



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
60TH PARLIAMENT
Nos. 95, 96 and 97

No. 95 — Tuesday, 26 November 2024

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

2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on the following dates, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

On 19 November 2024 —

Agriculture and Food Safety Legislation Amendment Act 2024

Duties Amendment (More Homes) Act 2024

Roads and Road Safety Legislation Amendment Act 2024.

On 26 November 2024 —

Subordinate Legislation and Administrative Arrangements Amendment Act 2024

Transport Infrastructure and Planning Legislation Amendment Act 2024.

3 **QUESTION TIME** —

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

* * * * *

ANSWERS TAKEN INTO CONSIDERATION — On the motion of David Davis, the answers given by Lizzie Blandthorn to questions relating to the Windsor Community Children's Centre (QwN 749) were ordered to be taken into consideration on the next day of meeting.

* * * * *

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:

- **Independent review of greyhound deaths (QwN 754)** — substantive and supplementary questions asked by Georgie Purcell — response from Enver Erdogan due Thursday, 28 November 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

4 PETITIONS —

STOP THE AERIAL CULLING OF DEER — Jeff Bourman presented a petition bearing 2,666 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to stop the aerial culling of deer in areas that can be hunted by recreational hunters (*Ordered to be tabled*).

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

* * * * *

DESIST FROM HIGH-RISE HIGH-DENSITY ZONE PLANNING — David Davis presented a petition bearing 372 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to desist from the announced high-rise high-density zones and recommence proper discussions and consultation with local communities, councils and heritage peak bodies in all ten affected zones prior to taking any further planning actions (*Ordered to be tabled*).

5 PAPERS —

COMMITTEE REPORT — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Sonja Terpstra tabled Alert Digest No. 16 of 2024 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*Ordered to be published*).

* * * * *

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

Auditor-General — Auditor-General's Report on the Annual Financial Report of the State of Victoria: 2023-24, November 2024 (*released on 22 November 2024 – a non-sitting day*) (*Ordered to be published*).

Climate Change Act 2017 —

Victoria's Climate Science Report 2024, under section 51 of the Act.

Victorian Greenhouse Gas Emissions Report 2022, under section 52 of the Act.

Coroners Act 2008 — Statutory review Report, under section 118A of the Act.

Financial Management Act 1994 — Victorian Budget 2024-25 Quarterly Financial Report No. 1 (*released on 15 November 2024 – a non-sitting day*).

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

Banyule Planning Scheme — Amendment C174.

Manningham Planning Scheme — Amendment C139.

Melbourne Planning Scheme — Amendments C451 and C464.

Mount Alexander Planning Scheme — Amendment C99.

Pyrenees Planning Scheme — Amendment C55.

Victoria Planning Provisions — Amendment VC263.

Whitehorse Planning Scheme — Amendment C234.

Wyndham Planning Scheme — Amendment C263.

Statutory Rule under the Transport (Compliance and Miscellaneous) Act 1983 — No. 129.

Subordinate Legislation Act 1994 — Documents under section 15 in relation to Statutory Rule Nos. 126, 127 and 128.

Victorian Environmental Assessment Council Act 2001 — Notice of request to the Victorian Environmental Assessment Council for an assessment of the values of State forests in eastern Victoria, under section 26C of the Act.

* * * * *

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

Response from the Minister for Education to petition titled Plan for a new school in Winchelsea (petition No. 571) (presented by Sarah Mansfield on 31 July 2024) (*released on 22 November 2024 – a non-sitting day*).

Responses from the Minister for Health to petitions titled —

Cancel plans for hospital amalgamations (petition No. 560) (presented by Georgie Crozier on 15 October 2024) (*released on 20 November 2024 – a non-sitting day*).

Reject plans to amalgamate The Royal Children’s Hospital with other hospitals (petition No. 574) (presented by Georgie Crozier on 15 October 2024) (*released on 20 November 2024 – a non-sitting day*).

Stop the amalgamation of health services in Seymour (petition No. 597) (presented by Wendy Lovell on 15 October 2024) (*released on 20 November 2024 – a non-sitting day*).

* * * * *

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

Drugs, Poisons and Controlled Substances Amendment (Pill Testing) Act 2024 — Whole Act — 12 November 2024 (*Gazette S610, 12 November 2024*).

