



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 1

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### No. 1 — Tuesday, 23 December 2014

- 1 The Council met pursuant to the Proclamation of the Governor dated 15 December 2014, which was read by the Acting Clerk and is as follows:

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#### CONSTITUTION ACT 1975

#### PROCLAMATION

I, Alex Chernov, AC, QC, Governor of the State of Victoria, acting under sections 8 and 20 of the *Constitution Act 1975* and all other powers vested in me, fix 23 December 2014 at 10.00 am as the time for the commencement and holding of the First session of the Fifty-eighth Parliament of Victoria for the dispatch of business, at Parliament House, Melbourne. The Members of the Legislative Council and the Members of the Legislative Assembly are required to attend at that time and place.

GIVEN under my Hand and the Seal of the State of Victoria,  
at Melbourne, this Fifteenth day of December 2014

ALEX CHERNOV  
Governor

(L.S.)

By His Excellency's Command  
DANIEL ANDREWS, MP  
Premier

- 2 **INTRODUCTION OF COMMISSIONER** — The Honourable the Chief Justice, the Commissioner from the Governor appointed to open the Parliament, was introduced to the Council Chamber by the Usher of the Black Rod.

The Honourable the Chief Justice said —

MEMBERS OF THE LEGISLATIVE COUNCIL —

The Governor has caused a Commission to be issued under the Seal of the State constituting his Commissioners to do in his name all that is necessary to be performed in this Parliament. This will more fully appear from the Commission which will now be read by the Acting Clerk.

The Commission was then read and is as follows:

BY HIS EXCELLENCY THE HONOURABLE ALEX CHERNOV AC QC  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE JUSTICE MARILYN WARREN AC

CHIEF JUSTICE OF VICTORIA  
AND  
TO THE HONOURABLE JUSTICE CHRISTOPHER MAXWELL,  
PRESIDENT OF THE COURT OF APPEAL

GREETING:

Acting under all available powers and with the consent of the Premier, I commission each of you, on my behalf, to open the first session of the Fifty-eighth Parliament at 10.00 am in the morning of Tuesday, the twenty-third day of December 2014 and to do all other things that it is necessary or usual for me to do on the opening of a new Parliament (other than to give my speech).

GIVEN under my hand and the Seal of Victoria  
on this Nineteenth day of December 2014  
ALEX CHERNOV  
Governor

(L.S.)

By His Excellency's Command  
DANIEL ANDREWS, MP  
Premier

Then the Honourable the Chief Justice said —  
MEMBERS OF THE LEGISLATIVE COUNCIL —

The Governor will attend the Parliament later this day to inform you of the reasons for calling this Parliament together, and as it is necessary before you proceed with business that a President of the Legislative Council be chosen, the Governor requests that you proceed to the choice of a President.

- 3 COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The Honourable the Chief Justice handed her Commission to administer the Oath or Affirmation prescribed by section 23 of the *Constitution Act 1975* to the Acting Clerk who read the same as follows :

BY HIS EXCELLENCY THE HONOURABLE ALEX CHERNOV AC QC  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE JUSTICE MARILYN WARREN AC  
CHIEF JUSTICE OF VICTORIA  
GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, in the Parliament Houses, Melbourne, on the twenty-third day of December 2014, to administer the prescribed Oath or Affirmation of allegiance to Members of the Legislative Council.

GIVEN under my hand and the Seal of Victoria,  
on this Nineteenth day of December 2014  
ALEX CHERNOV  
Governor

(L.S.)

By His Excellency's Command  
DANIEL ANDREWS, MP  
Premier

- 4 RETURNS TO WRITS** — The Acting Clerk announced that a Writ issued under the hand of the Governor on 4 November 2014 for the election of Members to serve in each of 8 Regions had been received from the Governor, and by the endorsements on that Writ it appeared that the following Members had been elected:

For the Eastern Metropolitan Region —

Bruce Atkinson  
Richard Dalla-Riva  
Samantha Dunn  
Shaun Leane

Mary Wooldridge

For the Eastern Victoria Region —

Jeffrey Bourman

Daniel Mulino

Danny O'Brien

Edward O'Donohue

Harriet Shing

For the Northern Metropolitan Region —

Greg Barber

Nazih Elasmr

Jenny Mikakos

Craig Ondarchie

Fiona Patten

For the Northern Victoria Region —

Damian Drum

Steven Herbert

Wendy Lovell

Jaclyn Symes

Daniel Young

For the South Eastern Metropolitan Region —

Gavin Jennings

Inga Peulich

Gordon Rich-Phillips

Adem Somyurek

Nina Springle

For the Southern Metropolitan Region —

Georgie Crozier

Philip Dalidakis

David Davis

Margaret Fitzherbert

Sue Pennicuik

For the Western Metropolitan Region —

Rachel Carling-Jenkins

Khalil Eideh

Bernie Finn

Colleen Hartland

Cesar Melhem

For the Western Victoria Region —

Josh Morris

Jaala Pulford

James Purcell

Simon Ramsay

Gayle Tierney

**5 DECLARATION OF ALLEGIANCE** — Mr Atkinson, Mr Barber, Mr Bourman, Dr Carling-Jenkins, Ms Crozier, Mr Dalidakis, Mr Dalla-Riva, Mr Davis, Mr Drum, Ms Dunn, Mr Eideh, Mr Elasmr, Mr Finn, Ms Fitzherbert, Ms Hartland, Mr Herbert, Mr Jennings, Mr Leane, Ms Lovell, Mr Melhem, Ms Mikakos, Mr Morris, Mr Mulino, Mr O'Brien, Mr O'Donohue, Mr Ondarchie, Ms Patten, Ms Pennicuik, Mrs Peulich, Mr Purcell, Mr Ramsay, Mr Rich-Phillips, Ms Shing, Mr Somyurek, Ms Springle, Ms Symes, Ms Tierney, Ms Wooldridge and Mr Young approached the Table, and took and subscribed the oath or affirmation required by law.

The Honourable the Chief Justice attested the Roll, and then withdrew.

**6 ELECTION OF PRESIDENT** — The Acting Clerk announced that the time had arrived for proceeding to the election of a President of the Council.

Mr Jennings, addressing the Acting Clerk, nominated Ms Gayle Tierney to be President.

Ms Mikakos seconded the nomination.

Ms Tierney, addressing the Acting Clerk, indicated her acceptance of the nomination.

Ms Wooldridge, addressing the Acting Clerk, nominated Mr Bruce Atkinson to be President.

Mr Rich-Phillips seconded the nomination.

Mr Atkinson, addressing the Acting Clerk, indicated his acceptance of the nomination.

Pursuant to Standing Order 2.03 the Acting Clerk advised the House that it was necessary to conduct an open vote.

The Acting Clerk asked Members who support Ms Tierney to be President to stand in their places.

MEMBERS STANDING IN SUPPORT OF MS TIERNEY, 17

Mr Bourman

Dr Carling-Jenkins

Mr Dalidakis

Mr Eideh

Mr Elasmar

Mr Herbert

Mr Jennings

Mr Leane

Mr Melhem

Ms Mikakos

Mr Mulino

Mr Purcell

Ms Shing

Mr Somyurek

Ms Symes

Ms Tierney

Mr Young

The Acting Clerk asked Members who support Mr Atkinson to be President to stand in their places.

MEMBERS STANDING IN SUPPORT OF MR ATKINSON, 21

Mr Atkinson

Mr Barber

Ms Crozier

Mr Davis

Mr Drum

Ms Dunn

Mr Finn

Ms Fitzherbert

Ms Hartland

Ms Lovell

Mr Morris

Mr O'Brien

Mr O'Donohue

Mr Ondarchie

Ms Patten

Ms Pennicuik

Mrs Peulich

Mr Ramsay

Mr Rich-Phillips

Ms Springle

Ms Wooldridge

The Acting Clerk announced the result of the vote as Ms Tierney, 17 votes and Mr Atkinson, 21 votes and declared Mr Atkinson to be elected President.

The Council then calling Mr Atkinson to the Chair, he was taken out of his place by Ms Wooldridge and Mr Rich-Phillips and conducted to the Chair; and, standing on the dais, he returned his acknowledgements to the Council for the high honour that had been conferred on him and then took the Chair of the President and read the prayer.

Mr Jennings and Ms Wooldridge then congratulated the President.

**7 ELECTION OF DEPUTY PRESIDENT** — The President called for nominations for Deputy President.

Mr Jennings nominated Ms Tierney to be Deputy President.

Ms Mikakos seconded the nomination.

There being no further nominations the President declared Ms Tierney to be elected Deputy President.

The President announced that the Governor would be pleased to receive the President in the Library of Parliament House at 12 p.m.

*[Sitting suspended from 10.43 a.m. until 12.08 p.m.]*

**8 APPROACH OF THE GOVERNOR** — The approach of the Governor was announced by the Usher of the Black Rod.

The Governor came into the Council Chamber, and the Usher of the Black Rod was commanded to desire the immediate attendance of the Legislative Assembly, who having come with their Speaker, the Governor was pleased to speak as follows:

HONOURABLE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL

HONOURABLE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY

I would like to acknowledge the Traditional Owners of the land on which we gather today, the Kulin nation.

The general election on 29 November resulted in a change of government in Victoria.

Following the election, I commissioned the Leader of the Victorian Labor Party, Mr Daniel Andrews, to form a new government.

Accordingly, I have called you together on this day, the first session of the 58th Parliament, to outline the policy agenda and legislative intentions of this new government in its first term.

**Summary**

The Government has promised to invest in hospitals, ambulances and schools, create jobs, improve public transport and take action on family violence.

The Government will help Victorians find meaningful work and give everyone access to quality services and a lifestyle that is admired by the rest of the world.

The Government describes its policy agenda as a positive plan for Victoria. Over the next four years the Government will focus on:

- jobs and growth
- education and skills
- health and wellbeing
- world-class transport
- a safe and just society
- sustainable and liveable communities
- reforming the Parliament and the public sector.

**1. JOBS AND GROWTH**

The Government believes that Victorians deserve well-paid, meaningful jobs that are safe and secure. A strong economy means more jobs for Victorians.

The Government sees its role as investing in Victoria's industries to create jobs and drive growth, and supporting education and skills so our next generation have a chance.

The Government will immediately implement Back To Work, a landmark plan to work with business leaders to grow industries and help create 100,000 full-time jobs for the unemployed. The plan includes:

- the introduction of the Back To Work Bill to provide financial support to employers for hiring unemployed youth, the long-term unemployed and retrenched workers
- the establishment of the Premier's Jobs and Investment Panel – an independent body of senior business and industry leaders, providing direct advice to the Premier on the expenditure of a \$500 million fund for jobs and investment
- the establishment of the \$200 million Future Industries Fund to support job-creating projects in high-growth areas, including pharmaceuticals, energy, food and fibre, and international education
- the establishment of the \$200 million Regional Jobs Fund to support job-creating projects in regional Victoria
- expanding the international Victorian Government Business Office network and delivering a comprehensive program of inbound trade missions to Victoria.

The Government understands that Victoria needs an infrastructure plan that supports a broad, long-term vision for the State.

The Government will establish Infrastructure Victoria to provide independent, transparent advice on our state's priorities and fill a pipeline of projects.

## **2. EDUCATION AND SKILLS**

The Government understands that Victoria cannot have a prosperous future without an educated, highly-skilled workforce that can seize new opportunities in a changing economy.

The Government aims to make Victoria the Education State – strengthening our economy and the skills of its people.

The Government has outlined a plan to make our schools the best in the country by investing \$510 million to upgrade and rebuild Government schools and \$120 million to upgrade and rebuild Catholic and independent schools

The Government will also help struggling families with the extra costs of education by supporting State Schools Relief to provide new school uniforms and funding 500 breakfast clubs to feed 25,000 children across the State.

The Government will also establish a Camps, Sports and Excursions Fund so no child misses out on outdoor learning and recreation.

Tech Schools will be established across the State for students in Years 7 to 12. The ten new facilities focus on local industries and will be run by local schools, TAFEs, universities and businesses.

Tech school students will spend a set period of time each week enhancing their skills, while also maintaining their enrolment at their local secondary school.

The Government will establish the Doctors in Schools program, which will see doctors visit schools on a weekly basis to treat students in disadvantaged areas.

The Government has also pledged \$100 million to fund an asbestos removal program, so all Victorian government schools can be asbestos-free by 2020.

### **TAFE and Training**

The Government believes that our economy will be in danger without a strong TAFE system.

The Government has created a \$320 million TAFE Rescue Fund to reopen closed campuses, upgrade buildings, workshops, labs and classrooms, and save those institutes at risk of financial ruin.

A VET Funding Review will be conducted to develop stable funding methods to improve Victoria's training system, in consultation with public and private providers.

The Government wants to encourage more young people to take up apprenticeships. In one initiative, the Government will offer apprentices half-price car registration for the vehicles they use for their trade.

### **3. HEALTH AND WELLBEING**

The Government will invest in Victoria's health system to give our loved ones the dignity they deserve and the care they need.

The Government will enshrine in legislation the ratios of nurses and midwives to patients and improve these ratios over time.

Our growing and ageing population places pressure on Victoria's hospitals. This challenge will be met with \$200 million to open more hospital beds and operating theatres so more patients can be treated.

The Government has also pledged \$100 million to reduce ambulance response times in an effort to save lives.

This fund will support initiatives that prioritise ambulances for the sickest patients and upgrade ambulance stations, vehicles and equipment.

24-hour pharmacies, each with their own nurse on-staff to provide medical advice and services after hours, will also be funded.

The pharmacies will give families, shift workers and others needing non-emergency care an alternative to hospital, reducing pressure on emergency departments.

The Government will fund a major, \$106.3 million expansion of Casey Hospital to cater for 12,000 more patients, 8,000 more surgeries and 500 more births and build the hospital's first intensive care unit in one of Australia's fastest growing areas.

The Government will build the Western Women's and Children's Hospital in Sunshine. The new five-storey centre will bring the best care closer to home for families in the West.

The Government will build the Victorian Heart Hospital to transform our health system and bring the world's best cardiovascular care, research and training to Victoria.

The Government will completely rebuild Orygen Youth Health's dilapidated Parkville facility, home to the world's largest research institute for youth mental health.

The Government also wants Victoria to lead the world in medical technology, researching cures for chronic disease and developing devices that change lives.

Plans include a \$60 million investment in the Aikenhead Centre for Medical Discovery at St Vincent's Hospital – Australia's first research and education centre for biomedical engineering.

The centre will bring together leading doctors, scientists and researchers, create 1,080 jobs and assist an industry that will support an estimated 10,000 jobs over the next 15 years.

### **4. WORLD-CLASS PUBLIC TRANSPORT AND BETTER LOCAL ROADS**

The Government will build a world-class public transport system and improve local roads. This will give Victorians more than a better commute to work – it will give them a better quality of life.

The Government will embark on Project 10,000 – a landmark plan to transform public transport, reduce congestion and create 10,000 construction jobs.

Level crossings lock up roads, slow down trains and put lives in danger. The Government will remove 50 of Victoria's most dangerous and congested level crossings, funded by the lease of the Port of Melbourne.

The Government will invest \$300 million towards Melbourne Metro Rail, a project that will double the size of the City Loop, build five new stations and a new underground line, and reduce the gridlock in the train system.

The \$500 million West Gate Distributor will take 5,000 trucks a day off the West Gate Bridge and send them directly to the Port.

Under the Government's trial of the 'Homesafe' program, public transport will run 24 hours a day on weekends and 2am shuttle buses will take commuters to major regional cities.

The South Morang train line will be extended to Mernda. Melbourne's growth areas will also benefit from a \$100 million plan to add more bus routes and services.

V/Line services will depart Geelong every 20 minutes between 9am and 3pm, adding 22 more trips to the daily timetable, and Bendigo will get a dedicated suburban rail service.

The Government wants to fix the local roads that Victorians use every day. The Government will guarantee \$1 billion to repair and upgrade suburban roads and \$1 billion to repair and upgrade roads in regional Victoria.

Duplication of the Chandler Highway Bridge will ease congestion for thousands of Victorians who use the bridge every day, and a \$175 million commitment will see Thompsons Road duplicated between East Link and Clyde Road in Cranbourne.

The Government has promised the largest ever investment in driver training and education for young people, to reduce the road toll and cement Victoria as the world leader in road safety.

Every Year 10 student will be enrolled in a free defensive driving course. This program will help them make better, safer decisions on the road.

## **5. A SAFE AND JUST SOCIETY**

All Victorians have the right to feel safe – on the streets, at their schools, on their computer, and in their home.

The Government believes family violence is the biggest law and order issue in this state.

Australia's first Royal Commission into Family Violence will be established, to examine a system that the Government believes does not adequately protect victims or punish perpetrators.

It will be an investigation from the ground up, covering criminal law, the courts, support services, the health system, and alcohol and drug treatment. It will also look at the resources and tools available to hardworking police officers.

The Government will implement all the recommendations of the Royal Commission once it reports to Victorians. Until then, the Government will also provide a \$22.7 million boost to relieve pressure on family violence support services.

More police officers will be put back on the frontline, with custody officers introduced to take over the supervision of prisoners in police cells.

The Government will support those who protect us, funding 350 additional firefighters for the Country Fire Authority and 100 for the Metropolitan Fire Brigade, as well as additional fire stations, trucks and equipment.

The Government will also introduce presumptive rights legislation for firefighters who make cancer compensation claims relating to their work.

## **6. SUSTAINABLE AND LIVEABLE COMMUNITIES**

Built and natural environments define our quality of life. The Government understands it has a responsibility to protect Victoria's heritage and maintain its liveability.

### **Environment**

The Victorian renewable energy sector will be expanded to create new jobs and support a cleaner environment.

A \$20 million New Energy Jobs Fund will offer grants of up to \$1 million to firms specialising in high-growth renewable sectors. Planning restrictions will be amended so that more wind farms can be built in Victoria.



### **Arts, Sports, Culture and Creativity**

Public holidays are opportunity for families and friends to take a break from normal work or studies. Easter Sunday and the Friday before Grand Final Day will be declared as public holidays in Victoria.

Community sports clubs across Victoria will be upgraded as part of a \$100 million plan to improve grounds and facilities. A fund will also upgrade womens change rooms and facilities at clubs across the State.

Other upgrades include the Simonds Stadium in Geelong, the Eureka Stadium in Ballarat, St Kilda's Junction Oval, the Geelong Performing Arts Centre and the State Library.

The Government will also introduce Music Works, a \$22.2 million plan to boost the local music industry and support local jobs in creative industries.

### **Planning**

A truly liveable Victoria is one where everyone can access the services and open spaces that are essential for a good life, no matter where they live.

The Government believes new communities should be developed in stages, hand-in-hand with health, education, community, transport, and recreational services.

A \$50 million Stronger Regional Communities fund will be established to help regional towns attract families and young people to set up their home and stay.

Communities will be given a fair go at the Victorian Civil and Administrative Tribunal and a real voice in the planning process.

Under this Government, councils will be also forced to cap their rates at the Consumer Price Index and justify any further increases.

## **7. REFORM OF THE PARLIAMENT AND THE PUBLIC SECTOR**

The Government will reform the processes that govern the conduct of this Parliament. Reforms will make Government business more transparent and Ministers more accountable.

So Members of Parliament are not compromised in the performance of their duties, random breath testing will be introduced for all Members during sitting weeks.

Reforms to the public sector will achieve \$334.5 million in savings. Initiatives include:

- more efficient government car fleet arrangements
- reducing the number of executive officers
- reducing the use of labour hire firms
- ending taxpayer-funded political advertising.

### **Conclusion**

Honourable members, I have outlined for you the Government's program for this Parliament.

It is an ambitious program designed to match the challenges the State faces and demonstrates the desire the Government has expressed to create a better, stronger and fairer society for all Victorians.

I now formally open this Parliament, and pray that God may guide your deliberations.

**The Honourable Alex Chernov AC QC**  
**Governor of Victoria**  
23 December 2014

A copy of the Governor's speech was then delivered to the President, and a copy to the Speaker, and the Governor withdrew from the Council Chamber.  
The Legislative Assembly withdrew.

[Sitting suspended from 12.40 p.m. until 2.05 p.m.]

9 The President resumed the Chair.

10 **RECEPTION OF THE PRESIDENT BY THE GOVERNOR** — The President reported that he had presented himself to the Governor as the choice of the Legislative Council, and that the Governor had addressed him as follows:

President

I have pleasure in congratulating you on your election to the high and distinguished office of President of the Legislative Council.

The able manner in which you have discharged the duties you have undertaken during your Parliamentary career is recognised by the Members of the Legislative Council who in their wisdom have selected you as their President.

I have confidence that you will fulfill the duties of this important office and hold fast to its traditions and customs.

Alex Chernov  
Governor of Victoria

Melbourne  
23 December 2014

11 **COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The President announced that he had received from the Governor a Commission, which was read by the Acting Clerk, and is as follows:

BY HIS EXCELLENCY THE HONOURABLE ALEX CHERNOV AC QC  
GOVERNOR OF VICTORIA  
TO THE HONOURABLE BRUCE ATKINSON  
PRESIDENT OF THE LEGISLATIVE COUNCIL OF VICTORIA  
GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, from time to time, in the Parliament Houses, Melbourne, to administer the prescribed Oath or Affirmation of allegiance to any Member of the Legislative Council who has not already taken and subscribed the same since his or her election to the Legislative Council.

GIVEN under my hand and the Seal of Victoria on this Twenty-third day of December 2014  
ALEX CHERNOV  
Governor

(L.S.)

By His Excellency's Command  
DANIEL ANDREWS, MP  
Premier

12 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.

**GOVERNMENT ACHIEVEMENTS IN FIRST TWO WEEKS** — Mr Jennings having given an answer to a question without notice relating to the Government's achievements in its first two weeks —

On the motion of Mr Davis, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**VOCATIONAL EDUCATION AND TRAINING** — Mr Herbert having given an answer to a question without notice relating to vocational education and training —

On the motion of Mrs Peulich, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

- 13 STATUTE LAW REVISION BILL 2014** — Mr Jennings introduced *A Bill for an Act to revise the statute law of Victoria.*

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

- 14 PREVENTION OF CRUELTY TO ANIMALS AMENDMENT (DOMESTIC FOWL AND PIGS) AND FOOD AMENDMENT (FREE-RANGE EGGS) BILL 2014** — Ms Pennicuik introduced *A Bill for an Act to amend the Prevention of Cruelty to Animals Act 1986 to insert offences relating to domestic fowl and pigs and to amend the Food Act 1984 to require that eggs for sale can only be labelled as free-range if produced by domestic fowl that are kept in accordance with certain requirements and for other purposes.*

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

- 15 VICTORIAN FUNDS MANAGEMENT CORPORATION AMENDMENT BILL 2014** — Ms Hartland introduced *A Bill for an Act to amend the Victorian Funds Management Corporation Act 1994 to prohibit the Victorian Funds Management Corporation from investing in tobacco entities, and for other purposes.*

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

- 16 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Architects Registration Board of Victoria — Minister's report of receipt of 2013-14 report.

Australian Children's Education and Care Quality Authority — Report, 2013-14.

Crown Land (Reserves) Act 1978 — Minister's Order of 24 September 2014 giving approval to the granting of leases at Park Lake Reserve, Creswick.

Drugs, Poisons and Controlled Substances Act 1981 — Notice of 20 November 2014 of Amendments to the Poisons Code.

Education and Care Services Ombudsman, National Education and Care Services Freedom of Information and Privacy Commissioners — Report, 2013-14.

Interpretation of Legislation Act 1984 —

Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 144 and 173.

Notices pursuant to section 32(4) in relation to Statutory Rule Nos. 166/2008, 37/2011, 132/2012 and Waste Management Policy (Siting, Design and Management of Landfills) 2004.

Major Sporting Events Act 2009 — Major Sporting Event Orders of 14 October 2014.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ararat Planning Scheme — Amendments C25 and C30.

Ballarat Planning Scheme — Amendments C160, C167, C168, C176, C180, C181 and C190.

Banyule Planning Scheme — Amendment C94 (Part 2).

Bass Coast Planning Scheme — Amendments C135 and C145.

Baw Baw Planning Scheme — Amendments C104 (Part 1) and C108.

Bayside Planning Scheme — Amendment C133.

Boroondara Planning Scheme — Amendments C153 and C240.

Brimbank Planning Scheme — Amendments C142, C158 and C165.

Campaspe Planning Scheme — Amendment C98.

Cardinia Planning Scheme — Amendments C178, C197, C200, C202 and C203.

Cardinia Planning Scheme, Casey Planning Scheme, Glen Eira Planning Scheme, Greater Dandenong Planning Scheme, Kingston Planning Scheme, Melbourne Planning Scheme, Monash Planning Scheme, Stonnington Planning Scheme and Yarra Planning Scheme — Amendment GC15.

Casey Planning Scheme — Amendments C185, C186, C187, C188, C193 (Part 1) and C201.

Colac Otway Planning Scheme — Amendments C77 and C80.

- Darebin Planning Scheme — Amendments C144 and C146.  
East Gippsland Planning Scheme — Amendments C93, C108 and C120.  
Glen Eira Planning Scheme — Amendment C128.  
Glenelg Planning Scheme — Amendments C52 (Part 1) and C74.  
Golden Plains Planning Scheme — Amendments C61 and C65.  
Greater Bendigo Planning Scheme — Amendments C160, C209 and C211.  
Greater Dandenong Planning Scheme — Amendments C149 and C184.  
Greater Geelong Planning Scheme — Amendments C199, C259, C266 (Part 1), C267, C270, C282, C283, C288, C296, C299, C300, C303, C311, C314, C319 and C322.  
Greater Shepparton Planning Scheme — Amendment C174.  
Hume Planning Scheme — Amendments C143, C154 (Part 2), C164, C179 and C181.  
Hume Planning Scheme, Melton Planning Scheme, Mitchell Planning Scheme, Whittlesea Planning Scheme and Wyndham Planning Scheme — Amendment GC22.  
Hume Planning Scheme, Mitchell Planning Scheme and Whittlesea Planning Scheme — Amendment GC21.  
Indigo Planning Scheme — Amendments C56 and C67.  
Kingston Planning Scheme — Amendment C160.  
Knox Planning Scheme — Amendments C114, C129 and C130.  
Latrobe Planning Scheme — Amendment C88.  
Macedon Ranges Planning Scheme — Amendments C74 and C97.  
Manningham Planning Scheme — Amendments C95 and C101.  
Mansfield Planning Scheme — Amendment C34.  
Maribyrnong Planning Scheme — Amendment C138.  
Maroondah Planning Scheme — Amendment C85.  
Melbourne Planning Scheme — Amendments C179 and C248.  
Melton Planning Scheme — Amendment C122.  
Mitchell Planning Scheme — Amendment C90.  
Moirra Planning Scheme — Amendment C80.  
Moonee Valley Planning Scheme — Amendment C141.  
Mornington Peninsula Planning Scheme — Amendments C176 (Part 1) and C180.  
Moyne Planning Scheme — Amendments C54 and C58.  
Murrindindi Planning Scheme — Amendment C43 (Part 1).  
Northern Grampians Planning Scheme — Amendment C45.  
South Gippsland Planning Scheme — Amendments C92, C93 and C101.  
Stonnington Planning Scheme — Amendments C153 and C220.  
Strathbogie Planning Scheme — Amendment C69.  
Surf Coast Planning Scheme — Amendment C91.  
Victoria Planning Provisions — Amendment VC123.  
Wangaratta Planning Scheme — Amendments C44 and C58.  
Warrnambool Planning Scheme — Amendments C88 and C91.  
Wellington Planning Scheme — Amendments C72, C82 and C89.  
Whitehorse Planning Scheme — Amendments C160 and C200.  
Whittlesea Planning Scheme — Amendments C154, C184, C185 and C193.  
Wodonga Planning Scheme — Amendments C97, C110, C112, C114, C115, C116 and C117.  
Wyndham Planning Scheme — Amendments C174, C175, C176, C177, C188 and C196.  
Yarra Planning Scheme — Amendment C177.  
Yarra Ranges Planning Scheme — Amendment C139.
- Professional Standards Council — Report, 2013-14.  
Statutory Rules under the following Acts of Parliament —  
Accident Towing Services Act 2007 — No. 175.  
Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — No. 183.

