



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 83, 84 and 85

No. 83 — Tuesday, 10 September 2024

- 1 The President took the Chair at 12.03 pm, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
On 3 September 2024 —
Aboriginal Land Legislation Amendment Act 2024
Prahran Mechanics' Institute Repeal Act 2024.
On 10 September 2024 —
Justice Legislation Amendment (Integrity, Defamation and Other Matters) Act 2024
Youth Justice Act 2024.
- 3 **COMMITTEE MEMBERSHIP** — The President advised the House that Dylan Wight, Member for Tarneit, resigned from the Scrutiny of Acts and Regulations Committee, effective from today.
- 4 **ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE FUTURE DEVELOPMENT OF THE VICTORIAN ELECTRICAL TRANSMISSION GRID** — The President read a letter from the Chair of the Economy and Infrastructure Committee advising that, on 4 September 2024, the Committee self-referred an Inquiry into the future development of the Victorian Electrical Transmission Grid.
- 5 **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:

- **Land Forces International Land Defence Exposition (QwN 654)** — substantive and supplementary questions asked by Aiv Puglielli — response from Enver Erdogan due Thursday, 12 September 2024.
- **Privatisation of Births, Deaths and Marriages Victoria (QwN 656)** — substantive and supplementary questions asked by Rachel Payne — response from Jaclyn Symes due Thursday, 12 September 2024.
- **Racing horses welfare (QwN 658)** — substantive and supplementary questions asked by Georgie Purcell — response from Enver Erdogan due Thursday, 12 September 2024.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

6 PETITIONS —

EXEMPT FISHING COMPETITIONS IN ANIMAL CARE AND PROTECTION LEGISLATION — Melina Bath presented a petition bearing 2,947 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to commit to exempting fishing competitions in the animal care and protection legislation and associated regulations (*Ordered to be tabled*).

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

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REJECT PROPOSED SUNBURY ROAD, BULLA ECO-HUB WASTE-TO-ENERGY INCINERATOR — Sarah Mansfield presented a petition bearing 332 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reject the proposed Sunbury Road, Bulla Eco-Hub waste-to-energy incinerator (*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.

7 PROTECTING PUBLIC ASSETS AND SERVICES BILL 2024 — Samantha Ratnam introduced *A Bill for an Act to protect certain public assets and services from privatisation, to provide for the termination of agreements entered into and leases granted for the purposes of the Public Housing Renewal Program Package 1 Project and the Ground Lease Model 2 Project and for other purposes.*

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

8 PAPERS —

COMMITTEE REPORTS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 12 of 2024 (including Appendices and Extracts of Proceedings) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

David Davis moved, That the Council take note of the Report.

Question — put and agreed to.

Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled a Report on the Annual Review 2023 on Statutory Rules and Legislative Instruments (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

David Davis moved, That the Council take note of the Report.

Question — put and agreed to.

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SELECT COMMITTEE ON THE 2026 COMMONWEALTH GAMES BID — Pursuant to Standing Order 23.22, David Limbrick tabled the Select Committee's Second Interim Report – Failure to provide documents under Legislative Council Standing Orders on the Inquiry into the 2026 Commonwealth Games bid (including Appendices and Extracts of Proceedings) (*Ordered to be published*).

David Limbrick moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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

Improving Cancer Outcomes Act 2014 — Victorian cancer plan 2024-2028 — Optimal and equitable cancer outcomes for all Victorians, under section 18(3) of the Act.

Inquiries Act 2014 — Interim Report of the Formal Review into Victorian Government Bodies' Engagement with Construction Companies and Construction Unions, August 2024 (*released on 30 August 2024 – a non-sitting day*) (*Ordered to be published*).

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

Ballarat Planning Scheme — Amendment C248.

Brimbank Planning Scheme — Amendment C227.

Campaspe Planning Scheme — Amendment C126.

Glen Eira Planning Scheme — Amendment C258.

Glenelg Planning Scheme — Amendment C110.

Knox Planning Scheme — Amendment C185.

Latrobe Planning Scheme — Amendment C132.

Mitchell Planning Scheme — Amendment C168.

Moorabool Planning Scheme — Amendment C113.

Mornington Peninsula Planning Scheme — Amendment C241.

Wyndham Planning Scheme — Amendment C260.

Yarra Planning Scheme — Amendment C319.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 82.

Children's Services Act 1996 — No. 80.

Supreme Court Act 1986 — No. 83.

Wildlife Act 1975 — No. 81.

Subordinate Legislation Act 1994 —

Documents under section 15 in relation to Statutory Rule No. 83.

Legislative instruments and related documents under section 16B in respect of by-law No. 2024-1 Waterways Protection under the Water Act 1989.

Victorian Equal Opportunity and Human Rights Commission — 2023 report on the operation of the Charter of Human Rights and Responsibilities (*Ordered to be published*).

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — Guidelines No. 2/2024, effective 13 September 2024, under section 36 of the Act.

Voluntary Assisted Dying Review Board — Report, 2023-24.