Victims of Crime (Financial Assistance Scheme) Act 2022 — Remaining provisions — 18 November 2024 (*Gazette S610, 12 November 2024*).

6 BUSINESS OF THE COUNCIL — David Limbrick moved, by leave, That the following general business take precedence on Wednesday, 27 November 2024 —

- (1) notice of motion No. 663 standing in Sarah Mansfield’s name on newly approved coal and gas projects;
- (2) notice of motion given this day by Sarah Mansfield referring matters relating to the 2024 Victorian local government elections to the Electoral Matters Committee;
- (3) notice of motion given this day by David Limbrick referring matters relating to the use of capsaicin spray for personal defence to the Legal and Social Issues Committee;
- (4) notice of motion given this day by David Limbrick establishing a Select Committee to inquire into climbing and land use restrictions at Mount Arapiles-Tooan State Park;
- (5) notice of motion given this day by Georgie Crozier referring matters relating to the Victorian Curriculum and Assessment Authority’s process errors during the 2024 VCE examinations to the Ombudsman; and
- (6) notice of motion given this day by David Davis on cost and supply reliability concerns with the current Integrated Services Plan and Victoria’s energy roadmap.

Question — put and agreed to.

- 7 BUSINESS OF THE COUNCIL — ORDER OF BUSINESS** — Sarah Mansfield moved, by leave, That so much of Standing and Sessional Orders be suspended to the extent necessary to allow Anasina Gray-Barberio to make her inaugural speech at the conclusion of Petitions (qualifying for debate) on Wednesday, 27 November 2024.

Question — put and agreed to.

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

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 278 to 685, be postponed until later this day.

- 10 TOBACCO AMENDMENT (TOBACCO RETAILER AND WHOLESALER LICENSING SCHEME) BILL 2024** — Debate resumed on the question, That the Bill be now read a second time.

David Davis (*DD153C*) and Sarah Mansfield (*SMA24C*) circulated amendments proposed to be moved during Committee of the whole.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Enver Erdogan; Jacinta Ermacora; Michael Galea; Anasina Gray-Barberio; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Aiv Puglielli; Georgie Purcell; 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)

NOES, 3

David Ettershank; David Limbrick; Rachel Payne.

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

Question agreed to.

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

House in Committee.

Bill reported with an amendment, the Report was adopted.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Ryan Batchelor; Melina Bath; John Berger; Lizzie Blandthorn; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Enver Erdogan; Jacinta Ermacora; Michael Galea; Anasina Gray-Barberio; Renee Heath; Ann-Marie Hermans; Shaun Leane; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh; Evan Mulholland; Aiv Puglielli; Georgie Purcell; 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)

NOES, 4

Moira Deeming; David Ettershank; David Limbrick; Rachel Payne.

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

Question agreed to.

Bill read a third time and passed.

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

- 11 BUSINESS POSTPONED** — Ordered — That the consideration of orders of the day, government business, Nos. 2 to 4, be postponed until later this day.

- 12 AGED CARE RESTRICTIVE PRACTICES SUBSTITUTE DECISION-MAKER 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 committed to a Committee of the whole.

House in Committee.

Business interrupted at 6.30 pm.

On the motion of Ingrid Stitt, the meal break scheduled for this day was suspended.

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted, 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.

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

Debate ensued.

The Council adjourned at 7.41 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 96 — Wednesday, 27 November 2024

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

- 2 PETITION — KONGWAK BUTTER FACTORY DEVELOPMENT** — Renee Heath presented a petition bearing 1,165 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to refer the permit application for the development of the Kongwak Butter Factory to the Department of Transport and Planning Priority Projects Standing Advisory Committee before a decision is made, conduct public consultation meetings with residents that live within the township boundary of the hamlet who will be most affected, and modify the development in accordance with that feedback (*Ordered to be tabled*).

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

3 PAPERS —

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

Auditor-General — Fair Presentation of Service Delivery Performance 2024, November 2024 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Documents under section 15 in relation to Statutory Rule No. 130.

Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017 —

Birrarung Council Report, 2024 on the implementation of the Burndap Birrarung Burndap Umarkoo Yarra Strategic Plan.

Burndap Birrarung Burndap Umarkoo Yarra Strategic Plan, Report 2023-24 — Reporting on implementation from 1 July 2023 to 30 June 2024.

