



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 80, 81 and 82

No. 80 — Tuesday, 27 August 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 a Message from the Governor informing the Council that she had, on 20 August 2024, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
Parliamentary Workplace Standards and Integrity Act 2024
State Sporting Legislation Amendment Act 2024.
- 3 **ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO WILDLIFE ROAD STRIKE IN VICTORIA — INQUIRY INTO CULTURAL AND CREATIVE INDUSTRIES IN VICTORIA** — The President read a letter from the Chair of the Economy and Infrastructure Committee advising that, on 27 August 2024, the Committee —
 - self-referred an Inquiry into wildlife road strike in Victoria; and
 - agreed to extend the reporting date of its self-referred Inquiry into cultural and creative industries in Victoria from November 2024 to 25 August 2025.
- 4 **QUESTION TIME —**
QUESTIONS WITHOUT NOTICE AND MINISTERS' STATEMENTS — Members asked questions without notice and ministers made statements.
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ANSWERS TAKEN INTO CONSIDERATION — On the motion of David Davis, the answers given by Gayle Tierney to questions relating to the sale of Windsor Community Children's Centre (QwN 630) were ordered to be taken into consideration on the next day of meeting.
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- 5 **FINANCIAL AUDIT OF THE VICTORIAN AUDITOR-GENERAL'S OFFICE** — The President announced the receipt of a Message from the Assembly advising the Council that they have agreed to the following resolution:

That under section 79 of the *Audit Act 1994*, Andrew Wehrens of Nexia Melbourne Audit be appointed for a period of four years:

- (a) to conduct the financial audits of the Victorian Auditor-General's Office for the financial years 2024-25 to 2027-28;
- (b) in accordance with the Terms, Conditions and Specifications set out in the Request for Tender issued on 11 June 2024; and
- (c) at the fixed fees of:
 - (i) \$40,000 (plus GST) for audit services for the year ending 30 June 2025;
 - (ii) \$41,000 (plus GST) for audit services for the year ending 30 June 2026;
 - (iii) \$42,000 (plus GST) for audit services for the year ending 30 June 2027;
 - (iv) \$43,000 (plus GST) for audit services for the year ending 30 June 2028 —

and requesting the agreement of the Legislative Council.

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

Lizzie Blandthorn moved, That the Council agrees with the Assembly to appoint Andrew Wehrens of Nexia Melbourne Audit for a period of four years to conduct the financial audits of the Victorian Auditor-General's Office for the financial years 2024-25 to 2027-28.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

6 PETITIONS —

RESOLVE CORELLA ISSUE IN BRIDGEWATER — Gaelle Broad presented a petition bearing 497 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide support to the local community to resolve the ongoing corella issue in Bridgewater (*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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STOP PLANS TO BUILD A SHIPPING CONTAINER TRANSFER HUB AT LITTLE RIVER —

David Ettershank presented a petition bearing 4,822 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Planning to reject Pacific National's applications to remove native vegetation and to build an intermodal freight terminal at Little River and take further action to protect green wedge areas (*Ordered to be tabled*).

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

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POLICY TO NOTIFY NEXT OF KIN FOR HIGH-RISK PATIENTS — Sarah Mansfield presented a petition bearing 60 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ensure all community health centres have policies in place to notify a next of kin when a high-risk patient fails to attend an appointment, and if there is no next of kin documented a welfare check must be made within three days (*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 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. 11 of 2024 (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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LEGAL AND SOCIAL ISSUES COMMITTEE — Pursuant to Standing Order 23.22, Trung Luu tabled a Report on the Inquiry into workplace drug testing in Victoria (including Appendices, Extracts of Proceedings and a Minority Report) from the Legal and Social Issues Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

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

Debate ensued.

Question — put and agreed to.

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PAPER PRESENTED BY ORDER OF THE COUNCIL — Pursuant to section 4(b) of the resolution of the Council on 30 April 2019, the Clerk tabled the Parliamentary Integrity Adviser's Report, 2023-24.

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

Australian Criminal Intelligence Commission — Chair of the Board of the Australian Criminal Intelligence Commission — Report, 2022-23.