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PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper: President's Report on overdue government responses to standing committee reports, as at 31 August 2024.

9 PRODUCTION OF DOCUMENTS — GOVERNMENT PROCUREMENT CONTRACTS AND PROJECT BRIEFS — CFMEU AND CFMMEU — The Clerk tabled a letter from the Attorney-General, dated 9 September 2024, in response to a resolution of the Council on 28 August 2024 (on the motion of Evan Mulholland), relating to Government procurement contracts and project briefs with the CFMEU or CFMMEU, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

10 BUSINESS OF THE COUNCIL — Evan Mulholland moved, by leave, That the following general business take precedence on Wednesday, 11 September 2024 —

- (1) order of the day made this day, second reading of the Protecting Public Assets and Services Bill 2024;
- (2) order of the day No. 62, resumption of debate on a motion on electricity transmission lines;
- (3) notice of motion No. 405 standing in Evan Mulholland's name on housing affordability;
- (4) notice of motion given this day by David Davis on an overdue order for production of documents relating to the 2026 Commonwealth Games bid; and
- (5) notice of motion No. 527 standing in Rachel Payne's name referring matters relating to the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023 to the Legal and Social Issues Committee.

Question — put and agreed to.

11 MEMBERS' STATEMENTS — Members made statements.

12 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 278 to 562, be postponed until later this day.

13 VICTORIAN INSTITUTE OF FORENSIC MEDICINE 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 —

- (1) properly consults with the medical profession in Victoria on the Victorian Institute of Forensic Medicine;

- (2) ensures that victim-survivors of sexual assault can obtain timely forensic medical services; and
- (3) improves safeguards for the use and sharing of personal information held by the Victorian Institute of Forensic Medicine.”.

Debate ensued.

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

The Council divided — The President in the Chair.

AYES, 13

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

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

NOES, 24

Ryan Batchelor; John Berger; Lizzie Blandthorn; Jeff Bourman; 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; Gayle Tierney; Sheena Watt.

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

Question negated.

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

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

House in Committee.

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

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

14 RESIDENTIAL TENANCIES AND FUNERALS AMENDMENT BILL 2024 — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

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

15 ADJOURNMENT — Gayle Tierney moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 6.52 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 84 — Wednesday, 11 September 2024

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

- 2 **PETITION — BOOST POLICE PRESENCE IN LANG LANG** — Melina Bath presented a petition bearing 586 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide funding for CCTV cameras as a deterrent to increased crime in Lang Lang, and boost police presence in the town through increased patrols and extended opening hours of the town's police station (*Ordered to be tabled*).

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

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

Liquor Control Reform Act 1998 — Report, 2023-24 by the Chief Commissioner of Victoria Police, under section 148R of the Act.

Subordinate Legislation Act 1994 — Documents under section 15 in relation to Statutory Rule Nos. 80 and 82.

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

- 5 **PROTECTING PUBLIC ASSETS AND SERVICES BILL 2024** — Samantha Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Samantha Ratnam moved, That the Bill be now read a second time.

On the motion of Sonja Terpstra, the debate was adjourned for two weeks.

- 6 **PRODUCTION OF DOCUMENTS — CREDIT ASSESSMENT PRODUCED BY FITCH RATINGS** — Georgie Crozier moved, That this House —

- (1) notes that the Treasurer commissioned a private credit assessment from Fitch Ratings in 2022;
- (2) further notes that details of the assessment, including the rating and Victoria's financial position and economic outlook, have never been released;
- (3) requires the Leader of the Government, pursuant to Standing Order 10.01, to table in the Council, within one week of the House agreeing to this resolution —
 - (a) the credit assessment commissioned by the Treasurer in April 2022, produced by Fitch Ratings and provided to the Department of Treasury and Finance; and
 - (b) any documents and/or materials, including but not limited to reports, briefs and advice, provided by the Department of Treasury and Finance or the Treasurer in relation to the assessment referred to in paragraph (3)(a).

Debate ensued.

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

Question — put and agreed to.

7 ELECTRICITY TRANSMISSION LINES — Debate resumed on the question, That this House —

(1) notes —

- (a) the Victoria to New South Wales Interconnector West (VNI West) and West Link transmission lines are proposed to be built in Northern and Western Victoria by Transmission Company Victoria (TCV) and VicGrid;
- (b) the significant community opposition to these high voltage power lines;
- (c) the power lines propose to cross valuable agricultural land which plays a significant role in Victoria's agricultural production and agricultural exports;
- (d) the Paris Agreement, a legally binding international treaty adopted by 196 Parties at the UN Climate Change Conference (COP21) in Paris, France, on 12 December 2015, states at Article 2 that the Agreement aims to strengthen the global response to the threat of climate change by "Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production";

(2) is of the view that —

- (a) the consultation process by TCV and VicGrid has been inadequate;
- (b) the impact of the proposed transmission lines on remnant vegetation at certain sensitive locations must be fully and transparently assessed; and
- (3) supports detailed independent examination and economic assessment of the impact of the proposed transmission lines on agricultural production, including on individual properties, prior to the granting of any permits or the signing of deals with landholders.