* * * * *

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

Response from the Minister for Planning to petition titled Desist from high-rise high-density zone planning (petition No. 600) (presented by David Davis on 29 October 2024) (*released on 26 November 2024*).

4 MEMBERS' STATEMENTS — Members made statements.

5 PRODUCTION OF DOCUMENTS — REVIEW OF POLICE OVERSIGHT — Rachel Payne moved, That this House —

- (1) notes that in the consultation paper for the systemic review of police oversight, the Victorian Government acknowledged —
 - (a) Victoria Police's complaints process requires improvement to effectively manage conflicts of interest;
 - (b) concerns about conduct in relation to Aboriginal children and young people;
 - (c) that the current system of independent investigation of serious police misconduct allegations fails to meet community expectations;
- (2) further notes that the final report for the systemic review of police oversight was delivered to the Government in 2022 and has not been made public; and
- (3) requires the Leader of the Government, pursuant to Standing Order 10.01, to table in the Council, within four weeks of the House agreeing to this resolution, the final report from the systemic review of police oversight.

Debate ensued.

David Ettershank moved, as an amendment, That in paragraph (3), for "final report from the systemic review of police oversight" substitute "final report for the systemic review of police oversight and/or any related reports".

Debate ensued.

Question — That the amendment moved by David Ettershank be agreed to — put and agreed to.

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

- (1) notes that in the consultation paper for the systemic review of police oversight, the Victorian Government acknowledged —
 - (a) Victoria Police's complaints process requires improvement to effectively manage conflicts of interest;
 - (b) concerns about conduct in relation to Aboriginal children and young people;

- (c) that the current system of independent investigation of serious police misconduct allegations fails to meet community expectations;
- (2) further notes that the final report for the systemic review of police oversight was delivered to the Government in 2022 and has not been made public; and
- (3) requires the Leader of the Government, pursuant to Standing Order 10.01, to table in the Council, within four weeks of the House agreeing to this resolution, the final report for the systemic review of police oversight and/or any related reports — put and agreed to.

6 TOBACCO AMENDMENT (TOBACCO RETAILER AND WHOLESALER LICENSING SCHEME) BILL 2024 — The Acting President read a Message from the Assembly informing the Council that they have agreed to the amendment made by the Council in this Bill.

7 PRODUCTION OF DOCUMENTS — LAND USE IN THE GRAMPAINS AND ARAPILES REGION — David Limbrick moved, That this House —

- (1) notes —
 - (a) the recently announced climbing bans at Mount Arapiles-Tooan State Park have caused significant distress and alarm within the climbing community and the local town of Natimuk;
 - (b) this follows from previous climbing bans and land use restrictions in the Grampians National Park;
 - (c) that consultation related to Aboriginal cultural heritage management does not allow for an open and transparent process that can foster broad inclusion and balance the needs of different land users;
- (2) requires the Leader of the Government, in accordance with Standing Order 10.01, to table in the Council, within eight weeks of the House agreeing to this resolution, documents related to the *Greater Gariwerd Landscape Management Plan* and the draft Dyurrite Cultural Landscape Management Plan Amendment, including but not limited to —
 - (a) all cultural heritage and environmental reports from the Grampians and Arapiles region for the last ten years;
 - (b) all reports associated with the Grampians Peaks Trail; and
 - (c) all reports, including draft reports, relating to rock climbing.

Debate ensued.

Question — put and agreed to.

8 NEWLY APPROVED COAL AND GAS PROJECTS — Sarah Mansfield moved, That this House —

- (1) notes that we are in a climate emergency, caused by burning fossil fuels such as coal, gas and oil; and
- (2) condemns the Albanese Labor Government for approving 28 new coal and gas projects since coming to power, including three new coal mine expansions in September that will generate more than 1.3 billion tonnes of greenhouse gas emissions in their lifetime.

Debate ensued.

Sheena Watt moved, as amendments, That —

1. In paragraph (2) **omit** all words and expressions after “condemns the” and **replace** them with “Victorian Greens for wasting this Chamber’s time debating the Albanese Labor Government’s record on energy investments; and”.
2. After paragraph (2) **insert** the following:
“(3) calls on members of the Victorian Greens parliamentary party to continue resigning their seats to run in the next federal election if they are more interested in the federal government.”.