- Assisted Reproductive Treatment Act 2008 — No. 192.  
Building Act 1993 — Nos. 162, 173, 196 and 197.  
Children, Youth and Families Act 2005 — No. 160.  
Confiscation Act 1997 — No. 187.  
Conservation, Forests and Lands Act 1987 — Nos. 185 and 191.  
Coroners Act 2008 — Nos. 159 and 202.  
County Court Act 1958 — Nos. 157, 176 and 178.  
County Court Act 1958 — Vexatious Proceedings Act 2014 — No. 177.  
Country Fire Authority Act 1958 — No. 165.  
Drugs, Poisons and Controlled Substances Act 1981 — Nos. 193, 194 and 195.  
EastLink Project Act 2004 — No. 167.  
Estate Agents Act 1980 — No. 189.  
Financial Management Act 1994 — No. 161.  
Gambling Regulation Act 2003 — No. 172.  
Heritage Act 1995 — No. 174.  
Magistrates' Court Act 1989 — Nos. 158, 179, 180 and 203.  
Melbourne City Link Act 1995 — No. 168.  
Mineral Resources (Sustainable Development) Act 1990 — No. 169.  
Parliamentary Salaries and Superannuation Act 1968 — No. 166.  
Planning and Environment Act 1987 — No. 163.  
Prevention of Cruelty to Animals Act 1986 — No. 184.  
Road Safety Act 1986 — Nos. 199, 200 and 201.  
Royal Botanic Gardens Act 1991 — No. 170.  
Status of Children Act 1974 — No. 186.  
Subdivision Act 1988 — No. 164.  
Supreme Court Act 1986 — Nos. 156, 204, 207 and 209.  
Supreme Court Act 1986 — Administration and Probate Act 1958 — No. 208.  
Supreme Court Act 1986 — Commercial Arbitration Act 2011 — No. 205.  
Supreme Court Act 1986 — Vexatious Proceedings Act 2014 — No. 206.  
Tourist and Heritage Railways Act 2010 — No. 198.  
Victorian Civil and Administrative Tribunal Act 1998 — No. 181.  
Victorian Civil and Administrative Tribunal Act 1998 — Vexatious Proceedings Act 2014 — No. 182.  
Water Industry Act 1994 — No. 171.  
Wildlife Act 1975 — No. 190.  
Wrongs Act 1958 — No. 188.  
Subordinate Legislation Act 1994 —  
Documents under section 15 in respect of Statutory Rule Nos. 135, 147, 155 to 160, 163, 164, 166 to 182, 184 to 186 and 188 to 209.  
Legislative Instruments and related documents under section 16B in respect of —  
Alcohol Interlock Guidelines under section 50AAG of the Road Safety Act 1986.  
By-law No. 1/2014 Waterways Protection — East Gippsland Catchment Management Authority under the Water Act 1989.  
Code of Practice for Timber Production 2014 under the Conservation, Forests and Lands Act 1987.  
Driver Accreditation (Metropolitan Hire Car) Amending Instrument under the Transport (Compliance and Miscellaneous) Act 1983.  
Greyhound Racing Victoria – Rule Amendments made under the Racing Act 1958.  
Minister's Declaration of discount factor of 12 October 2014 under section 19 of the Victorian Energy Efficiency Target Act 2007.  
Minister's Notice of 13 October 2014 — Amendment to the Determination that Specified Areas are Designated Bushfire Prone Areas under the Building Act 1993.  
Minister's Notice of 15 October 2014 — Amendments to Australian Rules of Harness Racing under the Racing Act 1958.

- Minister's Notice of 31 October 2014 — Senior Officer Remuneration Threshold Increase under the Local Government Act 1989.
- Minister's Notice of 23 October 2014 — Greater Geelong City Council — Mayoral and Deputy Mayoral Allowances — Alteration under the City of Greater Geelong Act 1993.
- Minister's Notice of 23 October 2014 — Melbourne City Council — Lord Mayoral, Deputy Lord Mayoral and Councillor Allowances Alteration under the City of Melbourne Act 2001.
- Minister's Notice of 23 October 2014 — Mayoral and Councillor Allowances Adjustment under the Local Government Act 1989.
- Minister's Notice of 30 October 2014 — Making of the Code of Practice for the Operation Breeding and Rearing Businesses 2014 under the Domestic Animals Act 1994.
- Minister's Notice of 20 November 2014 — Amendments to Australian Rules of Harness Racing (ARHR), Australian Trotting Stud Book Regulations (ATSBR) and Australian Handicapping Rules (AHR) made under the Racing Act 1958.
- Ministerial Order of 21 October 2014 Amending the Flora and Fauna Guarantee (Taking, Trading In, or Keeping of Listed Fish) Order No. 1/2009 under the Flora and Fauna Guarantee Act 1988.
- Ministerial Order of 22 October 2014 under section 3.4A.20K of the Gambling Regulation Act 2003.
- Ministerial Order of 22 October 2014 under section 3.4A.5(3) of the Gambling Regulation Act 2003.
- Victorian Budget Update — 2014-15 (incorporating Quarterly Financial Report No. 1).
- Water Act 1989 — Abolition of the Nullawarre Groundwater Supply Protection Area Order 2014 and Yangery Groundwater Supply Protection Area Order 2014.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Acting Clerk:

- Assisted Reproductive Treatment Further Amendment Act 2014 — Part 1, Part 2 (except sections 10, 11, 12, 13, 14, 15, 17, 18, 20, 21 and 22) and Part 3 — 30 October 2014 (*Gazette No. S400, 29 October 2014*).
- Courts Legislation Miscellaneous Amendments Act 2014 — Division 2 of Part 3 — 15 October 2014 — Parts 2, 4 (except sections 68, 69 (2), 70, 71 and 73) and 6 — 10 November 2014 — Part 5 — 1 April 2015 (*Gazette No. 364, 14 October 2014*) Sections 68, 69(2), 70 and 71 — 1 January 2015 (*Gazette No. S376, 21 October 2014*).
- Crime Statistics Act 2014 — Whole Act except Division 3 of Part 4 — 1 January 2015 (*Gazette No. S364, 14 October 2014*).
- Crimes Amendment (Sexual Offences and Other Matters ) Act 2014 — Sections 8 and 9, Part 6 of Divisions 1 and 8 of Part 7 — 3 November 2014 (*Gazette No. S400, 29 October 2014*).
- Drugs, Poisons and Controlled Substances Further Amendment Act 2014 — 30 October 2014 (*Gazette No. S400, 29 October 2014*).
- Family Violence Protection Amendment Act 2014 — Whole Act except sections 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 21 — 2 November 2014 (*Gazette No. S400, 29 October 2014*).
- Gambling and Liquor Legislation Further Amendment Act 2014 — Sections 4, 6, 7, 9, 13, 14, 22, 23, 24, 32, 34, 37, 38, 39, 40, 43, 44, 45 and 46 and Part 4 — 15 October 2014 (*Gazette no. S364, 14 October 2014*).
- Gambling and Liquor Legislation Amendment (Modernisation) Act 2014 — Part 1, sections 53, 54 and Part 3 — 15 October 2014 (*Gazette No. S364, 14 October 2014*).
- Inquiries Act 2014 — Whole Act except section 148 — 15 October 2014 (*Gazette No. S364, 14 October 2014*).

Justice Legislation Amendment (Confiscation and Other Matters) Act 2014 — Divisions 1 and 3 of Part 2 and Parts 6, 8 and 9 (other than section 60) — 2 November 2014 (*Gazette No. S400, 29 October 2014*).

Justice Legislation Amendment (Succession and Surrogacy) Act 2014 — Parts 1 and 6 — 30 October 2014 — Remaining Provisions — 1 January 2015 (*Gazette No. S400, 29 October 2014*).

Road Legislation Amendment Act 2013 — Sections 10, 12, 18 (1) and (2) and 19 — 1 November 2014 — Section 13 — 1 March 2015 (*Gazette No. S400, 29 October 2014*).

Wills Amendment (International Wills) Act 2012 — 10 March 2015 (*Gazette No. S376, 21 October 2014*).

\* \* \* \* \*

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION SPECIAL REPORT —**

Pursuant to section 162(12) of the Independent Broad-based Anti-corruption Commission Act 2011, the Acting Clerk laid on the Table a copy of the report Operation Fitzroy: An investigation into the conduct of former employees of the Departments of Transport/Public Transport Victoria, Barry John Wells, Hoe Ghee (Albert) Ooi, and others.

- 17 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 10 February 2015.

Question — put and agreed to.

- 18 JOINT INVESTIGATORY COMMITTEES** — Mr Jennings moved, by leave, That —

(1) Mr Richard Dalla-Riva be a member of the Scrutiny of Acts and Regulations Committee.

(2) That Mr Simon Ramsay and Ms Jaclyn Symes be members of the Environment and Natural Resources Committee.

Question — put and agreed to.

- 19 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 20 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — The President reported the Speech of the Governor on the Opening of Parliament.

Ms Symes moved, That the Council agree to the following Address to the Governor in reply to the Governor's Opening Speech:

MAY IT PLEASE THE GOVERNOR

We, the Legislative Council of Victoria assembled in Parliament, express our loyalty to Australia and the people of Victoria, and thank you for the speech which you have made to the Parliament.

We declare that we will faithfully carry out the important duties entrusted to us by the people of Victoria, to advance the best interests of all sections of the community.

Mr Dalidakis seconded the motion.

Debate ensued.

On the motion of Ms Springle, the debate was adjourned until the next day of meeting.

- 21 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.47 p.m., adjourned until Tuesday, 10 February 2015.

ANDREW YOUNG  
Acting Clerk of the Legislative Council







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 2, 3 and 4

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#### No. 2 — Tuesday, 10 February 2015

- 1 The President took the Chair and read the Prayer.
- 2 **DECLARATION OF ALLEGIANCE** — Ms Pulford, having been called on by the President, approached the Table, and took and subscribed the affirmation required by law.
- 3 **THE LATE MICHAEL ANDREW LEIGHTON** — The President advised the House of the death, on 8 November 2014, of Mr Michael Andrew Leighton, Member of the Legislative Assembly for the Electoral District of Preston from 1988 to 2006.  
Members stood in their places as a mark of respect to the memory of the late Michael Andrew Leighton.
- 4 **THE LATE JOHN MARTIN MCQUILTEN** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 2 January 2015, of Mr John Martin McQuilten, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Electoral Province of Ballarat from 1999 to 2006.  
And Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 5 **THE LATE HONOURABLE LYNNE JANICE KOSKY** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 4 December 2014, of the Honourable Lynne Janice Kosky, and places on record its acknowledgement of the valuable services rendered by her to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the Electoral District of Altona from 1996 to 2010 and as Minister for Post Compulsory Education, Training and Employment from 1999 to 2002, Minister for Finance from 2000 to 2002, Minister for Education and Training from 2002 to 2006 and Minister for Public Transport and Minister for the Arts from 2006 to 2010.  
And Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.  
*[Sitting suspended from 4.26 p.m. until 5.34 p.m.]*
- 6 **ACTING PRESIDENTS** — The President laid on the Table the following Warrant nominating Acting Presidents:

LEGISLATIVE COUNCIL  
VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I hereby nominate —

Ms Fiona PATTEN  
Mr Bernie FINN  
Mr Simon RAMSAY

Mr Joshua MORRIS  
 Ms Samantha DUNN  
 Mr Khalil EIDEH  
 Mr Nazih ELASMAR

to be Acting Presidents whenever requested to do so by the President or Deputy President.

Given under my hand on 10 February 2015.

BRUCE ATKINSON  
 President of the Legislative Council

- 7 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- TAFE FUNDING** — Mr Herbert having given answers to a question without notice and a supplementary question relating to TAFE funding —  
 On the motion of Mrs Peulich, the Minister's answers were ordered to be taken into consideration on the next day of meeting.
- QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 8 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:
- Calder Regional Waste Management Group – Minister's report of failure to submit report for 2013-14 to the Minister within the prescribed period and the reasons therefor.
  - Crimes (Controlled Operations) Act 2004 — Report under section 39 by the Victorian Inspectorate, 2013-14.
  - Crown Land (Reserves) Act 1978 —
    - Minister's Order of 17 July 2014 giving approval to the granting of a license at King's Domain Reserve.
    - Minister's Order of 1 October 2014 giving approval to the granting of a lease at Edinburgh Gardens Reserve.
  - Gambling Regulation Act 2003 — Amendment of the Category 1 Public Lottery Licence, 31 October 2014.
  - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
    - Boroondara Planning Scheme — Amendments C188 and C210.
    - Brimbank Planning Scheme — Amendment C167.
    - Corangamite Planning Scheme — Amendment C38.
    - Greater Shepparton Planning Scheme — Amendment C172.
    - Hindmarsh Planning Scheme — Amendment C16.
    - Hume Planning Scheme — Amendment C184.
    - Melbourne Planning Scheme — Amendments C225 and C260.
    - Mooney Valley Planning Scheme — Amendment C140.
    - Moreland Planning Scheme — Amendment C152.
    - Mornington Peninsula Planning Scheme — Amendment C185.
    - Port Phillip Planning Scheme — Amendment C116.
    - Southern Grampians Planning Scheme — Amendment C15.
    - Wellington Planning Scheme — Amendment C83.
    - Wyndham Planning Scheme — Amendments C195 and C207.
  - Professional Standards Act 2003 — Professional Standards Scheme Amendment, 24 December 2014.
  - South Australia – Victoria Border Groundwaters Agreement Review Committee — Report, 2013-14.
  - Statutory Rules under the following Acts of Parliament —
    - County Court Act 1958 — No. 7.
    - County Court Act 1958 — Vexatious Proceedings Act 2014 — No. 210/2014.
    - Magistrates' Court Act 1989 — Nos. 3 and 4.
    - Road Safety Act 1986 — No. 1.
    - Subordinate Legislation Act 1994 — No. 2.

Treasury Corporation of Victoria Act 1992 — No. 5.  
 Victorian Civil and Administrative Tribunal Act 1998 — No. 6.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 187/2014, 210/2014, 1 to 4, 6 and 7.

Legislative Instruments and related documents under section 16B in respect of —  
 Amendments to the Alcohol Interlock Guidelines, 23 January 2015 under the Road Safety Act 1986.

Southern Metropolitan Cemetery Trust Scale of Fees and Charges, 27 October 2014 under the Cemeteries and Crematoria Act 2003.

Variation to the Environment Protection Authority Victoria Protocol for Environmental Management — Domestic Ballast Water Management in Victorian State Waters (Publication 949), 16 January 2015.

Wrongs Act 1958 — Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels, 24 October 2014.

\* \* \* \* \*

**PROCLAMATIONS** — A proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Acting Clerk:

Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 — Part 6 and Part 7 (except Division 3 and section 151) — 21 January 2015 (*Gazette No. S10, 20 January 2015*).

**9 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 11 February 2015:

- (1) the notice of motion given this day by Mr Rich-Phillips in relation to the production of documents on the East West Link;
- (2) Notice of Motion No. 3 standing in the name of Mr Barber in relation to the production of documents on the privatisation of the Port of Melbourne;
- (3) the notice of motion given this day by Ms Wooldridge in relation to the production of documents on the West Gate Distributor;
- (4) the notice of motion given this day by Ms Pennicuik in relation to the production of documents on the Grand Prix;
- (5) Notice of Motion No. 2 standing in the name of Mr Rich-Phillips taking note of the decision not to proceed with the East West Link;
- (6) Notice of Motion No. 9 standing in the name of Mr O'Brien in relation to the Sale Specialist School;
- (7) Notice of Motion No. 4 standing in the name of Ms Crozier in relation to funding cuts for family violence; and
- (8) Notice of Motion No. 24 standing in the name of Mr Rich-Phillips taking note of the former Government's infrastructure program.

Question — put and agreed to.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**11 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for Address see item 20 on page 15, Minutes 23 December 2014*) —

On the motion of Ms Patten, the debate was adjourned until the next day of meeting.

**12 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.26 p.m., adjourned until tomorrow.

ANDREW YOUNG  
 Acting Clerk of the Legislative Council

## No. 3 — Wednesday, 11 February 2015

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:  
 Auditor-General's Reports on —  
     Additional School Costs for Families, February 2015 (*Ordered to be published*).  
     Responses to 2012-13 Performance Audit Recommendations, February 2015 (*Ordered to be published*).  
 Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns — 2015 and Summary of Variations notified between 17 September 2014 and 6 February 2015 (*Ordered to be published*).  
 Murray-Darling Basin Authority — Report, 2013-14.
- 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 4 **ADDRESS IN REPLY** — The Order having been read for resumption of debate on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for Address see item 20 on page 15, Minutes 23 December 2014*) —  
 On the motion of Ms Patten, the debate was adjourned until the conclusion of Statements on Reports and Papers today.
- 5 **PRODUCTION OF DOCUMENTS — EAST WEST LINK CONTRACTS** — Mr Rich-Phillips moved, That this House —  
 (1) notes —  
     (a) the Premier's broken promise to release the East West Link contracts in the first week of a Labor Government;  
     (b) that Labor has breached Partnerships Victoria guidelines by failing to release the East West Link contracts within 90 days of financial close; and  
 (2) requires the Leader of the Government to table in the Legislative Council by 12 noon on Thursday, 12 February 2015, all contract documents entered into by or on behalf of the State of Victoria with the East West Connect consortium, in accordance with Partnerships Victoria guidelines.  
 Debate ensued.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 6 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04.
- 7 **PRODUCTION OF DOCUMENTS — EAST WEST LINK CONTRACTS** — Debate continued on the question, That this House —  
 (1) notes —  
     (a) the Premier's broken promise to release the East West Link contracts in the first week of a Labor Government;  
     (b) that Labor has breached Partnerships Victoria guidelines by failing to release the East West Link contracts within 90 days of financial close; and  
 (2) requires the Leader of the Government to table in the Legislative Council by 12 noon on Thursday, 12 February 2015, all contract documents entered into by or on behalf of the State of Victoria with the East West Connect consortium, in accordance with Partnerships Victoria guidelines.  
 On the motion of Mr Finn, the debate was adjourned until later this day.
- 8 **PRODUCTION OF DOCUMENTS — PORT OF MELBOURNE PRIVATISATION** — Mr Barber moved, That in accordance with Standing Order 11.01, there be tabled in the Council, by 12 noon on Monday, 16 March 2015 a copy of the scoping study for the privatisation of the Port of Melbourne prepared by KPMG in 2014.  
 Debate ensued  
 Question — put and agreed to.

**9 PRODUCTION OF DOCUMENTS — EAST WEST LINK CONTRACTS** — Debate resumed on the question, That this House —

(1) notes —

(a) the Premier's broken promise to release the East West Link contracts in the first week of a Labor Government;

(b) that Labor has breached Partnerships Victoria guidelines by failing to release the East West Link contracts within 90 days of financial close; and

(2) requires the Leader of the Government to table in the Legislative Council by 12 noon on Thursday, 12 February 2015, all contract documents entered into by or on behalf of the State of Victoria with the East West Connect consortium, in accordance with Partnerships Victoria guidelines.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Atkinson  
Mr Barber  
Mr Bourman  
Dr Carling-Jenkins  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Ms Dunn  
Mr Finn  
Ms Fitzherbert  
Ms Hartland  
Ms Lovell  
Mr Morris  
Mr O'Brien  
Mr O'Donohue (*Teller*)  
Ms Pennicuik (*Teller*)  
Mrs Peulich  
Mr Purcell  
Mr Ramsay  
Mr Rich-Phillips  
Ms Springle  
Ms Wooldridge  
Mr Young

NOES, 14

Mr Eideh  
Mr Elasmarr (*Teller*)  
Mr Herbert  
Mr Jennings  
Mr Leane (*Teller*)  
Mr Melhem  
Ms Mikakos  
Mr Mulino  
Ms Patten  
Ms Pulford  
Ms Shing  
Mr Somyurek  
Ms Symes  
Ms Tierney

Question agreed to.

**10 PRODUCTION OF DOCUMENTS — WEST GATE DISTRIBUTOR** — Ms Wooldridge moved, That this House requires the Leader of the Government in the Legislative Council to table in the Legislative Council, by 12 noon on 16 March 2015, a copy of all documents in relation to the West Gate Distributor including, but not limited to —

(1) the business case;

(2) interim or final traffic and traffic management studies, reports or briefings;

(3) environmental studies, reports or briefings including historical studies, reports or briefings relating to Stony Creek;

(4) Aboriginal cultural heritage studies, reports or briefings;

(5) advice on compliance with the Hobsons Bay Planning Scheme and Maribyrnong Planning Scheme and proposed consultation on required planning approvals;

(6) departmental advice and briefing documents; and

(7) evidence of consultation on the above.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, debate stood adjourned in the name of Mr Melhem —*

**11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**12 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for Address see item 20 on page 15, Minutes 23 December 2014*) —

On the motion of Dr Carling-Jenkins, the debate was adjourned until the next day of meeting.

**13 STATUTE LAW REVISION BILL 2014** — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for two weeks.

Mr Jennings moved, That the Statute Law Revision Bill 2014 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

Question — put and agreed to.

**14 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.59 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 4 — Thursday, 12 February 2015

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**COUNTY COURT OF VICTORIA** — Mr Herbert presented, by command of the Governor, the Report of the County Court of Victoria for the year 2013-14.

The Report was presented by Mr Herbert and ordered to lie on the Table.

\* \* \* \* \*

**PARTNERSHIPS VICTORIA — RAVENHALL PRISON PROJECT SUMMARY** — Mr Herbert moved, by leave, That there be laid before this House a copy of the Partnerships Victoria — Ravenhall Prison Project Summary.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — STATUTE LAW REPEALS BILL 2014** — Mr Dalla-Riva presented a Report from the Scrutiny of Acts and Regulations Committee on the Statute Law Repeals Bill 2014 (including an Appendix).

Ordered to lie on the Table and the Report to be published.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Auditor-General's Reports on —

Portfolio Departments and Associated Entities: Results of the 2013-14 Audits (*Ordered to be published*).

Water Entities: Results of the 2013-14 Audits (*Ordered to be published*).

Ombudsman — Investigation into an incident of alleged excessive force used by authorised officers, February 2015 (*Ordered to be published*).

- 3 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until 2.00 p.m. on Tuesday, 24 February 2015.

Question — put and agreed to.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 5 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for Address see item 20 on page 15, Minutes 23 December 2014*) —

On the motion of Ms Dunn, the debate was adjourned until later this day.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 8 to 31 inclusive, be postponed until later this day.

- 7 SESSIONAL ORDERS** — Mr Jennings moved, That until the end of the Session, unless otherwise ordered by the Council —

(1) The following Sessional Orders be adopted, to come into operation with immediate effect:

**1. Time limit for lead speakers**

For the purposes of Standing Order 5.03, and subject to any agreement to the contrary, additional time provided for other lead speakers does not apply in relation to a party that has advised the President that it is in a coalition arrangement with another party.

**2. Notices of motion**

Standing Order 6.01(2) to (5) is suspended and the following will apply:

(2) Notices of motion —

(a) given by Ministers; and

(b) making an order for the production of documents in accordance with Standing Order 11.01 —

must be read aloud to the House at the time allocated for notices of motion in accordance with Standing Order 6.01(1).

(3) Notices of motion given by Members who are not Ministers must be given in writing by lodging a copy with the Clerk in accordance with this Sessional Order.

(4) Copies of all notices of motion, whether they are required to be given verbally or in writing, must be provided to the Clerk prior to notices being called by the President in accordance with Standing Order 6.01(1).

(5) A notice of motion will be printed on the Notice Paper. Any notice of motion or part of a notice of motion which, in the opinion of the President, contains material not in conformity with the Standing Orders may be omitted from the Notice Paper by order of the President.

**3. Questions without notice and Ministers' statements**

Standing Order 8.04 is suspended and the following will apply:

(1) Questions without notice may be asked at the time prescribed by Standing Order 5.02 when any business before the Council will be interrupted.

(2) Only non-Government Members may ask oral questions without notice under Standing Order 8.01(2).

(3) Subject to the allocation of speaking rights by the President in accordance with Standing Order 12.06, after an oral question without notice, and any related supplementary question under Standing Order 8.05, any Minister may seek the call to make a statement of up to two minutes to advise the House of new Government initiatives, projects and achievements.

(4) The time allocated for questions without notice will be until the number of oral questions (not including related supplementary questions) that have been

answered and the number of Ministers' statements under this Sessional Order have been made reaches a combined total of ten.

#### 4. Constituency questions

- (1) At the conclusion of questions without notice and Ministers' statements, up to ten Members may ask Ministers an oral question relating to a constituency matter.
- (2) The time limit for each Member asking a constituency question is one minute.
- (3) Answers to constituency questions must be given to the Clerk in writing within 30 days of the question being asked.
- (4) A copy of the answer will be given to the Member who asked the question, and all answers will be incorporated in *Hansard*.

#### 5. Content of answers

- (1) All answers to questions without notice must be direct, factual, succinct and relevant.
  - (2) The President may determine that an answer to an oral question without notice or supplementary question is not responsive to the question, and may accordingly direct the Minister to provide a written response to the question and lodge it with the Clerk by 2.00 p.m. on the next sitting day. A copy of any response provided under this Sessional Order must be given to the Member who asked the question and printed in *Hansard*.
  - (3) The President will determine the adequacy of a written response to a question provided under this Sessional Order. The President may determine that a written response does not appropriately answer the question and may direct the Minister to provide another written response and lodge it with the Clerk by 2.00 p.m. on the next sitting day. A copy of the further response must be provided to the Member who asked the question and printed in *Hansard*.
- (2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.
- (3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

#### 8 PRODUCTION OF DOCUMENTS — EAST-WEST LINK CONTRACT DOCUMENTS —

The Acting Clerk read a letter from the Attorney-General, in response to the Resolution of the Council of 11 February 2015 seeking the production of all contract documents entered into by or on behalf of the State of Victoria with the East West Connect consortium, in accordance with Partnerships Victoria guidelines, advising that the Government will not be able to respond to the Resolution within the time period requested by the Council and will endeavour to respond as soon as possible.

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

#### 9 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04.

**EAST WEST LINK CONTRACT DOCUMENTS** — Mr Jennings having given answers to a question without notice and a supplementary question relating to East West Link contract documents —

On the motion of Ms Wooldridge, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

#### 10 SESSIONAL ORDERS — Debate continued on the question, That the Council adopt the Sessional Orders, proposed by Mr Jennings, to come into operation with immediate effect (*for proposed Sessional Orders, see item 7 on page 23, Minutes 12 February 2015*) —

Ms Wooldridge moved, as an amendment, That —

- (1) Omit proposed Sessional Order 2 relating to notices of motion.



- (2) In proposed Sessional Order 3 relating to questions without notice and Ministers' statements —
- (a) in the heading omit "and Ministers' statements";
  - (b) omit paragraph (3); and
  - (c) omit all words and expressions in paragraph (4) and insert —  
 "The time allocated for questions without notice will be until a total of nine oral questions (not including related supplementary questions) have been answered."
- (3) Insert the following new Sessional Order —
- "[ ]. **Ministerial Statements**  
 After Standing Order 5.14(6) insert:  
 (7) At the conclusion of formal business, and prior to statements by Members under Standing Order 5.13 (where applicable), up to five Ministers may make a Minister's statement, of up to two minutes per statement, to advise the House of new Government initiatives, projects, and achievements."
- (4) In proposed Sessional Order 5 relating to content of answers, in paragraphs (2) and (3) omit "2.00 p.m." and insert "11.45 a.m."

Debate ensued.

Ms Pennicuik moved, as an amendment, That —

- (1) Omit —  
 "That until the end of the Session, unless otherwise ordered by the Council —  
 (1) The following Sessional Orders be adopted, to come into operation with immediate effect:",  
 and insert —  
 "(1) That the following proposed Sessional Orders be referred to the Procedure Committee for consideration and report by 17 March 2015:"
- (2) Omit paragraphs (2) and (3).

Debate ensued.

On the motion of Ms Symes, the debate was adjourned until later this day.

**11 WRONGS AMENDMENT (ASBESTOS RELATED CLAIMS) BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend Part VBA of the Wrongs Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Wooldridge (for Mr Rich-Phillips), the debate was adjourned for one week.

**12 STATUTE LAW REPEALS BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to repeal certain spent Acts* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Wooldridge (for Mr Rich-Phillips), the debate was adjourned for one week.