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, 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, 22

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

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

Question negatived.

8 HOUSING AFFORDABILITY — Evan Mulholland moved, That this House notes that —

- (1) Melbourne and all of Victoria is in a housing crisis;
- (2) the cost of building a new home is set to rise with the introduction of new minimum efficiency standards which will increase costs for volume builders by eight to ten per cent;
- (3) these new standards will not be offset by decreased energy bills, with around a 208-year return on investment for homeowners;
- (4) up to 42 per cent of the cost of a new home in Victoria consists of taxes, fees, and charges;
- (5) Victoria raises the highest combined property tax revenue per person out of all the states;
- (6) Labor introduced the vacant home tax, the affordable housing tax, the holiday tax and the vacant residential land tax and the rent tax and increased the Fire Services Property Levy, increased land tax and stamp duty, and has now floated another tax, a homeowner tax on every single home statewide; and
- (7) Labor has no plan for housing affordability, just a plan to tax Victorians.

Business interrupted at 12.00 noon, pursuant to Sessional Orders.

9 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 Harriet Shing to questions relating to unauthorised access to government housing construction sites (QwN 666) were ordered to be taken into consideration on the next day of meeting.

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

- **Protection of citizens from violent crime (QwN 662)** — substantive question asked by David Limbrick — response from Enver Erdogan due Friday, 13 September 2024.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

10 HOUSING AFFORDABILITY — Debate continued on the question, That this House notes that —

- (1) Melbourne and all of Victoria is in a housing crisis;
- (2) the cost of building a new home is set to rise with the introduction of new minimum efficiency standards which will increase costs for volume builders by eight to ten per cent;
- (3) these new standards will not be offset by decreased energy bills, with around a 208-year return on investment for homeowners;
- (4) up to 42 per cent of the cost of a new home in Victoria consists of taxes, fees, and charges;
- (5) Victoria raises the highest combined property tax revenue per person out of all the states;

- (6) Labor introduced the vacant home tax, the affordable housing tax, the holiday tax and the vacant residential land tax and the rent tax and increased the Fire Services Property Levy, increased land tax and stamp duty, and has now floated another tax, a homeowner tax on every single home statewide; and
- (7) Labor has no plan for housing affordability, just a plan to tax Victorians.

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

11 PRODUCTION OF DOCUMENTS — 2026 COMMONWEALTH GAMES BID — David Davis moved, That this House —

(1) notes —

- (a) the motion proposed by Mr David Limbrick MLC, and resolved by the House on 1 May 2024 requiring the Leader of the Government to produce documents specifically outlined in Appendix D of the Select Committee's Interim Report on the 2026 Commonwealth Games bid;
- (b) the Government's response by way of a letter from the Attorney-General dated 30 May 2024, tabled in the House on 31 May 2024, making a claim of executive privilege over 350 documents in full and three documents in part;
- (c) that the Leader of the Government has not complied with Standing Order 10.03 that requires, like is the practice in the New South Wales Legislative Council, the documents to be lodged with the Clerk to permit —
 - (i) Mr Limbrick to examine the documents over which a claim of executive privilege has been made and, if appropriate, Mr Limbrick to write to the Clerk disputing the validity of that claim;
 - (ii) the President to appoint an independent legal arbiter to evaluate and report within seven calendar days as to the validity of the claim;
 - (iii) the Clerk to release the disputed documents to that independent legal arbiter;
- (2) further notes that the Leader of the Government has not complied with the requirements of the Standing Orders and may be guilty of a contempt;
- (3) requires the Leader of the Government to comply with the Standing Orders and lodge the documents with the Clerk by 12.00 noon on 15 October 2024;
- (4) permits that if the Leader of the Government has not complied with Standing Orders 10.01 to 10.03 in relation to all the documents requested in the resolution of the Council on 1 May 2024 relating to the 2026 Commonwealth Games bid by the date and time specified in paragraph (3), the Council will, at the conclusion of formal business on Tuesday, 15 October 2024 (or if formal business does not occur that day, at the conclusion of formal business on the next sitting day) —
 - (a) give precedence for a non-government member to move, without leave, "That this House notes the failure of the Leader of the Government to comply with Standing Orders in relation to the resolution of the Council on 1 May 2024 for the request for documents relating to the 2026 Commonwealth Games bid"; and
 - (b) the time limits for debate on a motion moved under paragraph (4)(a) will be 8 minutes for each member and a total overall time limit of 50 minutes.

Debate ensued.

Melina Bath moved, as an amendment, That in paragraph (4), **omit** the words and expressions "at the conclusion of formal business on Tuesday, 15 October 2024 (or if

formal business does not occur that day, at the conclusion of formal business on the next sitting day)” and **replace** them with “at the start of government business on Wednesday, 16 October 2024”.

Debate ensued.

