No. 71.

National Energy Retail Law (Victoria) Act 2024 — No. 70.

Subordinate Legislation Act 1994 — Documents under section 15 in relation to Statutory Rule Nos. 70 and 71.

* * * * *

PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper: Response from the Attorney-General to petition titled Retain the Lord's Prayer in Legislative Council proceedings (petition No. 557) (presented by Evan Mulholland on 19 June 2024) (*released on 31 July 2024*).

- 4 SITTING OF THE COUNCIL** — Jaclyn Symes moved, That the Council, at its rising, adjourn until Tuesday, 13 August 2024.

Question — put and agreed to.

- 5 BUSINESS OF THE HOUSE — PETITIONS (QUALIFYING FOR DEBATE)** — Joe McCracken moved, by leave, That this House authorises the petition tabled by Joe McCracken on 30 July 2024 to be given precedence over all other items listed under Petitions (qualifying for debate) on the next sitting Wednesday.

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 511, be postponed until later this day.

- 8 PARLIAMENTARY WORKPLACE STANDARDS AND INTEGRITY BILL 2024** — Debate resumed on the question, That the Bill be now read a second time.

Evan Mulholland (*EM14C*), Sarah Mansfield (*SMA19C*) and Samantha Ratnam (*SR138C*) circulated amendments proposed to be moved during Committee of the whole.

Business interrupted at 12.00 noon.

- 9 QUESTION TIME** —

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

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

- **Access to period products in hospitals (QwN 598)** — substantive and supplementary questions asked by Georgie Purcell — response from Ingrid Stitt due Monday, 5 August 2024.
- **Transgender affirmation surgeries (QwN 602)** — substantive and supplementary questions asked by Moira Deeming — response from Ingrid Stitt due Monday, 5 August 2024.
- **Protection of chicken farms from activists (QwN 604)** — substantive and supplementary questions asked by Jeff Bourman — response from Jaclyn Symes due Monday, 5 August 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

10 PARLIAMENTARY WORKPLACE STANDARDS AND INTEGRITY BILL 2024 — Debate continued on the question, That the Bill be now read a second time.

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

11 BUSINESS POSTPONED — Ordered — That the consideration of order of the day, government business, No. 2, be postponed until later this day.

12 BUDGET PAPERS, 2024-25 — Debate resumed on the question, That the Budget Papers, 2024-25 be taken into consideration.

On the motion of Joe McCracken (for Nick McGowan), the debate was adjourned until later this day.

13 PARLIAMENTARY WORKPLACE STANDARDS AND INTEGRITY BILL 2024 — Debate resumed on the question, That the Bill be now read a second time.

Jaclyn Symes (*JS50C*) circulated amendments proposed to be moved during Committee of the whole.

Question — put and agreed to.

Bill read a second time.

The Acting President advised that the President ruled certain amendments proposed to be moved during Committee of the whole by Sarah Mansfield (*SMA19C*) and Samantha Ratnam (*SR138C*) are outside the scope of the Bill.

Sarah Mansfield moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Parliamentary Committees Act 2003* to require that all Joint Investigatory Committees and Privileges Committees must have not more than half their members from a political party forming the Government and a chairperson who is not from such a party.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Melina Bath; Jeff Bourman; Gaelle Broad; 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; Enver Erdogan; Jacinta Ermacora; Michael Galea; Shaun Leane; Tom McIntosh; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

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

Question agreed to.

Bill committed to a Committee of the whole.

House in Committee.

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

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

- 14 ABORIGINAL LAND LEGISLATION AMENDMENT BILL 2024** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Aboriginal Lands Act 1970 and the Aboriginal Lands Act 1991 and for other purposes* and requesting the agreement of the Council.

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

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

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

Harriet Shing incorporated the second reading speech in Hansard.

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

- 15 STATE SPORTING LEGISLATION AMENDMENT BILL 2024** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the ANZAC Day Act 1958 to change the description of an area in which sports are held on ANZAC Day, to amend the Kardinia Park Stadium Act 2016, the Melbourne and Olympic Parks Act 1985, the Melbourne Cricket Ground Act 2009 and the State Sport Centres Act 1994 in relation to trust membership, leasing powers and other miscellaneous amendments, to amend the Professional Boxing and Combat Sports Act 1985 in relation to acting appointments and for other purposes* and requesting the agreement of the Council.