Interpretation of Legislation Act 1984 — Notice under section 32(3)(a)(iii) in relation to Statutory Rule No. 55 (*Gazette G33, 15 August 2024*).

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Ordinary Returns, 1 February 2024 to 30 June 2024 (*Ordered to be published*).

Ombudsman — Annual Plan, 2024-25 (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of approval of the — East Gippsland Planning Scheme — Amendment C168.

Greater Geelong Planning Scheme — Amendment C471.

Latrobe Planning Scheme — Amendment C142.

Melbourne Planning Scheme — Amendment C438.

Port of Melbourne Planning Scheme — Amendment C6.

South Gippsland Planning Scheme — Amendment C119.

Victoria Planning Provisions — Amendment VC262.

Yarra Planning Scheme — Amendment C286.

Statutory Rules under the following Acts of Parliament —

Health Services Act 1988 — No. 77.

Magistrates' Court Act 1989 — No. 74.

National Parks Act 1975 — No. 76.

Sale of Land Act 1962 — No. 75.

Subordinate Legislation Act 1994 —

Documents under section 15 in relation to —

Public Interest Determination, under section 31 of the Privacy and Data Protection Act 2014.

Statutory Rule Nos. 74, 75, 76, 77, 78 and 79.

Legislative instruments and related documents under section 16B in respect of Ministerial Order No. 1452 – Fees for Services Provided to Children in Government Early Learning Centres under the Education and Training Reform Act 2006.

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

Response from the Minister for Energy and Resources to petition titled Allow disabling of remote function of electricity smart meters (petition No. 544) (presented by Jeff Bourman on 30 July 2024) (*released on 27 August 2024*).

8 PRODUCTION OF DOCUMENTS —

TRANSITION OUT OF COMMERCIAL NATIVE FOREST LOGGING — The Clerk tabled a letter from the Attorney-General, dated 19 August 2024, in response to a resolution of the Council on 31 July 2024 (on the motion of Sarah Mansfield), relating to the transition out of commercial native forest logging, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

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FUNDING VICTORIA'S HEALTH SERVICES — The Clerk tabled a letter from the Attorney-General, dated 23 August 2024, in response to a resolution of the Council on 14 August 2024 (on the motion of Georgie Crozier), relating to funding Victoria's health services, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

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GAS AND ELECTRICITY SUPPLIES — In response to a resolution of the Council on 15 November 2023 (on the motion of David Davis), and further to the Government's initial response on 7 December 2023, relating to gas and electricity supplies, the Clerk tabled —

- 12 documents in full and a schedule of the 21 documents identified within the scope of the Order; and
- a letter from the Attorney-General, dated 26 August 2024, making a claim of executive privilege in relation to nine documents in full.

On the motion of David Davis, the Attorney-General's letter was ordered to be taken into consideration on the next day of meeting.

9 BUSINESS OF THE COUNCIL — Georgie Crozier moved, by leave, That the following general business take precedence on Wednesday, 28 August 2024 —

- (1) notice of motion No. 462 standing in Sarah Mansfield's name referring matters relating to decommissioning oil and gas infrastructure to the Environment and Planning Committee;

- (2) order of the day No. 9, resumption of debate on the second reading of the Human Rights and Housing Legislation Amendment (Ending Homelessness) Bill 2023;
- (3) notice of motion given this day by Georgie Crozier on the Suburban Rail Loop;
- (4) order of the day No. 1, resumption of debate on the second reading of the Government Construction Projects Integrity Bill 2024; and
- (5) notice of motion given this day by David Davis on electricity transmission lines.

Question — put and agreed to.

10 COMMITTEE MEMBERSHIP — Samantha Ratnam moved, by leave, That —

- (1) Samantha Ratnam be discharged from the Environment and Planning Standing Committee; and
- (2) Sarah Mansfield be a member of the Environment and Planning Standing Committee.

Question — put and agreed to.

11 MEMBERS' STATEMENTS — Members made statements.

12 BUSINESS POSTPONED — Ordered — That the consideration of notices of motion, government business, Nos. 278 to 538, and orders of the day, government business, Nos. 1 and 2, be postponed until later this day.