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

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

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

(1) notes —

- (a) the motion proposed by Mr David Limbrick MLC, and resolved by the House on 1 May 2024 requiring the Leader of the Government to produce documents specifically outlined in Appendix D of the Select Committee’s Interim Report on the 2026 Commonwealth Games bid;
- (b) the Government’s response by way of a letter from the Attorney-General dated 30 May 2024, tabled in the House on 31 May 2024, making a claim of executive privilege over 350 documents in full and three documents in part;
- (c) that the Leader of the Government has not complied with Standing Order 10.03 that requires, like is the practice in the New South Wales Legislative Council, the documents to be lodged with the Clerk to permit —
 - (i) Mr Limbrick to examine the documents over which a claim of executive privilege has been made and, if appropriate, Mr Limbrick to write to the Clerk disputing the validity of that claim;
 - (ii) the President to appoint an independent legal arbiter to evaluate and report within seven calendar days as to the validity of the claim;
 - (iii) the Clerk to release the disputed documents to that independent legal arbiter;
- (2) further notes that the Leader of the Government has not complied with the requirements of the Standing Orders and may be guilty of a contempt;
- (3) requires the Leader of the Government to comply with the Standing Orders and lodge the documents with the Clerk by 12.00 noon on 15 October 2024;
- (4) permits that if the Leader of the Government has not complied with Standing Orders 10.01 to 10.03 in relation to all the documents requested in the resolution of the Council on 1 May 2024 relating to the 2026 Commonwealth Games bid by the date and time specified in paragraph (3), the Council will, at the start of government business on Wednesday, 16 October 2024 —
 - (a) give precedence for a non-government member to move, without leave, “That this House notes the failure of the Leader of the Government to comply with Standing Orders in relation to the resolution of the Council on 1 May 2024 for the request for documents relating to the 2026 Commonwealth Games bid”; and
 - (b) the time limits for debate on a motion moved under paragraph (4)(a) will be 8 minutes for each member and a total overall time limit of 50 minutes

— put.

The Council divided — The President in the Chair.

AYES, 24

Melina Bath; Jeff Bourman; Gaele 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.

12 LEGAL AND SOCIAL ISSUES COMMITTEE — DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REGULATION OF PERSONAL ADULT USE OF CANNABIS) BILL 2023 — Rachel Payne moved, That this House —

- (1) notes that the continued prohibition of cannabis forces thousands of Victorians through the criminal justice system, wastes immense police resources, empowers the illicit market and is at odds with public sentiment, with 80 per cent of Australians believing that the possession of cannabis should not be a criminal offence;
- (2) requires the Legal and Social Issues Committee to inquire into, consider and report, no later than 18 March 2025, on the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023, including consideration of the impacts of the Australian Capital Territory's decriminalisation of the personal use of cannabis; and
- (3) defers the second reading of this Bill until the final report of the Committee is presented to the House in accordance with the terms of this resolution.

Debate ensued.

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; 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; Gayle Tierney; Sheena Watt.

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

NOES, 13

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

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

Question agreed to.

Business interrupted at 5.19 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) — STOP WHOLESALE DESTRUCTION AND PRIVATISATION OF PUBLIC HOUSING — Samantha Ratnam moved, That the petition be taken into consideration.

Debate ensued.

Question — put and agreed to.

15 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 278 to 562, be postponed until later this day.

16 STATE CIVIL LIABILITY (POLICE INFORMANTS) BILL 2024 — 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 made a statement pursuant to section 31 of the *Charter of Human Rights and Responsibilities Act 2006* explaining the exceptional circumstances that justify the inclusion of an override declaration.

On the motion of Georgie Crozier, the debate was adjourned until the next day of meeting.

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

Debate ensued.

The Council adjourned at 7.10 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 85 — Thursday, 12 September 2024

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

2 PETITION — SAVE THE INVERLOCH SURF LIFE SAVING CLUB — Melina Bath presented a petition bearing 2,575 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government, as a matter of urgency, to undertake immediate planning and engineering works to protect main beach and save the Inverloch Surf Life Saving Club (*Ordered to be tabled*).

The petition having received the required number of signatures, Melina Bath 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:

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

Advancing the Victorian Treaty Process — Report, 2023-24.

First Peoples' Assembly of Victoria — Report, 2023-24.

Statutory Rules under the following Acts of Parliament —

Fences Act 1968 — No. 84.

Human Source Management Act 2023 — No. 85.

Water Act 1989 — No. 86.

Subordinate Legislation Act 1994 — Documents under section 15 in relation to Statutory Rule No. 84.

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

Government response to the Legal and Social Issues Committee's Inquiry into the rental and housing affordability crisis in Victoria.

Response from the Minister for Local Government to petition titled Unite Point Lonsdale into one local government area (petition No. 520) (presented by Sarah Mansfield on 13 August 2024) (*released on 11 September 2024*).

- 4 SITTING OF THE COUNCIL** — Gayle Tierney moved, That the Council, at its rising, adjourn until Tuesday, 15 October 2024.

Question — put and agreed to.

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

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 278 to 562, be postponed until later this day.