Debate ensued.

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.

* * * * *

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:

- **Proposed Great Forest National Park (QwN 759)** — substantive question asked by Jeff Bourman — response from Gayle Tierney due Friday, 29 November 2024.
- **Prospecting on private land (QwN 761)** — substantive and supplementary questions asked by David Limbrick — response from Ingrid Stitt due Friday, 29 November 2024.

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

10 NEWLY APPROVED COAL AND GAS PROJECTS — Debate continued on the question, That this House —

- (1) notes that we are in a climate emergency, caused by burning fossil fuels such as coal, gas and oil; and
- (2) condemns the Albanese Labor Government for approving 28 new coal and gas projects since coming to power, including three new coal mine expansions in September that will generate more than 1.3 billion tonnes of greenhouse gas emissions in their lifetime — and on the amendments moved by Sheena Watt, That —

1. In paragraph (2) **omit** all words and expressions after “condemns the” and **replace** them with “Victorian Greens for wasting this Chambers time debating the Albanese Labor Government’s record on energy investments; and”.
2. After paragraph (2) **insert** the following:
“calls on members of the Victorian Greens parliamentary party to continue resigning their seats to run in the next federal election if they are more interested in the federal government.”.

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

Question — That the amendments moved by Sheena Watt be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

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

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

NOES, 22

Melina Bath; Gaelle Broad; Katherine Copsey; Georgie Crozier; David Davis; Moira Deeming; David Ettershank; Anasina Gray-Barberio; Renee Heath; Ann-Marie Hermans; Wendy Lovell; Trung Luu; Sarah Mansfield; Bev McArthur; Joe McCracken; Nick McGowan; Evan Mulholland; Rachel Payne; Aiv Puglielli; Georgie Purcell; Rikkie-Lee Tyrrell; Richard Welch.

(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, 7

Katherine Copsey; David Ettershank; Anasina Gray-Barberio; Sarah Mansfield; Rachel Payne; Aiv Puglielli; Georgie Purcell.

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

NOES, 32

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

11 BUSINESS POSTPONED — Ordered — That the consideration of notice of motion, general business, No. 749, be postponed until later this day.

12 LEGAL AND SOCIAL ISSUES COMMITTEE — CAPSICUM SPRAY FOR PERSONAL DEFENCE — David Limbrick moved, That this House —

(1) notes —

- (a) recent increases in violent crimes, particularly knife attacks in public places, increases in residential aggravated burglaries, and significant increases in aggravated assaults of females;
- (b) the blame for these crimes rests solely with the perpetrators, not the victims;
- (c) that the innate ability to deter and defend against attacks varies, with women and the elderly generally being more vulnerable;
- (d) that capsicum spray can assist with deterrence and self-defence, particularly for the vulnerable;
- (e) the use of capsicum spray is generally non-lethal and only requires minimal training;
- (f) that capsicum spray is unlikely to be used in criminal attacks;

- (g) that stores in Western Australia where these products are legal have seen increased sales in recent months;
- (h) a petition started by Victorian woman Jayde Howard to legalise capsicum spray for self-defence has gathered nearly 15,000 signatures; and
- (2) requires the Legal and Social Issues Committee to inquire into, consider and report, by March 2026, on permitting the use of capsicum spray for personal defence, including any issues related to amending Schedule 2 of the Control of Weapons Regulations 2021 to remove the prohibition on capsicum spray and any other related matters.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Melina Bath; Jeff Bourman; Gaele 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; Anasina Gray-Barberio; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; 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 BUSINESS POSTPONED** — Ordered — That the consideration of notice of motion, general business, No. 754, be postponed until later this day.

- 14 OMBUDSMAN REFERRAL — VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY'S PROCESS ERRORS DURING THE 2024 VCE EXAMINATIONS** — Georgie Crozier moved, That, pursuant to section 16 of the *Ombudsman Act 1973*, this House refers the following matters to the Ombudsman for investigation and report —

- (1) the Victorian Curriculum and Assessment Authority's (VCAA) admission of a significant error, which led to thousands of Victorian Certificate of Education (VCE) students gaining access to sample exam cover sheets containing nearly identical questions and case studies to those in their final exams;
- (2) the impact of this error on the integrity of the VCE examination process;
- (3) the adequacy of the VCAA's response, which included minor alterations to compromised exams and replacement of instruction booklets, while allegedly failing to fully address the integrity issues and potential disadvantage caused to other students;
- (4) a review of the role and accountability of executive staff at the VCAA for the systemic errors; and