13 PRAHRAN MECHANICS' INSTITUTE REPEAL BILL 2024 — The order of the day was read for the resumption of the consideration of the Bill.

The President ruled the Bill to be a private bill.

On the motion of Lizzie Blandthorn, the Bill was ordered to be dealt with as a public bill.

Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

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

14 JUSTICE LEGISLATION AMENDMENT (INTEGRITY, DEFAMATION AND OTHER MATTERS) BILL 2024 — Debate resumed on the question, That the Bill be now read a second time.

Evan Mulholland (*EM13C*) and Jaclyn Symes (*JS49C*) circulated amendments proposed to be moved during Committee of the whole.

Question — put and agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole on the next day of meeting.

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

Debate ensued.

The Council adjourned at 6.13 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 81 — Wednesday, 28 August 2024

- 1 The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.
- 2 **YOUTH JUSTICE 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.
- 3 **PAPERS PRESENTED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following papers:
 - Statutory Rules under the following Acts of Parliament —
 - Supreme Court Act 1986 — Administration and Probate Act 1958 — No. 79.
 - Supreme Court Act 1986 — No. 78.
- 4 **COMMITTEE MEMBERSHIP** — Georgie Crozier moved, by leave, That Nick McGowan be a participating member of the Legal and Social Issues Standing Committee.
Question — put and agreed to.
- 5 **MEMBERS' STATEMENTS** — Members made statements.
- 6 **PRODUCTION OF DOCUMENTS — GOVERNMENT PROCUREMENT CONTRACTS AND PROJECT BRIEFS — CFMEU AND CFMMEU** — *The President having ruled part of the notice of motion out of order* — Evan Mulholland moved, That this House requires the Leader of the Government, pursuant to Standing Order 10.01, to table in the Council by 29 August 2024 a copy of all State Government procurement contracts and project briefs, covering the period 1 January 2015 to 1 July 2024, which specifically name either the CFMEU or CFMMEU.
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 **BUSINESS POSTPONED** — Ordered — That the consideration of notice of motion, No. 546, be postponed until later this day.
- 8 **ENVIRONMENT AND PLANNING COMMITTEE — DECOMMISSIONING OIL AND GAS INFRASTRUCTURE** — Sarah Mansfield moved, That this House —
 - (1) notes that —
 - (a) extensive systems of ageing and retired oil and gas infrastructure exists across Victoria and its coast, risking significant methane leakage;
 - (b) the financial liability for decommissioning oil and gas infrastructure may fall to the Victorian taxpayer;
 - (2) requires that the Environment and Planning Committee inquire into, consider and report, by June 2026, on —
 - (a) the scale and legal ownership structure of Victoria's oil and gas infrastructure, including offshore wells, pipelines, high-pressure transmission and low-pressure distribution systems, and relevant projects in Commonwealth waters;
 - (b) the scale and nature of oil and gas infrastructure requiring decommissioning over the coming decades, including onshore works and works in Commonwealth and Victorian waters;

- (c) the regulatory powers of the Victorian Government to ensure oil and gas companies deliver planned and timely infrastructure decommissioning;
- (d) any actions the Victorian Government can take to ensure oil and gas companies provide sufficiently to cover decommissioning costs;
- (e) opportunities for employment in decommissioning;
- (f) opportunities for Traditional Owner acknowledgement, consultation and employment where oil and gas infrastructure exists on their ancestral lands and/or Sea Country;
- (g) identifying current and potential leaked greenhouse gases from Victoria's existing and retired oil and gas infrastructure, including relevant projects in Commonwealth waters and the quantity of leaks; and
- (h) any actions the Victorian Government can take to cap and otherwise protect the population from leaked greenhouse gases across Victoria's existing and retired oil and gas infrastructure.

Debate ensued.

David Davis moved, as amendments, That —

1. In paragraphs (1)(a), (1)(b), (2)(a) and (2)(b), **omit** the words “oil and gas infrastructure” and **replace** them with “oil, gas, wind farm, solar and other renewable energy infrastructure”.
2. In paragraphs (2)(c) and (2)(d), **omit** the words “oil and gas companies” and **replace** them with “oil, gas, wind farm, solar and other renewable energy companies”.

Debate ensued.