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

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

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

Harriet Shing incorporated the second reading speech in Hansard.

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

- 16 YOUTH JUSTICE BILL 2024** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the reform of the youth justice system, to amend the Children, Youth and Families Act 2005 and other related Acts and for other purposes* and requesting the agreement of the Council.

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

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

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

Harriet Shing incorporated the second reading speech in Hansard (except for the statement under section 85(5) of the *Constitution Act 1975*).

Harriet Shing made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

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

17 ADJOURNMENT — Harriet Shing moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 7.12 pm until Tuesday, 13 August 2024.

ROBERT McDONALD
Clerk of the Legislative Council

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COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 74, 75 and 76

CONFISCATION AMENDMENT (UNEXPLAINED WEALTH) BILL 2024

Committed Tuesday, 30 July 2024

Amendments circulated: Evan Mulholland (EM11C) (p. 615) and Jaclyn Symes (JS47C) (pp. 615-16)

Clauses 1 to 23 — put and agreed to.

Clause 24 — Jaclyn Symes moved amendment Nos. 1 and 2 (JS47C).

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

Clause 24, as amended — put and agreed to.

Clauses 25 to 45 — put and agreed to.

New Clause 45A — Jaclyn Symes moved amendment No. 3 (JS47C).

Question — That New Clause 45A stand part of the Bill — put and agreed to.

Clauses 46 to 48 — put and agreed to.

Bill reported with amendments.

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PARLIAMENTARY WORKPLACE STANDARDS AND INTEGRITY BILL 2024

Committed Thursday, 1 August 2024

Amendments circulated: Sarah Mansfield (SMA19C) (pp. 616-20), Evan Mulholland (EM14C) (p. 620), Samantha Ratnam (SR138C) (pp. 620-1) and Jaclyn Symes (JS50C) (pp. 621-4)

Clauses 1 and 2 — put and agreed to.

Clause 3 — Jaclyn Symes moved amendment No. 1 (JS50C).

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

Clause 3, as amended — put and agreed to.

Clauses 4 to 32 — put and agreed to.

New Clauses 32A to 32C — Jaclyn Symes moved amendment No. 2 (JS50C).

Question — That New Clauses 32A to 32C stand part of the Bill — put and agreed to.

Clauses 33 to 40 — put and agreed to.

Clause 41 — Jaclyn Symes moved amendment Nos. 3 to 5 (*JS50C*).

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

Clause 41, as amended — put and agreed to.

Clauses 42 to 44 — put and agreed to.

Clause 45 — Jaclyn Symes moved amendment No. 6 (*JS50C*).

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

Clause 45, as amended — put and agreed to.

Clauses 46 to 48 — put and agreed to.

Clause 49 — Evan Mulholland moved amendment Nos. 1 to 4 (*EM14C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Melina Bath; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis;
Moirra Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell;
Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan;
Evan Mulholland; 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, 17

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

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

Question agreed to.

Clause 49, as amended — put and agreed to.

Clauses 50 and 51 — put and agreed to.

Clause 52 — Jaclyn Symes moved amendment No. 7 (*JS50C*).

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

Clause 52, as amended — put and agreed to.

Clauses 53 to 57 — put and agreed to.

Clause 58 — Jaclyn Symes moved amendment Nos. 8 and 9 (*JS50C*).

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

Clause 58, as amended — put and agreed to.

Clauses 59 and 60 — put and agreed to.

Clause 61 — Jaclyn Symes moved amendment No. 10 (*JS50C*).

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

Clause 61, as amended — put and agreed to.

Clauses 62 to 82 — put and agreed to.

Clause 83 — Jaclyn Symes moved amendment Nos. 11 to 14 (*JS50C*).

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

Clause 83, as amended — put and agreed to.

Clauses 84 to 138 — put and agreed to.

Clause 139 — Sarah Mansfield moved amendment Nos. 11 and 12 (*SMA19C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 10

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

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

NOES, 28

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

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

Question negatived.

Samantha Ratnam moved amendment Nos. 1 and 2 (*SR138C*).

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

Samantha Ratnam moved amendment No. 3 (*SR138C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 11

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

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

NOES, 28

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

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

Question negatived.