- 13 BACK TO WORK BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish a Back to Work Scheme for the purpose of providing relief to employers in respect of the costs associated with hiring certain unemployed or retrenched workers and to make consequential amendments to the Taxation Administration Act 1997 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Wooldridge (for Mr Rich-Phillips), the debate was adjourned for one week.

- 14 EDUCATION AND TRAINING REFORM AMENDMENT (FUNDING OF NON-GOVERNMENT SCHOOLS) BILL 2014** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to establish a transparent mechanism for State funding of non-Government schools and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Ms Wooldridge (for Mrs Peulich), the debate was adjourned for one week.

- 15 SESSIONAL ORDERS** — Debate resumed on the question, That the Council adopt the Sessional Orders, proposed by Mr Jennings, to come into operation with immediate effect (*for proposed Sessional Orders, see item 7 on page 23, Minutes 12 February 2015*) and on the amendments moved by Ms Wooldridge and Ms Pennicuik —

Mr Barber moved, as an amendment to the amendments moved by Ms Pennicuik, That —  
For Amendments (1) and (2) substitute —

‘After paragraph (3) insert —

“(4) The Procedure Committee is required to consider and report on the foregoing Sessional Orders and other matters by 17 March 2015.”’.

Debate ensued.

Question — That amendment (1) moved by Ms Wooldridge be agreed to — put.

The Council divided — The President in the Chair.

AYES, 24

NOES, 16

Mr Atkinson

Mr Bourman

Mr Barber

Mr Dalidakis

Dr Carling-Jenkins

Mr Eideh

Ms Crozier

Mr Elasmr

Mr Dalla-Riva

Mr Herbert

Mr Davis

Mr Jennings

Mr Drum

Mr Leane

Ms Dunn

Mr Melhem

Mr Finn

Ms Mikakos

Ms Fitzherbert

Mr Mulino (*Teller*)

Ms Hartland

Ms Pulford

Ms Lovell

Ms Shing

Mr Morris

Mr Somyurek

Mr O’Brien

Ms Symes

Mr O’Donohue (*Teller*)

Ms Tierney

Mr Ondarchie	Mr Young ( <i>Teller</i> )
Ms Patten	
Ms Pennicuik	
Mrs Peulich	
Mr Purcell ( <i>Teller</i> )	
Mr Ramsay	
Mr Rich-Phillips	
Ms Springle	
Ms Wooldridge	

Question agreed to.

Question — That amendment (2) moved by Ms Wooldridge be agreed to — put.

The Council divided — The President in the Chair.

AYES, 24

NOES, 16

Mr Atkinson	Mr Bourman ( <i>Teller</i> )
Mr Barber	Mr Dalidakis
Dr Carling-Jenkins	Mr Eideh ( <i>Teller</i> )
Ms Crozier	Mr Elasmarr
Mr Dalla-Riva	Mr Herbert
Mr Davis	Mr Jennings
Mr Drum	Mr Leane
Ms Dunn	Mr Melhem
Mr Finn	Ms Mikakos
Ms Fitzherbert	Mr Mulino
Ms Hartland	Ms Pulford
Ms Lovell	Ms Shing
Mr Morris ( <i>Teller</i> )	Mr Somyurek
Mr O'Brien	Ms Symes
Mr O'Donohue	Ms Tierney
Mr Ondarchie	Mr Young
Ms Patten	
Ms Pennicuik	
Mrs Peulich	
Mr Purcell	
Mr Ramsay	
Mr Rich-Phillips	
Ms Springle ( <i>Teller</i> )	
Ms Wooldridge	

Question agreed to.

Question — That amendment (3) moved by Ms Wooldridge be agreed to — put and agreed to.

Question — That amendment (4) moved by Ms Wooldridge be agreed to — put and agreed to.

Question — That the amendment moved by Mr Barber to Ms Pennicuik's amendments be agreed to — put and agreed to.

Question — That the amendment moved by Ms Pennicuik, as amended, be agreed to — put and agreed to.

Question, That —

(1) The following Sessional Orders be adopted, to come into operation with immediate effect:

**1. Time limit for lead speakers**

For the purposes of Standing Order 5.03, and subject to any agreement to the contrary, additional time provided for other lead speakers does not apply in relation to a party that has advised the President that it is in a coalition arrangement with another party.

**2. Ministerial Statements**

After Standing Order 5.14(6) insert:

- (7) At the conclusion of formal business, and prior to statements by Members under Standing Order 5.13 (where applicable), up to five Ministers may make a Minister's statement, of up to two minutes per statement, to advise the House of new Government initiatives, projects, and achievements.

### 3. Questions without notice

Standing Order 8.04 is suspended and the following will apply:

- (1) Questions without notice may be asked at the time prescribed by Standing Order 5.02 when any business before the Council will be interrupted.
- (2) Only non-Government Members may ask oral questions without notice under Standing Order 8.01(2).
- (3) The time allocated for questions without notice will be until a total of nine oral questions (not including related supplementary questions) have been answered.

### 4. Constituency questions

- (1) At the conclusion of questions without notice and Ministers' statements, up to ten Members may ask Ministers an oral question relating to a constituency matter.
- (2) The time limit for each Member asking a constituency question is one minute.
- (3) Answers to constituency questions must be given to the Clerk in writing within 30 days of the question being asked.
- (4) A copy of the answer will be given to the Member who asked the question, and all answers will be incorporated in *Hansard*.

### 5. Content of answers

- (1) All answers to questions without notice must be direct, factual, succinct and relevant.
- (2) The President may determine that an answer to an oral question without notice or supplementary question is not responsive to the question, and may accordingly direct the Minister to provide a written response to the question and lodge it with the Clerk by 11.45 a.m. on the next sitting day. A copy of any response provided under this Sessional Order must be given to the Member who asked the question and printed in *Hansard*.
- (3) The President will determine the adequacy of a written response to a question provided under this Sessional Order. The President may determine that a written response does not appropriately answer the question and may direct the Minister to provide another written response and lodge it with the Clerk by 11.45 a.m. on the next sitting day. A copy of the further response must be provided to the Member who asked the question and printed in *Hansard*.
- (2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.
- (3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.
- (4) The Procedure Committee is required to consider and report on the foregoing Sessional Orders and other matters by 17 March 2015 — put and agreed to.

**16 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.49 p.m., adjourned until Tuesday, 24 February 2015.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 5, 6 and 7

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#### No. 5 — Tuesday, 24 February 2015

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE EVAN HERBERT WALKER, AO** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 15 February 2015, of the Honourable Evan Herbert Walker, AO, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Electoral Province of Melbourne from 1979 to 1992, and as Minister for Conservation and Minister for Planning from 1982 to 1983, Minister for Public Works from 1983 to 1985, Minister for Planning and Environment from 1983 to 1986, Minister for Agriculture and Rural Affairs from 1985 to 1988, Minister for Industry, Technology and Resources from 1988 to 1989, Minister for Major Projects, Minister for the Arts and Minister responsible for Post-Secondary Education from 1989 to 1990, as Deputy Opposition Leader in the Legislative Council from 1979 to 1982, Deputy Leader of the Government in the Legislative Council from 1982 to 1983 and as Leader of the Government in the Legislative Council from 1983 to 1990.  
And Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.  
*[Sitting suspended from 3.01 p.m. until 4.04 p.m.]*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.  
**FRUIT FLY** — Ms Pulford having given an answer to a supplementary question from Ms Lovell relating to fruit flies, the President directed the Minister to provide a written response on the next sitting day pursuant to Sessional Order 5.  
**QUESTIONS** — Questions without notice continued.  
**TAXI SERVICES** — Ms Pulford having given answers to a question without notice and a supplementary question from Ms Patten relating to taxi services, the President directed the Minister to provide a written response on the next sitting day pursuant to Sessional Order 5.
- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 5 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** —  
**ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 1 of 2015 (including Appendices), from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and the Report to be published.

**STATUTE LAW REVISION BILL 2014** — Mr Dalla-Riva presented a Report from the Scrutiny of Acts and Regulations Committee on the Statute Law Revision Bill 2014 (including an Appendix).

Ordered to lie on the Table and the Report to be published.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4) in relation to Statutory Rule No. 59/2006 and Waste Management Policy (Ships' Ballast Water) 2004.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C187.

Bayside Planning Scheme — Amendment C112.

Boroondara Planning Scheme — Amendment C207.

Colac Otway Planning Scheme — Amendment C74.

Corangamite Planning Scheme — Amendment C37.

Surf Coast Planning Scheme — Amendment C102.

Statutory Rule under the Building Act 1993 — No. 8.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 8.

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

Notice of 16 February 2015 appointing Easter Sunday 2015 as a public holiday under the Public Holidays Act 1993.

Guidelines for Assessing Fitness to Drive of 4 February 2015 under the Road Safety Act 1986.

Victorian Pre-Commitment Player Account Equipment Technical Standard of 17 November 2014 under the Gambling Regulation Act 2003.

**6 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That —

(1) precedence be given to the following General Business on Wednesday, 25 February 2015:

- (a) Order of the Day No. 6 standing in the name of Ms Wooldridge in relation to the production of documents on the West Gate Distributor;
- (b) Notice of Motion No. 29 standing in the name of Ms Pennicuik in relation to the production of documents on the Grand Prix;
- (c) the notice of motion given this day by Ms Pennicuik in relation to Grand Prix attendance figures;
- (d) the notice of motion given this day by Mr Barber in relation to the production of documents on the Cranbourne Pakenham Rail Corridor Project;
- (e) the notice of motion given this day by Mr Davis relating to the production of documents for the Bayside Planning Scheme C125;
- (f) Notice of Motion No. 11 standing in the name of Mr O'Donohue in relation to additional police officers;
- (g) Notice of Motion No. 4 standing in the name of Ms Crozier in relation to funding cuts for family violence;
- (h) Notice of Motion No. 9 standing in the name of Mr O'Brien in relation to the Sale Specialist School; and

(2) this House authorises the President to permit Notices of Motion, General Business, items (1)(b) and (c) as specified above, to be moved and debated concurrently.

Question — put and agreed to.

**7 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

- 8 BUSINESS POSTPONED** — Ordered, by leave — That Members' Statements be postponed until later this day.
- 9 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for Address see item 20 on page 15, Minutes No, 1, 23 December 2014*) —  
On the motion of Mr Leane, the debate was adjourned until later this day.
- 10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 8 to 48 inclusive, be postponed until later this day.
- 12 UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN AMENDMENT 121** — Mr Somyurek moved, That pursuant to section 46D of the *Planning and Environment Act 1987*, Amendment 121 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.  
Debate ensued.  
Question — put and agreed to.
- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 52 and 53, be postponed until later this day.
- 14 BACK TO WORK BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Mr Barber were circulated.  
Debate continued.  
On the motion of Ms Lovell, the debate was adjourned until next day of meeting.
- 15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.  
Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.  
And then the Council, at 10.49 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 6 — Wednesday, 25 February 2015

- 1** The President took the Chair and read the Prayer.
- 2 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:  
Auditor-General's Reports on —  
Efficiency and Effectiveness of Hospital Services: High-value Equipment, February 2015 (*Ordered to be published*).  
Public Hospitals: Results of the 2013-14 Audits, February 2015 (*Ordered to be published*).  
Australian Health Practitioner Regulation Agency — Report, 2013-14.  
Legal Profession Act 2004 — Practitioner Remuneration Order 2015.  
Ombudsman — Councils and complaints – A report on current practice and issues, together with a good practice guide, February 2015 (*Ordered to be published*).  
Statutory Rule under the Road Safety Act 1986 — No. 9.  
Surveillance Devices Act 1999 — Report pursuant to section 30Q of the Victorian Inspectorate.

- 3 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

On the motion of Mrs Peulich, Mr Herbert's statement relating to the Training and Skills portfolio was ordered to be taken into consideration on the next day of meeting.

**MINISTERS' STATEMENTS** — Statements made by Ministers continued.

- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, be postponed until later this day.

- 6 PRODUCTION OF DOCUMENTS — WEST GATE DISTRIBUTOR** — Debate resumed on the question, That this House requires the Leader of the Government in the Legislative Council to table in the Legislative Council, by 12 noon on 16 March 2015, a copy of all documents in relation to the West Gate Distributor including, but not limited to —

- (1) the business case;
- (2) interim or final traffic and traffic management studies, reports or briefings;
- (3) environmental studies, reports or briefings including historical studies, reports or briefings relating to Stony Creek;
- (4) Aboriginal cultural heritage studies, reports or briefings;
- (5) advice on compliance with the Hobsons Bay Planning Scheme and Maribyrnong Planning Scheme and proposed consultation on required planning approvals;
- (6) departmental advice and briefing documents; and
- (7) evidence of consultation on the above.

Question — put and agreed to.

- 7 AUSTRALIAN F1 GRAND PRIX** — Pursuant to an Order of the Council on 24 February 2015, Ms Pennicuik moved —

**PRODUCTION OF DOCUMENTS** — That this House requires the Leader of the Government to table in the Legislative Council by Tuesday, 17 March 2015, the contract, in full, signed by the Napthine Government to host the F1 Grand Prix in Melbourne from 2016 to 2020.

**PUBLICATION OF STATISTICS** — That this House calls on the Government to require the Australian Grand Prix Corporation to undertake and publish, by 16 March 2015 —

- (1) an accurate figure of total attendances for the 2015 Formula 1 Australian Grand Prix to be held in Melbourne from 12 to 15 March 2015 inclusive; and
- (2) a full and accurate count of daily attendance, including a full and accurate breakdown of attendance at the event by —
  - (a) paid general admission;
  - (b) grandstand and corporate suites;
  - (c) complimentary or free admission including attendance by all classes of accredited attendees including media, officials, race teams and all other event staff; and
  - (d) the number of free passes issued but not used.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**PUBLIC HOLIDAY FUNDING** — Mr Somyurek having given an answer to a supplementary question from Ms Wooldridge relating to public holiday funding, the President directed the Minister to provide a written response on the next sitting day pursuant to Sessional Order 5.

**QUESTIONS** — Questions without notice continued.

**EASTER SUNDAY PUBLIC HOLIDAY FUNDING** — Mr Somyurek having given an answer to a question without notice and a supplementary question from Mr Davis relating to Easter Sunday public holiday funding —



- (1) the President directed the Minister to provide a written response on the next sitting day pursuant to Sessional Order 5.
- (2) on the motion of Mr Davis, the Minister's answers was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**PUBLIC HOLIDAY HOSPITALITY WAGE COSTS** — Mr Somyurek having given an answer to a supplementary question from Mr Dalla-Riva relating to public holiday hospitality wage costs, the President directed the Minister to provide a written response on the next sitting day pursuant to Sessional Order 5.

**QUESTIONS** — Questions without notice continued.

**JOB CREATION INITIATIVES** — Mr Somyurek having given an answer to a question without notice and a supplementary question from Mr Ondarchie relating to job creation initiatives, the President directed the Minister to provide a written response on the next sitting day pursuant to Sessional Order 5.

**QUESTIONS** — Questions without notice continued.

**LOCAL GOVERNMENT REVIEW** — Mr Somyurek having given an answer to a question without notice and a supplementary question from Mr Purcell relating to a local government review, the President directed the Minister to provide a written response on the next sitting day pursuant to Sessional Order 5.

**QUESTIONS** — Questions without notice continued.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 AUSTRALIAN F1 GRAND PRIX** — Debate continued on the questions [having been authorised to be debated concurrently pursuant to an Order of the Council on 24 February 2015] —

**PRODUCTION OF DOCUMENTS** — That this House requires the Leader of the Government to table in the Legislative Council by Tuesday, 17 March 2015, the contract, in full, signed by the Napthine Government to host the F1 Grand Prix in Melbourne from 2016 to 2020.

**PUBLICATION OF STATISTICS** — That this House calls on the Government to require the Australian Grand Prix Corporation to undertake and publish, by 16 March 2015 —

- (1) an accurate figure of total attendances for the 2015 Formula 1 Australian Grand Prix to be held in Melbourne from 12 to 15 March 2015 inclusive; and
- (2) a full and accurate count of daily attendance, including a full and accurate breakdown of attendance at the event by —
  - (a) paid general admission;
  - (b) grandstand and corporate suites;
  - (c) complimentary or free admission including attendance by all classes of accredited attendees including media, officials, race teams and all other event staff; and
  - (d) the number of free passes issued but not used.

Question — That this House requires the Leader of the Government to table in the Legislative Council by Tuesday, 17 March 2015, the contract, in full, signed by the Napthine Government to host the F1 Grand Prix in Melbourne from 2016 to 2020 — put and agreed to.

Question — That this House calls on the Government to require the Australian Grand Prix Corporation to undertake and publish, by 16 March 2015 —

- (1) an accurate figure of total attendances for the 2015 Formula 1 Australian Grand Prix to be held in Melbourne from 12 to 15 March 2015 inclusive; and
- (2) a full and accurate count of daily attendance, including a full and accurate breakdown of attendance at the event by —
  - (a) paid general admission;
  - (b) grandstand and corporate suites;

- (c) complimentary or free admission including attendance by all classes of accredited attendees including media, officials, race teams and all other event staff; and
- (d) the number of free passes issued but not used — put and agreed to.

**11 PRODUCTION OF DOCUMENTS — CRANBOURNE PAKENHAM RAIL CORRIDOR PROJECT** — Mr Barber moved, That this House requires the Leader of the Government in the Legislative Council to table in the Legislative Council, by 14 April 2015, a copy of —

- (1) the value for money evaluation for the Cranbourne Pakenham Rail Corridor Project, required under item 2.4.1 of the Department of Treasury and Finance's *Unsolicited Proposal Guidelines* for the purpose of assessing 'whether value for money is being achieved for Government, including that the benefits to Government are being maximised';
- (2) all meeting minutes and other documentation relating to any working group established for the Cranbourne Pakenham Rail Corridor Project in order to complete the stage two Preliminary Assessment under item 2.3 of the Department of Treasury and Finance's *Unsolicited Proposal Guidelines*;
- (3) all minutes and other documentation relating to meetings held by the Treasurer, Minister for Public Transport and other relevant portfolio Ministers to provide early guidance to the Cranbourne Pakenham Rail Corridor Project working group, established under item 2.3 of the Department of Treasury and Finance's *Unsolicited Proposal Guidelines*, on whether the Cranbourne Pakenham Rail Corridor Project proposal fits with Government priorities and policy directions; and
- (4) any reports, data and summaries produced following community consultations undertaken during July and August 2014 by the Department of Transport, Planning and Local Infrastructure.

Debate ensued.

Question — put and agreed to.

**12 PRODUCTION OF DOCUMENTS — CITY OF BAYSIDE DRAFT PLANNING AMENDMENT C125** — Mr Davis moved, That in accordance with Standing Order 11.01, there be tabled in the Council, by 12 noon on Wednesday, 11 March 2015, a copy of the report prepared for the Minister for Planning by the Residential Zones Standing Advisory Committee concerning draft amendment C125 relating to the City of Bayside.

Debate ensued.

Question — put and agreed to.

**13 CRIME PREVENTION** — Mr O'Donohue moved, That this House notes that —

- (1) prior to the 2014 election Labor failed to commit to provide any additional police officers if it won Government;
- (2) Labor has discontinued Crime Prevention as a portfolio;
- (3) Deputy Premier, Mr James Merlino, MP, denigrated the Protective Services Officers during the last Parliament by referring to them as "plastic police";
- (4) prior to the 2014 election the former Coalition Government committed to —
  - (a) provide 700 additional front line police;
  - (b) provide 250 specialists to tackle issues such as e-crime and fraud, counter terrorism, forensics and special investigations;
  - (c) recruit and deploy a 50-strong Protective Services Officer strike force; and
  - (d) continue to expand the successful Crime Prevention portfolio; and

and calls on the Premier, Mr Daniel Andrews, MP, and the Minister for Police, Mr Wade Noonan, MP, to explain to the Victorian community what Labor's plans are to deliver more police resources and to articulate to the Victorian community its plans for community safety in Victoria.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Sessional Orders —*

**14 RESIGNATION OF MEMBER** — The President announced that he had received the following communication:

25 February 2015

The Hon Bruce Atkinson MLC  
President  
Legislative Council  
Parliament House  
MELBOURNE VIC 3002

Dear President

I write to advise that today Mr Danny O'Brien MP handed me his letter of resignation as Member for Eastern Victoria Region. A copy of that letter is enclosed for your records, as is a copy of my response.

I have advised the Speaker and Premier in substantially like terms.

As you know upon, Mr O'Brien's resignation, his seat in the Legislative Council became vacant. In the circumstances, a joint sitting of the Council and Assembly is required to fill this vacancy in accordance with section 27A of the *Constitution Act 1975*. I assume that you and the Speaker will arrange for that to take place.

Yours sincerely

Alex Chernov  
Governor of Victoria

\* \* \* \* \*

25 February 2015

His Excellency the Honourable Alex Chernov AC QC  
Governor of Victoria  
Government House  
MELBOURNE VIC 3004

Your Excellency

I hereby submit my resignation as a Member for Eastern Victoria Region in the Legislative Council, effective immediately.

It has been a pleasure to serve the people of the region and I hope to have the opportunity to serve our state again in the future.

Yours sincerely,

DANNY O'BRIEN MLC  
MEMBER FOR EASTERN VICTORIA REGION

**15 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, Nos. 8 to 65, be postponed until later this day.

**17 BACK TO WORK BILL 2014** — 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 ordered to be committed to a Committee of the whole on the next day of meeting.

**18 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.54 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 7 — Thursday, 26 February 2015

1 The President took the Chair and read the Prayer.

2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of an Act of Parliament, were laid on the Table by the Acting Clerk:

Auditor-General's Reports on —

Effectiveness of Support for Local Government, February 2015 (*Ordered to be published*).

Local Government: Results of the 2013-14 Audits, February 2015 (*Ordered to be published*).

3 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until 2.00 p.m. on Tuesday, 17 March 2015.

Question — put and agreed to.

4 **PROCEDURE COMMITTEE** — Mr Jennings moved, by leave, That Standing Order 23.08(3) be suspended so as to provide that —

(1) the following Members are appointed to the Procedure Committee —

- (a) the President;
- (b) the Deputy President;
- (c) Mr Jennings;
- (d) Ms Pulford;
- (e) Ms Wooldridge;
- (f) Mr Davis;
- (g) Ms Pennicuik;
- (h) Dr Carling-Jenkins; and

(2) a quorum of the Procedure Committee is five Members.

Question — put and agreed to.

5 **MINISTER'S STATEMENTS** — A Statement was made by a Minister pursuant to Sessional Order 2.

6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

7 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, be postponed until later this day.

8 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, Nos. 8 to 69 inclusive, be postponed until later this day.

9 **BACK TO WORK BILL 2014** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.
- PUBLIC HOLIDAY HOSPITALITY WAGE COSTS** — Mr Somyurek having provided a written answer to a supplementary question, the President directed the Minister to provide a further written response on the next sitting day pursuant to Sessional Order 5.
- QUESTIONS** — Questions without notice continued.
- MURRAY BASIN RAIL UPGRADE** — Ms Pulford having given answers to a question without notice and a supplementary question from Mr Drum relating to Murray Darling Basin upgrade, the President directed the Minister to provide a written response on the next sitting day pursuant to Sessional Order 5.
- QUESTIONS** — Questions without notice continued.
- EASTER SUNDAY COSTS FOR PUBLIC HOSPITALS** — Ms Mikakos having given answers to a question without notice and a supplementary question from Ms Wooldridge relating to Easter Sunday costs for public hospitals, the President directed the Minister to provide a written response on the next sitting day pursuant to Sessional Order 5.
- QUESTIONS** — Questions without notice continued.
- COST IMPACTS OF THE EASTER SUNDAY PUBLIC HOLIDAY FOR THE HOSPITALITY INDUSTRY** — Mr Somyurek having given answers to a question without notice and supplementary question relating to cost impacts of the Easter Sunday public holiday for the hospitality industry —
- On the motion of Mrs Peulich, the Minister's answers were ordered to be taken into consideration on the next day of meeting.
- QUESTIONS** — Questions without notice continued.
- VOCATIONAL EDUCATION AND TRAINING CONTRACT** — Mr Herbert having given an answer to a question without notice from Ms Pennicuik relating to the cancellation of a vocational education and training contract, the President directed the Minister to provide a written response on the next sitting day pursuant to Sessional Order 5.
- QUESTIONS** — Questions without notice continued.
- VICTORIAN REGISTRATION AND QUALIFICATIONS AUTHORITY** — Mr Herbert having given answers to a question without notice and a supplementary question from Ms Pennicuik relating to the Victorian Registration and Qualifications Authority, the President directed the Minister to provide a written response on the next sitting day pursuant to Sessional Order 5.
- QUESTIONS** — Questions without notice continued.
- KERANG RAMSAR WETLANDS SITE** — Mr Somyurek having given answers to a question without notice and a supplementary question from Mr Young relating to the Kerang Ramsar wetlands site, the President directed the Minister to provide a written response on the next sitting day pursuant to Sessional Order 5.
- 11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 12 BACK TO WORK BILL 2014** — Bill further considered in Committee of the whole.  
House in Committee.  
The Deputy President reported progress and asked leave to sit again.  
Bill to be again considered in Committee of the whole later this day.
- 13 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day No. 3, Government Business, be postponed until later this day.
- 14 EDUCATION AND TRAINING REFORM AMENDMENT (FUNDING OF NON-GOVERNMENT SCHOOLS) BILL 2014** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.  
Debate continued.  
Question — put.

The Council divided — The President in the Chair.

AYES, 32	NOES, 6
Mr Atkinson	Mr Barber
Mr Bourman	Ms Dunn ( <i>Teller</i> )
Ms Crozier	Ms Hartland
Ms Carling-Jenkins	Ms Patten ( <i>Teller</i> )
Mr Dalidakis	Ms Pennicuik
Mr Dalla-Riva	Ms Springle
Mr Davis	
Mr Drum ( <i>Teller</i> )	
Mr Eideh ( <i>Teller</i> )	
Mr Elasmarr	
Mr Finn	
Mr Herbert	
Mr Jennings	
Mr Leane	
Ms Lovell	
Mr Melhem	
Ms Mikakos	
Mr Morris	
Mr Mulino	
Mr O'Donohue	
Mr Ondarchie	
Mrs Peulich	
Ms Pulford	
Mr Purcell	
Mr Ramsay	
Mr Rich-Phillips	
Ms Shing	
Mr Somyurek	
Ms Symes	
Ms Tierney	
Ms Wooldridge	
Mr Young	

Question agreed to.

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

**15 BACK TO WORK BILL 2014** — Bill further considered in Committee of the whole.

House in Committee.

Bill reported with an 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 with an amendment and requesting their agreement.

**16 WRONGS AMENDMENT (ASBESTOS RELATED CLAIMS) BILL 2014** — 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.

**17 EDUCATION AND TRAINING REFORM AMENDMENT (FUNDING OF NON-GOVERNMENT SCHOOLS) BILL 2014** — Bill committed to a Committee of the whole

House in Committee.

Bill reported without amendment, the Report was adopted.

Mr Herbert moved, That the Bill be now read a third time.

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

The Council divided — The Deputy President in the Chair.

AYES, 29

Mr Bourman  
 Ms Crozier  
 Ms Carling-Jenkins  
 Mr Dalidakis  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmar  
 Mr Finn  
 Mr Herbert  
 Mr Jennings  
 Ms Lovell (*Teller*)  
 Mr Melhem  
 Ms Mikakos  
 Mr Morris  
 Mr Mulino  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford (*Teller*)  
 Mr Purcell  
 Mr Ramsay  
 Mr Rich-Phillips  
 Ms Shing  
 Ms Symes  
 Ms Tierney  
 Ms Wooldridge  
 Mr Young

NOES, 6

Mr Barber  
 Ms Dunn (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Patten  
 Ms Pennicuik  
 Ms Springle

Question agreed to.

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

**18 CEMETERIES AND CREMATORIA AMENDMENT (VETERANS REFORM) BILL 2015 —**

The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Cemeteries and Crematoria Act 2003 in relation to certain rights of interment for cremated human remains and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Wooldridge, the debate was adjourned for one week.