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

Question — That the amendments moved by David Davis be agreed to — put.

The Council divided — The 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.

Original question — put.

The Council divided — The President in the Chair.

AYES, 24

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; Rikkie-Lee Tyrrell; Sheena Watt.

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

NOES, 14

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

- **Greyhound racing welfare (QwN 637)** — substantive and supplementary questions asked by Georgie Purcell — response from Enver Erdogan due Friday, 30 August 2024.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

10 BUSINESS POSTPONED — Ordered — That the consideration of order of the day, general business, No. 1, be postponed until later this day.

11 SUBURBAN RAIL LOOP — Georgie Crozier moved, That this House —

- (1) expresses serious concern over the Allan Labor Government's decision to prioritise the Suburban Rail Loop over the essential services and projects Victorians need, despite a serious warning from S&P Global, including —
 - (a) the threat of a credit rating downgrade from AA to AA minus if the Allan Labor Government proceeds with the Suburban Rail Loop without further funding from the Federal Government;
 - (b) the financial strain any downgrade in credit rating would impose on Victorians through increased debt repayments;
- (2) notes with concern that the Premier, Jacinta Allan, has neglected the real priorities of Victorians, such as better healthcare, safer roads, and cost-of-living relief, in favour of a large-scale project with no credible business case;
- (3) calls on the Allan Labor Government to —
 - (a) immediately halt the Suburban Rail Loop to protect Victoria's credit rating and shield Victorians from further debt; and

- (b) deliver the infrastructure and services that Victorians actually need, rather than pursuing projects that do not address the immediate needs of the community.

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; 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; Adem Somyurek; 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.

12 GOVERNMENT CONSTRUCTION PROJECTS INTEGRITY BILL 2024 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 14

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

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

NOES, 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.

13 ELECTRICITY TRANSMISSION LINES — David Davis moved, 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.

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

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

15 PETITIONS (QUALIFYING FOR DEBATE) — RESCIND THE ENVIRONMENTAL AUDIT OVERLAY IN THE WONTHAGGI NORTH EAST PRECINCT STRUCTURE PLAN —
Renee Heath moved, That the petition be taken into consideration.

Debate ensued.

Question — put and agreed to.

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

Debate ensued.

The Council adjourned at 6.37 pm until tomorrow.

ROBERT McDONALD
Clerk of the Legislative Council

No. 82 — Thursday, 29 August 2024

- 1** The President took the Chair at 9.32 am, read the Prayer and made an Acknowledgement of Country.
- 2 COMMITTEE MEMBERSHIP** — The President advised the House that Eden Foster, Member for Mulgrave, resigned from the Integrity and Oversight Committee, effective from today.
- 3 SUPERMARKET INDUSTRY BILL 2024** — Aiv Puglielli introduced *A Bill for an Act to provide for the Essential Services Commission to carry out functions in relation to the supermarket industry, to create an independent panel to advise on essential grocery items, to amend the Essential Services Commission Act 2001 and for other purposes.*

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

- 4 PAPERS — COMMITTEE REPORT — PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE —**
Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Michael Galea tabled a Report on the Inquiry into vaping and tobacco controls (including Appendices and a Minority Report) from the Public Accounts and Estimates Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

Michael Galea moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

- 5 SITTING OF THE COUNCIL —** Harriet Shing moved, That the Council, at its rising, adjourn until Tuesday, 10 September 2024.

Question — put and agreed to.

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

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

- 8 JUSTICE LEGISLATION AMENDMENT (INTEGRITY, DEFAMATION AND OTHER MATTERS) BILL 2024 —** 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.

- 9 ABORIGINAL LAND LEGISLATION AMENDMENT BILL 2024 —** Debate resumed on the question, That the Bill be now read a second time.

Business interrupted at 12.00 noon.

- 10 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:

- **High value high risk projects (QwN 646)** — substantive and supplementary questions asked by David Limbrick — response from Jaclyn Symes due Monday, 2 September 2024.
- **Land Forces expo (QwN 648)** — substantive and supplementary questions asked by Sarah Mansfield — response from Jaclyn Symes due Monday, 2 September 2024.
- **Gender affirmation surgery at Royal Children's Hospital (QwN 650)** — substantive and supplementary questions asked by Moira Deeming — response from Ingrid Stitt due Monday, 2 September 2024.