- (5) a complete review of the systems, processes, and resources used for the VCE examinations, given the evidence of a pattern of systemic failure over at least three years.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Melina Bath; 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, 19

Ryan Batchelor; John Berger; Lizzie Blandthorn; Enver Erdogan; Jacinta Ermacora; Michael Galea; Anasina Gray-Barberio; Shaun Leane; Sarah Mansfield; Tom McIntosh; Aiv Puglielli; Georgie Purcell; 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.

Business interrupted at 5.18 pm, pursuant to Sessional Orders.

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

Business interrupted at 5.52 pm, pursuant to Sessional Orders.

- 16 PETITIONS (QUALIFYING FOR DEBATE) — BUS NETWORK REFORM FOR WESTERN SUBURBS** — David Ettershank moved, That the petition be taken into consideration.

Debate ensued.

Question — put and agreed to.

- 17 INAUGURAL SPEECH — ANASINA GRAY-BARBERIO** — Pursuant to an order of the Council on 26 November 2024, Anasina Gray-Barberio made her inaugural speech.

- 18 ADJOURNMENT** — Enver Erdogan moved, That the House do now adjourn.

Debate ensued.

The Council adjourned at 7.24 pm until tomorrow.

ROBERT McDONALD

Clerk of the Legislative Council

No. 97 — Thursday, 28 November 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 Danny O'Brien, Member for Gippsland South, resigned from the Public Accounts and Estimates Committee, effective from 27 November 2024.

3 CORRECTIONS AMENDMENT (ASSISTED REPRODUCTIVE TREATMENT) BILL 2024 —

Georgie Crozier introduced *A Bill for an Act to amend the Corrections Act 1986 to provide that a prisoner does not have the right to undergo assisted reproductive treatment or any procedure for the purposes of another person undergoing assisted reproductive treatment and for other purposes.*

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

4 PAPERS —

PAPERS PRESENTED BY DIRECTION OF THE GOVERNOR — Jaclyn Symes presented, by direction of the Governor, the:

County Court of Victoria Report, 2023-24 (*Ordered to be tabled*).

Magistrates' Court of Victoria Report, 2023-24 (*Ordered to be tabled*).

Supreme Court of Victoria Report, 2023-24 (*Ordered to be tabled*).

* * * * *

PAPERS PRESENTED BY ORDER OF THE COUNCIL —

Harriet Shing, by leave, presented the Metro Tunnel's Tunnel and Stations Public Private Partnership Project Summary Addendum 2, November 2024 (*Ordered to be tabled*).

Lizzie Blandthorn, by leave, presented the Inclusive Victoria's State disability plan: midway report 2022-2024 (*Ordered to be tabled*).

Gayle Tierney, by leave, presented the 2023-24 Sustainability Fund Activities Report (*Ordered to be tabled*).

* * * * *

COMMITTEE REPORT — ECONOMY AND INFRASTRUCTURE COMMITTEE — Pursuant to section Standing Order 23.22, Georgie Purcell tabled a Report on the Inquiry into Local government funding and services (including Appendices, Extracts of Proceedings and Minority Reports) from the Economy and Infrastructure Committee, and presented Transcripts of Evidence (*Transcripts of Evidence ordered to be tabled and the Report published*).

Georgie Purcell moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

* * * * *

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

Auditor-General — Staff Wellbeing in Fire Rescue Victoria, November 2024 (*Ordered to be published*).

Australian Grand Prix Corporation — Report, 2023-24.

Beaufort and Skipton Health Service — Report, 2023-24.

Caulfield Racecourse Reserve Trust — Report, 2023-24.

Cenitex — Report, 2023-24.

Central Gippsland Health Service — Report, 2023-24.

Commissioner for Environmental Sustainability — Minister's report of receipt of the 2023-24 Report.

Community Visitors — Report, 2023-24 (*Ordered to be published*).

Consumer Affairs Victoria — Report, 2023-24 (*Ordered to be published*).