Clause 139, as amended — put and agreed to.

Clause 140 — put and agreed to.

Clause 141 — Samantha Ratnam moved amendment No. 5 (*SR138C*).

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

Clause 141, as amended — put and agreed to.

New Clause 141A — Sarah Mansfield moved amendment No. 18 (*SMA19C*).

Question — That New Clause 141A stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 11

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

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

NOES, 28

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

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

Question negatived.

Clauses 142 to 189 — put and agreed to.

Schedules 1 to 3 — put and agreed to.

Bill reported with amendments.

AMENDMENTS CIRCULATED IN RELATION TO —**1. CONFISCATION AMENDMENT (UNEXPLAINED WEALTH) BILL 2024***Amendments circulated by Evan Mulholland (EM11C)***NEW CLAUSE**

1. Insert the following New Clause to follow clause 45—

'45A New section 148 inserted

After section 147 of the **Confiscation Act 1997** insert—

"148 Review of amendments made by Confiscation Amendment (Unexplained Wealth) Act 2024

- (1) The Attorney-General must cause a review to be conducted of the operation of the amendments made to this Act by the **Confiscation Amendment (Unexplained Wealth) Act 2024**.
- (2) The review must be commenced no later than 3 years after the commencement of the **Confiscation Amendment (Unexplained Wealth) Act 2024**.
- (3) The review must be completed no later than 6 months after it commences.
- (4) The Attorney-General must cause a copy of the review to be laid before each House of Parliament no later than 14 sitting days after receiving it.".

Amendments circulated by Jaclyn Symes (JS47C)

1. Clause 24, page 24, after line 8 insert—

"(4) For the purposes of an assessment of a person's wealth under this section—

- (a) property acquired more than 10 years prior to the application date is taken to have been lawfully acquired; and
- (b) a benefit derived more than 10 years prior to the application date is taken to have been lawfully derived; and
- (c) a service or advantage obtained more than 10 years prior to the application date is taken to have been lawfully obtained.

(5) In this section—

application date, for a person whose wealth is being assessed, means the date on which an application is made for an unexplained wealth order to be made against the person."

2. Clause 24, page 24, after line 32 insert—

"Note

A respondent's wealth is taken to have been lawfully acquired if the wealth was acquired more than 10 years prior to the date on which an application is made for an unexplained wealth order to be made against the respondent—see section 40ZAAC(4)."

NEW CLAUSE

3. Insert the following New Clause to follow clause 45—

'45A New section 148 inserted

After section 147 of the **Confiscation Act 1997** insert—

"148 Review of introduction of new unexplained wealth pathway by Confiscation Amendment (Unexplained Wealth) Act 2024

- (1) The Attorney-General must cause a review to be conducted of the operation of Division 1A of Part 4A of this Act and any provisions of this Act that support the operation of that Division.
- (2) The review must be commenced no later than 3 years after the commencement of section 24 of the **Confiscation Amendment (Unexplained Wealth) Act 2024**.
- (3) The review must be completed no later than 12 months after it commences.
- (4) The Attorney-General must cause a copy of the review to be laid before each House of Parliament as soon as practicable after receiving it."

2. PARLIAMENTARY WORKPLACE STANDARDS AND INTEGRITY BILL 2024

Amendments circulated by Sarah Mansfield (SMA19C)

1. Clause 3, page 5, after line 29 insert—

"non-compliance report means a report prepared by the Commission under section 32A(1);"

NEW CLAUSES

2. Insert the following New Clauses to follow clause 32—

"32A Non-compliance with sanctions imposed by Commission

- (1) Subject to subsection (2), if the Commission considers that a person has failed to comply, within a reasonable time, with a sanction imposed under section 30, the Commission—
 - (a) must prepare a report of that failure; and

- (b) may recommend that one or more sanctions be imposed on the person as if the Commission had made a finding of serious parliamentary misconduct by the person.
- (2) The Commission must not prepare a non-compliance report unless the Commission has—
 - (a) given the person an opportunity to respond to the proposed report; and
 - (b) considered any response by the person.
- (3) A non-compliance report must include the following—
 - (a) the details of the Commission's finding that the person has failed to comply with the sanction;
 - (b) the sanctions (if any) that the Commission recommends be imposed on the person;
 - (c) any response by the person under subsection (2)(b).
- (4) The Commission must provide a non-compliance report as soon as practicable to the following—
 - (a) the individual referrer (if any) who made the referral for which an investigative report was prepared and the sanction was imposed;
 - (b) the person who is the subject of the non-compliance report;
 - (c) any other person or body to whom the Commission provided the investigative report under section 28(7) or (8).