**19 INTERPRETATION OF LEGISLATION AMENDMENT BILL 2015 —** The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Interpretation of Legislation Act 1984 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 20 PARLIAMENTARY COMMITTEES AND INQUIRIES ACTS AMENDMENT BILL 2015** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Parliamentary Committees Act 2003 to amalgamate certain committees and to make various minor amendments to the Inquiries Act 2014 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 21 SUMMARY OFFENCES AMENDMENT (MOVE-ON LAWS) BILL 2015** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to repeal certain amendments made by the Summary Offences and Sentencing Amendment Act 2014 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 22 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.  
Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 7.18 p.m., adjourned until Tuesday, 17 March 2015.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 5, 6 and 7

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Thursday, 26 February 2015

### 1 BACK TO WORK BILL 2014

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr Barber moved —

1. Clause 3, line 2, omit “In” and insert “(1) In”.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber (*Teller*)  
Ms Dunn (*Teller*)  
Ms Hartland  
Ms Pennicuik  
Ms Springle

NOES, 32

Mr Atkinson  
Mr Bourman  
Dr Carling-Jenkins  
Ms Crozier (*Teller*)  
Mr Dalidakis  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Eideh  
Mr Elasmarr  
Mr Finn  
Mr Herbert  
Mr Jennings  
Mr Leane  
Ms Lovell  
Ms Mikakos  
Mr Morris  
Mr Mulino  
Mr O’Donohue  
Mr Ondarchie  
Ms Patten  
Mrs Peulich  
Ms Pulford  
Mr Purcell  
Mr Ramsay  
Mr Rich-Phillips  
Ms Shing  
Mr Somyurek  
Ms Symes (*Teller*)  
Ms Tierney  
Ms Wooldridge  
Mr Young

Amendment negatived.

Clause 3 — put and agreed to.

**Clauses 4 to 53** — put and agreed to.

**New Clause — Mr Barber moved —**

8. Insert the following New Clause to follow clause 53—

**"A Back to Work Scheme reports**

- (1) At least once every 3 months the Commissioner must publish on the Commissioner's website a report of the operation of the Back to Work Scheme.
- (2) The report must contain the following information in relation to the period covered by it—
  - (a) the total amount paid under the Scheme;
  - (b) the total number of Back to Work payments made;
  - (c) the number of Back to Work payments made in each municipal district;
  - (d) if Back to Work payments were made according to different eligibility criteria, the number of Back to Work payments made according to each of those criteria;
  - (e) the name of any person to whom Back to Work payments in respect of more than 100 eligible employees were made.
- (3) For the purpose of subsection (2)(c), a Back to Work payment is made in the municipal district in which the person entitled to the payment has their usual place of business or, in the case of a body corporate, their registered office.
- (4) In this section—

*municipal district* has the same meaning as in the **Local Government Act 1989**."

Mr Jennings moved, That the Deputy President report progress and ask leave to sit again later this day.

Question — put and agreed to.

**Progress reported.****2 BACK TO WORK BILL 2014**

*Progress having been reported earlier this day —*

**New Clause — Debate resumed.**

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

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Atkinson  
 Mr Barber  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Ms Dunn  
 Mr Finn  
 Ms Hartland (*Teller*)  
 Ms Lovell  
 Mr Morris  
 Mr O'Donohue  
 Mr Ondarchie  
 Ms Patten  
 Ms Pennicuik  
 Mrs Peulich  
 Mr Purcell (*Teller*)  
 Mr Ramsay  
 Mr Rich-Phillips  
 Ms Springle  
 Ms Wooldridge

NOES, 15

Mr Bourman  
 Dr Carling-Jenkins  
 Mr Dalidakis  
 Mr Eideh  
 Mr Elasmarr  
 Mr Herbert  
 Mr Jennings  
 Mr Leane  
 Mr Melhem  
 Mr Mulino (*Teller*)  
 Ms Shing  
 Mr Somyurek  
 Ms Symes  
 Ms Tierney  
 Mr Young (*Teller*)

Question agreed to.

**Clauses 54 to 57** — put and agreed to.

**Bill reported with an amendment.**

**3 EDUCATION AND TRAINING REFORM AMENDMENT (FUNDING OF NON-GOVERNMENT SCHOOLS) BILL 2014**

**Clauses 1 to 3** — put and agreed to.

**Clause 4** — Ms Pennicuik moved —

1. Clause 4, page 3, lines 1 to 34 and page 4, lines 1 to 12, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6	NOES, 32
Mr Barber	Mr Atkinson
Ms Dunn	Mr Bourman
Ms Hartland	Dr Carling-Jenkins ( <i>Teller</i> )
Ms Patten ( <i>Teller</i> )	Ms Crozier
Ms Pennicuik	Mr Dalidakis ( <i>Teller</i> )
Ms Springle ( <i>Teller</i> )	Mr Dalla-Riva
	Mr Davis
	Mr Drum
	Mr Eideh
	Mr Elasmarr
	Mr Finn
	Mr Herbert
	Mr Jennings
	Mr Leane
	Ms Lovell
	Mr Melhem
	Ms Mikakos
	Mr Morris
	Mr Mulino
	Mr O'Donohue
	Mr Ondarchie
	Mrs Peulich
	Ms Pulford
	Mr Purcell
	Mr Ramsay
	Mr Rich-Phillips
	Ms Shing
	Mr Somyurek
	Ms Symes
	Ms Tierney
	Ms Wooldridge
	Mr Young

Amendment negatived.

Ms Pennicuik moved —

3. Clause 4, page 6, lines 27 to 31, omit all words and expressions on these lines and insert—

"(1) A non-Government school or an organisation referred to in section 2.7.5 to which funding has been provided under this Part must—

- (a) report annually to the Minister and the Department as to the application of the funding; and
- (b) give the Minister any further information that the Minister requires in relation to the funding."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber (*Teller*)  
 Ms Dunn  
 Ms Hartland (*Teller*)  
 Ms Patten  
 Ms Pennicuik  
 Ms Springle

NOES, 28

Mr Bourman  
 Dr Carling-Jenkins  
 Ms Crozier  
 Mr Dalidakis  
 Mr Dalla-Riva (*Teller*)  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Finn  
 Mr Herbert  
 Mr Jennings  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mr Mulino  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Purcell  
 Mr Ramsay  
 Mr Rich-Phillips  
 Ms Shing (*Teller*)  
 Ms Symes  
 Ms Tierney  
 Ms Wooldridge  
 Mr Young

Amendment negatived.

Ms Pennicuik moved —

5. Clause 4, page 7, line 23, omit "Department." and insert "Department;".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber  
 Ms Dunn (*Teller*)  
 Ms Hartland (*Teller*)  
 Ms Patten  
 Ms Pennicuik  
 Ms Springle

NOES, 29

Mr Bourman  
 Dr Carling-Jenkins  
 Ms Crozier  
 Mr Dalidakis  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Eideh  
 Mr Elasmarr  
 Mr Finn  
 Mr Herbert  
 Mr Jennings  
 Ms Lovell  
 Mr Melhem (*Teller*)  
 Ms Mikakos  
 Mr Morris  
 Mr Mulino  
 Mr O'Donohue

Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Purcell  
 Mr Ramsay  
 Mr Rich-Phillips (*Teller*)  
 Ms Shing  
 Ms Symes  
 Ms Tierney  
 Ms Wooldridge  
 Mr Young

Amendment negatived.

Ms Pennicuik moved —

7. Clause 4, page 8, line 5, omit "in" and insert "before 30 June".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber (*Teller*)  
 Ms Dunn  
 Ms Hartland  
 Ms Patten  
 Ms Pennicuik (*Teller*)  
 Ms Springle

NOES, 29

Mr Bourman  
 Dr Carling-Jenkins  
 Ms Crozier  
 Mr Dalidakis  
 Mr Dalla-Riva  
 Mr Davis (*Teller*)  
 Mr Drum  
 Mr Eideh (*Teller*)  
 Mr Elasmarr  
 Mr Finn  
 Mr Herbert  
 Mr Jennings  
 Ms Lovell  
 Mr Melhem  
 Ms Mikakos  
 Mr Morris  
 Mr Mulino  
 Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Ms Pulford  
 Mr Purcell  
 Mr Ramsay  
 Mr Rich-Phillips  
 Ms Shing  
 Ms Symes  
 Ms Tierney  
 Ms Wooldridge  
 Mr Young

Amendment negatived.

Clause 4 — put and agreed to.

**Clauses 5 and 6** — put and agreed to.

**Bill reported without amendment.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 8, 9 and 10

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#### No. 8 — Tuesday, 17 March 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 10 March 2015, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Education and Training Reform Amendment (Funding of Non-Government Schools) Act 2015*  
*Wrongs Amendment (Asbestos Related Claims) Act 2015.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.  
**DUCK HUNTING — BULLRUSH SWAMP** — Ms Pulford having given an answer to a supplementary question from Mr Barber relating to duck hunting in Bullrush Swamp reserve, the President directed the Minister to provide a written response on the next sitting day pursuant to Sessional Order 5.  
**QUESTIONS** — Questions without notice continued.  
**RAIL SERVICES IN WESTERN REGION** — Ms Pulford having given answers to a question without notice and a supplementary question from Mr Purcell relating to rail services in the Western Region, the President directed the Minister to provide a written response pursuant to Sessional Order 5.  
**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 4 **CONSTITUENCY QUESTIONS** — Constituency Questions were taken pursuant to Sessional Order 4.
- 5 **PETITION — CAULFIELD RACECOURSE RESERVE** — Ms Pennicuik presented a Petition bearing 794 signatures from certain citizens of Victoria requesting that the Legislative Council instigate a public inquiry into past commercial transactions between the Caulfield Racecourse Reserve Trustees and Melbourne Racing Club and to lobby the Minister for Environment, Climate Change and Water and the Minister for Racing to end further alienation of this public land, ensure management by the Trustees is transparent and enforce the three uses of the reserve as defined by the Crown Grant.

Ordered to lie on the Table.

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

**6 PAPERS —**

**PROCEDURE COMMITTEE** — Ms Tierney moved, That there be laid before this House a copy of an Interim Report from the Procedure Committee on an Inquiry into Sessional Orders and other matters (including an Appendix).

Ordered to lie on the Table and the Report to be published.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 2 of 2015 (including Appendices), from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and the Report to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Falls Creek Alpine Resort Management Board — Minister's report of failure to submit report for 2013-14 to the Minister within the prescribed period and the reasons therefor.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4) in relation to the Waste Management Policy (Solid Fuel Heating).

Lake Mountain Alpine Resort Management Board — Report, 2013-14.

Mount Baw Baw Alpine Resort Management Board — Minister's report of failure to submit report for 2013-14 to the Minister within the prescribed period and the reasons therefor.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report, 2013-14.

Mount Hotham Alpine Resort Management Board — Report, 2013-14.

Parliamentary Committees Act 2003 — Government Response to the Law Reform, Drugs and Crime Prevention Committee's Inquiry into the Supply and Use of Methamphetamines, Particularly Ice, in Victoria.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Corangamite Planning Scheme — Amendment C41.

Corangamite, Frankston, Horsham, Indigo, Mansfield, Maroondah, Moira, Nillumbik, Northern Grampians, Stonnington, Strathbogie, Towong, Wangaratta and Wodonga Planning Schemes — Amendment GC20.

Frankston Planning Scheme — Amendment C106.

Glen Eira Planning Scheme — Amendments C113 and C120.

Greater Bendigo Planning Scheme — Amendment C158.

Greater Geelong Planning Scheme — Amendment C298.

Greater Shepparton Planning Scheme — Amendment C134.

Hindmarsh Planning Scheme — Amendment C13.

Hume Planning Scheme — Amendment C195.

Kingston Planning Scheme — Amendment C121.

Melton Planning Scheme — Amendment C112.

Moonee Valley Planning Scheme — Amendment C134.

Moorabool Planning Scheme — Amendment C53.

Mornington Peninsula Planning Scheme — Amendment C174 (Part 3).

Murrindindi Planning Scheme — Amendment C56.

Wodonga Planning Scheme — Amendment C93.

Yarra Ranges Planning Scheme — Amendments C137 and C141.

Statutory Rules under the following Acts of Parliament —

Supreme Court Act 1986 — No. 11.

Supreme Court Act 1986 — Constitution Act 1975 — Corporations (Ancillary Provisions) Act 2001 — No. 10.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 9 to 11, 13 and 14.

Legislative Instruments and related documents under section 16B in respect of Amendments to the Greyhound Racing Victoria Local Racing Rules, 26 February 2015 under the Racing Act 1958.



**PROCLAMATIONS** — A proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Acting Clerk:

Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 — Part 4, Part 5, Division 3 of Part 7 and section 151 — 4 March 2015 (*Gazette No. S44, 3 March 2015*).

\* \* \* \* \*

**MID-YEAR FINANCIAL REPORT 2014-15** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Acting Clerk laid on the Table a copy of the Budget Sector Mid-Year Financial Report, 2014-15 incorporating quarterly financial report No. 2.

- 7 PRODUCTION OF DOCUMENTS — WEST GATE DISTRIBUTOR** — The Acting Clerk read to the House a letter from the Attorney-General in response to the Resolution of the Council of 25 February 2015 seeking the production of documents relating to the West Gate Distributor advising that the Government is still in the process of identifying and assessing the documents, and indicating that the Government would respond to the Council's resolution as soon as possible.

On the motion of Ms Wooldridge the letter was ordered to be taken into consideration on the next day of meeting.

- 8 PRODUCTION OF DOCUMENTS — PORT OF MELBOURNE PRIVATISATION** — The Acting Clerk read to the House a letter from the Attorney-General in response to the Resolution of the Council of 11 February 2015 seeking the production of documents relating to the Privatisation of the Port of Melbourne referring to the Government's process for assessing documents for potential executive privilege, advising that the Government is still in the process of identifying and assessing the documents, and indicating that the Government would respond to the Council's resolution as soon as possible.

- 9 PRODUCTION OF DOCUMENTS — AUSTRALIAN F1 GRAND PRIX** — The Acting Clerk read to the House a letter from the Attorney-General in response to the Resolution of the Council of 25 February 2015 seeking the production of documents relating to the Australian F1 Grand Prix indicating that the Government would respond to the Council's resolution as soon as possible.

On the motion of Ms Pennicuik the letter was ordered to be taken into consideration on the next day of meeting.

- 10 PRODUCTION OF DOCUMENTS — CITY OF BAYSIDE DRAFT PLANNING AMENDMENT C125** — The Acting Clerk laid on the Table a letter from the Attorney-General in response to the Resolution of the Council of 25 February 2015 seeking the production of documents relating to the Residential Zones Advisory Committee Report advising that the Government is still in the process of identifying and assessing the documents, and indicating that the Government would respond to the Council's resolution as soon as possible.

- 11 PROCEDURE COMMITTEE** — Mr Jennings moved, by leave, That the Inquiry into Sessional Orders and other matters by the Legislative Council Procedure Committee be extended until Tuesday, 23 June 2015.

Question — put and agreed to.

- 12 SESSIONAL ORDERS** — Mr Jennings moved, by leave, That until the end of the Session, unless otherwise ordered by the Council —

(1) The following Sessional Orders be adopted, to come into operation with immediate effect:

**A. Appointment of Members (Standing Committees)**

Standing Order 23.03(1) is suspended and the following will apply:

(1) Each legislation and reference committee will consist of eight Members, with three Members from the Government nominated by the Leader of the Government in the Council, three Members from the Opposition nominated by the Leader of the Opposition in the Council, one Member from the Greens nominated by the Leader of the Australian Greens in the Council and one

Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members.

**B. Procedure Committee**

Standing Order 23.08(3) is suspended and the following will apply:

(3) The Committee shall consist of eight Members with five Members to be the quorum.

**C. Privileges Committee**

Standing Order 23.09(2) is suspended and the following will apply:

(2) The Committee shall consist of eight Members with five Members to be the quorum.

(2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.

(3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Question — put and agreed to.

**13 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 18 March 2015:

- (1) the notice of motion given this day by Ms Wooldridge in relation to Sessional Orders;
- (2) Notice of Motion No. 54 standing in the name of Mr Rich-Phillips in relation to the production of documents on the East West Link;
- (3) the notice of motion given this day by Ms Wooldridge in relation to the new Easter Sunday and Grand Final Eve public holidays; and
- (4) Notice of Motion No. 4 standing in the name of Ms Crozier in relation to cuts to family violence services.

Question — put and agreed to.

**14 MINISTER'S STATEMENT** — A Statement was made by a Minister pursuant to Sessional Order 2.

**15 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, and Notices of Motion, Government Business, Nos. 8 to 69, be postponed until later this day.

**17 CEMETERIES AND CREMATORIA AMENDMENT (VETERANS REFORM) BILL 2015** — 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.

**18 BACK TO WORK BILL 2014** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendment made by the Council with amendments with which agreement is requested.

Mr Jennings moved, That the Message be taken into consideration forthwith.

Question — put and agreed to.

The amendments remaining for consideration by the Council were read and are as follows:

**AMENDMENT NO 1 (resolved by the Council on 26 February 2015)**

Insert the following New Clause to follow clause 53—

**"A Back to Work Scheme reports**

- (1) At least once every 3 months the Commissioner must publish on the Commissioner's website a report of the operation of the Back to Work Scheme.
- (2) The report must contain the following information in relation to the period covered by it—
  - (a) the total amount paid under the Scheme;
  - (b) the total number of Back to Work payments made;
  - (c) the number of Back to Work payments made in each municipal district;
  - (d) if Back to Work payments were made according to different eligibility criteria, the number of Back to Work payments made according to each of those criteria;
  - (e) the name of any person to whom Back to Work payments in respect of more than 100 eligible employees were made.
- (3) For the purpose of subsection (2)(c), a Back to Work payment is made in the municipal district in which the person entitled to the payment has their usual place of business or, in the case of a body corporate, their registered office.
- (4) In this section—
 

***municipal district*** has the same meaning as in the **Local Government Act 1989**."

#### ***How dealt with by the Assembly***

Agreed to with the following amendments:

- (1) In subclause (2)(c) omit "municipal district" and insert "postcode area".
- (2) In subclause (2)(e) omit "person to whom" and insert "claimant to whom, or for whose benefit,".
- (3) Omit subclauses (3) and (4) and insert—
  - "(3) For the purposes of subsection (2)(c), the ***postcode area*** is the postcode of the area in which an eligible employee is primarily carrying out their employment.
  - (4) Despite meeting the eligibility criteria for a claim, a claimant is not eligible for a Back to Work payment unless the claimant consents to the claimant's name being published in accordance with subsection (2)(e) if payments are made in respect of more than 100 eligible employees, whether in relation to that claim or any future claim."

Mr Jennings moved, that the Council agree to the amendments made by the Assembly to the amendment made by the Council.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly informing them that the Council have agreed to the amendments made by the Assembly to the amendment made by the Council.

#### **19 SUMMARY OFFENCES AMENDMENT (MOVE-ON LAWS) BILL 2015** — 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, 21	NOES, 17
Mr Barber	Mr Atkinson
Dr Carling-Jenkins	Mr Bourman
Mr Dalidakis	Ms Crozier
Ms Dunn ( <i>Teller</i> )	Mr Dalla-Riva
Mr Eideh ( <i>Teller</i> )	Mr Davis
Mr Elasmarr	Mr Drum
Ms Hartland	Mr Finn
Mr Herbert	Ms Fitzherbert
Mr Jennings	Ms Lovell
Mr Leane	Mr Morris ( <i>Teller</i> )

Mr Melhem  
 Ms Mikakos  
 Mr Mulino  
 Ms Patten  
 Ms Pennicuik  
 Ms Pulford  
 Mr Purcell  
 Ms Shing  
 Ms Springle  
 Ms Symes  
 Ms Tierney

Mr O'Donohue  
 Mr Ondarchie  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Ms Wooldridge  
 Mr Young (*Teller*)

Question agreed to.

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

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

**20 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.27 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 9 — Wednesday, 18 March 2015

**1** The President took the Chair and read the Prayer.

**2 ROAD SAFETY ROAD RULES 2009 (OVERTAKING BICYCLES) BILL 2015** — Ms Dunn introduced *A Bill for an Act to amend the Road Safety Road Rules 2009 in relation to the overtaking of bicycles and for other purposes.*

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

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

Ms Dunn moved, That the Bill be now read a second time.

On the motion of Mr Melhem, the debate was adjourned for one week.

**3 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Auditor-General's Reports on —

Education Transitions, March 2015 (*Ordered to be published*).

Managing Regulator Performance in the Health Portfolio, March 2015 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 12 and 15.

**4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, and Notice of Motion, General Business, No. 73, be postponed until later this day.

**7 PRODUCTION OF DOCUMENTS — EAST WEST LINK CONTRACTS** — Mr Rich-Phillips moved, That this House —

- (1) notes the failure of the Government to comply with the resolution of the Council on 11 February 2015 requiring the Leader of the Government to table in the Council by 12 noon on 12 February 2015, all contract documents entered into by or on behalf of the State of Victoria with the East West Connect consortium, in accordance with Partnerships Victoria guidelines;
  - (2) notes that the Government's failure to comply with the resolution of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;
  - (3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*, and the power to make Standing Orders under section 43 of that Act;
  - (4) affirms the right of the Council to require the production of documents;
  - (5) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Government and demand accountability by the Government; and
  - (6) notes that if the resolution of the Council is not complied with, the Council reserves its right to find the Leader of the Government guilty of a contempt of the Council and to impose an appropriate sanction until the resolution is complied with;
- and requires the Leader of the Government to table by 12 noon on the next day of sitting following the adoption of this resolution, all contract documents entered into by or on behalf of the State of Victoria with the East West Connect consortium, in accordance with Partnerships Victoria guidelines.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**LOCAL GOVERNMENT RATES — SMALL BUSINESSES** — Mr Somyurek having given an answer to a question without notice from Mr Davis relating to local government rate capping impact on small businesses, the President directed the Minister to provide a written response pursuant to Sessional Order 5.

**QUESTIONS** — Questions without notice continued.

**MIXED MARTIAL ARTS — CAGE FIGHTING** — Ms Mikakos having given answers to a question without notice and a supplementary question from Ms Crozier relating to children and families attending mixed martial arts, cage fighting events —

On the motion of Ms Crozier, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**MOTOR CYCLE GANGS** — Mr Herbert having given answers to a question without notice and a supplementary question from Ms Patten relating to the potential relocation of motor cycle gangs to Victoria, the President directed the Minister to provide a written response pursuant to Sessional Order 5.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**9 CONSTITUENCY QUESTIONS** — Constituency Questions were taken pursuant to Sessional Order 4.

**10 PRODUCTION OF DOCUMENTS — EAST WEST LINK CONTRACTS** — Debate continued on the question, That this House —

- (1) notes the failure of the Government to comply with the resolution of the Council on 11 February 2015 requiring the Leader of the Government to table in the Council by 12 noon on 12 February 2015, all contract documents entered into by or on behalf of the State of Victoria with the East West Connect consortium, in accordance with Partnerships Victoria guidelines;
- (2) notes that the Government's failure to comply with the resolution of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;

- (3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*, and the power to make Standing Orders under section 43 of that Act;
- (4) affirms the right of the Council to require the production of documents;
- (5) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Government and demand accountability by the Government; and
- (6) notes that if the resolution of the Council is not complied with, the Council reserves its right to find the Leader of the Government guilty of a contempt of the Council and to impose an appropriate sanction until the resolution is complied with;

and requires the Leader of the Government to table by 12 noon on the next day of sitting following the adoption of this resolution, all contract documents entered into by or on behalf of the State of Victoria with the East West Connect consortium, in accordance with Partnerships Victoria guidelines.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Atkinson  
 Mr Barber  
 Mr Bourman  
 Dr Carling-Jenkins  
 Ms Crozier  
 Mr Dalla-Riva (*Teller*)  
 Mr Davis  
 Mr Drum  
 Ms Dunn (*Teller*)  
 Mr Finn  
 Ms Fitzherbert  
 Ms Hartland  
 Ms Lovell  
 Mr Morris  
 Mr O'Donohue  
 Mr Ondarchie  
 Ms Pennicuik  
 Mrs Peulich  
 Mr Purcell  
 Mr Ramsay  
 Mr Rich-Philips  
 Ms Springle  
 Ms Wooldridge  
 Mr Young

NOES, 14

Mr Dalidakis  
 Mr Eideh  
 Mr Elasmarr  
 Mr Herbert  
 Mr Jennings  
 Mr Melhem  
 Ms Mikakos  
 Mr Mulino (*Teller*)  
 Ms Patten  
 Ms Pulford  
 Ms Shing (*Teller*)  
 Mr Somyurek  
 Ms Symes  
 Ms Tierney

Question agreed to.

**11 MINISTER FOR SMALL BUSINESS, INNOVATION AND TRADE** — Ms Wooldridge moved, That this House —

- (1) condemns the Minister for Small Business, Innovation and Trade, Mr Adem Somyurek, MLC, for his mismanagement of the Easter Sunday and Grand Final Eve public holidays which will impose a huge cost on Victorian small businesses and on services provided by the public sector; and
- (2) notes that, in relation to the new Easter Sunday and Grand Final Eve public holidays, the Minister —
  - (a) failed to take any responsibility for Labor's failure to cost the 2015 Easter Sunday Public Holiday in their financial statement, instead blaming the Treasurer;
  - (b) failed to answer any questions in Parliament regarding the impact and cost to metropolitan and regional Victoria;

- (c) gazetted the 2015 Easter Sunday public holiday prior to the announced Regulatory Impact Statement being made available for public consultation;
- (d) failed to provide answers to Parliament during Question Time, instead called on the Opposition to “Google” answers;
- (e) failed to acknowledge the extensive community and business concerns regarding the implementation of new, additional public holidays;
- (f) failed to rule out cuts to services to cover the unbudgeted costs of the new additional public holiday; and
- (g) has failed to recognise that his first action as Minister has been to impose a huge cost on Victoria’s small business community.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

**12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**13 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.20 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 10 — Thursday, 19 March 2015

1 The President took the Chair and read the Prayer.

2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Auditor-General’s Report on Emergency Service Response Times, March 2015 (*Ordered to be published*).

Statutory Rules under the following Acts of Parliament —

Drugs, Poisons and Controlled Substances Act 1981 — No. 14.

Fisheries Act 1995 — No. 12.

Infringements Act 2006 — No. 13.

Surveying Act 2004 — No. 15.

Subordinate Legislation Act 1994 — Legislative Instrument and related documents under section 16B in respect of an Order under Section 7 varying the Project Area and Extended Project Area, 20 January 2015 under the Eastlink Project Act 2004.

3 **SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 14 April 2015.

Question — put and agreed to.

4 **MINISTERS’ STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

On the motion of Ms Pennicuik, the statement by Ms Pulford was ordered to be taken into consideration on the next day of meeting.

5 **MEMBERS’ STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

6 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, and Notices of Motion, Government Business, Nos. 8 to 89, be postponed until later this day.

7 **SUMMARY OFFENCES AMENDMENT (MOVE-ON LAWS) BILL 2015** — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Mr Herbert moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 21

Mr Barber  
Dr Carling-Jenkins  
Mr Dalidakis  
Ms Dunn  
Mr Eideh  
Mr Elasmarr  
Ms Hartland  
Mr Herbert  
Mr Leane (*Teller*)  
Mr Melhem  
Ms Mikakos  
Mr Mulino  
Ms Patten  
Ms Pennicuik  
Ms Pulford  
Mr Purcell  
Ms Shing (*Teller*)  
Mr Somyurek  
Ms Springle  
Ms Symes  
Ms Tierney

NOES, 17

Mr Atkinson  
Mr Bourman  
Ms Crozier  
Mr Dalla-Riva  
Mr Davis  
Mr Drum  
Mr Finn (*Teller*)  
Ms Fitzherbert (*Teller*)  
Ms Lovell  
Mr Morris  
Mr O'Donohue  
Mr Ondarchie  
Mrs Peulich  
Mr Ramsay  
Mr Rich-Phillips  
Ms Wooldridge  
Mr Young

Question agreed to.

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

- 8 PRODUCTION OF DOCUMENTS — EAST-WEST LINK CONTRACT DOCUMENTS** — The Acting Clerk read to the House a letter from the Attorney-General in response to the Resolution of the Council of 18 March 2015 seeking the production of all contract documents entered into by or on behalf of the State of Victoria with the East West Connect consortium, in accordance with Partnerships Victoria guidelines, advising that the Government would respond to the Council's resolution as soon as possible.

- 9 INTERPRETATION OF LEGISLATION AMENDMENT BILL 2015** — 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.