- 7 STATE CIVIL LIABILITY (POLICE INFORMANTS) BILL 2024** — Debate resumed on the question, That the Bill be now read a second time.

David Limbrick (*DL64C*) circulated amendments proposed to be moved during Committee of the whole.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

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

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

NOES, 18

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

Business interrupted at 12.03 pm.

8 QUESTION TIME —

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

* * * * *

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

- **Complete Lean Solutions (QwN 671)** — substantive and supplementary questions asked by Evan Mulholland — response from Gayle Tierney due Friday, 13 September 2024.
- **Animal Care and Protection Bill (QwN 672)** — substantive and supplementary questions asked by Jeff Bourman — response from Jaclyn Symes due Monday, 16 September 2024.
- **Melbourne City Council elections – voter eligibility (QwN 674)** — substantive and supplementary questions asked by David Limbrick — response from Lizzie Blandthorn due Monday, 16 September 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

9 STATE CIVIL LIABILITY (POLICE INFORMANTS) BILL 2024 — Bill committed to a Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 21

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

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

NOES, 18

Melina Bath; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; 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 amendments and requesting their agreement.

10 CONSTITUTION AMENDMENT (SEC) BILL 2023 — Debate resumed on the question, That the Bill be now read a second time.

Ingrid Stitt (*IS07C*) circulated amendments 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; Jeff Bourman; Katherine Copsey; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

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

NOES, 15

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

The President ruled certain amendments proposed to be moved during Committee of the whole by Sarah Mansfield (*SMA14C*) 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 amendments to the *Constitution Act 1975* —

- (a) to prohibit the construction of fossil fuel facilities in Victoria; and
- (b) to constrain the power of the Parliament to make laws repealing, altering or varying the provisions of the *Constitution Act 1975* relating to the matters set out in paragraph (a).

Question — put.

The Council divided — The President in the Chair.

AYES, 37

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

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

NOES, 1

Jeff Bourman.

(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.

Ingrid Stitt moved, That the Bill be now read a third time and do pass.

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

The Council divided — The President in the Chair.

AYES, 24

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

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

NOES, 16

Melina Bath; Gaelle Broad; Georgie Crozier; David Davis; Moira Deeming; Renee Heath; Ann-Marie Hermans; David Limbrick; Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rikkie-Lee Tyrrell; 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 with the concurrence of a special majority of the whole number of the members of the Legislative Council.

Question — That the Bill do pass — put.

AYES, 24

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

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

NOES, 16

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

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

Question agreed to.

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

- 11 CRIMINAL ORGANISATIONS CONTROL AMENDMENT BILL 2024** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Organisations Control Act 2012 and to make consequential amendments to certain other Acts and for other purposes* and requesting the agreement of the Council.

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

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

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

Harriet Shing incorporated the second reading speech in Hansard.

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

- 12 ROADS AND ROAD SAFETY LEGISLATION AMENDMENT BILL 2024** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986, the Melbourne City Link Act 1995, the EastLink Project Act 2004, the Road Safety Camera Commissioner Act 2011, the West Gate Tunnel (Truck Bans and Traffic Management) Act 2019, the North East Link Act 2020 and the Marine (Drug, Alcohol and Pollution Control) Act 1988 and for other purposes* and requesting the agreement of the Council.

On the motion of Harriet Shing, 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.

- 13 SHORT STAY LEVY BILL 2024** — The President read a Message from the Assembly presenting *A Bill for an Act to impose a levy in relation to the provision of short stay accommodation, to amend the Owners Corporations Act 2006 and the Taxation Administration Act 1997 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 (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.

Business interrupted at 6.30 pm.

On the motion of Harriet Shing, the meal break scheduled for this day was suspended.

Harriet Shing continued to make 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.

- 14 STATE CIVIL LIABILITY (POLICE INFORMANTS) 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.

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

Debate ensued.

The Council adjourned at 7.17 pm until Tuesday, 15 October 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. 83, 84 and 85

VICTORIAN INSTITUTE OF FORENSIC MEDICINE BILL 2024

Committed Tuesday, 10 September 2024

Clauses 1 to 61 — put and agreed to.

Bill reported without amendment.

* * * * *

STATE CIVIL LIABILITY (POLICE INFORMANTS) BILL 2024

Committed Thursday, 12 September 2024

Amendments circulated: David Limbrick (DL64C) (p. 745)

Clause 1 — David Limbrick moved amendment No. 1 (DL64C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

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

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

NOES, 18

Melina Bath; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis;
Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Sarah Mansfield;
Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Aiv Puglielli;
Georgie Purcell; Samantha Ratnam; Richard Welch.

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

Question agreed to.

Question — That clause 1, as amended, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

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

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

NOES, 18

Melina Bath; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Richard Welch.

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

Question agreed to.

Clause 2 — David Limbrick moved amendment No. 2 (DL64C).

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

Clause 2, as amended — put and agreed to.

Clauses 3 and 4 — put and agreed to.