32B Presentation of non-compliance report to Parliament—Privileges Committee

- (1) Subject to subsection (2), if a Privileges Committee receives a non-compliance report, the Privileges Committee must—
 - (a) consider the report; and
 - (b) in the case that the report includes sanctions that the Commission recommends be imposed on the person who is the subject of the report—
 - (i) invite the person to provide within 30 days a written response regarding the sanctions recommended; and
 - (ii) consider any response provided within 30 days by the person; and
 - (c) prepare and cause to be transmitted to its House, no later than 10 sitting days after the period referred to in paragraph (b), a report that contains—
 - (i) the non-compliance report; and
 - (ii) the recommendations of the Privileges Committee regarding sanctions; and

- (iii) an explanation for any differences between the recommendations of the Commission and the recommendations of the Privileges Committee.
- (2) As soon as practicable after a Privileges Committee receives a non-compliance report, a Member of the Privileges Committee who has a direct or indirect interest in the subject-matter of the report, being an interest that could conflict with the performance of their duties as a Member of the Privileges Committee in considering the report, must—
 - (a) recuse themselves from the consideration of the report until the Privileges Committee has caused a report to be transmitted to its House in accordance with subsection (1)(c); or
 - (b) resign from the Privileges Committee.
- (3) For the purposes of subsection (2), a direct or indirect interest in the subject-matter of a report does not include being a member of the same political party as the person who is the subject of the report.
- (4) A Privileges Committee must not reconsider or review any finding of the Commission in a non-compliance report.

Note

See section 112 for general requirements relating to transmission of reports to Parliament.

32C Presentation of non-compliance report to Parliament—Premier

- (1) If the Premier receives a non-compliance report, the Premier must—
 - (a) consider the report; and
 - (b) in the case that the report includes sanctions that the Commission recommends be imposed on the person who is the subject of the report—
 - (i) invite the person to provide within 30 days a written response regarding the sanctions recommended; and
 - (ii) consider any response provided within 30 days by the person; and
 - (c) prepare and cause to be transmitted to the House of which the person who is the subject of the report is or was a Member, no later than 10 sitting days after the period referred to in paragraph (b), a report that contains—
 - (i) the non-compliance report; and
 - (ii) a statement of the actions that the Premier has taken in response to the non-compliance report; and
 - (iii) an explanation for any differences between the recommendations of the Commission and the actions taken by the Premier.
- (2) Subsection (1) does not apply in respect of a non-compliance report that is related to an investigative report received by the Premier under section 28(8).

- (3) The Premier must not reconsider or review any finding of the Commission in a non-compliance report.

Note

See section 112 for general requirements relating to transmission of reports to Parliament."

3. Clause 41, lines 1 and 2, omit "**investigative report or summary report**" and insert "**reports**".
4. Clause 41, line 4, omit "or a summary report" and insert ", a summary report or a non-compliance report".
5. Clause 41, lines 6 to 7, omit "or a summary report" and insert ", a summary report or a non-compliance report".
6. Clause 61, page 73, after line 2 insert—

"(fa) a function under section 32A (preparing and providing a non-compliance report);".
7. Clause 83, page 94, line 29, omit "reports and" and insert "reports,".
8. Clause 83, page 94, line 30, after "reports" insert "and non-compliance reports".
9. Clause 83, page 95, line 1, omit "reports and" and insert "reports,".
10. Clause 83, page 95, line 2, after "reports" insert "and non-compliance reports".
11. Clause 139, line 6, before "In" insert "(1)".
12. Clause 139, after line 8, insert—

'(2) After section 21(4) of the **Parliamentary Committees Act 2003** insert—

"(5) Not more than half of the members of a Joint Investigatory Committee may be members of a political party forming the Government.".'