- 10 PARLIAMENTARY COMMITTEES AND INQUIRIES ACTS AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**VICTORIA-ISRAEL SCIENCE INNOVATION AND TECHNOLOGY SCHEME** — Mr Somyurek having given an answer to a supplementary question from Mr O'Donohue relating to the Victoria-Israel Science Innovation and Technology Scheme, the President directed the Minister to provide a written response on the next sitting day pursuant to Sessional Order 5.

**QUESTIONS** — Questions without notice continued.



**CATCHMENT MANAGEMENT AUTHORITY** — Mr Somyurek having given answers to a question without notice and a supplementary question from Mr Young relating to the Catchment Management Authority, the President directed the Minister to provide a written response pursuant to Sessional Order 5.

**12 CONSTITUENCY QUESTIONS** — Constituency Questions were taken pursuant to Sessional Order 4.

**13 PARLIAMENTARY COMMITTEES AND INQUIRIES ACTS AMENDMENT BILL 2015** — Debate continued on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

On the motion of Mr Ondarchie, the debate was adjourned until later this day.

**14 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for Address see item 20 on page 15, Minutes 23 December 2014*) —

On the motion of Mr Ramsay, the debate was adjourned until the next day of meeting.

**15 VETERANS AND OTHER ACTS AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Veterans Act 2005, the Sale of Land Act 1962, the Australian Consumer Law and Fair Trading Act 2012, the Residential Tenancies Act 1997, the Motor Car Traders Act 1986, the Co-operatives National Law Application Act 2013, the Associations Incorporation Reform Act 2012 and other Consumer Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Herbert (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Drum), the debate was adjourned for one week.

**16 LIMITATION OF ACTIONS AMENDMENT (CHILD ABUSE) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Limitation of Actions Act 1958 to remove limitation periods that apply to actions in respect of causes of action that relate to death or personal injury resulting from child abuse and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Rich-Phillips), the debate was adjourned for one week.

**17 EDUCATION AND TRAINING REFORM AMENDMENT (CHILD SAFE SCHOOLS) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to establish a framework to require registered schools to take appropriate actions to manage the risk of child abuse and to further strengthen the regulation of schools by enhancing the functions and powers of the Victorian Registration and Qualifications Authority and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mrs Peulich), the debate was adjourned for one week.

- 18 LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Legal Profession Uniform Law Application Act 2014 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 19 PUBLIC HEALTH AND WELLBEING AMENDMENT (HAIRDRESSING REGISTRATION) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 to make provision in relation to the registration of premises in which certain businesses are conducted and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

- 20 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.16 p.m., adjourned until Tuesday, 14 April 2015.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 8, 9 and 10

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Tuesday, 17 March 2015

### 1 SUMMARY OFFENCES AMENDMENT (MOVE-ON LAWS) BILL 2015

**Clause 1** — debate ensued.

*Committee having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

**Progress reported.**

### 2 SUMMARY OFFENCES AMENDMENT (MOVE-ON LAWS) BILL 2015

*Progress having been reported on 17 March 2015 —*

**Clause 1** — put and agreed to.

**Clauses 2 and 3** — put and agreed to.

**Clause 4** — Mr Bourman moved —

1. Clause 4, lines 5 and 6, omit all words and expressions on these lines and insert —  
'(1) In section 6(1)(g) of the Principal Act, for "1981; or" substitute "1981.".'

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16	NOES, 20
Mr Atkinson	Mr Barber
Mr Bourman	Dr Carling-Jenkins
Ms Crozier	Mr Dalidakis
Mr Dalla-Riva	Ms Dunn
Mr Davis	Mr Eideh
Mr Drum	Mr Elasmir
Mr Finn	Ms Hartland ( <i>Teller</i> )
Ms Fitzherbert	Mr Herbert
Ms Lovell	Mr Leane
Mr Morris ( <i>Teller</i> )	Mr Melhem
Mr O'Donohue	Ms Mikakos
Mrs Peulich	Mr Mulino
Mr Ramsay	Ms Patten
Mr Rich-Phillips	Ms Pennicuik
Ms Wooldridge	Mr Purcell ( <i>Teller</i> )
Mr Young ( <i>Teller</i> )	Ms Shing
	Mr Somyurek
	Ms Springle
	Ms Symes
	Ms Tierney

Amendment negatived.

Clause 4 — put and agreed to.

**Clause 5** — put and agreed to.

**Clause 6** — That Clause 6 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barber  
 Dr Carling-Jenkins  
 Mr Dalidakis  
 Ms Dunn  
 Mr Eideh  
 Mr Elasmarr  
 Ms Hartland  
 Mr Herbert  
 Mr Leane (*Teller*)  
 Mr Melhem  
 Ms Mikakos  
 Mr Mulino  
 Ms Patten (*Teller*)  
 Ms Pennicuik  
 Mr Purcell  
 Ms Shing  
 Mr Somyurek  
 Ms Springle  
 Ms Symes  
 Ms Tierney

NOES, 16

Mr Atkinson  
 Mr Bourman  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum (*Teller*)  
 Mr Finn (*Teller*)  
 Ms Fitzherbert  
 Ms Lovell  
 Mr Morris  
 Mr O'Donohue  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Ms Wooldridge  
 Mr Young

Question agreed to.

Clause 6 — put and agreed to.

**Clause 7** — That Clause 7 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barber  
 Dr Carling-Jenkins  
 Mr Dalidakis  
 Ms Dunn (*Teller*)  
 Mr Eideh  
 Mr Elasmarr  
 Ms Hartland  
 Mr Herbert  
 Mr Leane  
 Mr Melhem  
 Ms Mikakos  
 Mr Mulino  
 Ms Patten  
 Ms Pennicuik  
 Mr Purcell  
 Ms Shing (*Teller*)  
 Mr Somyurek  
 Ms Springle  
 Ms Symes  
 Ms Tierney

NOES, 16

Mr Atkinson  
 Mr Bourman  
 Ms Crozier  
 Mr Dalla-Riva  
 Mr Davis  
 Mr Drum  
 Mr Finn  
 Ms Fitzherbert  
 Ms Lovell  
 Mr Morris (*Teller*)  
 Mr O'Donohue (*Teller*)  
 Mrs Peulich  
 Mr Ramsay  
 Mr Rich-Phillips  
 Ms Wooldridge  
 Mr Young

Question agreed to.

Clause 7 — put and agreed to.

**Clauses 8 and 9** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 11, 12 and 13

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#### No. 11 — Tuesday, 14 April 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 25 March 2015, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - Back to Work Act 2015*
  - Cemeteries and Crematoria Amendment (Veterans Reform) Act 2015*
  - Interpretation of Legislation Amendment Act 2015*
  - Summary Offences Amendment (Move-on Laws) Act 2015.*
- 3 **JOINT SITTING** — Mr Jennings moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Danny O'Brien and proposes that the time and place of such a meeting be the Legislative Assembly Chamber on Wednesday, 15 April 2015 at 6.15 p.m.

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**HOMESAFE POLICY** — Ms Pulford having given answers to a question without notice and a supplementary question from Mr O'Donohue relating to the Homesafe policy, the President directed the Minister to provide a written response pursuant to Sessional Order 5.

**QUESTIONS** — Questions without notice continued.

**HOME SCHOOLING** — Mr Herbert having given an answer to a supplementary question from Dr Carling-Jenkins relating to home schooling, the President directed the Minister to provide a written response pursuant to Sessional Order 5.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.
- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 6 **PETITIONS** —

**GOULBURN VALLEY HEALTH RE-DEVELOPMENT** — Ms Lovell presented a Petition bearing 1,568 signatures from certain citizens of Victoria requesting that the Government match or better the Coalition's election commitment of \$75 million for stage 1 of the Goulburn Valley Health re-development in the 2015-16 Budget.

Ordered to lie on the Table.

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

\* \* \* \* \*

**SHEPPARTON RAIL SERVICES** — Ms Lovell presented a Petition bearing 1,388 signatures from certain citizens of Victoria requesting that the Government match or better the Coalition's election commitment of \$178.1 million to improve long distance V/Line train frequencies on the Shepparton line in the 2015-16 Budget.

Ordered to lie on the Table.

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

**7 TOBACCO AMENDMENT (SMOKING IN OUTDOOR AREAS) BILL 2015** — Ms Hartland introduced *A Bill for an Act to amend the Tobacco Act 1987 to prohibit smoking in public outdoor dining and drinking areas and for other purposes.*

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

**8 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 3 of 2015 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Australian Crime Commission — Report, 2013-14.

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems, 2013-14.

Crimes Act 1958 — Acting Chief Commissioner's of Police forensic sampling authorisations, pursuant to section 464Z(1) of the Act.

Crown Land (Reserves) Act 1978 —

Minister's Orders of 27 February 2015 giving approval to the granting of licences at Gasworks Park Reserve and Lynch's Bridge Historical Precinct Reserve.

Minister's Order of 2 March 2015 giving approval to the granting of a licence at St Kilda Botanical Gardens Reserve.

Minister's Order of 3 March 2015 giving approval to the granting of a lease at Gasworks Park Reserve.

Minister's Order of 11 March 2015 giving approval to the granting of a lease at Mitchell Park Reserve, Hamilton.

Drugs, Poisons and Controlled Substances Act 1981 — Report pursuant to section 96 by the Chief Commissioner, Victoria Police for 2014.

Parliamentary Committees Act 2003 —

Government Response to the Family and Community Development Committee's Report on Social Inclusion and Victorians with Disability.

Government Response to the Public Accounts and Estimates Committee's Report on the Review of Auditor-General Reports 2009-11.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Bayside Planning Scheme — Amendment C135.

Boroondara Planning Scheme — Amendment C108.

Casey Planning Scheme — Amendment C157.

Frankston Planning Scheme — Amendment C108.

Greater Geelong Planning Scheme — Amendment C323.

Greater Shepparton Planning Scheme — Amendment C165.

Maribyrnong Planning Scheme — Amendment C125.

Melton Planning Scheme — Amendment C70.

Mooney Valley Planning Scheme — Amendments C100 and C155.  
 Mornington Peninsula Planning Scheme — Amendment C174 (Part 1).  
 South Gippsland Planning Scheme — Amendment C83 (Part 2).  
 Stonnington Planning Scheme — Amendment C192.  
 Victoria Planning Provisions — Amendment VC124.  
 Whitehorse Planning Scheme — Amendment C163.  
 Whittlesea Planning Scheme — Amendment C130.  
 Wodonga Planning Scheme — Amendment C108.  
 Wyndham Planning Scheme — Amendment C150 (Part 1).  
 Yarra Planning Scheme — Amendment C182.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 21.

Forests Act 1958 — No. 17.

Heritage Act 1995 — No. 20.

Inquiries Act 2014 — No. 22.

National Parks Act 1975 — No. 18.

Racing Act 1958 — No. 19.

Wildlife Act 1975 — No. 16.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 16 to 21.

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

Notice of 9 March 2015 fixing the value of the supervision charge under the  
 Gambling Regulation Act 2003.

Victorian Pre-Commitment System Requirements Standard under the Gambling  
 Regulation Act 2003.

Victorian Energy Efficiency Target Act 2007 — Independent Review of the Operation of  
 the Act.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in  
 respect of the following Acts were laid upon the Table by the Acting Clerk:

Primary Industries Legislation Amendment Act 2014 — Whole Act (except section 15 and  
 Parts 4, 5 and 6) — 11 April 2015 (*Gazette No. S66, 31 March 2015*).

Tobacco Amendment Act 2014 — 13 April 2015 (*Gazette No. S66, 31 March 2015*).

## 9 PRODUCTION OF DOCUMENTS —

**CITY OF BAYSIDE DRAFT PLANNING AMENDMENT C125** — The Acting Clerk laid on the  
 Table a letter from the Minister for Planning, dated 10 April 2015, together with the  
 Residential Zones (Stage Two) Standing Advisory Committee Report on Bayside Draft  
 Amendment C125 in accordance with the Resolution of the Council of 25 February 2015.

On the motion of Mr Davis, the letter and report were ordered to be taken into consideration on  
 the next day of meeting.

\* \* \* \* \*

**CRANBOURNE PAKENHAM RAIL CORRIDOR PROJECT** — The Acting Clerk laid on the  
 Table the following documents received in accordance with the Resolution of the Council of  
 25 February 2015:

- (1) Cranbourne-Pakenham Rail Corridor Project – Community Survey and Submissions  
 Overview;
- (2) Cranbourne-Pakenham Rail Corridor Project – Communications and Stakeholder  
 Engagement; and
- (3) Community consultation material.

The Acting Clerk also laid on the Table a letter from the Attorney-General —

- referring to the Government's process for assessing documents for potential Executive  
 privilege;

- advising that the release of the relevant document identified by the Government would be prejudicial to the public interest as it would reveal, directly or indirectly, the deliberative processes of Cabinet; and
- stating that Executive privilege was claimed in relation to the value for money evaluation and that, therefore, the document has not been provided.

On the motion of Mr Barber, the letter and documents were ordered to be taken into consideration on the next day of meeting.

**10 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 15 April 2015:

- (1) the notice of motion given this day by Mr Rich-Phillips in relation to Sessional Orders and self-referencing committees;
- (2) Notice of Motion No. 5 standing in the name of Ms Hartland in relation to voluntary euthanasia; and
- (3) the notice of motion given this day by Mrs Peulich in relation to the Andrews Government's first months in office.

Question — put and agreed to.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, and Notices of Motion, Government Business, Nos. 8 to 89, and Order of the Day, Government Business, No. 2, be postponed until later this day.

**13 VETERANS AND OTHER ACTS AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Springle were circulated.

Debate continued.

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.

**14 LIMITATION OF ACTIONS AMENDMENT (CHILD ABUSE) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

An amendment proposed to be moved in Committee by Ms Springle was circulated.

Debate continued.

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.

**15 JOINT SITTING — CASUAL COUNCIL VACANCY** — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the Council's proposal for a joint sitting on 15 April 2015 at 6.15 pm in the Legislative Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Danny O'Brien.



**16 EDUCATION AND TRAINING REFORM AMENDMENT (CHILD SAFE SCHOOLS) BILL 2015** — 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.

**17 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.28 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Acting Clerk of the Legislative Council

## No. 12 — Wednesday, 15 April 2015

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:
  - Auditor-General's Reports on —
    - Digital Dashboard: Status Review of ICT Projects and Initiatives, April 2015 (*Ordered to be published*).
    - Palliative Care, April 2015 (*Ordered to be published*).
  - Crimes (Assumed Identities) Act 2004 — Report pursuant to section 31 by the Australian Crime Commission for 2013-14.
  - Ombudsman — Investigation into Department of Health oversight of Mentone Gardens, a Supported Residential Service, April 2015 (*Ordered to be published*).
  - Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee's Report on the 2014-15 Budget Estimates – Part Two.
  - Surveillance Devices Act 1999 — Report pursuant to section 30L by Victoria Police for 2013-14.
  - Terrorism (Community Protection) Act 2003 — Report pursuant to sections 13 and 13ZR by Victoria Police for 2013-14.
  - Victorian Environmental Assessment Council Act 2001 — Amended Terms of Reference for a Statewide Assessment of Public Land in Victoria.
- 3 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.
- 6 **SESSIONAL ORDERS — STANDING COMMITTEES** — Mr Rich-Phillips moved, That until the end of the Session, unless otherwise ordered by the Council —
  - (1) The following Sessional Order be adopted to come into operation with immediate effect:
    - A. **Functions (Standing Committees)**
      - Standing Order 23.02(4) is suspended and the following will apply:
        - (4) (a) Legislation Committees may inquire into, hold public hearings, consider and report on any Bills or draft Bills, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act, provided these are relevant to their functions.
        - (b) Reference Committees may inquire into, hold public hearings, consider and report on matters that are relevant to their functions.

- (2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.
- (3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Debate ensued.

Question — put and agreed to.

- 7 VOLUNTARY EUTHANASIA** — Ms Hartland moved, That this House calls on the Attorney-General, Mr Martin Pakula, MP, to refer the matter of voluntary euthanasia for terminally ill people to the Victorian Law Reform Commission for inquiry, consideration and report by December 2015.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

- 8 PRODUCTION OF DOCUMENTS — EAST WEST LINK CONTRACTS** — The Acting Clerk laid on the Table the following documents received in accordance with the Resolutions of the Council of 11 February 2015 and 18 March 2015:

- (1) Project Agreement;
- (2) Deed Poll executed by the former Treasurer for the State of Victoria in favour of the East West Connect Partnership;
- (3) Exhibit A – Project Scope Requirements Volumes 1 and 2;
- (4) Exhibit B – Lease;
- (5) Exhibit C – Construction Licence;
- (6) Exhibit D – Maintenance Licence;
- (7) Exhibit E – Independent Reviewer Deed of Appointment;
- (8) Schedule 1 – Contract Particulars;
- (9) Schedule 2 – Conditions Precedent Schedule;
- (10) Schedule 3 – Payment Schedule;
- (11) Schedule 4 – Change Compensation Principles;
- (12) Schedule 5 – Termination Payments;
- (13) Schedule 6 – State Construction Contribution Schedule;
- (14) Schedule 7 – Review Procedures;
- (15) Schedule 8 – Schedule of Certificates and Notices;
- (16) Schedule 9 – Property Schedule;
- (17) Schedule 10 – Deed of Accession and Utilities Agreement;
- (18) Schedule 11 – Pre-Agreed Modification Schedules;
- (19) Schedule 12 – Insurances;
- (20) Schedule 13 – Subcontractor Direct Deed;
- (21) Schedule 14 – Expert Determination Agreement;
- (22) Schedule 15 – Confidential Information Schedule;
- (23) Schedule 16 – Finance Documents Schedule;
- (24) Schedule 17 – Equity Documents;
- (25) Schedule 18 – Ownership Schedule;
- (26) Schedule 19 – Permitted Share Capital Dealing Schedule;
- (27) Schedule 20 – Indexes;
- (28) Schedule 21 – Victorian Industry Partnership Policy (VIPPP) Schedule;
- (29) Schedule 22 – Financial Close;
- (30) Schedule 23 – Deed of Novation;
- (31) Schedule 24 – Rail Projects Agreement;
- (32) Schedule 25 – Remaining Works;
- (33) State Security Stage One;

- (34) Design and Construction Direct Deed;
- (35) Escrow Agreement;
- (36) Finance Direct Deed;
- (37) Financiers Certifier Direct Deed;
- (38) Operations and Maintenance (O&M) Direct Deed;
- (39) Payment Directions Deed; and
- (40) Receivables Purchase Deed.

The Acting Clerk also laid on the Table a letter from the Attorney-General —

- advising that some of the documents contain commercial-in-confidence material and that, therefore, the material had been excluded; and
- advising that some of the documents provided contained the names of individuals and that those names had been excluded.

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**HEALTH EFFECTS OF FIREWOOD SHORTAGE** — Ms Mikakos having given answers to a question without notice and a supplementary question from Mr Young relating to the health effects of firewood shortage, the President directed the Minister to provide a written response pursuant to Sessional Order 5.

**QUESTIONS** — Questions without notice continued.

**VET COURSE INDUCEMENTS** — Mr Herbert having given answers to a question without notice and a supplementary question from Ms Pennicuik relating to VET course inducements, the President directed the Minister to provide a written response pursuant to Sessional Order 5.

**QUESTIONS** — Questions without notice continued.

**MINISTERIAL CODE OF CONDUCT** — Mr Jennings having given answers to a question without notice and a supplementary question from Mrs Peulich relating to the Ministerial Code of Conduct, the President directed the Minister to provide a written response pursuant to Sessional Order 5.

**QUESTIONS** — Questions without notice continued.

**LICENCED FIREARM REGISTER** — Mr Herbert having given answers to a question without notice and a supplementary question from Mr Bourman relating to a licenced firearm register, the President directed the Minister to provide a written response pursuant to Sessional Order 5.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 VOLUNTARY EUTHANASIA** — Debate continued on the question, That this House calls on the Attorney-General, Mr Martin Pakula, MP, to refer the matter of voluntary euthanasia for terminally ill people to the Victorian Law Reform Commission for inquiry, consideration and report by December 2015.

*Business having been interrupted at 4.30 p.m. pursuant to Standing Orders —*

**12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**13 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.55 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 13 — Thursday, 16 April 2015

- 1 The President took the Chair and read the Prayer.
- 2 **JOINT SITTING — CASUAL COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly on Wednesday, 15 April 2015 to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Danny O'Brien and that Ms Melina Bath was elected to hold the vacant place in the Legislative Council.
- 3 **DECLARATION OF ALLEGIANCE** — Ms Melina Bath, having been introduced, approached the Table and took and subscribed the Oath required by law.
- 4 **PETITION — PRONTO! VICTORIAN AIDS COUNCIL** — Mr Davis presented a Petition bearing 14 signatures from certain citizens of Victoria requesting that the Government match the former Coalition Government's commitment to PRONTO! in its 2015-16 State Budget so that it can continue to provide a service that is highly valued as quick and easy to access, non-judgmental and culturally sensitive and is critical if Victoria is to achieve reduced HIV transmissions.

Ordered to lie on the Table.

### 5 PAPERS —

**UNIVERSITY OF DIVINITY REPORT, 2014** — Mr Herbert moved, by leave, That there be laid before this House a copy of the University of Divinity Report, 2014.

Question — put and agreed to.

The report was presented by Mr Herbert and ordered to lie on the Table.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

- Bendigo Kangan Institute — Report, 2014.
- Box Hill Institute — Report, 2014.
- Centre for Adult Education — Report, 2014.
- Chisholm Institute — Report, 2014.
- Deakin University — Report, 2014.
- Driver Education Centre of Australia Ltd — Report, 2014.
- Federation University Australia — Report, 2014.
- Gordon Institute of TAFE — Report, 2014.
- Goulburn Ovens Institute of Technical and Further Education — Report, 2014.
- Holmesglen Institute — Report, 2014.
- La Trobe University — Report, 2014.
- Monash University — Report, 2014.
- Royal Melbourne Institute of Technology — Report, 2014.
- South West Institute of TAFE — Report, 2014.
- Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 22.
- Sunraysia Institute of Technical and Further Education — Report, 2014.
- Swinburne University of Technology — Report, 2014.
- The University of Melbourne — Report, 2014.
- Victoria University — Report, 2014.
- William Angliss Institute of TAFE — Report, 2014.
- Wodonga Institute of TAFE — Report, 2014.

- 6 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until 2.00 p.m. on Tuesday, 5 May 2015.

Question — put and agreed to.

- 7 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

On the motion of Mrs Peulich, Mr Herbert's statement relating to TAFE annual reports was ordered to be taken into consideration on the next day of meeting.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor, and Notices of Motion, Government Business, Nos. 8 to 100, be postponed until later this day.
- 10 LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2015** — 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.
- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
- 12 PUBLIC HEALTH AND WELLBEING AMENDMENT (HAIRDRESSING REGISTRATION) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 12 noon pursuant to Standing Orders —*
- 13 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.  
**SHOVEL READY PROJECTS** — Mr Jennings having given an answer to a supplementary question from Ms Wooldridge relating to shovel ready projects, the President directed the Minister to provide a written response on the next day of sitting pursuant to Sessional Order 5.  
**QUESTIONS** — Questions without notice continued.  
**REGIONAL JOBS AND INFRASTRUCTURE FUND** — Ms Pulford having given answers to a question without notice and a supplementary question from Mr Drum relating to the Regional Jobs and Infrastructure Fund —  
On the motion of Mr Drum, the Minister's answers were ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued.  
**TRAIN SERVICES** — Mr Jennings having given answers to a question without notice and a supplementary question from Mrs Peulich relating to train services, the President directed the Minister to provide a written response pursuant to Sessional Order 5.  
**QUESTIONS** — Questions without notice continued.  
**GLENELG RIVER** — Mr Somyurek having given an answer to a question without notice from Mr Purcell relating to the Glenelg River, the President directed the Minister to provide a written response pursuant to Sessional Order 5.  
**QUESTIONS** — Questions without notice continued.
- 14 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 15 PUBLIC HEALTH AND WELLBEING AMENDMENT (HAIRDRESSING REGISTRATION) BILL 2015** — 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.
- 16 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for Address see item 20 on page 15, Minutes No. 1, 23 December 2014*) —  
On the motion of Mr Melhem, the debate was adjourned until later this day.

**17 PARLIAMENTARY COMMITTEES AND INQUIRIES ACTS AMENDMENT BILL 2015 —**

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.

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.

**18 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE —** The President read a letter from Ms Symes resigning from the Environment and Natural Resources Committee, effective from 16 April 2015.**19 COMMITTEE MEMBERSHIP APPOINTMENTS —** Mr Jennings moved, by leave, That —

(1) Members be appointed to joint committees as follows:

- (a) **Accountability and Oversight Committee** — Ms Bath, Mr Purcell and Ms Symes;  
**Electoral Matters Committee** — Mr Dalidakis and Ms Patten;  
**Environment and Natural Resources Committee** — Mr Young;  
**Family and Community Development Committee** — Ms Lovell;  
**IBAC Committee** — Mr Ramsay and Ms Symes;  
**Public Accounts and Estimates Committee** — Dr Carling-Jenkins, Ms Pennicuik and Ms Shing;  
**Dispute Resolution Committee** — Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge;  
**House Committee** — Mr Eideh, Ms Hartland, Ms Lovell, Mr Mulino and Mr Young;  
 and
- (b) subject to the passage, Royal Assent and commencement of the Parliamentary Committees and Inquiries Acts Amendment Bill 2015 —  
**Economic, Education, Jobs and Skills Committee** — Mr Elasmarr, Mr Melhem and Mr Purcell;  
**Law Reform, Road and Community Safety Committee** — Mr Eideh and Ms Patten; and

(2) Members be appointed to Council committees as follows:

- (a) **Privileges Committee** — Mr Drum, Ms Hartland, Ms Mikakos, Ms Pulford, Mr Purcell, Mr Rich-Phillips, Mr Herbert and Ms Wooldridge; and
- (b) in accordance with nominations received by the President for membership of the Council Standing Committees —  
**References and Legislation Committees on the Economy and Infrastructure** — Dr Carling-Jenkins, Mr Dalidakis, Mr Eideh, Mr Elasmarr, Mr Finn, Ms Hartland, Mr Morris and Mr Ondarchie;  
**References and Legislation Committees on the Environment and Planning** — Ms Bath, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Leane, Ms Shing, Ms Tierney and Mr Young;  
**References and Legislation Committees on Legal and Social Issues** — Ms Fitzherbert, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, Ms Springle and Ms Symes.

Question — put and agreed to.

**20 SESSIONAL ORDERS — STANDING COMMITTEE FUNCTIONS —** Mr Jennings moved, by leave, That until the end of the Session, unless otherwise ordered by the Council —

(1) In addition to the current provisions of Sessional Order 6, the following provisions come into operation with immediate effect:

**6. Functions (Standing Committees)**

(A) Standing Order 23.02(1) to (3) is suspended and the following will apply:

- (1) The Standing Committee on the Economy and Infrastructure will inquire into and report on any proposal, matter or thing concerned with agriculture, commerce, infrastructure, industry, major projects, public sector finances, transport and education.
  - (2) The Standing Committee on the Environment and Planning will inquire into and report on any proposal, matter or thing concerned with the arts, environment and planning the use, development and protection of land.
  - (3) The Standing Committee on Legal and Social Issues will inquire into and report on any proposal, matter or thing concerned with community services, gaming, health, law and justice, and the coordination of government.
- (2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.
  - (3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Question — put and agreed to.

**21 STANDING COMMITTEES PORTFOLIO ALLOCATIONS** — Mr Jennings moved, by leave, That Departments (including agencies and public entities within those Departments) be allocated to Council Standing Committees as follows:

- (1) Standing Committee on the Economy and Infrastructure —  
Department of Economic Development, Jobs, Transport and Resources  
Department of Education and Training  
Department of Treasury and Finance
- (2) Standing Committee on the Environment and Planning —  
Department of Environment, Land, Water and Planning
- (3) Standing Committee on Legal and Social Issues —  
Department of Health and Human Services  
Department of Justice and Regulation  
Department of Premier and Cabinet.

Question — put and agreed to.

**22 SESSIONAL ORDERS — ELECTION OF COUNCIL STANDING COMMITTEE CHAIRS AND DEPUTY CHAIRS** — Mr Jennings moved, by leave, That until the end of the Session, unless otherwise ordered by the Council —

- (1) The following Sessional Orders be adopted, to come into operation with immediate effect:
  - A. Election of Chair and Deputy Chair**  
Standing Order 23.07(1) to (3) is suspended and the following will apply:
    - (1) Each standing committee shall elect one of its members to be chair and one of its members to be deputy chair.
    - (2) If a committee cannot resolve the election of its chair and/or deputy chair, either position may be determined by the Council.
- (2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.
- (3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Debate ensued.