Corangamite Catchment Management Authority — Report, 2023-24.
Country Fire Authority (CFA) — Report, 2023-24.
Court Services Victoria — Report, 2023-24.
Crimes (Assumed Identities) Act 2004 —
 Report, 2020-21, under section 31 of the Act, by the Independent Broad-based Anti-corruption Commission.
 Report, 2021-22, under section 31 of the Act, by the Independent Broad-based Anti-corruption Commission.
 Report, 2022-23, under section 31 of the Act, by the Independent Broad-based Anti-corruption Commission.
 Report, 2023-24, under section 31 of the Act, by Victoria Police.
Dhelkunya Dja Land Management Board — Minister's report of receipt of the 2023-24 Report.
East Gippsland Region Water Corporation — Report, 2023-24.
Environment Protection Authority (EPA) — Report, 2023-24.
Fire Services Implementation Monitor — Report, 2023-24.
Fisheries Act 1995 — Report, 2023-24 on the disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account.
Forensic Leave Panel — Report, 2023.
Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt the 2023-24 Report.
Harness Racing Victoria — Report, 2023-24.
Heritage Council of Victoria — Minister's report of receipt of the 2023-24 Report.
Melbourne Convention and Exhibition Trust — Report, 2023-24.
Mental Health and Wellbeing Commission — Report, 2023-24.
Mental Health Complaints Commissioner — Report, 1 July to 30 August 2023.
Mildura Base Public Hospital — Report, 2023-24.
National Parks Act 1975 — Report, 2023-24 on the working of the Act.
Phillip Island Nature Parks — Report, 2023-24.
Professional Standards Council of Victoria — Report, 2023-24.
Puffing Billy Railway Board — Report, 2023-24.
Racing Integrity Commissioner — Report, 2023-24.
Robinvale District Health Services (RDHS) — Report, 2023-24.
Safe Transport Victoria — Report, 2023-24.
Seymour Health — Report, 2023-24.
Subordinate Legislation Act 1994 — Documents under section 15 in relation to Statutory Rule No. 132.
Surveillance Devices Act 1999 —
 Report, 2021-22, under section 30L, by the Independent Broad-based Anti-corruption Commission.
 Report, 2022-23, under section 30L, by the Independent Broad-based Anti-corruption Commission.
 Reports, 2023-24, under section 30L, by the —
 Independent Broad-based Anti-corruption Commission.
 Environment Protection Authority.
Surveyors Registration Board — Minister's report of receipt of the 2023-24 Report.
Sustainability Victoria — Report, 2023-24.

Treaty Authority — Report, 2023-24.
 Triple Zero Victoria — Report, 2023-24.
 Trust for Nature (Victoria) — Report, 2023-24.
 VicForests — Report, 2023-24.
 Victims of Crime Commissioner — Report, 2023-24.
 Victorian Civil and Administrative Tribunal (VCAT) — Report, 2023-24.
 Victorian Environmental Assessment Council — Report, 2023-24.
 Victorian Fisheries Authority — Report, 2023-24.
 Victorian Gambling and Casino Control Commission — Report, 2023-24.
 Victorian Institute of Forensic Medicine — Report, 2023-24.
 Victorian Institute of Forensic Mental Health (Forensicare) — Report, 2023-24.
 Victorian Marine and Coastal Council — Report, 2023-24.
 Victorian Planning Authority — Report, 2023-24.
 Victorian Responsible Gambling Foundation — Report, 2023-24.
 Yarram and District Health Service — Report, 2023-24.

* * * * *

PAPER PRESENTED UNDER STANDING ORDERS — The Clerk tabled the following paper:
 Response from the Minister for Treaty and First Peoples to petition titled Halt Barengi
 Gadjin Land Council Recognition and Settlement Agreement (petition No. 510)
 (presented by Joe McCracken on 15 October 2024) (*released on
 27 November 2024*).

* * * * *

PROCLAMATION — The Clerk tabled a proclamation of the Governor in Council fixing an
 operative date for the following Act:

Justice Legislation Amendment (Integrity, Defamation and Other Matters)
 Act 2024 — Division 2 of Part 12 — 10 February 2025 (*Gazette S648,
 26 November 2024*).