- **Access to public forests (QwN 652)** — substantive and supplementary questions asked by Rikkie-Lee Tyrrell — response from Gayle Tierney due Monday, 2 September 2024.

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CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 11 ABORIGINAL LAND LEGISLATION AMENDMENT BILL 2024** — Debate continued 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.

- 12 JUSTICE LEGISLATION AMENDMENT (INTEGRITY, DEFAMATION AND OTHER MATTERS) 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.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of orders of the day, government business, Nos. 3 to 6, be postponed until later this day.

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

On the motion of Gayle Tierney, the debate was adjourned until later this day.

- 15 NUCLEAR ENERGY** — Sonja Terpstra moved, That this House —

- (1) condemns the Federal Liberal-Nationals Coalition plans for dangerous and costly nuclear energy, which will send power bills sky high;
- (2) calls on the Leader of the Victorian Opposition to —
 - (a) retract his statement that nuclear may well be part of the energy mix going forward;
 - (b) rule out nuclear power plants in Victorian communities;
- (3) calls on the Leader of the Victorian Nationals to confirm whether his party supports the pro-nuclear motion passed at the 2024 Victorian Nationals state conference;
- (4) notes —
 - (a) the pro-nuclear statements made by Mrs Bev McArthur MLC, and Mr Richard Welch MLC;
 - (b) the latest CSIRO 2023-24 GenCost Report that confirms that nuclear energy is by far the most expensive form of energy generation you can build; and
 - (c) that because of the Allan Labor Government's record investments in cheap, reliable renewable energy, Victoria's wholesale power prices are consistently amongst the lowest in the country.

Debate ensued.

David Davis moved, as amendments —

1. In paragraph (1), **omit** the word “condemns” and **replace** it with “notes”.
2. In paragraph (1), **omit** the words “dangerous and costly” and the words and expressions “, which will send power bills sky high”.
3. **Omit** paragraphs (2), (3) and (4).
4. After paragraph (4), **insert** the following:

- “(2) notes the CSIRO GenCost Report that has been heavily criticised for failing to properly cost alternate energy forms;
- (3) notes that the Allan Labor Government’s record of energy policy management is in fact, a record of mismanagement that the Government cannot be proud of, in particular noting —
 - (a) the massive surge in electricity and gas prices for Victorian households that has occurred in recent years, during a cost-of-living crisis;
 - (b) the massive increase in prices of gas and electricity faced by Victorian businesses that is increasingly driving businesses from Victoria and making Victoria uncompetitive with other jurisdictions;
 - (c) the deteriorating position of energy security for Victorian households and businesses as pointed to in the recent statements and publications of the Australian Energy Market Operator;
- (4) condemns the Minister for Energy and Environment, the Hon. Lily D’Ambrosio MP, who is conducting ‘a war on gas’ through the so-called Gas Substitution Roadmap;
- (5) holds the Andrews and Allan Governments and Minister D’Ambrosio responsible for the failure to issue gas exploration permits over the last ten years;
- (6) condemns the Allan Labor Government for the increased regulatory burden and increased costs imposed on Victorian households and businesses; and
- (7) notes the damage done by Minister D’Ambrosio’s ideological approach to energy policy.”.

Debate ensued.

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

- 16 HEALTH LEGISLATION AMENDMENT (REGULATORY REFORM) BILL 2024** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Assisted Reproductive Treatment Act 2008, the Drugs, Poisons and Controlled Substances Act 1981, the Health Services Act 1988, the Non Emergency Patient Transport and First Aid Services Act 2003, the Public Health and Wellbeing Act 2008, the Radiation Act 2005 and the Safe Drinking Water Act 2003 in relation to regulatory and enforcement matters and to amend the Assisted Reproductive Treatment Act 2008, the Births, Deaths and Marriages Registration Act 1996, the Drugs, Poisons and Controlled Substances Act 1981, the Epworth Foundation Act 1980, the Health Services Act 1988, the Human Tissue Act 1982, the Public Health and Wellbeing Act 2008 and the Safe Drinking Water Act 2003 to make minor miscellaneous amendments and for other purposes* and requesting the agreement of the Council.