NEW CLAUSE

13. Insert the following New Clause to follow clause 139—

"139A Membership of Pandemic Declaration Accountability and Oversight Committee

Section 21A(5) of the **Parliamentary Committees Act 2003** is repealed."
14. Clause 140, line 14, omit "(1)".
15. Clause 140, line 19, omit "Council." and insert 'Council.".'
16. Clause 140, lines 20 to 23, omit all words and expressions on these lines.
17. Clause 141, lines 25 to 27, omit all words and expressions on these lines and insert—

'For section 22(1A) of the **Parliamentary Committees Act 2003** substitute—

"(1A) The chairperson of a Joint Investigatory Committee must not be a member of a political party forming the Government.".'.

NEW CLAUSE

18. Insert the following New Clause to follow clause 141—

'141A New section 50A inserted

After section 50 of the **Parliamentary Committees Act 2003** insert—

"50A Membership and chairperson of Privileges Committee

- (1) Not more than half of the members of a Privileges Committee may be members of a political party forming the Government.
- (2) The chairperson of a Privileges Committee must not be a member of a political party forming the Government.
- (3) In this section—

Privileges Committee means the parliamentary committee of the Assembly or the Council that is responsible for determining whether there has been a breach of parliamentary privilege or a contempt of that House or of the Parliament.".'.

Amendments circulated by Evan Mulholland (EM14C)

1. Clause 49, page 65, line 7, omit "5" and insert "10".
2. Clause 49, page 65, line 9, omit "5" and insert "10".
3. Clause 49, page 65, line 15, omit "5" and insert "10".
4. Clause 49, page 65, line 17, omit "5" and insert "10".
5. Clause 52, line 14, omit "or 51(1)" and insert ", 51(1) or 58(1)".
6. Clause 58, line 15, omit "The" and insert "Subject to section 52, the".
7. Clause 58, lines 32 to 34, omit all words and expressions on these lines.

Amendments circulated by Samantha Ratnam (SMA138C)

1. Clause 139, line 6, before "In" insert "(1)".
2. Clause 139, after line 8 insert—

'(2) After section 21(1) of the **Parliamentary Committees Act 2003** insert—

"(1A) Not more than half the members of the Integrity and Oversight Committee may be members of a political party forming the Government.".'.

3. Clause 139, before line 9 insert—
 - '(3) Before section 21(2) of the **Parliamentary Committees Act 2003** insert—
 - "(1B) Not more than half the members of the Public Accounts and Estimates Committee may be members of a political party forming the Government.".'
4. Clause 141, line 25, before "In" insert "(1)".
5. Clause 141, line 27, before "or" insert ", the Integrity and Oversight Committee".
6. Clause 141, after line 27 insert—
 - '(2) In section 22(1A) of the **Parliamentary Committees Act 2003**, after "The chairperson of" insert "the Public Accounts and Estimates Committee,".'

Amendments circulated by Jaclyn Symes (JS50C)

1. Clause 3, page 5, after line 29 insert—
 - "**non-compliance report** means a report prepared by the Commission under section 32A(1);".
- NEW CLAUSES
2. Insert the following New Clauses to follow clause 32—
 - "**32A Non-compliance with sanctions imposed by Commission**
 - (1) Subject to subsection (2), if the Commission is satisfied that a person has failed to comply, within a reasonable time, with a sanction imposed under section 30, the Commission—
 - (a) must prepare a report of that failure; and
 - (b) may recommend that one or more sanctions be imposed on the person as if the Commission had made a finding of serious parliamentary misconduct by the person.
 - (2) The Commission must not prepare a non-compliance report unless the Commission has—
 - (a) given the person an opportunity to respond to the proposed report; and
 - (b) considered any response by the person.
 - (3) A non-compliance report must include the following—
 - (a) the details of the Commission's finding that the person has failed to comply with the sanction;
 - (b) the sanctions (if any) that the Commission recommends be imposed on the person;
 - (c) any response by the person under subsection (2)(b).