5 PRODUCTION OF DOCUMENTS —

ROAD AND RAIL BRIDGE INFRASTRUCTURE — The Clerk tabled a letter from the
 Attorney-General, dated 20 November 2024, in response to a resolution of the Council
 on 30 October 2024 (on the motion of Moira Deeming), relating to road and rail bridge
 infrastructure, advising that there was insufficient time to respond and that a final
 response to the Order would be provided as soon as possible.

* * * * *

**GOVERNMENT AGREEMENTS WITH ELBIT SYSTEMS AND THE ISRAEL MINISTRY OF
 DEFENSE** — In response to a resolution of the Council on 15 May 2024 (on the motion
 of Sarah Mansfield), relating to Government agreements with Elbit Systems and the
 Israel Ministry of Defense, the Clerk tabled —

- one document in part and schedules of the three documents identified within the
 scope of the Order; and
- a letter from the Attorney-General, dated 21 November 2024, making a claim of
 executive privilege in relation to two documents in full and one document in part.

* * * * *

FUNDING VICTORIA'S HEALTH SERVICES — In response to a resolution of the Council on
 14 August 2024 (on the motion of Georgie Crozier), and further to the Government's

initial response on 27 August 2024, relating to funding Victoria's health services, the Clerk tabled —

- a schedule of the 83 documents identified within the scope of the Order; and
- a letter from the Attorney-General, dated 25 November 2024, making a claim of executive privilege in relation to all 83 documents in full.

- 6 SITTING OF THE COUNCIL** — Gayle Tierney moved, That the Council, at its rising, adjourn until Tuesday, 4 February 2025.

Question — put and agreed to.

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

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of notices of motion, government business, Nos. 278 to 770, be postponed until later this day.

- 9 STATE TAXATION FURTHER AMENDMENT BILL 2024** — Debate resumed on the question, That the Bill be now read a second time.

Evan Mulholland (*EM24C*) circulated amendments proposed to be moved during Committee of the whole.

Business interrupted at 12.00 noon.

- 10 QUESTION TIME** —

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

* * * * *

CONSTITUENCY QUESTIONS — Members asked constituency questions.

- 11 STATE TAXATION FURTHER 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 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.

- 12 JUSTICE LEGISLATION AMENDMENT (COMMITTALS) BILL 2024** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Procedure Act 2009 and other Acts to reform the process for committal proceedings and for other purposes* and requesting the agreement of the Council.

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

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

Gayle Tierney moved, That the Bill be now read a second time.

Gayle Tierney incorporated the second reading speech in Hansard.

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

- 13 INQUIRIES AMENDMENT (YOORROOK JUSTICE COMMISSION RECORDS AND OTHER MATTERS) BILL 2024** — The President read a Message from the Assembly presenting

A Bill for an Act to amend the Inquiries Act 2014 and the Public Records Act 1973 in relation to the Yoorrook Justice Commission and for other purposes and requesting the agreement of the Council.

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

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

Gayle Tierney moved, That the Bill be now read a second time.

Gayle Tierney incorporated the second reading speech in Hansard.

On the motion of Melina Bath, the debate was adjourned for one week.

- 14 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PARAMEDIC PRACTITIONERS) BILL 2024** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to establish paramedic practitioners as a class of registered paramedics authorized to obtain, possess, use, sell and supply certain substances and for other purposes* and requesting the agreement of the Council.

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

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

Gayle Tierney moved, That the Bill be now read a second time.

Gayle Tierney incorporated the second reading speech in Hansard.

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

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

Question — put and agreed to.

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

Debate ensued.

The Council adjourned at 6.52 pm until Tuesday, 4 February 2025.

ROBERT McDONALD
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 95, 96 and 97

TOBACCO AMENDMENT (TOBACCO RETAILER AND WHOLESALER LICENSING SCHEME) BILL 2024

Committed Tuesday, 26 November 2024

Amendments circulated: David Davis (DD153C) (p. 857) and Sarah Mansfield (SMA24C) (pp. 857-8)

Clause 1 — put and agreed to.

Clause 2 — David Davis moved amendment No. 1 (DD153C).

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

Clause 2, as amended — put and agreed to.

Clauses 3 to 7 — put and agreed to.

Clause 8 — Sarah Mansfield moved amendment Nos. 1 to 3 (SMA24C).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Katherine Copsey; David Ettershank; Anasina Gray-Barberio; Sarah Mansfield;
Rachel Payne; Aiv Puglielli; Georgie Purcell.