Clause 5 — David Limbrick moved amendment Nos. 3 to 5 (DL64C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

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

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

NOES, 18

Melina Bath; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Richard Welch.

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

Question agreed to.

Question — That clause 5, as amended, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

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

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

NOES, 18

Melina Bath; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Richard Welch.

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

Question agreed to.

Clause 6 — Question — That clause 6 stand part of the Bill — put and negatived.

Clauses 7 and 8 — put and agreed to.

Long title — David Limbrick moved amendment No. 7 (DL64C).

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.

* * * * *

CONSTITUTION AMENDMENT (SEC) BILL 2023

Committed Thursday, 12 September 2024

Amendments circulated: David Davis (DD129C) (p. 746-9), Sarah Mansfield (SMA13C and SMA14C) (pp. 749-52) and Ingrid Stitt (IS07C) (p. 752)

Clause 1 — Sarah Mansfield moved amendment Nos. 1 to 3 (SMA14C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

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

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

NOES, 31

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

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

Question negatived.

Clause 1 — put and agreed to.

Clauses 2 and 3 — put and agreed to.

Clause 4 — David Davis moved amendment No. 1 (*DD129C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

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

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

NOES, 23

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

David Davis moved amendment Nos. 2 and 3 (*DD129C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

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

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

Question negatived.

David Davis moved amendment Nos. 4 to 6 (*DD129C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

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

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

Question negated.

Ingrid Stitt moved amendment Nos. 1 and 2 (IS07C).

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

David Davis moved amendment Nos. 7 and 8 (DD129C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Melina Bath; Gaelle Broad; 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; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; Gayle Tierney; Sheena Watt.

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

Question negated.

Sarah Mansfield moved amendment Nos. 4 to 9 (SMA13C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

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

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

NOES, 15

Melina Bath; Gaelle Broad; 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)

Question agreed to.

Question — That clause 4, as amended, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

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

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

NOES, 16

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

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

Question agreed to.

Clauses 5 and 6 — put and agreed to.

Bill reported with amendments.

AMENDMENTS CIRCULATED IN RELATION TO —**1. STATE CIVIL LIABILITY (POLICE INFORMANTS) BILL 2024***Amendments circulated by David Limbrick (DL64C)*

1. Clause 1, lines 3 and 4, omit "extinguishing causes of action" and insert "providing for a maximum cumulative amount of damages or other monetary compensation".
2. Clause 2, omit this clause and insert—

 "2 Object

 The object of this Act is to limit the extent to which the State is required to devote further financial resources to responding to the matters that were the subject of the Royal Commission into the Management of Police Informants."

3. Clause 5, line 10, omit "**extinguished**" and insert "**—limit on amount of damages or other monetary compensation that may be awarded**".

4. Clause 5, lines 11 to 14, omit all words and expressions on these lines and insert—

 "(1) The total maximum cumulative amount of damages or other monetary compensation that may be awarded to a person in respect of any and all causes of action against the State relating to, arising from or in connection with the provision of information or other assistance to Victoria Police by a specified human source must not exceed \$1 000 000."

5. Clause 5, page 5, after line 11 insert—

 "(2A) Nothing in this section—

 (a) increases the maximum amount of damages available for non-economic loss that is specified in section 28G of the **Wrongs Act 1958**; or

 (b) affects any power of a court to order costs in a proceeding; or

 (c) affects any power of a court to grant an indemnity certificate under the **Appeal Costs Act 1998**."

6. Clause 6, omit this clause.

AMENDMENT OF LONG TITLE

7. In the Long title, omit "extinguishing" and insert "providing for a maximum cumulative amount of damages or other monetary compensation which may be awarded in".

2. CONSTITUTION AMENDMENT (SEC) BILL 2023

Amendments circulated by David Davis (DD129C)

1. Clause 4, after line 14 insert—

"Division 1—Entrenched provisions".

2. Clause 4, page 4, line 4, before "The" insert "(1)".

3. Clause 4, page 4, after line 20 insert—

"(2) The purpose of this Part is not to restrict the ability of Victorians and Victorian government entities to choose who will supply electricity to them."

4. Clause 4, page 6, line 7, before "The" insert "(1)".

5. Clause 4, page 6, line 14, after "and" insert "subject to subsection (2)".

6. Clause 4, page 6, after line 30 insert—

"(2) The SEC must sell electricity at the least cost consistent with—

(a) the long term viability of the SEC; and

(b) its objects."

7. Clause 4, page 7, line 2, before "Despite" insert "(1)".

8. Clause 4, page 7, after line 8 insert—

"(2) Despite subsection (1), the SEC may own or operate or participate in the operation of a gas storage facility or gas distribution facility, or distribution pipeline, if to do so would be consistent with, and would support, Victoria's transition to having an electricity system operating in Victoria in respect of which net zero greenhouse gas emissions are attributable to the electricity system's operation.

(3) In this section—

distribution pipeline has the same meaning as in the National Gas (Victoria) Law."