Question — put and agreed to.

**23 PROCEDURE COMMITTEE REFERENCE — PARLIAMENTARY COMMITTEE ARRANGEMENTS** — Mr Jennings moved, by leave, That —

- (1) there be referred to the Procedure Committee for consideration, inquiry and report —

- (a) scope and overlap of joint committees and Legislative Council Committees, including options for resolving any issues;
  - (b) options for Public Accounts and Estimates Committee reform;
  - (c) appropriate size and chairing arrangements of committees; and
  - (d) opportunities to enhance participation in the running of committees;
- (2) the Procedure Committee have the power to confer with the Standing Orders Committee of the Legislative Assembly in completing the inquiry and to report jointly to the House; and
- (3) a message be sent to the Legislative Assembly advising them accordingly.

Question — put and agreed to.

**24 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for Address see item 20 on page 15, Minutes No. 1, 23 December 2014*) —

On the motion of Mr Eideh, the debate was adjourned until the next day of meeting.

**25 PUBLIC TRANSPORT — LEVEL CROSSINGS** — Mr Leane moved, That this House —

- (1) congratulates the Minister for Public Transport, Ms Jacinta Allan, MP, and the Andrews Labor Government for commencing work on removing 50 of Victoria's most dangerous level crossings and committing to building a world class Melbourne Metro Rail System within the first 100 days of office; and
- (2) notes that these projects —
  - (a) are vital to upgrading and improving Victoria's public transport system to meet the demand of a growing population; and
  - (b) will make our roads and crossings safer and increase access to the Melbourne University and hospital precinct in Parkville.

Debate ensued.

On the motion of Mr Ramsay, the debate was adjourned until the next day of meeting.

**26 JURY DIRECTIONS BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to simplify and clarify the law on jury directions in criminal trials and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mrs Peulich (for Mr O'Donohue), the debate was adjourned for one week.

**27 MENTAL HEALTH AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make various miscellaneous amendments to the Mental Health Act 2014 and the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mrs Peulich (for Ms Wooldridge), the debate was adjourned for one week.

**28 NATIONAL PARKS AMENDMENT (PROHIBITING CATTLE GRAZING) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the National Parks Act 1975 in relation to cattle grazing and for other purposes* and requesting the agreement of the Council.



On the motion of Ms Mikakos (for Mr Somyurek), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mrs Peulich (for Mr Ondarchie), the debate was adjourned for one week.

**29 DOMESTIC ANIMALS AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Domestic Animals Act 1994 to provide for a moratorium on the destruction of restricted breed dogs in certain circumstances and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mrs Peulich (for Mr Drum), the debate was adjourned for one week.

**30 COMMITTEE ARRANGEMENTS** — The Acting President read a Message from the Legislative Assembly informing the Legislative Council that it had agreed to the following resolution, That —

- (1) there be referred to the Standing Orders Committee for consideration, inquiry and report:
  - (a) scope and overlap of joint committees and Legislative Council Committees, including options for resolving any issues;
  - (b) options for Public Accounts and Estimates Committee reform;
  - (c) appropriate size and chairing arrangements of committees;
  - (d) opportunities to enhance participation in the running of committees; and
- (2) the Standing Orders Committee have the power to confer with the Procedure Committee of the Legislative Council in completing the inquiry and to report jointly to the House.

**31 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.05 p.m., adjourned until Tuesday, 5 May 2015.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 11, 12 and 13

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Tuesday, 14 April 2015

**1 VETERANS AND OTHER ACTS AMENDMENT BILL 2015**

**Clauses 1 to 22** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported without amendment.**

**2 LIMITATION OF ACTIONS AMENDMENT (CHILD ABUSE) BILL 2015**

**Clauses 1 to 3** — put and agreed to.

**Clause 4** — Ms Springle moved —

1. Clause 4, lines 20 to 27, omit all words and expressions on these lines and insert—

"(b) is founded on the death or personal injury of a person resulting from an act or omission in relation to the person when the person is a minor that is physical abuse, sexual abuse or psychological abuse."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber (*Teller*)  
Ms Dunn (*Teller*)  
Ms Hartland  
Ms Pennicuik  
Ms Springle

NOES, 34

Mr Atkinson  
Mr Bourman  
Dr Carling-Jenkins  
Ms Crozier  
Mr Dalidakis  
Mr Dalla-Riva  
Mr Davis  
Mr Drum (*Teller*)  
Mr Eideh  
Mr Elasmar  
Mr Finn  
Ms Fitzherbert  
Mr Herbert  
Mr Jennings  
Mr Leane  
Ms Lovell  
Mr Melhem (*Teller*)  
Ms Mikakos  
Mr Morris  
Mr Mulino  
Mr O'Donohue  
Mr Ondarchie  
Ms Patten  
Mrs Peulich  
Ms Pulford  
Mr Purcell  
Mr Ramsay

Mr Rich-Phillips  
Ms Shing  
Mr Somyurek  
Ms Symes  
Ms Tierney  
Ms Wooldridge  
Mr Young

Amendment negatived.

Clause 4 — put and agreed to.

**Clause 5** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 16 April 2015

### 1 PARLIAMENTARY COMMITTEES AND INQUIRIES ACTS AMENDMENT BILL 2015

**Clauses 1 to 17** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 14, 15 and 16

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#### No. 14 — Tuesday, 5 May 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 21 April 2015, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
  - Education and Training Reform Amendment (Child Safe Schools) Act 2015*
  - Legal Profession Uniform Law Application Amendment Act 2015*
  - Limitation of Actions Amendment (Child Abuse) Act 2015*
  - Parliamentary Committees and Inquiries Acts Amendment Act 2015*
  - Public Health and Wellbeing Amendment (Hairdressing Registration) Act 2015*
  - Veterans and Other Acts Amendment Act 2015.*

- 3 **INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE** — The President read a letter from Mrs Fyffe resigning from the IBAC Committee, effective from 27 April 2015.

- 4 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — The President read a letter from Ms Lovell resigning from the Family and Community Development Committee, effective from 5 May 2015.

Mr Jennings moved, by leave, That Mr Finn be a member of the Family and Community Development Committee. Question — put and agreed to.

- 5 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**REGIONAL DEVELOPMENT FUNDING** — Ms Pulford having given answers to a question without notice and a supplementary question from Mr Drum relating to Regional Development funding —

On the motion of Mr Drum, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Easter Sunday public holiday** — supplementary question asked by Mr Ondarchie — response from Mr Somyurek due Wednesday, 6 May 2015.
- **Enterprise Innovation Program** — supplementary question asked by Ms Fitzherbert — response from Mr Somyurek due Wednesday, 6 May 2015.
- **Regenerative burns in northern coupes** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Thursday, 7 May 2015.

- **Private entities with statutory powers** — substantive and supplementary questions asked by Mr Bourman — response from Mr Herbert due Thursday, 7 May 2015.
- **Abbotsford Convent Congestion Levy** — substantive and supplementary questions asked by Ms Patten — response from Mr Somyurek due Thursday, 7 May 2015.

**6 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 4 of 2015 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Anti-Cancer Council of Victoria — Report, 2014.

Crown Land (Reserves) Act 1978 —

Minister's Order of 23 March 2015 giving approval to the granting of a lease at Mt Rouse Public Park.

Minister's Order of 31 March 2015 giving approval to the granting of a licence at Bannockburn Bushland Reserve.

Minister's Order of 2 April 2015 giving approval to the granting of a lease at Victoria Park.

Federation Training — Minister's report of failure to submit 2014 report to the Minister within the prescribed period and the reasons therefor.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 20.

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Twenty-second Amending Deed, 1 May 2015, pursuant to section 15B(5) of the Act.

Exhibition Street Extension Agreement Fifteenth Amending Deed, 1 May 2015, pursuant to section 15D(6) of the Act.

Melbourne City Link Thirty-third Amending Deed, 1 May 2015, pursuant to section 15(2) of the Act.

Melbourne Polytechnic — Report, 2014.

Municipal Association of Victoria — Report, 2013-14.

National Health Funding Pool — Victorian State Pool Account — Report, 2013-14.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Bayside Planning Scheme — Amendment C137.

Buloke Planning Scheme — Amendment C19.

Darebin Planning Scheme — Amendments C130 and C135.

Frankston Planning Scheme — Amendment C102.

Gannawarra Planning Scheme — Amendment C41.

Glen Eira Planning Scheme — Amendment C102.

Golden Plains Planning Scheme — Amendment C68.

Greater Dandenong Planning Scheme — Amendment C170.

Greater Geelong Planning Scheme — Amendment C305.

Knox Planning Scheme — Amendment C135.

Maribyrnong Planning Scheme — Amendment C150.

Maroondah Planning Scheme — Amendment C99.

Melbourne Planning Scheme and Port Phillip Planning Scheme — Amendment GC29.

Melton Planning Scheme — Amendment C142.

Moonee Valley Planning Scheme — Amendment C145.

Mornington Peninsula Planning Scheme — Amendment C176 (Part 2).  
South Gippsland Planning Scheme — Amendments C52 (Part 2) and C96.  
Southern Grampians Planning Scheme — Amendment C28.  
Stonnington Planning Scheme — Amendment C181.  
Strathbogie Planning Scheme — Amendment C42.  
Wodonga Planning Scheme — Amendment C113.  
Wyndham Planning Scheme — Amendment C213.  
Yarra Planning Scheme — Amendment C178.

Professional Standards Act 2003 — New South Wales Bar Association Scheme, 16 April 2015.

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2013-14.

Statutory Rules under the following Acts of Parliament —

Casino Control Act 1991 — No. 27.

Environment Protection Act 1970 — No. 25.

Plant Biosecurity Act 2010 — No. 23.

Tobacco Act 1987 — No. 26.

Victorian Civil and Administrative Tribunal Act 1998 — No. 24.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 23 to 27, 29 and 30.

Legislative Instrument and related documents under section 16B in respect of Orders surrendering interests in unreserved Crown land and for the revocation of part of the temporary reservation of Crown land, 14 April 2015, under the EastLink Project Act 2004.

**9 BUDGET PAPERS, 2014-15** — Mr Jennings moved, by leave, That there be laid before this House a copy of the following —

(1) In accordance with section 27E of the *Financial Management Act 1994* —

(a) Strategy and Outlook (Budget Paper No. 2);

(b) Service Delivery (Budget Paper No. 3); and

(c) Statement of Finances (incorporating Quarterly Financial Report No. 3) (Budget Paper No. 5);

(2) Treasurer's Speech (Budget Paper No. 1);

(3) State Capital Program (Budget Paper No. 4);

(4) 2015-16 Budget Overview; and

(5) Budget Information Papers —

(a) Putting People First;

(b) Getting On With It;

(c) Rural and Regional; and

(d) Suburban Growth.

Question — put and agreed to.

The papers were presented by Mr Jennings and ordered to lie on the Table.

Mr Jennings moved, That the papers tabled pursuant to the foregoing Order be taken into consideration on the next day of meeting.

Question — put and agreed to.

**10 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 6 May 2015:

(1) the notice of motion given this day by Ms Wooldridge providing references to certain joint committees;

(2) Order of the Day No. 8, resumption of debate on motion relating to voluntary euthanasia;

(3) the notice of motion given this day by Mr Drum relating to the Murray Basin Rail Project; and

(4) Notice of Motion No. 95 standing in the name of Mrs Peulich in relation to the Andrews Government's first months in office.

Question — put and agreed to.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of the resumption of debate on the motion for Address in Reply to the speech of the Governor, and Orders of the Day and Notices of Motion Government Business Nos. 8 to 100, be postponed until later this day.

**13 NATIONAL PARKS AMENDMENT (PROHIBITING CATTLE GRAZING) BILL 2015** — 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, 21

Mr Barber; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Mulino and Ms Patten)*

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr Purcell; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Mr Finn)*

Question agreed to.

Bill read a second time.

Mr Somyurek moved, by leave, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 21

Mr Barber; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Dunn and Mr Leane)*

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr Purcell; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Purcell and Mr Ramsay)*

Question agreed to.

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

**14 DOMESTIC ANIMALS AMENDMENT BILL 2015** — 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.

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.



- 15 INAUGURAL SPEECH — MS MELINA BATH** — Pursuant to Standing Order 5.08, Ms Melina Bath made her inaugural speech.
- 16 JURY DIRECTIONS BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.  
Debate continued.  
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.
- 17 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.  
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.  
And then the Council, at 10.03 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 15 — Wednesday, 6 May 2015

- 1** The President took the Chair and read the Prayer.
- 2 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:  
Auditor-General's Reports on —  
Occupational Violence Against Healthcare Workers, May 2015 (*Ordered to be published*).  
Tendering of Metropolitan Bus Contracts, May 2015 (*Ordered to be published*).  
Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —  
Melbourne Planning Scheme — Amendment C212.  
Moreland Planning Scheme — Amendment C153.  
Victoria Planning Provisions — Amendment VC119.  
Yarra Planning Scheme — Amendment C176.  
Statutory Rule under the Architects Act 1991 — No. 28.  
Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 28.  
Victorian Law Reform Commission — Report on Trading Trusts – Oppression Remedies, January 2015 (*Ordered to be published*).
- 3 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day for the resumption of the debate on the motion for an Address in Reply to the speech of the Governor be postponed until later this day.
- 6 JOINT INVESTIGATORY COMMITTEE REFERENCES** — Ms Wooldridge moved, That pursuant to section 33 of the *Parliamentary Committees Act 2003* this House requires the following matters to be referred to the joint investigatory committee specified —  
(1) to the **Environment, Natural Resources and Regional Development Committee** to inquire into, consider and report, no later than 31 March 2016, on the sustainability and

operational challenges of Victoria's rural and regional councils, including but not limited to the following —

- (a) local government funding and budgetary pressures;
  - (b) fairness, equity and adequacy of rating systems;
  - (c) impact of rate-capping policies;
  - (d) capacity for rural and regional councils to meet responsibilities for flood planning and preparation, and maintenance of flood mitigation infrastructure;
  - (e) maintenance of local road and bridge networks; and
  - (f) weed and pest animal control; and
- (2) to the **Family and Community Development Committee** to inquire into, consider and report, no later than 31 May 2016, on services for people with autism spectrum disorder in Victoria, including but not limited to —
- (a) the prevalence of autism spectrum disorder in Victoria;
  - (b) the availability and adequacy of services provided by the Commonwealth, State and local governments across health, education, disability, housing, sport and employment services;
  - (c) the adequacy of services to be provided under the National Disability Insurance Scheme (NDIS);
  - (d) evidence of the social and economic cost of failing to provide adequate services; and
  - (e) the projected demand for services in Victoria.

Debate ensued.

Question — put and agreed to.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 1, be postponed until later this day.

**8 MURRAY BASIN RAIL PROJECT** — Mr Drum moved, That this House —

- (1) urges the Andrews Labor Government to comprehensively support the Murray Basin Rail project which provides for an investment of at least \$220 million to build a better system from the State's north-west to the coast, including —
  - (a) Maryborough to Ararat line refurbishment;
  - (b) Yelta to Gheringhap (Geelong) standardisation;
  - (c) Sea Lake to Korong Vale standardisation;
  - (d) Manangatang to Dunolly standardisation; and
  - (e) Murrayville to Ouyen; and
- (2) notes that —
  - (a) under the previous Coalition Government's project plan, and included in the 2014-15 State Budget, funding was provided from the \$400 million realised by the sale of the Rural Finance Corporation; and
  - (b) that although the Andrews Labor Government has made public comments it would build the Murray Basin Rail Project, it has so far refused to commit to funding levels for the improvements, upgrades or timelines required for the vital project.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and an answer to a question on notice was circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Renewable energy targets** — substantive and supplementary questions asked by Mr Purcell — response from Ms Pulford due Tuesday, 26 May 2015.

- **TAFE insurance premiums** — supplementary question asked by Mr Davis — response from Mr Herbert due Thursday, 7 May 2015.

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Easter Sunday public holiday** — supplementary question asked by Mr Ondarchie on Wednesday, 6 May 2015 — further response from Mr Somyurek due Tuesday, 26 May 2015.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 11 MURRAY BASIN RAIL PROJECT** — Debate continued on the question, That this House —
- (1) urges the Andrews Labor Government to comprehensively support the Murray Basin Rail Project which provides for an investment of at least \$220 million to build a better system from the State's north-west to the coast, including —
    - (a) Maryborough to Ararat line refurbishment;
    - (b) Yelta to Gheringhap (Geelong) standardisation;
    - (c) Sea Lake to Korong Vale standardisation;
    - (d) Manangatang to Dunolly standardisation; and
    - (e) Murrayville to Ouyen; and
  - (2) notes that —
    - (a) under the previous Coalition Government's project plan, and included in the 2014-15 State Budget, funding was provided from the \$400 million realised by the sale of the Rural Finance Corporation; and
    - (b) that although the Andrews Labor Government has made public comments it would build the Murray Basin Rail Project, it has so far refused to commit to funding levels for the improvements, upgrades or timelines required for the vital project.

Question — put and agreed to.

**12 GOVERNMENT PERFORMANCE** — Mrs Peulich moved, That this House notes the Andrews Labor Government's term of office has been characterised by lies, confusion, excuses and spin.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, debate stood adjourned in the name of Ms Crozier.*

**13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**14 ADDRESS IN REPLY TO SPEECH OF THE GOVERNOR** — Debate resumed on the question, That the Council agree to the following Address to the Governor in reply to the Governor's Opening Speech:

MAY IT PLEASE THE GOVERNOR

We, the Legislative Council of Victoria assembled in Parliament, express our loyalty to Australia and the people of Victoria, and thank you for the speech which you have made to the Parliament.

We declare that we will faithfully carry out the important duties entrusted to us by the people of Victoria, to advance the best interests of all sections of the community.

Question — put and agreed to.

Mr Herbert moved, That the Address be presented to the Governor by the President and such Members of the Council as may wish to accompany him.

Question — put and agreed to.

**15 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.29 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 16 — Thursday, 7 May 2015

- 1 The President took the Chair and read the Prayer.
- 2 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Acting Clerk:  
Planning and Environment Act 1987 — A Notice of Approval of an amendment to the Victoria Planning Provisions — Amendment VC122.
- 3 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until 2.00 p.m. on Tuesday, 26 May 2015.  
Question — put and agreed to.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 8 to 100, be postponed until later this day.
- 6 **LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE** — Mr Jennings moved, That pursuant to Sessional Order 6 this House requires the Legal and Social Issues Committee to inquire into, consider and report, no later than 31 May 2016, on the need for laws in Victoria to allow citizens to make informed decisions regarding their own end of life choices and, in particular, the Committee should —
  - (1) assess the practices currently being utilised within the medical community to assist a person to exercise their preferences for the way they want to manage their end of life, including the role of palliative care;
  - (2) review the current framework of legislation, proposed legislation and other relevant reports and materials in other Australian states and territories and overseas jurisdictions; and
  - (3) consider what type of legislative change may be required, including an examination of any federal laws that may impact such legislation.

Debate ensued.

Mr Finn moved, as an amendment, That the words “Sessional Order 6 this House requires the Legal and Social Issues Committee” be omitted with the view of inserting in their place “section 33 of the *Parliamentary Committees Act 2003* this House requires the Family and Community Development Committee”.

Debate ensued.

Question — That the amendment moved by Mr Finn be agreed to — put.

The Council divided — The President in the Chair.

AYES, 14

Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Davis; Mr Drum; Mr Finn;  
Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr Ramsay;  
Mr Rich-Phillips; Ms Wooldridge.

(*Tellers: Ms Bath and Mr Ondarchie*)

## NOES, 23

Mr Atkinson; Mr Barber; Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

(Tellers: Ms Dunn and Mr Mulino)

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

## AYES, 29

Mr Atkinson; Ms Bath; Mr Barber; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Mr Drum; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(Tellers: Mr Dalidakis and Ms Fitzherbert)

## NOES, 9

Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Lovell; Mr Morris; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips.

(Tellers: Ms Crozier and Mr Dalla-Riva)

Question agreed to.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion, Government Business, be postponed until the next day of meeting.

**8 MENTAL HEALTH AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Victorian Responsible Gambling Foundation funding** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Jennings due Wednesday, 27 May 2015.
- **Multicultural Affairs grants administration** — supplementary question asked by Mrs Peulich — response from Mr Jennings due Tuesday, 26 May 2015.
- **Hand gun licence fees** — substantive question asked by Mr Young — response from Mr Herbert due Tuesday, 26 May 2015.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 MENTAL HEALTH AMENDMENT BILL 2015** — 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 STATUTE LAW REVISION BILL 2014** — 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 transmitted to the Assembly with a Message requesting their agreement.

- 13 BUDGET PAPERS, 2015-16** — Ms Mikakos moved, That the Council take note of the Budget Papers, 2015-16.

Debate ensued.

On the motion of Mr Rich-Phillips, the debate was adjourned until the next day of meeting.

- 14 REGIONAL DEVELOPMENT VICTORIA AMENDMENT (JOBS AND INFRASTRUCTURE) BILL 2015** — The Acting President read a message from the Assembly presenting *A Bill for an Act to amend the Regional Development Victoria Act 2002 to establish a Regional Jobs and Infrastructure Fund and to establish a Regional Development Advisory Committee and to repeal the Regional Growth Fund Act 2011 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Mr Drum), the debate was adjourned for one week.

- 15 CRIMES AMENDMENT (REPEAL OF SECTION 19A) BILL 2015** — The Acting President read a message from the Assembly presenting *A Bill for an Act to repeal section 19A of the Crimes Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 16 JUSTICE LEGISLATION AMENDMENT BILL 2015** — The Acting President read a message from the Assembly presenting *A Bill for an Act to amend the Confiscation Act 1997, the Control of Weapons Act 1990, the Emergency Management Act 2013, the Emergency Management Amendment (Critical Infrastructure Resilience) Act 2014, the Sex Offenders Registration Act 2004, the Victorian Civil and Administrative Tribunal Act 1998, the Crimes Act 1958, the Working with Children Act 2005, the Family Violence Protection Amendment Act 2014, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Corrections Act 1986, the Working with Children Amendment (Ministers of Religion and Other Matters) Act 2014 and the Road Legislation Amendment Act 2013, to repeal the Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010 and to make miscellaneous amendments to various Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

- 17 SENTENCING AMENDMENT (CORRECTION OF SENTENCING ERROR) BILL 2015** — The Acting President read a message from the Assembly presenting *A Bill for and Act to amend the Sentencing Act 1991 to provide further for the correction of sentencing errors and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

**18 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.53 p.m., adjourned until Tuesday, 26 May 2015.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 14, 15 and 16

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**Tuesday, 5 May 2015**

### 1 DOMESTIC ANIMALS AMENDMENT BILL 2015

**Clauses 1 to 4** — put and agreed to.

**Bill reported without amendment.**

### 2 JURY DIRECTIONS BILL 2015

**Clauses 1 to 6** — put and agreed to.

**Clause 7** — Ms Pennicuik moved —

1. Clause 7, line 31, omit "51(1)" and insert "52(1)".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.  
(*Tellers: Ms Dunn and Ms Hartland*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Mr Eideh and Mr Purcell*)

Question negatived.

Clause 7 — put and agree to.

**Clauses 8 to 57** — put and agreed to.

**Clause 58** — Ms Pennicuik moved —

20. Clause 58, line 12, omit "**Request for direction on family violence**" and insert "**Direction on family violence**".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.  
(*Tellers: Mr Barber and Ms Patten*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Dr Carling-Jenkins and Mr Finn*)

Question negatived.

Clause 58 — put and agreed to.

**Clauses 59 to 81** — put and agreed to.

**Schedule** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 7 May 2015

### 1 MENTAL HEALTH AMENDMENT BILL 2015

**Clauses 1 to 24** — put and agreed to.

**Clause 25** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Ms Patten; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Finn and Ms Patten)*

NOES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Dunn)*

Question agreed to.

**Clauses 26 to 28** — put and agreed to.

**Clause 29** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Ms Patten; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Melhem and Mr Young)*

NOES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Pennicuik and Ms Springle)*

Question agreed to.

**Clauses 30 to 39** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 17, 18 and 19

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#### No. 17 — Tuesday, 26 May 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 12 May 2015, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Domestic Animals Amendment Act 2015*

*Jury Directions Act 2015*

*Mental Health Amendment Act 2015*

*National Parks Amendment (Prohibiting Cattle Grazing) Act 2015.*

- 3 **PRESENTATION OF ADDRESS TO THE GOVERNOR** — The President reported that, accompanied by Members of the Council, he had waited upon the Governor on 25 May 2015 and presented to him the Address of the Legislative Council adopted on 6 May 2015 in reply to the Governor's speech at the Opening of Parliament, and that he was pleased to make the following reply:

PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL

In the name and on behalf of Her Majesty The Queen I thank you for your expressions of loyalty contained in the address you have just presented to me.

I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this State.

- 4 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Shooting Sports Grants** — supplementary question asked by Mr Bourman — response from Mr Jennings due Thursday, 28 May 2015.
- **Broadmeadows Train Station** — substantive and supplementary questions asked by Ms Patten — response from Ms Pulford due Thursday, 28 May 2015.
- **Licensed Firearm Register** — supplementary question asked by Mr Bourman on 15 April 2015 — further response from Mr Herbert due Thursday, 28 May 2015.
- **Easter Sunday Public Holiday** — supplementary question asked by Mr Ondarchie on 5 May 2015 — matter having been redirected by the President, further response from Mr Jennings due Wednesday, 27 May 2015.

- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**6 ALCOA (PORTLAND ALUMINIUM SMELTER) (AMENDMENT) ACT AMENDMENT BILL 2015** — Mr Barber introduced *A Bill for an Act to amend the Alcoa (Portland Aluminium Smelter) (Amendment) Act 1984 and for other purposes.*

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

**7 PAPERS —**

**SUPREME COURT OF VICTORIA** — Mr Herbert presented, by command of the Governor, the Report of the Supreme Court of Victoria for the year 2013-14.

The Report was presented by Mr Herbert and ordered to lie on the Table.

\* \* \* \* \*

**VICTORIAN LAW REFORM COMMISSION — REPORT ON PHOTOGRAPHING AND FILMING TENANTS' POSSESSIONS FOR ADVERTISING PURPOSES** — Mr Herbert moved, by leave, That there be laid before this House a copy of the Victorian Law Reform Commission report on Photographing and Filming Tenants' Possessions for Advertising Purposes.

Question — put and agreed to.

The Report was presented by Mr Herbert and ordered to lie on the Table and be published.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 5 of 2015 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Commissioner for Environmental Sustainability Act 2003 — Government response to the State of the Environment Report 2013.

Crown Land (Reserves) Act 1978 —

Minister's Order of 23 March 2015 giving approval to the granting of a lease and a licence at Albert Park Reserve.

Minister's Order of 23 April 2015 giving approval to the granting of a lease at National Rhododendron Gardens Reserve.

Land Acquisition and Compensation Act 1986 — Minister's Certificate of 20 May 2015 pursuant to section 7(4) of the Act.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2014.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Banyule Planning Scheme — Amendment C103.

Boroondara Planning Scheme — Amendments C205 and C211.

Brimbank Planning Scheme — Amendments C156 and C171(Part 1).

Buloke Planning Scheme — Amendment C18.

Darebin Planning Scheme — Amendments C122 and C127.

Frankston Planning Scheme — Amendments C101 and C107.

Glen Eira Planning Scheme — Amendment C138.

Greater Bendigo Planning Scheme — Amendment C210.

Greater Dandenong Planning Scheme — Amendment C185.

Greater Geelong Planning Scheme — Amendment C297.

Hume Planning Scheme — Amendment C150.

Latrobe Planning Scheme — Amendment C83.

Mildura Planning Scheme — Amendment C81.

Mitchell Planning Scheme — Amendment C91 (Part 1).

Moonee Valley Planning Scheme — Amendment C142.

Mornington Peninsula Planning Scheme — Amendment C151.