(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; Gaelle Broad;
Georgie Crozier; David Davis; Moira Deeming; Enver Erdogan; Jacinta Ermacora;
Michael Galea; Renee Heath; Ann-Marie Hermans; Shaun Leane; David Limbrick;
Wendy Lovell; Trung Luu; Bev McArthur; Joe McCracken; Nick McGowan; Tom McIntosh;
Evan Mulholland; Harriet Shing; Ingrid Stitt; Jaclyn Symes; Lee Tarlamis; Sonja Terpstra;
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 negated.

Clause 8 — put and agreed to.

Clauses 9 to 73 — put and agreed to.

Bill reported with an amendment.

AGED CARE RESTRICTIVE PRACTICES SUBSTITUTE DECISION-MAKER BILL 2024

Committed Tuesday, 26 November 2024

Clauses 1 to 25 — put and agreed to.

Bill reported without amendment.

* * * * *

STATE TAXATION FURTHER AMENDMENT BILL 2024

Committed Thursday, 28 November 2024

Amendments circulated: Evan Mulholland (EM24C) (p. 858)

Clause 1 — Evan Mulholland moved amendment No. 1 (EM24C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy 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; Anasina Gray-Barberio; Shaun Leane; Sarah Mansfield; Tom McIntosh; Rachel Payne; Aiv Puglielli; Georgie Purcell; 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.

Clause 1 — put and agreed to.

Clauses 2 to 100 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —**1. TOBACCO AMENDMENT (TOBACCO RETAILER AND WHOLESALER LICENSING SCHEME) BILL 2024***Amendment circulated by David Davis (DD153C)*

1. Clause 2, lines 11 to 15, omit all words and expressions on these lines and substitute—
 - "(1) Subject to subsections (2) and (3), this Act comes into operation on a day or days to be proclaimed.
 - (2) If a provision of this Act (other than Division 3 of Part 3) does not come into operation before 1 July 2025, it comes into operation on that day.
 - (3) If Division 3 of Part 3 does not come into operation before 1 July 2026, it comes into operation on that day."

Amendments circulated by Sarah Mansfield (SMA24C)

1. Clause 8, page 18, after line 11 insert—
 - "(6) Without limiting the grounds on which the Regulator may vary a licence under this section, the Regulator may do so if the Regulator considers that not making the variation would be adverse to public health or public safety having regard to—
 - (a) the number of licensed tobacco premises already in the vicinity of the proposed licenced tobacco premises; or
 - (b) the proximity of the proposed licensed tobacco premises to premises frequented by children."
2. Clause 8, page 18, after line 25 insert—
 - "(3) Without limiting the grounds on which the Regulator may vary a licence under this section, the Regulator may do so if the Regulator considers that not making the variation would be adverse to public health or public safety having regard to—
 - (a) the number of licensed tobacco premises already in the vicinity of the proposed licenced tobacco premises; or
 - (b) the proximity of the proposed licensed tobacco premises to premises frequented by children."
3. Clause 8, page 40, after line 8 insert—
 - "(3) In addition to subsection (1), and without limiting the grounds on which the Regulator may refuse to grant an application, the Regulator may refuse to grant a licence application, relocation application, variation application or renewal

application if the Regulator considers that the granting of the application would be adverse to public health or public safety having regard to—

- (a) the number of licensed tobacco premises already in the vicinity of the proposed licenced tobacco premises; or
- (b) the proximity of the proposed licensed tobacco premises to premises frequented by children."

2. STATE TAXATION FURTHER AMENDMENT BILL 2024

Amendments circulated by Evan Mulholland (EM24C)

- 1. Clause 1, page 2, line 27, omit "a partial" and insert "an".
- 2. Clause 43, line 8, omit "wages to the extent that the GP" and insert "wages."
- 3. Clause 43, lines 9 to 32 and page 43, lines 1 to 6, omit all words and expressions on these lines.
- 4. Clause 43, page 43, line 7, omit "(3)" and insert "(2)".
- 5. Clause 43, page 43, lines 8 to 36 and page 44, lines 1 to 11, omit all words and expressions on these lines.
- 6. Clause 43, page 44, lines 26 to 31, omit all words and expressions on these lines.
- 7. Clause 43, page 45, lines 1 to 3, omit all words and expressions on these lines.