- (4) A non-compliance report must not include any of the following—
 - (a) information that is likely to lead to the identification of—
 - (i) an individual referrer without their consent; or
 - (ii) an affected person without their consent;
 - (b) a finding or opinion that a person is guilty of or has committed an offence;
 - (c) a recommendation that a person be prosecuted for an offence.
- (5) The Commission must provide a non-compliance report as soon as practicable to the following—
 - (a) the individual referrer (if any) who made the referral for which an investigative report was prepared and the sanction was imposed;
 - (b) the person who is the subject of the non-compliance report;
 - (c) any other person or body to whom the Commission provided the investigative report under section 28(7) or (8).

32B Presentation of non-compliance report to Parliament—Privileges Committee

- (1) Subject to subsection (2), if a Privileges Committee receives a non-compliance report, the Privileges Committee must—
 - (a) consider the report; and
 - (b) in the case that the report includes sanctions that the Commission recommends be imposed on the person who is the subject of the report—
 - (i) invite the person to provide within 30 days a written response regarding the sanctions recommended; and
 - (ii) consider any response provided within 30 days by the person; and
 - (c) prepare and cause to be transmitted to its House, no later than 10 sitting days after the period referred to in paragraph (b), a report that contains—
 - (i) the non-compliance report; and
 - (ii) the recommendations of the Privileges Committee regarding sanctions; and
 - (iii) an explanation for any differences between the recommendations of the Commission and the recommendations of the Privileges Committee.
- (2) As soon as practicable after a Privileges Committee receives a non-compliance report, a Member of the Privileges Committee who has a direct or indirect interest in the subject-matter of the report, being an interest that could conflict with the performance of their duties as a Member of the Privileges Committee in considering the report, must—

- (a) recuse themselves from the consideration of the report until the Privileges Committee has caused a report to be transmitted to its House in accordance with subsection (1)(c); or
 - (b) resign from the Privileges Committee.
- (3) For the purposes of subsection (2), a direct or indirect interest in the subject-matter of a non-compliance report does not include being a member of the same political party as the person who is the subject of the report.
- (4) A Privileges Committee must not reconsider or review any finding of the Commission in a non-compliance report.

Note

See section 112 for general requirements relating to transmission of reports to Parliament.

32C Presentation of non-compliance report to Parliament—Premier

- (1) If the Premier receives a non-compliance report, the Premier must—
- (a) consider the report; and
 - (b) in the case that the report includes sanctions that the Commission recommends be imposed on the person who is the subject of the report—
 - (i) invite the person to provide within 30 days a written response regarding the sanctions recommended; and
 - (ii) consider any response provided within 30 days by the person; and
 - (c) prepare and cause to be transmitted to the House of which the person who is the subject of the report is or was a Member, no later than 10 sitting days after the period referred to in paragraph (b), a report that contains—
 - (i) the non-compliance report; and
 - (ii) a statement of the actions that the Premier has taken in response to the non-compliance report; and
 - (iii) an explanation for any differences between the recommendations of the Commission and the actions taken by the Premier.
- (2) Subsection (1) does not apply in respect of a non-compliance report that is related to an investigative report received by the Premier under section 28(8).
- (3) The Premier must not reconsider or review any finding of the Commission in a non-compliance report.

Note

See section 112 for general requirements relating to transmission of reports to Parliament."

3. Clause 41, lines 1 and 2, omit "**investigative report or summary report**" and insert "**reports**".

4. Clause 41, line 4, omit "or a summary report" and insert ", a summary report or a non-compliance report".
5. Clause 41, lines 6 to 7, omit "or a summary report" and insert ", a summary report or a non-compliance report".
6. Clause 45, page 62, after line 13 insert—
 "(da) monitoring compliance with sanctions imposed by it and issuing reports in respect of non-compliance;".
7. Clause 52, line 14, omit "or 51(1)" and insert ", 51(1) or 58(1)".
8. Clause 58, line 15, omit "The" and insert "Subject to section 52, the".
9. Clause 58, lines 32 to 34, omit all words and expressions on these lines.
10. Clause 61, page 73, after line 2 insert—
 "(fa) a function under section 32A (preparing and providing a non-compliance report);".
11. Clause 83, page 94, line 29, omit "reports and" and insert "reports,".
12. Clause 83, page 94, line 30, after "reports" insert "and non-compliance reports".
13. Clause 83, page 95, line 1, omit "reports and" and insert "reports,".
14. Clause 83, page 95, line 2, after "reports" insert "and non-compliance reports".