9. Clause 4, page 7, line 17, omit "void.'" and insert "void."

10. Clause 4, page 7, after line 17 insert—

"Division 2—Other requirements

108 SEC to comply with State and Commonwealth competitive neutrality requirements

(1) In carrying out its activities the SEC must comply with any applicable competitive neutrality requirements.

(2) In this section—

applicable competitive neutrality requirements means—

- (a) the Competitive Neutrality Policy published by the Secretary to the Department of Treasury and Finance and dated September 2012, as amended from time to time; or
- (b) any document made or prepared by the Commonwealth or Commonwealth entity or agency, whether under a law of the Commonwealth or otherwise, that substantially corresponds to the document specified under paragraph (a).

109 SEC must always comply with all requirements of a Registered participant in the national electricity market

- (1) If the SEC is a Registered participant, the SEC must comply with the requirements imposed under the National Electricity (Victoria) Law and the National Electricity Rules for the category of Registered participant in which it has been registered.
- (2) Subsection (1) applies despite any other Act or law.
- (3) In this section—

National Electricity Rules has the same meaning as in the National Electricity (Victoria) Law;

Registered participant has the same meaning as in the National Electricity (Victoria) Law.

110 SEC must comply with the directions of the Minister

- (1) The Minister responsible for the SEC may give a written direction to the SEC—
 - (a) relating to the good governance of the SEC; or
 - (b) for the SEC—
 - (i) to do a thing that the Minister considers will enhance competition within the national electricity market; or
 - (ii) to stop doing a thing that the Minister considers is lessening competition within the national electricity market.
- (2) The SEC must comply with the direction given to it under subsection (1).
- (3) In this section—

national electricity market has the same meaning as in the National Electricity (Victoria) Law.

111 Freedom of Information Act 1982 applies to the SEC

The **Freedom of Information Act 1982** applies to the SEC and for that purpose—

- (a) the SEC is taken to be an agency within the meaning of that Act; and

- (b) the person holding the office or performing the duties of the chief executive officer of the SEC is taken to be the principal officer within the meaning of that Act.

112 SEC must not prevent Victorian electricity consumer choice

The SEC must not prevent any consumer of electricity in Victoria (including any Victorian government entity) from choosing who will supply electricity to them.

113 Annual report of SEC to be tabled

- (1) This section applies if the SEC is not a public body to which the **Financial Management Act 1994** applies.
- (2) The Minister responsible for the SEC must cause the annual report for the SEC for a financial year to be laid before each House of the Parliament after the end of that financial year and before the end of the next following fourth month of the year or on the first sitting day of the House after the end of that month.

114 SEC must publish information about Victorian domestic customer electricity consumption costs and greenhouse gas emissions produced by Victorian domestic customers

- (1) The SEC must publish in accordance with this section the following information—
 - (a) the average cost of electricity consumption for a Victorian domestic customer in the period 1 January to 30 June and the period 1 July to 31 December each year;
 - (b) the aggregate cost of electricity consumption for a Victorian domestic customer in the period 1 January to 30 June and the period 1 July to 31 December each year;
 - (c) the average greenhouse gas emissions of a Victorian domestic customer in the period 1 January to 30 June and the period 1 July to 31 December each year.
- (2) The information must be published on the SEC's website within 3 months after each period specified under subsection (1)(a), (b) or (c).
- (3) In this section—

Victorian domestic customer means a person who purchases electricity principally for personal, household or domestic use at premises where they reside.

115 SEC must annually publish information about permanent full-time equivalent employees in the Victorian energy sector

- (1) The SEC must—

- (a) determine, from datasets published by the Australian Statistician, the net number of permanent full-time equivalent employees in the energy sector in Victoria at the end of each financial year; and
- (b) publish, within 3 months after the end of the relevant financial year, on its website—
 - (i) the number determined under paragraph (a); and
 - (ii) the names of the relevant datasets used to determine the number under paragraph (a).
- (2) In subsection (1)(b)(ii), **relevant datasets** means datasets published by the Australian Statistician.

116 SEC must annually publish information about the amount of electricity supplied to Victorian consumers of electricity

The SEC must publish within 3 months after the end of each financial year, on its website, the total amount of electricity it has supplied to Victorian consumers of electricity in that financial year.'."

- 11. Clause 5, line 22, omit "**108**" and insert "**117**".
- 12. Clause 5, line 23, after "107" insert "and Division 2 of Part IX".

Amendments circulated by Sarah Mansfield (SMA13C)

- 1. Clause 1, after line 6 insert—
 - "(c) to require the SEC to meet a renewable energy generation target; and".
- 2. Clause 1, line 7, omit "(c)" and insert "(d)".
- 3. Clause 1, line 11, omit "(a) and (b)" and insert "(a), (b) and (c)".
- 4. Clause 4, page 7, lines 4 to 6, omit all words and expressions on these lines and insert—
 - "(a) if it is a body corporate in which shares have been issued—
 - (i) do anything contrary to section 104(2)(a); or
 - (ii) pay any dividend, or make any other distribution of profits to the shareholders of the SEC or the State; or
 - (b) if it is a body corporate established by or under an Act in which shares have not been issued, pay any dividend, or make any other distribution of profits to the State; or".
- 5. Clause 4, page 7, line 7, omit "(b)" and insert "(c)".
- 6. Clause 4, page 7, line 14, omit "104(2)(a)" and insert "104(2)(a)(i)".
- 7. Clause 4, page 7, after line 14 insert—
 - "(2) A payment of a dividend or a distribution of profits that contravenes section 106(a)(ii) or (b) is void."