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

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

Enver Erdogan moved, That the Bill be now read a second time.

Enver Erdogan incorporated the second reading speech in Hansard.

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

17 MELBOURNE CONVENTION AND EXHIBITION TRUST AMENDMENT

BILL 2024 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Melbourne Convention and Exhibition Trust Act 1996 to change the name of that Act, to change the name of the Melbourne Convention and Exhibition Trust and to modernise governance and operational provisions and for other purposes* and requesting the agreement of the Council.

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

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

Enver Erdogan moved, That the Bill be now read a second time.

Enver Erdogan incorporated the second reading speech in Hansard.

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

18 RESIDENTIAL TENANCIES AND FUNERALS AMENDMENT BILL 2024 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Residential Tenancies Act 1997 in relation to Part 4A parks, to amend the Funerals Act 2006 in relation to funeral goods and services price lists and coffin price lists and for other purposes* and requesting the agreement of the Council.

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

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

Enver Erdogan moved, That the Bill be now read a second time.

Enver Erdogan incorporated the second reading speech in Hansard.

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

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

Debate ensued.

The Council adjourned at 6.19 pm until Tuesday, 10 September 2024.

ROBERT McDONALD
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 80, 81 and 82

JUSTICE LEGISLATION AMENDMENT (INTEGRITY, DEFAMATION AND OTHER MATTERS) BILL 2024

Committed Thursday, 29 August 2024

Amendments circulated: David Limbrick (DL63C) (pp. 718-19), Evan Mulholland (EM13C) (p. 719) and Jaclyn Symes (JS49C) (p. 720)

Clause 1 — David Limbrick (DL63C) circulated amendments proposed to be moved during Committee of the whole.

Clauses 1 to 6 — put and agreed to.

Clause 7 — David Limbrick moved amendment Nos. 1 to 3 (DL63C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Jeff Bourman; Moira Deeming; David Limbrick; Rikkie-Lee Tyrrell.

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

NOES, 33

Ryan Batchelor; John Berger; 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; 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)

Question negated.

Clause 7 — put and agreed to.

Clauses 8 to 13 — put and agreed to.

Clause 14 — David Limbrick moved amendment No. 4 (DL63C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Jeff Bourman; Moira Deeming; David Limbrick; Rikkie-Lee Tyrrell.

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

NOES, 33

Ryan Batchelor; John Berger; 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; 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)

Question negatived.

Clause 14 — put and agreed to.

Clauses 15 to 17 — put and agreed to.

Clause 18 — David Limbrick moved amendment Nos. 5 to 7 (*DL63C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Jeff Bourman; Moira Deeming; David Limbrick; Rikkie-Lee Tyrrell.

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

NOES, 32

Ryan Batchelor; John Berger; Gaelle Broad; Katherine Copsey; David Davis; Enver Erdogan; Jacinta Ermacora; David Ettershank; Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Samantha Ratnam; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra; 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 18 — put and agreed to.

Clauses 19 to 49 — put and agreed to.

Clause 50 — Jaclyn Symes moved amendment No. 1 (*JS49C*).

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

Clause 50, as amended — put and agreed to.

Clauses 51 to 77 — put and agreed to.

Clause 78 — Evan Mulholland moved amendment Nos. 1 to 4 (*EM13C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

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

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

NOES, 20

Ryan Batchelor; John Berger; 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 negatived.

Clause 78 — put and agreed to.

Clauses 79 to 91 — put and agreed to.

Clause 92 — Evan Mulholland moved amendment Nos. 5 to 7 (*EM13C*).

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

Clause 92 — put and agreed to.

Clauses 93 to 104 — put and agreed to.

Clause 105 — Evan Mulholland moved amendment Nos. 8 to 10 (*EM13C*).

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

Clause 105 — put and agreed to.

Clauses 106 and 107 — put and agreed to.

Clause 108 — Jaclyn Symes moved amendment No. 2 (*JS49C*).

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

Clause 108, as amended — put and agreed to.

Clauses 109 to 115 — put and agreed to.