Nillumbik Planning Scheme — Amendment C94.  
 Stonnington Planning Scheme — Amendments C208 (Part 1) and C209.  
 Wangaratta Planning Scheme — Amendment C45.  
 Whitehorse Planning Scheme — Amendment C171.  
 Whittlesea Planning Scheme — Amendments C153, C174, C189 and C190.  
 Wyndham Planning Scheme — Amendment C208.  
 Yarra Planning Scheme — Amendment C138.  
 Yarra Ranges Planning Scheme — Amendment C136.

Statutory Rules under the following Acts of Parliament —

County Court Act 1958 — Nos. 34 and 35.  
 Magistrates' Court Act 1989 — No. 32.  
 Planning and Environment Act 1987 — No. 33.  
 Supreme Court Act 1986 — No. 30.  
 Supreme Court Act 1986 — Civil Procedure Act 2010 — No. 29.  
 Transfer of Land Act 1958 — No. 36.  
 Victorian Civil and Administrative Tribunal 1998 — No. 37.  
 Wrongs Act 1958 — No. 31.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 31, 32, 34 to 37.  
 Legislative Instruments and related documents under section 16B in respect of —  
 New taxi-cab licences: notification of annual licence fees to apply from 1 January 2015, gazetted 24 April 2015, under the Transport (Compliance and Miscellaneous) Act 1983.  
 Southern Metropolitan Cemetery Trust Scale of Fees and Charges, effective as of 30 April 2015, under the Cemeteries and Crematoria Act 2003.  
 Southern Metropolitan Cemetery Trust Scale of Fees and Charges, effective as of 5 May 2015, under the Cemeteries and Crematoria Act 2003.

**8 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 27 May 2015:

- (1) the order of the day standing in the name of Mr Barber to move the second reading of the Alcoa (Portland Aluminium Smelter) (Amendment) Act Amendment Bill 2015;
- (2) the notice of motion given this day by Ms Wooldridge referring various matters to Legislative Council Standing Committees;
- (3) the notice of motion given this day by Mr Barber referring a matter to the Economy and Infrastructure Standing Committee;
- (4) Notice of Motion No. 101 standing in the name of Mr Rich-Phillips in relation to the failure of the Government to produce various documents; and
- (5) Notice of Motion No. 115 standing in the name of Ms Wooldridge referring a matter to the Economic, Education, Jobs and Skills Committee.

Question — put and agreed to.

**9 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 8 to 116, be postponed until later this day.

**12 REGIONAL DEVELOPMENT VICTORIA AMENDMENT (JOBS AND INFRASTRUCTURE) BILL 2015** — 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.

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 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE** — Mr Jennings moved, That pursuant to Sessional Order 6 this House requires the Environment and Planning Committee to inquire into and consider matters relating to the exploration, extraction, production and rehabilitation for onshore unconventional gas and present an interim report no later than 1 September 2015 and a final report no later than 1 December 2015 and, in particular, the inquiry should include, but not be limited to, the following —

- (1) the prospectivity of Victoria's geology for commercial sources of onshore unconventional gas;
- (2) the environmental, land productivity and public health risks, risk mitigations and residual risks of onshore unconventional gas activities;
- (3) the coexistence of onshore unconventional gas activities with existing land and water uses, including —
  - (a) agricultural production and domestic and export market requirements;
  - (b) the legal rights of property owners and the impact on property values; and
  - (c) any implications for local and regional development, investment and jobs;
- (4) the ability of potential onshore unconventional gas resources contributing to the State's overall energy sources including —
  - (a) an ability to provide a competitive source of energy and non energy inputs for Victorian industries;
  - (b) an affordable energy source for domestic consumers; and
  - (c) carbon dioxide emissions from these sources;
- (5) the resource knowledge requirements and policy and regulatory safeguards that would be necessary to enable exploration and development of onshore unconventional gas resources, including —
  - (a) further scientific work to inform the effective regulation of an onshore unconventional gas industry, including the role of industry and government, particularly in relation to rigorous monitoring and enforcement, and the effectiveness of impact mitigation responses; and
  - (b) performance standards for managing environmental and health risks, including water quality, air quality, chemical use, waste disposal, land contamination and geotechnical stability;
- (6) relevant domestic and international reviews and inquiries covering the management of risks for similar industries including, but not limited to, the Victorian Auditor-General Office's report *Unconventional Gas: Managing Risks and Impacts* (contingent upon this report being presented to Parliament) and other reports generated by the Victorian community and stakeholder engagement programs.

Debate ensued.

Mr Drum moved, as an amendment, That, excepting the reference to the Auditor-General's report in the final paragraph of the motion, for "unconventional gas" (wherever occurring) substitute "conventional and unconventional gas".

Debate ensued.

Mr Barber moved, as amendments, That —

1. For "present an interim report no later than 1 September 2015 and a final report no later than 1 December 2015" substitute "present an interim report no later than 1 December 2015 and a final report no later than 1 March 2016".
2. After paragraph (3) insert —
 

"(4) the environmental, public health, community, land and public safety benefits of a perpetual ban on onshore unconventional gas in Victoria;".
3. In paragraph (4) omit "(4)" and insert "(5)".
4. In paragraph (5) omit "(5)" and insert "(6)".
5. In paragraph (5) insert "best practice" after "(b)".

6. In subparagraph (5)(a) for “responses; and” substitute “responses;”
7. After subparagraph (5)(b) insert —  
“(c) the capacity of existing regulators to undertake regular, intensive monitoring and risk management of unconventional gas projects;”.
8. After paragraph (5) insert —  
“(7) the potential economic and social costs, in the short and long term, of environmental disaster response, pollution management, compensation to affected landholders, environmental impacts and site rehabilitation;”.
9. In paragraph (6) omit “(6)” and insert “(8)”.

Debate ensued.

Question — That amendment No. 1 moved by Mr Barber be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Ms Hartland and Ms Shing*)

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O’Donohue; Ms Patten; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Bourman and Mr Dalla-Riva*)

The Ayes and Noes being equal, the question was negatived.

Question — That amendment No. 2 moved by Mr Barber be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Mr Elasmr and Ms Springle*)

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O’Donohue; Ms Patten; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Bourman and Dr Carling-Jenkins*)

The Ayes and Noes being equal, the question was negatived.

Question — That amendment No. 5 moved by Mr Barber be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Mr Barber and Mr Eideh*)

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O’Donohue; Ms Patten; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Ms Fitzherbert and Mr Young*)

The Ayes and Noes being equal, the question was negatived.

Question — That amendment No. 6 moved by Mr Barber be agreed to — put.

The Council divided — The President in the Chair.

## AYES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Ms Springle; Ms Symes; Ms Tierney.  
(Tellers: Mr Dalidakis and Mr Leane)

## NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Ms Patten; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Mr Finn and Ms Patten)

The Ayes and Noes being equal, the question was negatived.

Question — That amendment No. 8 moved by Mr Barber be agreed to — put and negatived.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Question — That the amendment moved by Mr Drum be agreed to — put.

The Council divided — The President in the Chair.

## AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Ms Bath and Mr Young)

## NOES, 20

Mr Barber; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Ms Springle; Ms Symes; Ms Tierney.  
(Tellers: Ms Springle and Ms Symes)

Question negatived.

Original question — put and agreed to.

**14 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE** — Ms Pulford moved, That pursuant to Sessional Order 6 this House requires the Economy and Infrastructure Committee to inquire into, consider and report, no later than 31 March 2016, on the current legislative and administrative arrangements (regulatory framework) for restricted breed dogs in Victoria, including the benefits and challenges of the regulatory framework and, in particular, the Committee should —

- (1) review the current regulatory framework in Victoria, including the *Domestic Animals Act 1994* (DAA), concerning restricted breed dogs and its effectiveness in achieving the purposes of the DAA, in particular —
  - (a) responsible dog ownership;
  - (b) protection of the environment; and
  - (c) protection of the community;
- (2) the review under (1) should —
  - (a) holistically consider the entire current regulatory framework in the management of dogs;
  - (b) include a review of —
    - (i) data on dog attacks, including attacks involving humans, attacks involving other animals, breeds of dogs involved in attacks, and the nature of the injuries sustained;
    - (ii) statistics on compliance with the regulatory framework;
    - (iii) the science and current methods used to identify restricted breed dogs; and



- (iv) the responsible dog ownership program;
- (c) take into account any limitations in the data;
- (3) review and compare the effectiveness of historical (regulation by deed) and current (regulation by breed) legislative frameworks in Victoria for the management of restricted breed dogs and promotion of community safety;
- (4) review and compare the effectiveness of other current regulatory frameworks in other Australian and overseas jurisdictions and where relevant, the costs and funding models required to support these frameworks;
- (5) take submissions from interested persons that have had interaction with the current and previous regulatory frameworks, including —
  - (a) local councils;
  - (b) veterinarians;
  - (c) dog breed experts;
  - (d) animal welfare organisations;
  - (e) Victorian schools and kindergartens, antenatal hospitals and maternal child health centres, that have access to the free government education program;
  - (f) victims of dog attacks;
  - (g) dog owners; and
  - (h) the medical profession;
- (6) review outcomes of other relevant reviews, coronial investigations and inquests in relation to deaths from dog attacks in Victoria under both the previous and current regulatory regimes, in particular, the Inquest into the death of 4 year old Ayeen Chol;
- (7) review civil and criminal case law in Victoria in relation to the current and previous regulatory frameworks for restricted breed dogs;
- (8) make recommendations in relation to potential improvements or alternatives to the current regulatory framework for restricted breed dogs to better achieve the purpose and outcomes of the DAA, in particular, responsible dog ownership and protection of the environment and the community. These should include both responsive and preventative measures, such as improvements to controls and education programs;
- (9) any recommendations should have regard to the costs of implementation of any proposed changes to the public, government and businesses.

Debate ensued.

Question — put and agreed to.

**15 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 11.00 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 18 — Wednesday, 27 May 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE** — The President read a letter from Mr Battin resigning from the Environment, Natural Resources and Regional Development Committee, effective from 27 May 2015.
- 3 **PETITION — POLICE NUMBERS** — Mr O'Donohue presented a Petition bearing 21 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to commit to providing additional frontline police numbers as a matter of priority.

Ordered to lie on the Table.

**4 PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2015-16 BUDGET ESTIMATES HEARINGS (ALERT REPORT)** — Ms Shing presented a report from the Public Accounts and Estimates Committee on the 2015-16 Budget Estimates Hearings (Alert Report) (including Appendices).

Ordered to lie on the Table and to be published.

Ms Shing moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Auditor-General's Reports on —

Early Intervention Services for Vulnerable Children and Families, May 2015 (*Ordered to be published*).

Universities: 2014 Audit Snapshot, May 2015 (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendment C215.

Brimbank, Maribyrnong, Melbourne, Melton and Wyndham Planning Schemes — Amendment GC26.

Casey Planning Scheme — Amendment C193 (Part 2).

Corangamite Planning Scheme — Amendment C40.

Greater Geelong Planning Scheme — Amendments C266 (Part 2) and C309.

Greater Shepparton Planning Scheme — Amendment C171.

Hindmarsh Planning Scheme — Amendment C15.

Hobsons Bay Planning Scheme — Amendment C93.

Maribyrnong Planning Scheme — Amendment C136.

Moonee Valley Planning Scheme — Amendment C139.

Mornington Peninsula Planning Scheme — Amendment C184 (Part 1).

Mount Alexander Planning Scheme — Amendment C72.

Nillumbik Planning Scheme — Amendment C105.

Stonnington Planning Scheme — Amendment C204.

Warrnambool Planning Scheme — Amendment C199.

Whitehorse Planning Scheme — Amendments C159 and C173.

Yarra Ranges Planning Scheme — Amendment C133.

**5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 ALCOA (PORTLAND ALUMINIUM SMELTER) (AMENDMENT) ACT AMENDMENT BILL 2015** — Mr Barber laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Barber moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Melhem, the debate was adjourned for two weeks.

**8 LEGISLATIVE COUNCIL COMMITTEE REFERENCES** — Ms Wooldridge moved, That pursuant to Sessional Order 6 this House requires the following matters to be referred to the Council Standing Committee specified —

(1) to the **Economy and Infrastructure Committee** to inquire into, consider and report, at least once every six months, on public sector infrastructure and public works projects, including current and past infrastructure projects and proposals and, in particular —

(a) projects relating to the removal of railway level crossings;

(b) the Western Distributor;

- (c) the Melbourne Metro Rail Project;
  - (d) the sale/lease of Port of Melbourne; and
  - (e) Melbourne Airport Rail Link;
- and any other public sector infrastructure or public works projects the Committee determines appropriate;
- (2) to the **Environment and Planning Committee** as part of its oversight of Local Government Victoria, to inquire into and report every six months on the outcome of the State Government policy of local government rate capping on councils' viability, service impacts on local communities and impacts on the provision of local infrastructure; and
  - (3) to the **Legal and Social Issues Committee**, to inquire into, consider and provide an interim report no later than 30 November 2015 and a final report no later than 1 May 2016, on the process, cost and effectiveness of the Victorian Government Departmental restructure (Machinery of Government changes) following the November 2014 election.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**WESTERN DISTRIBUTOR PROJECT** — Mr Jennings having given answers to a question without notice and a supplementary question relating to the Western Distributor project —

On the motion of Ms Hartland, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**WONTHAGGI SECONDARY SCHOOL** — Mr Jennings having given answers to a question without notice and a supplementary question relating to Wonthaggi Secondary School —

On the motion of Mr O'Donohue, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTION DIRECTED FOR WRITTEN RESPONSE** — The President directed a written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Abbotsford Convent Congestion Levy** — substantive question asked by Ms Patten on 5 May 2015 — further response from Mr Jennings due Tuesday, 9 June 2015.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 LEGISLATIVE COUNCIL COMMITTEE REFERENCES** — Debate continued on the question, That pursuant to Sessional Order 6 this House requires the following matters to be referred to the Council Standing Committee specified —

- (1) to the **Economy and Infrastructure Committee** to inquire into, consider and report, at least once every six months, on public sector infrastructure and public works projects, including current and past infrastructure projects and proposals and, in particular —
  - (a) projects relating to the removal of railway level crossings;
  - (b) the Western Distributor;
  - (c) the Melbourne Metro Rail Project;
  - (d) the sale/lease of Port of Melbourne; and
  - (e) Melbourne Airport Rail Link;
 and any other public sector infrastructure or public works projects the Committee determines appropriate;
- (2) to the **Environment and Planning Committee** as part of its oversight of Local Government Victoria, to inquire into and report every six months on the outcome of the State Government policy of local government rate capping on councils' viability, service impacts on local communities and impacts on the provision of local infrastructure; and

- (3) to the **Legal and Social Issues Committee**, to inquire into, consider and provide an interim report no later than 30 November 2015 and a final report no later than 1 May 2016, on the process, cost and effectiveness of the Victorian Government Departmental restructure (Machinery of Government changes) following the November 2014 election.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Drum; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

(*Tellers: Mr Morris and Mr O'Donohue*)

NOES, 16

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Ms Shing; Ms Symes; Ms Tierney; Mr Young.

(*Tellers: Mr Bourman and Mr Leane*)

Question agreed to.

- 12 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE** — Mr Barber moved, That pursuant to Sessional Order 6 this House requires the Economy and Infrastructure Committee to inquire into, consider and report, no later than 24 November 2015, on options for a Victorian Renewable Energy Target that is not invalidated or limited by section 7C of the *Renewable Energy (Electricity) Act 2000 (Cth)* and that creates renewable energy additional to the federal Renewable Energy Target.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, debate stood adjourned in the name of Mr Ramsay —*

- 13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 14 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.15 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 19 — Thursday, 28 May 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ECONOMY AND INFRASTRUCTURE COMMITTEE — SELF REFERRAL** — The President read a letter from the Chair of the Economy and Infrastructure Standing Committee advising that the Committee, pursuant to Sessional Order 6, commenced a self-referenced inquiry on 27 May 2015 into the State Taxation Acts Amendment Bill 2015.
- 3 **PAPERS —**  
**GOVERNMENT RESPONSE TO THE COMMUNITY VISITORS ANNUAL REPORT, 2013-14** — Ms Pulford (for Ms Mikakos) moved, by leave, That there be laid before this House a copy of the Government Response to the Community Visitors Annual Report, 2013-14.

Question — put and agreed to.

The Report was presented by Ms Pulford and ordered to lie on the Table.

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Auditor-General's Reports on —

Technical and Further Education Institutes: 2014 Audit Snapshot, May 2015 (*Ordered to be published*).

Victoria's Consumer Protection Framework for Building Construction, May 2015 (*Ordered to be published*).

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return — May 2015 and Summary of Variations notified between 18 February 2015 and 22 May 2015 (*Ordered to be published*).

- 4 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until 2.00 p.m. on Tuesday, 9 June 2015.

Question — put and agreed to.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 8 to 119, be postponed until later this day.

- 7 CRIMES AMENDMENT (REPEAL OF SECTION 19A) BILL 2015** — 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.

- 8 SENTENCING AMENDMENT (CORRECTION OF SENTENCING ERROR) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders* —

- 9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**CHILDHOOD EDUCATORS COVERED BY ENTERPRISE BARGAINING AGREEMENT** — Ms Mikakos having given an answer to a question without notice relating to childhood educators covered by an Enterprise Bargaining Agreement —

On the motion of Ms Crozier, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**APPOINTMENT OF MR CRAIG INGRAM, TARGET ONE MILLION — RECREATIONAL FISHING** — Ms Pulford having given an answer to a question without notice relating to the appointment of Mr Craig Ingram to Target One Million, Recreational Fishing —

Mr Drum moved, by leave, that the Minister's answer be taken into consideration forthwith.

Debate ensued.

Question — put and agreed to.

- 10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 11 SENTENCING AMENDMENT (CORRECTION OF SENTENCING ERROR) BILL 2015** — 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 BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Herbert were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

Mr Bourman moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Firearms Act 1996* to lower the minimum age for participation in paintball activities from 18 to 16 and make other amendments to the requirements imposed on operators of paintball ranges.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

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

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

- 13 BUDGET PAPERS 2015-16** — Debate resumed on the question, That the Council take note of the Budget Papers, 2015-16.

On the motion of Mr Barber, the debate was adjourned until the next day of meeting.

- 14 APPROPRIATION (2015-2016) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2015/2016 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Herbert (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 15 APPROPRIATION (PARLIAMENT 2015-2016) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2015/2016 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Herbert (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 16 STATE TAXATION ACTS AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the Land Tax Act 2005 and the Taxation Administration Act 1997 and to consequentially amend the Back to Work Act 2015 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Herbert (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**17 COURT SERVICES VICTORIA AND OTHER ACTS AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Court Services Victoria Act 2014 to make provision for the employment of the chief executive officer of the Judicial College of Victoria, to amend the Financial Management Act 1994 to provide Court Services Victoria with greater budget flexibility and to amend the Independent Broad-based Anti-corruption Commission Act 2011 to clarify the role of the Chief Executive Officer of Court Services Victoria in relation to complaints made to, and investigations by, the Independent Broad-based Anti-corruption Commission and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**18 WRONGS AMENDMENT (PRISONER RELATED COMPENSATION) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Wrongs Act 1958 to restrict the amount of damages that may be awarded for non-economic loss in respect of mental harm caused by the death or injury of a prisoner if as an adult the claimant has been convicted of an offence and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**19 COGNATE DEBATE** — Mr Herbert moved, by leave, That this House authorises the President to permit the second reading debate on the Appropriation (2015-16) Bill 2015 to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2015-16.

Question — put and agreed to.

**20 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.07 p.m., adjourned until Tuesday, 9 June 2015.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 17, 18 and 19

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**Tuesday, 26 May 2015**

### 1 REGIONAL DEVELOPMENT VICTORIA AMENDMENT (JOBS AND INFRASTRUCTURE) BILL 2015

**Clauses 1 to 20** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 28 May 2015**

### 1 JUSTICE LEGISLATION AMENDMENT BILL 2015

**Clause 1** — Mr Herbert moved —

1. Clause 1, page 4, after line 24 insert—

"() to amend the **Firearms Act 1996** to lower the minimum age for participation in paintball activities from 18 to 16 and make other amendments to the requirements imposed on operators of paintball ranges; and".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Herbert and Mr Purcell)*

NOES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Hartland)*

Question agreed to.

Clause 1, as amended — put and agreed to.

**Clause 2** — Mr Herbert moved —

2. Clause 2, line 34, omit "and Part 7" and insert ", Part 7 and Part 16".

3. Clause 2, page 5, line 2, omit "subsection (6), Part 7 comes" and insert "subsections (6) and (7), Part 7 and Part 16 come".

4. Clause 2, page 5, after line 6 insert—

"() If a provision of Part 16 does not come into operation before 1 July 2016, it comes into operation on that day."

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

Clause 2, as amended — put and agreed to.

**Clauses 3 to 17** — put and agreed to.

**Clause 18** — Ms Hartland moved —

1. Clause 18, page 14, line 3, omit "regulations." and insert "regulations."

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

Ms Hartland moved —

2. Clause 18, page 14, after line 3 insert—  
 "(1A) If a fee or charge for services provided by the Tribunal of a kind not referred to in subsection (1) is payable, the principal registrar, on application, may reduce, waive, postpone, remit or refund the fee or charge if the principal registrar considers the payment of the fee or charge would cause the person responsible for its payment financial hardship or on any other prescribed ground in the regulations."
3. Clause 18, page 14, after line 8 insert—  
 '(4) In section 132(2) of the **Victorian Civil and Administrative Tribunal Act 1998**, after "subsection (1)" insert "or subsection (1A)".'

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

Clause 18, as amended — put and agreed to.

**Clauses 19 to 56** — put and agreed to.

**New Part Heading** — Mr Herbert moved —

5. Clause 56, after line 18 insert the following Part heading —

**"Part 16—Amendments to the Firearms Act 1996"**

Question — That the New Part Heading stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Shing and Ms Wooldridge)*

NOES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Pennicuik)*

Question agreed to.

**New Clause AA to follow Clause 56** — Mr Herbert moved —

6. Insert the following New Clause to follow clause 56 —

**"AA Requirement to notify Chief Commissioner of persons employed in business or change of nominated person**

- (1) For section 75(4)(b)(ii) of the **Firearms Act 1996** substitute—  
 "(ii) subject to subsection (5), a full set of the person's fingerprints."
- (2) After section 75(4) of the **Firearms Act 1996** insert—  
 "(5) A notice under this section is not required to be accompanied by the person's fingerprints if the person is employed solely for the purpose of officiating at a paintball game."

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

**New Clause BB to follow Clause 56** — Mr Herbert moved —

7. Insert the following New Clause to follow clause 56 —

**"BB Non-prohibited persons who are exempt from requirement to hold a licence under Part 2**

In Column 1 of item 6A of Schedule 3 to the **Firearms Act 1996**, for "18 years" substitute "16 years".

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

**Clause 57** — put and agreed to.

**Schedule** — put and agreed to.

**Long Title** — Mr Herbert moved —

8. Long title, omit "and the **Road Legislation Amendment Act 2013**" and insert ", the **Road Legislation Amendment Act 2013** and the **Firearms Act 1996**".

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

Long title, as amended — put and agreed to.

**Bill reported with amendments.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 20, 21 and 22

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#### No. 20 — Tuesday, 9 June 2015

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE JOAN ELIZABETH KIRNER, AC** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 1 June 2015, of the Honourable Joan Elizabeth Kirner, AC, and places on record its acknowledgement of the valuable services rendered by her to the Parliament and the people of Victoria as a Member of the Legislative Council for the Melbourne West Province from 1982 to 1988, Member of the Legislative Assembly for the electoral district of Williamstown from 1988 to 1994, Minister for Conservation, Forests and Lands from 1985 to 1988, Minister for Education from 1988 to 1990, Deputy Premier from 1989 to 1990, Minister for Ethnic Affairs from 1990 to 1991, Minister for Women's Affairs from 1990 to 1992 and Premier of Victoria from 1990 to 1992.  
And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 3 **ADJOURNMENT** — Mr Jennings moved, by leave, That as a further mark of respect to the memory of the late Honourable Joan Elizabeth Kirner, AC, the House adjourn until tomorrow.  
Question — put and agreed to.  
And then the Council, at 4.31 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

#### No. 21 — Wednesday, 10 June 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that he had, on 2 June 2015, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Crimes Amendment (Repeal of Section 19A) Act 2015*  
*Regional Development Victoria Amendment (Jobs and Infrastructure) Act 2015*  
*Sentencing Amendment (Correction of Sentencing Error) Act 2015.*
- 3 **THE LATE HONOURABLE JOHN HAMILTON SIMPSON** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 19 May 2015, of the Honourable John Hamilton Simpson and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Niddrie from 1976 to 1988 and as Minister for Public

Works from 1982 to 1983, Minister for Property and Services from 1982 to 1985, Assistant Minister of Transport and Minister of Labour and Industry from 1983 to 1985.

And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

Mr Jennings moved, by leave, That as a further mark of respect for the memory of the late Honourable John Hamilton Simpson, the sitting be suspended until 10.35 a.m.

Question — put and agreed to.

*[Sitting suspended from 10.05 a.m. until 10.35 a.m.]*

#### 4 PAPERS —

**HEALTH PRACTITIONER REGULATION NATIONAL LAW REGULATION** — Ms Mikakos moved, by leave, That there be laid before this House a copy of the Health Practitioner Regulation National Law Amendment (Midwife Insurance Exemption) Regulation No. 45/2015.

Question — put and agreed to.

The paper was presented by Ms Mikakos and ordered to lie on the Table.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — APPOINTMENT OF PERSON TO CONDUCT FINANCIAL AUDIT OF AUDITOR-GENERAL'S OFFICE** — Ms Pennicuik presented a Report from the Public Accounts and Estimates Committee on the Appointment of a Person to Conduct the Financial Audit of the Victorian Auditor-General's Office under Section 17 of the *Audit Act 1994* (including Appendices).

Ordered to lie on the Table and to be published.

Ms Pennicuik moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —**

**ANNUAL REVIEW 2014** — Mr Dalla-Riva presented the Annual Review 2014 from the Scrutiny of Acts and Regulations Committee (including Appendices).

Ordered to lie on the Table and to be published.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 6 of 2015 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Auditor-General's Reports on —

Delivering Services to Citizens and Consumers via Devices of Personal Choice: Phase 1 – Interim Report, June 2015 (*Ordered to be published*).

Operational Effectiveness of the myki Ticketing System, June 2015 (*Ordered to be published*).

Crown Land (Reserves) Act 1978 —

Minister's Order of 17 February 2015 giving approval to the granting of a lease at Brighton Beach Oval.

Minister's Order of 11 March 2015 giving approval to the granting of a licence at Sandringham Beach Park.

Minister's Order of 15 May 2015 giving approval to the granting of a lease at Cheltenham Park and leases at Sandringham Beach Park.

Minister's Order of 21 May 2015 giving approval to the granting of a lease at Wunghnu Public Park and Recreation Reserve.

Ombudsman — Investigation into Allegations of Improper Conduct by Officers of VicRoads, June 2015 (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

- Ballarat Planning Scheme — Amendment C164.
- Banyule Planning Scheme — Amendment C93.
- Cardinia Planning Scheme — Amendment C184.
- Glen Eira Planning Scheme — Amendments C107 and C131.
- Greater Geelong Planning Scheme — Amendment C306.
- Indigo Planning Scheme — Amendment C70.
- Kingston Planning Scheme — Amendment C146.
- Macedon Ranges Planning Scheme — Amendment C108.
- Melbourne Planning Scheme — Amendment C227.
- Port Phillip Planning Scheme — Amendment C104.
- Warrnambool Planning Scheme — Amendment C73 (Part 1).
- Wyndham Planning Scheme — Amendments C192 and C214.
- Yarra Planning Scheme — Amendment C189.

Statutory Rules under the following Acts of Parliament —

- Magistrates' Court Act 1989 — No. 41.
- Supreme Court Act 1986 — No. 38.
- Supreme Court Act 1986 — Constitution Act 1975 — No. 39.
- Supreme Court Act 1986 — Criminal Procedure Act 2009 — No. 40.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 38 to 44.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Acting Clerk:

Education and Training Reform Amendment (Funding of Non-Government Schools) Act 2015 — 1 July 2015 (*Gazette No. S133, 2 June 2015*).

Gambling Regulation Amendment (Pre-Commitment) Act 2014 — Sections 32, 33 and 34 — 20 June 2015 (*Gazette No. S133, 2 June 2015*).