8. Clause 4, page 7, line 15, omit "(2)" and insert "(3)".
9. Clause 4, page 7, line 17, omit "106(b)" and insert "106(c)".
10. Clause 4, page 7, line 17, omit "void.'" and insert "void.".
11. Clause 4, page 7, after line 17—

"107A Renewable energy targets

- (1) By 2035, the SEC must own, operate or participate in the operation of generating systems that have a combined capacity to generate not less than 4.5 gigawatts of electricity by utilising renewable energy sources or converting renewable energy sources into electricity.
- (2) Before 31 October in each year the SEC must give a report to the Minister relating to the financial year ending on 30 June in that year that sets out—
 - (a) the progress made towards meeting the target in subsection (1); and
 - (b) how that progress contributes to achieving the renewable energy targets set out in section 7 of the **Renewable Energy (Jobs and Investment) Act 2017**.
- (3) The Minister must cause a copy of the report under subsection (2) to be laid before each House of the Parliament within 14 sitting days of each House of the Parliament after the report is received by the Minister.'."

Amendments circulated by Sarah Mansfield (SMA14C)

1. Clause 1, line 1, omit "**Purpose**" and insert "**Purposes**".
2. Clause 1, line 2, before "The purpose" insert "(1)".
3. Clause 1, after line 11 insert—

"(2) The purpose of this Act is also to amend the **Constitution Act 1975**—

 - (a) to prohibit the construction of fossil fuel facilities in Victoria; and
 - (b) to constrain the power of the Parliament to make laws repealing, altering or varying the provisions of the **Constitution Act 1975** relating to the matters set out in paragraph (a)."
 4. Clause 3, line 10, omit '103; or'.' and insert "103; or".
 5. Clause 3, after line 10 insert—

'(fad) section 107E; or'.'.
 6. Clause 5, line 18, omit "**Part X**" and insert "**Parts IXA and X**".
 7. Clause 5, after line 20 insert—

"Part IXA—Fossil fuel facilities**107C Definitions**

In this Part—

construction, in relation to a fossil fuel facility, includes—

- (a) the carrying out of any work for or in connection with the construction of the fossil fuel facility; and
- (b) the subdivision or consolidation of land, including buildings or airspace, for the purposes of the construction of the fossil fuel facility; and
- (c) the placing or relocation of a building or works on land for the purposes of the construction of the fossil fuel facility;

fossil fuel facility means—

- (a) a facility that—
 - (i) generates electrical power by using energy from the combustion of a fossil fuel; or
 - (ii) produces an energy source by primarily or directly using a fossil fuel; or

Example

Hydrogen is an energy source.

- (b) a mine at which mining for fossil fuels is primarily carried out; or
- (c) a facility with the primary function of—
 - (i) refining crude oil or gas or producing hydrocarbon fractions; or
 - (ii) storing fossil fuels, whether in a gaseous or liquid state; or
- (d) a pipeline with the primary function of conveying—
 - (i) a fossil fuel in a gaseous or liquid state; or
 - (ii) materials or waste products derived from fossil fuels.

107D Purpose of this Part

The purpose of this Part is to constrain the power of the Parliament to make laws repealing, altering or varying this section and sections 107C and 107F to ensure that provisions prohibiting the construction of fossil fuel facilities in Victoria remain in force at all times as part of the law of Victoria.

107E Parliament's legislative power constrained in relation to repealing, altering or varying this Part

The Parliament may not by any Act, whether expressly or by implication, repeal, alter or vary sections 107C, 107D and 107F.

107F Offence to construct fossil fuel facilities in Victoria

(1) A person must not construct a fossil fuel facility in Victoria.

Penalty: In the case of a natural person, 200 penalty units.

In the case of a body corporate, 1000 penalty units.

(2) Subsection (1) applies despite anything to the contrary in any other Act or law (other than the **Charter of Human Rights and Responsibilities Act 2006**).¹

8. Clause 5, line 21, omit "'Part'" and insert "**Part**".

AMENDMENT OF SHORT TITLE

9. Short title, omit "**(SEC)**" and insert "**(SEC and Fossil Fuel Facilities)**".

Amendments circulated by Ingrid Stitt (IS07C)

1. Clause 4, page 6, line 30, omit "Victoria." and insert "Victoria;".
2. Clause 4, page 6, after line 30 insert—

"(f) to develop and invest in strategic renewable energy generation and systems and facilities and strategic renewable energy storage systems and facilities necessary to maintain Victoria's energy system security and reliability in the long term."