Schedule 1 — put and agreed to.

Bill reported with amendments.

AMENDMENTS CIRCULATED IN RELATION TO —

1. JUSTICE LEGISLATION AMENDMENT (INTEGRITY, DEFAMATION AND OTHER MATTERS) BILL 2024

Amendments circulated by David Limbrick (DL63C)

1. Clause 7, page 8, line 25, omit "data; or" and insert "data."
2. Clause 7, page 8, lines 26 and 27, omit all words and expressions on these lines.
3. Clause 7, page 9, lines 9 to 16, omit all words and expressions on these lines and insert—
 - '(5) A Court Chief Executive Officer may refuse to give the Chief Statistician a copy of applicable court data required by the Chief Statistician if the Court Chief Executive Officer considers that giving a copy of that data would, or would reasonably be likely to—
 - (a) prejudice the fair trial of a person or the impartial adjudication of a particular case or disclose data that is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege or client legal privilege; or
 - (b) disclose, or enable a person to ascertain, the identity of a confidential source of information in relation to the enforcement or administration of the law; or
 - (c) endanger the lives or physical safety of persons engaged in or in connection with law enforcement or persons who have provided confidential information in relation to the enforcement or administration of the law; or
 - (d) be incompatible with the rights of any person under the Charter of Human Rights and Responsibilities.
 - (6) Any data provided by the Court Chief Executive Officer to the Chief Statistician under this section is taken to be crime statistics data for the purposes of standards issued, amended or reissued by the Information Commissioner under section 92 of the **Privacy and Data Protection Act 2014**.".'
4. Clause 14, page 13, lines 9 to 22, omit all words and expressions on these lines and insert—

"online service means a website, application or other scalable technology that allows a user to create, share, or publish content online or participate in social networking via means of a conduit service;"
5. Clause 18, lines 18 to 25, omit all words and expressions on these lines and insert—

"(c) if the plaintiff gave the defendant a written complaint under this section about the publication—

 - (i) the defendant provided a response to the plaintiff giving reasonable grounds for the defendant's belief that the publication is not defamatory; or

(ii) reasonable access prevention steps, if steps were available, were taken in relation to the publication—

whether before the complaint was given or within 7 days after the complaint was given."

6. Clause 18, line 32, omit "after "(1)(c)" insert "(ii)".
7. Clause 18, page 22, line 19, after "plaintiff" insert "reasonably".

Amendments circulated by Evan Mulholland (EM13C)

1. Clause 78, line 4, before "After" insert "(1)".
2. Clause 78, line 8, omit "Safety; and" and insert 'Safety; and".'.
3. Clause 78, line 9, omit all words and expressions on this line.
4. Clause 78, after line 9 insert—

'(2) After section 162A(3) of the **Independent Broad-based Anti-corruption Commission Act 2011** insert—

"(4) The IBAC may give an advance copy of the report to the Premier before the report is transmitted to the Parliament.".'.
5. Clause 92, line 21, omit "the Premier,".
6. Clause 92, lines 27 and 28, omit all words and expressions on these lines.
7. Clause 92, after line 31 insert—

'(3) After section 25AAB(4) of the **Ombudsman Act 1973** insert—

"(5) The Ombudsman may provide a copy of a report to Parliament under section 23(6) or 25 to the Premier before the report is transmitted to the Parliament under section 25AA.".'.
8. Clause 105, line 10, omit all words and expressions on this line.
9. Clause 105, line 22, omit 'so.'".' and insert "so.".
10. Clause 105, after line 22 insert—

'(4) The Victorian Inspectorate may give an advance copy of the report to the Premier before the report is transmitted to the Parliament.".'.

Amendments circulated by Jaclyn Symes (JS49C)

1. Clause 50, page 50, line 4, after "64(6)" insert "of the **Freedom of Information Act 1982**".
2. Clause 108, page 85, lines 24 to 26, omit all words and expressions on those lines and insert—
 - '(k) disclosure for the purposes of making a complaint to the Integrity and Oversight Committee; or
 - (l) disclosure as is otherwise authorised or required to be made by or under this Act.

Note

See also sections 39 and 40 of the **Public Interest Disclosures Act 2012**."