Gambling and Liquor Legislation Further Amendment Act 2014 — Sections 3, 5, 8, 25 to 31, 35 and 36 — 20 June 2015; Section 42 — 1 July 2015 (*Gazette No. S133, 2 June 2015*).

Credit (Commonwealth Powers) Act 2010 — Division 15 of Part 3 — 1 June 2015 (*Gazette No. S122, 26 May 2015*).

**5 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business this day:

- (1) the notice of motion given this day by Mr Barber relating to the Advanced Lignite Demonstration program;
- (2) Notice of Motion No. 101 standing in the name of Mr Rich-Phillips in relation to the failure of the Government to produce various documents;
- (3) Notice of Motion No. 121 standing in the name of Mr O'Donohue relating to Victoria Police and frontline police numbers; and
- (4) Notice of Motion No. 115 standing in the name of Ms Wooldridge in relation to a joint committee reference on Victorian jobs and small business.

Question — put and agreed to.

**6 BUSINESS OF THE COUNCIL** — Mr Jennings moved, by leave, That the Standing Orders be suspended to the extent necessary to provide for Statement on Reports and Papers today to be taken at 5.30 p.m. for a maximum of 30 minutes.

Question — put and agreed to.

**7 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**9 PRODUCTION OF DOCUMENTS — ADVANCED LIGNITE DEMONSTRATION PROGRAM** — Mr Barber moved, That in accordance with Standing Order 11.01, there be tabled in the Council by Monday, 22 June 2015 any agreements in relation to the Advanced Lignite Demonstration program between the State of Victoria and —

- (1) Coal Energy Australia;
- (2) Ignite Energy Resources; and
- (3) Shanghai Electric Australia Power & Energy Development Pty Ltd (SEAPED).

Debate ensued.

Question — put and agreed to.

**10 GOVERNMENT'S NON-PRODUCTION OF DOCUMENTS** — Mr Rich-Phillips moved, That this House —

(1) notes the failure of the Government to comply with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —

- (a) 11 February 2015 in respect of Port of Melbourne documents;
- (b) 25 February 2015 in respect of West Gate Distributor documents;
- (c) 25 February 2015 in respect of Australian F1 Grand Prix documents; and
- (d) 25 February 2015 in respect of Cranbourne-Pakenham Rail Corridor Project documents;

(2) notes that the Government's failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;

(3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*, and the power to make Standing Orders under section 43 of that Act;

(4) affirms the right of the Council to require the production of documents;

(5) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Government and demand accountability by the Government; and

(6) notes that if the resolutions of the Council are not complied with, the Council reserves its right to find the Leader of the Government guilty of a contempt of the Council and to impose an appropriate sanction until the resolutions are complied with;

and requires the Leader of the Government to table by 12 noon on the next day of sitting following the adoption of this resolution, all documents required to be tabled by the resolutions of the Council outlined in items (1)(a) to (d) that have not already been tabled.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**MINISTER SOMYUREK** — Mr Jennings having given answers to a question without notice and a supplementary question from Mr Davis relating to Minister Somyurek —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to questions on notice were circulated pursuant to Standing Order 8.10.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 GOVERNMENT'S NON-PRODUCTION OF DOCUMENTS** — Debate continued on the question, That this House —

(1) notes the failure of the Government to comply with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —

- (a) 11 February 2015 in respect of Port of Melbourne documents;
- (b) 25 February 2015 in respect of West Gate Distributor documents;



- (c) 25 February 2015 in respect of Australian F1 Grand Prix documents; and
  - (d) 25 February 2015 in respect of Cranbourne-Pakenham Rail Corridor Project documents;
- (2) notes that the Government's failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;
  - (3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*, and the power to make Standing Orders under section 43 of that Act;
  - (4) affirms the right of the Council to require the production of documents;
  - (5) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Government and demand accountability by the Government; and
  - (6) notes that if the resolutions of the Council are not complied with, the Council reserves its right to find the Leader of the Government guilty of a contempt of the Council and to impose an appropriate sanction until the resolutions are complied with;
- and requires the Leader of the Government to table by 12 noon on the next day of sitting following the adoption of this resolution, all documents required to be tabled by the resolutions of the Council outlined in items (1)(a) to (d) that have not already been tabled.

*Business having been interrupted at 5.30 p.m. pursuant to an Order of the House this day, the debate stood adjourned in the name of Mr Dalidakis.*

- 14 PRODUCTION OF DOCUMENTS — PORT OF MELBOURNE PRIVATISATION** — The Acting Clerk read to the House a letter from the Attorney-General in response to the Resolution of the Council of 11 February 2015 seeking the production of documents relating to the Privatisation of the Port of Melbourne referring to the documents as Cabinet documents of the former Government and is seeking advice on the report, and indicating that the Government would respond to the Council's resolution as soon as possible.
- 15 BUSINESS OF THE COUNCIL** — Mr Rich-Phillips moved, by leave, That, further to the Resolution of the Council this day in relation to Statements on Reports and Papers, Standing Orders be suspended to the extent necessary to enable Statements on Reports and Papers to be extended by up to 30 minutes in place of Government Business.
- Question — put and agreed to.
- 16 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 17 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.
- Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.
- And then the Council, at 7.04 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 22 — Thursday, 11 June 2015

- 1 The President took the Chair and read the Prayer.
- 2 **JUSTICE LEGISLATION AMENDMENT BILL 2015** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 3 **LEGAL AND SOCIAL ISSUES COMMITTEE — SELF REFERRAL** — The President read a letter from the Chair of the Legal and Social Issues Standing Committee advising that the Committee, pursuant to Sessional Order 6, commenced a self-referenced inquiry on 10 June 2015 into the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015.

- 4 PETITION — POLICE NUMBERS** — Mr O'Donohue presented a Petition bearing 37 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to commit to providing additional frontline police numbers as a matter of priority.

Ordered to lie on the Table.

**5 PAPERS —**

**OFFICE OF THE RACING INTEGRITY COMMISSIONER — INQUIRY INTO LIVE BAITING IN GREYHOUND RACING IN VICTORIA, FINAL REPORT** — Mr Herbert moved, by leave, That there be laid before this House a copy of the Office of the Racing Integrity Commissioner's Own Motion Inquiry into Live Baiting in Greyhound Racing in Victoria, Final Report.

Question — put and agreed to.

The Report was presented by Mr Herbert and ordered to lie on the Table and to be published.

\* \* \* \* \*

**CHIEF VETERINARY OFFICER — INVESTIGATION INTO ANIMAL WELFARE AND CRUELTY IN THE VICTORIAN GREYHOUND INDUSTRY, FINAL REPORT** — Ms Pulford moved, by leave, That there be laid before this House a copy of the Chief Veterinary Officer's Investigation into Animal Welfare and Cruelty in the Victorian Greyhound Industry, Final Report.

Question — put and agreed to.

The Report was presented by Ms Pulford and ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Statutory Rules under the following Acts of Parliament —

Meat Industry Act 1993 — No. 42.

Survey Co-ordination Act 1958 — No. 44.

Surveying Act 2004 — No. 43.

- 6 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until 2.00 p.m. on Tuesday, 23 June 2015.

Question — put and agreed to.

- 7 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 9 AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the following Resolution:

That pursuant to section 17 of the *Audit Act 1994* —

Mr Steven Bradby of PKF Melbourne Audit & Assurance in Melbourne be appointed for a period of one year:

- (1) to conduct the financial audit of the Victorian Auditor-General's Office for the financial year ended 30 June 2015;
- (2) in accordance with the terms and conditions and remuneration of a person appointed by the Parliament of Victoria pursuant to section 17 of the *Audit Act 1994*, in Appendix One of the Public Accounts and Estimates Committee's Report on the appointment of a person to conduct the financial audit of the Victorian Auditor-General's Office under section 17 of the *Audit Act 1994* (Parliamentary Paper No 45, Session 2014–15); and
- (3) at a fixed fee level of remuneration of \$34,500 (plus GST) for audit services for the year ended 30 June 2015.

and requesting the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Mr Jennings moved, by leave, That the Council concurs with the Assembly and resolves, That pursuant to section 17 of the *Audit Act 1994* —

Mr Steven Bradby of PKF Melbourne Audit & Assurance in Melbourne be appointed for a period of one year:

- (1) to conduct the financial audit of the Victorian Auditor-General's Office for the financial year ended 30 June 2015;
- (2) in accordance with the terms and conditions and remuneration of a person appointed by the Parliament of Victoria pursuant to section 17 of the *Audit Act 1994*, in Appendix One of the Public Accounts and Estimates Committee's Report on the appointment of a person to conduct the financial audit of the Victorian Auditor-General's Office under section 17 of the *Audit Act 1994* (Parliamentary Paper No 45, Session 2014–15); and
- (3) at a fixed fee level of remuneration of \$34,500 (plus GST) for audit services for the year ended 30 June 2015.

Question — put and agreed to.

Message sent to the Assembly acquainting them accordingly.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 122, be postponed until later this day.

**11 APPROPRIATION (2015-2016) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2015-16** having been authorised to be debated concurrently pursuant to an Order of the Council on 28 May 2015].

*Business having been interrupted at 12 noon pursuant to Sessional Orders* —

**12 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Union affiliated registered training organisations** — supplementary question asked by Mrs Peulich — response from Mr Herbert due Tuesday, 23 June 2015.
- **Union affiliated registered training organisations** — substantive question asked by Mr Drum — response from Mr Herbert due Tuesday, 23 June 2015.
- **Legal costs of Minister for Small Business, Innovation and Trade** — substantive question asked by Mr Ramsay — response from Mr Jennings due Wednesday, 24 June 2015.
- **National Park camping fees for Scouts** — supplementary question asked by Mr Young — response from Mr Jennings due Wednesday, 24 June 2015.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**14 APPROPRIATION (2015-2016) BILL 2015** — Debate continued on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2015-16** having been authorised to be debated concurrently pursuant to an Order of the Council on 28 May 2015].

On the motion of Ms Symes, the debate was adjourned until later this day.

**15 WRONGS AMENDMENT (PRISONER RELATED COMPENSATION) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair

## AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmar; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Mr Dalidakis and Mr O'Donohue*)

## NOES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(*Tellers: Ms Patten and Ms Springle*)

Question 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.

Mr Herbert moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

## AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmar; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Dr Carling-Jenkins and Mr Somyurek*)

## NOES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(*Tellers: Ms Dunn and Ms Hartland*)

Question agreed to.

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

- 16 APPROPRIATION (2015-2016) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2015-16** having been authorised to be debated concurrently pursuant to an Order of the Council on 28 May 2015].

On the motion of Ms Pulford, the debate was adjourned until next day of meeting.

- 17 STATUTE LAW REVISION BILL 2014** — The Acting President read a Message from the Assembly informing the Council that they have agreed to this Bill without amendment.

- 18 JUDICIAL ENTITLEMENTS BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to modernise the processes and structures for determining salaries, allowances and conditions of service for judicial officers, to repeal the Judicial Salaries Act 2004 and the Judicial Remuneration Tribunal Act 1995, to make consequential and miscellaneous amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**19 PLANNING AND ENVIRONMENT AMENDMENT (RECOGNISING OBJECTORS) BILL 2015**

— The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Planning and Environment Act 1987 to provide for the Victorian Civil and Administrative Tribunal and responsible authorities to have regard to the number of objectors to permit applications in considering whether a proposed use or development may have a significant social effect and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**20 VICTORIA POLICE AMENDMENT (VALIDATION) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Victoria Police Act 2013 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

**21 CHILDREN, YOUTH AND FAMILIES AMENDMENT (RESTRICTIONS ON THE MAKING OF PROTECTION ORDERS) BILL 2015** — The Acting President read a Message from the

Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned until Thursday, 6 August 2015.

**22 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.09 p.m., adjourned until Tuesday, 23 June 2015.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 20, 21 and 22

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Thursday, 11 June 2015

### 1 WRONGS AMENDMENT (PRISONER RELATED COMPENSATION) BILL 2015

**Clause 1** — Ms Pennicuik moved —

1. Clause 1, lines 3 and 4, omit "to restrict the amount of damages that may be awarded" and insert "in relation to awards of damages".
2. Clause 1, lines 7 and 8, omit ", in particular, a profit motivated offence".

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Hartland and Ms Patten)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Mr Mulino)*

Question negatived.

Clause 1 — put and agreed to.

**Clause 2** — put and agreed to.

**Clause 3** — Ms Pennicuik moved —

6. Clause 3, page 6, lines 16 to 19, omit all words and expressions on these lines.
7. Clause 3, page 6, line 20, omit "(4)" and insert "(3)".
8. Clause 3, page 6, line 24, omit "(5)" and insert "(4)".

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Dunn)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Drum and Mr Purcell)*

Question negatived.

Clause 3 — put and agreed to.

**Clause 4** — put and agreed to.

**Bill reported without amendment.**







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 23, 24 and 25

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#### No. 23 — Tuesday, 23 June 2015

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE MR GEORGE SEITZ** — The President advised the House of the death on 5 June 2015 of Mr George Seitz, Member of the Legislative Assembly for the Electoral District of Keilor from 1982 to 2010.

Members stood in their places as a mark of respect to the memory of the late Mr Seitz.

- 3 **ASSENT TO ACTS** — The President read a Message from the Administrator of Victoria, as the Governor's Deputy, informing the Council that he had, on 16 June 2015, given the Royal Assent to the following Acts presented to him by the Acting Clerk of the Legislative Council:  
*Justice Legislation Amendment Act 2015*  
*Statute Law Revision Act 2015*  
*Wrongs Amendment (Prisoner Related Compensation) Act 2015.*

- 4 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Minister Somyurek and Code of Conduct** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Somyurek due Wednesday, 24 June 2015.
- **Minister Somyurek's attendance at Question Time** — substantive question asked by Mr Ondarchie — response from Mr Somyurek due Wednesday, 24 June 2015.
- **Minister Somyurek and Premier's Office** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Somyurek due Wednesday, 24 June 2015.
- **Staff Member's employment with Minister Somyurek** — supplementary question asked by Ms Wooldridge — response from Mr Jennings due Wednesday, 24 June 2015.
- **Police Stress Claims** — supplementary question asked by Mr Bourman — response from Mr Herbert due Thursday, 25 June 2015.
- **Police Officers' use of force** — substantive and supplementary questions asked by Ms Patten — response from Mr Herbert due Thursday, 25 June 2015.

- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**6 PAPERS —**

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE STATE TAXATION ACTS AMENDMENT BILL 2015** — Mr Morris presented a Report from the Economy and Infrastructure Committee on the State Taxation Acts Amendment Bill 2015 (including an Appendix).

Ordered to lie on the Table and to be published.

Mr Morris moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 7 of 2015 (including Appendices), from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 1 June 2015 giving approval to the granting of a lease at Albert Park.

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Twenty-Third Amending Deed, 19 June 2015, pursuant to section 15B of the Act.

Exhibition Street Extension Sixteenth Amending Deed, 19 June 2015, pursuant to section 15D on the Act.

Melbourne City Link Thirty-Fourth Amending Deed, 19 June 2015, pursuant to section 15(2) of the Act.

Parliamentary Committees Act 2003 — Government Response to the Accountability and Oversight Committee's Report on Victorian Oversight Agencies.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Casey Planning Scheme — Amendments C143 and C148.

Hobsons Bay Planning Scheme — Amendment C105.

Knox Planning Scheme — Amendment C134.

Warrnambool Planning Scheme — Amendment C98.

Victoria Planning Provisions — Amendment VC125.

Yarra Ranges Planning Scheme — Amendment C131.

Statutory Rules under the following Acts of Parliament —

Associations Incorporation Reform Act 2012 — No. 46.

Crime Statistics Act 2014 — No. 48.

Local Government Act 1989 — No. 47.

Subordinate Legislation Act 1994 — No. 50.

Transport (Compliance and Miscellaneous) Act 1983 — No. 49.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 46, 48 to 50, 52, 54 and 61 to 63.

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

Declaration of provisions to be a corresponding law, 9 June 2015, under the Prevention of Cruelty to Animals Act 1986.

Declaration of Approved Seatbelts, 13 May 2015, under the Road Safety Act 1986.

Ministerial Order 843 — Victorian Institute of Teaching Schedule of Registration Fees 2015-16, 5 June 2015, under the Education and Training Reform Act 2006.

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Acting Clerk:

Legal Profession Uniform Law Application Act 2014 — Remaining Provisions — 1 July 2015 (*Gazette No. S151, 16 June 2015*).

Veterans and Other Acts Amendment Act 2015 — Remaining Provisions — 15 June 2015 (*Gazette No. S144, 9 June 2015*).

**7 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 24 June 2015:

- (1) the notice of motion given this day by Ms Wooldridge appointing participating members to various Legislative Council Standing Committees;
- (2) Order of the Day No. 22 standing in the name of Mr Rich-Phillips in relation to the failure of the Government to produce various documents;
- (3) Notice of Motion No. 102 standing in the name of Dr Carling-Jenkins in relation to disability procurement; and
- (4) the notice of motion given this day by Mr Bourman relating to the benefits of outdoor sports and activities.

Question — put and agreed to.

**8 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 134, and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

**11 APPROPRIATION (2015-2016) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2015-16** having been authorised to be debated concurrently pursuant to an Order of the Council on 28 May 2015].

On the motion of Ms Crozier, the debate was adjourned until later this day.

**12 STATE TAXATION ACTS AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

On the motion of Ms Symes, the debate was adjourned until later this day.

**13 APPROPRIATION (2015-2016) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2015-16** having been authorised to be debated concurrently pursuant to an Order of the Council on 28 May 2015].

On the motion of Mr Jennings, the debate was adjourned until later this day.

**14 STATE TAXATION ACTS AMENDMENT BILL 2015** — 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.

The Acting President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

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Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in Committee of the whole.

The Acting President reported progress that the Committee had suggested amendments for the consideration of the Assembly and asked leave to sit again.

Bill returned to the Assembly with a Message requesting that they make the amendments suggested by the Council.

Bill to be again considered in Committee of the whole on the next day of meeting.

**15 PRODUCTION OF DOCUMENTS — ADVANCED LIGNITE DEMONSTRATION PROGRAM**

— The Acting Clerk read a letter from the Attorney-General, in response to the Resolution of the Council of 10 June 2015 seeking the production of any agreements in relation to the Advanced Lignite Demonstration Program between the State of Victoria and Coal Energy Australia; Ignite Energy Resources; and Shanghai Electric Australia Power and Energy Development, advising that the Government will not be able to respond to the Resolution within the time period requested by the Council and will endeavour to respond as soon as possible.

**16 PRODUCTION OF DOCUMENTS — WEST GATE DISTRIBUTOR** — The Acting Clerk laid on the Table the following documents received in accordance with the Resolution of the Council of 25 February 2015 —

Documents released:

- (1) West Gate Distributor Map — Northern Section (19 January 2015);
- (2) VicRoads Event Brief, Premier Daniel Andrews (19 January 2015);
- (3) Media Release — Expressions of Interest open to build first stage of the West Gate Distributor (January 2015);
- (4) West Gate Distributor — Northern Section (Stage 1) Shepherd bridge upgrade (undated);
- (5) West Gate Distributor — Context Review (Undated);
- (6) Truck Action Plan, Docklands Hwy: Standard Assessment Report (8 June 2011);
- (7) Memorandum for Chief Executive, VicRoads, on West Gate Distributor Business Case — Additional Resourcing (4 February 2015);
- (8) VicRoads Inter-Office Memo on West Gate Distributor — Northern Section Shepherd Bridge Strengthening and Widening Project Delivery Strategy (12 January 2015);
- (9) VicRoads Brief to Luke Donnellan MP on West Gate Distributor (2 February 2015);
- (10) Possible Parliamentary Question — West Gate Distributor (2 February 2015);
- (11) Possible Parliamentary Question — West Gate Distributor Environmental Management (12 February 2015);
- (12) Truck Action Plan — Northern Section (November 2010); and
- (13) Appendix A: Locality Plan (19 November 2009).

Documents partially released (the Attorney-General having advised that Executive Privilege was claimed and, therefore, the document was partially released):

- (1) VicRoads brief to Luke Donnellan MP on West Gate Distributor Expression of Interest — Northern Section (30 December 2014).

**17 PRODUCTION OF DOCUMENTS — SCOPING STUDY FOR THE PRIVATISATION OF THE PORT OF MELBOURNE**

— The Acting Clerk laid on the Table the following document received in accordance with the Resolution of the Council of 11 February 2015 — Scoping Study for the Privatisation of the Port of Melbourne prepared by KPMG.

**18 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 11.06 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 24 — Wednesday, 24 June 2015

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — POLICE NUMBERS** — Mr O'Donohue presented a Petition bearing 47 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to commit to providing additional frontline police numbers as a matter of priority.

Ordered to lie on the Table.

3 **PAPERS —**

**ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE — CFA TRAINING COLLEGE AT FISKVILLE, INTERIM REPORT** — Mr Ramsay presented an Interim Report from the Environment, Natural Resources and Regional Development Committee on the CFA Training College at Fiskville.

Ordered to lie on the Table and to be published.

Mr Ramsay moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Auditor-General's Office — Annual Plan, 2015-16.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 27 May 2015 and 22 June 2015 (*Ordered to be published*).

Parliamentary Committees Act 2003 — Government Response to the Education and Training Committee's Report on approaches to homework in Victorian schools.

- 4 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 **STANDING COMMITTEE PARTICIPATING MEMBERS** — Ms Wooldridge moved, That —
- (1) Ms Hartland, Mr Bourman, Mr Ramsay and Mr Purcell be participating members of the Standing Committee on Environment and Planning; and
  - (2) Mr Rich-Phillips be a participating member of the Standing Committee on Legal and Social Issues.

Debate ensued.

Question — put and agreed to.

- 7 **GOVERNMENT'S NON-PRODUCTION OF DOCUMENTS** — Debate resumed on the question, That this House —
- (1) notes the failure of the Government to comply with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —
    - (a) 11 February 2015 in respect of Port of Melbourne documents;
    - (b) 25 February 2015 in respect of West Gate Distributor documents;
    - (c) 25 February 2015 in respect of Australian F1 Grand Prix documents; and
    - (d) 25 February 2015 in respect of Cranbourne-Pakenham Rail Corridor Project documents;
  - (2) notes that the Government's failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;
  - (3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*, and the power to make Standing Orders under section 43 of that Act;
  - (4) affirms the right of the Council to require the production of documents;

(5) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Government and demand accountability by the Government; and

(6) notes that if the resolutions of the Council are not complied with, the Council reserves its right to find the Leader of the Government guilty of a contempt of the Council and to impose an appropriate sanction until the resolutions are complied with;

and requires the Leader of the Government to table by 12 noon on the next day of sitting following the adoption of this resolution, all documents required to be tabled by the resolutions of the Council outlined in items (1)(a) to (d) that have not already been tabled.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Reasons for investigation into Minister Somyurek** — supplementary question asked by Ms Wooldridge — response from Mr Somyurek due Thursday, 25 June 2015.
- **Kindergarten Ratios** — substantive question asked by Ms Crozier — response from Ms Mikakos due Thursday, 25 June 2015.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 GOVERNMENT'S NON-PRODUCTION OF DOCUMENTS** — Debate continued on the question, That this House —

(1) notes the failure of the Government to comply with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —

- (a) 11 February 2015 in respect of Port of Melbourne documents;
- (b) 25 February 2015 in respect of West Gate Distributor documents;
- (c) 25 February 2015 in respect of Australian F1 Grand Prix documents; and
- (d) 25 February 2015 in respect of Cranbourne-Pakenham Rail Corridor Project documents;

(2) notes that the Government's failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;

(3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*, and the power to make Standing Orders under section 43 of that Act;

(4) affirms the right of the Council to require the production of documents;

(5) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Government and demand accountability by the Government; and

(6) notes that if the resolutions of the Council are not complied with, the Council reserves its right to find the Leader of the Government guilty of a contempt of the Council and to impose an appropriate sanction until the resolutions are complied with;

and requires the Leader of the Government to table by 12 noon on the next day of sitting following the adoption of this resolution, all documents required to be tabled by the resolutions of the Council outlined in items (1)(a) to (d) that have not already been tabled.

On the motion of Mr Herbert, debate was adjourned until later this day.

**11 DISABILITY EMPLOYMENT OPPORTUNITIES** — Dr Carling-Jenkins moved, That this House —

(1) notes that —

- (a) people with a disability make a significant contribution to Victoria;

- (b) mainstream employment opportunities for people with disability should be emphasised and expanded;
  - (c) in the absence of adequate mainstream employment opportunities, Australian Disability Enterprises (ADEs) provide employment opportunities to approximately 5000 Victorians with a disability;
  - (d) in 2013 the then Government removed the Schedule 2 exemptions from the procurement policies of the Victorian Government Purchasing Board applying to government agencies' purchases produced from the labour of correctional enterprises, Australian disability enterprises and other businesses that primarily exist to provide services to people with a disability;
  - (e) due to the challenges of providing tailored employment for people with a disability in a highly competitive environment, many ADEs are under acute financial pressure;
  - (f) under the *Victorian State Disability Plan 2013-2016* the State Government has an obligation to "reduce barriers to people with a disability obtaining and maintaining employment"; and
- (2) calls on the Government to —
- (a) eliminate the need for public sector agencies to competitively tender all procurement when buying from accredited disability agencies;
  - (b) establish a strategy to boost the level of procurement from Victorian ADEs, including consideration of interstate legislation (most notably NSW Public Works and Procurement Regulation 2014, Clause 5 – Supply of Goods and Services by Approved Disability Employment Organisations), by 30 June 2016;
  - (c) restore the exemptions on Victorian Government agencies' purchase of products from ADEs that were removed in 2013; and
  - (d) as a sign of good faith, immediately seek to make products made by Victorian ADEs available at Parliament House.

Debate ensued.

Question — put and agreed to.

**12 OUTDOOR SPORTS** — Mr Bourman moved, That this House notes the —

- (1) significant financial contribution that outdoor sports such as shooting, fishing, boating, camping and four wheel driving make to the state of Victoria;
- (2) financial benefits that these types of outdoor activities bring to rural and regional areas that desperately need it;
- (3) social benefits and positive impact that these types of outdoor activities have on families;

and recognises that the industry and organisations who encourage and promote outdoor activities should be supported and promoted, particularly in regional Victoria.

Debate ensued.

Question — put and agreed to.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 STATE TAXATION ACTS AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly informing the Council that they had made the suggested amendments made by the Council in this Bill.

Mr Jennings moved, That the Message be referred to the Committee of the whole on the Bill forthwith.

Question — put and agreed to.

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, including the amendments made by the Assembly on the suggestion of the Council, without amendment.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 134, be postponed until later this day.

**17 APPROPRIATION (2015-2016) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2015-16** having been authorised to be debated concurrently pursuant to an Order of the Council on 28 May 2015].

On the motion of Ms Dunn, the debate was adjourned until later this day.

**18 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.18 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

## No. 25 — Thursday, 25 June 2015

1 The President took the Chair and read the Prayer.

2 **ENVIRONMENT AND PLANNING COMMITTEE — SELF REFERRAL** — The President read a letter from the Chair of the Environment and Planning Standing Committee advising that the Committee, pursuant to Sessional Order 6, commenced a self-referenced inquiry on 24 June 2015 into the Planning and Environment Amendment (Recognising Objectors) Bill 2015.

3 **STATE TAXATION ACTS AMENDMENT BILL 2015** — The President read a report from the Clerk of the Parliaments notifying that he had made the following correction in this Bill:

Clause 15 of the bill inserts new sections 3A to 3F into the *Duties Act 2000*. I have deleted the quotation mark and second full stop at the end of new section 3E. They are not required as the inserted text finishes at the end of the new section 3F.

Clause 26 of the bill inserts new sections 3A to 3C into the *Land Tax Act 2005*. I have deleted the quotation mark and second full stop at the end of new section 3B. They are not required as the inserted text finishes at the end of new section 3C.

4 **PETITION — KORUMBURRA SECONDARY COLLEGE** — Ms Bath presented a Petition bearing 186 signatures from certain citizens of Victoria requesting that the Government fund the completion of the Korumburra Secondary College rebuild project as a matter of priority.

Ordered to lie on the Table.

5 **PAPERS** —

**CHILDREN'S COURT OF VICTORIA** — Mr Herbert presented, by command of the Governor, the Report of the Children's Court of Victoria for the year 2013-14.

The Report was presented by Mr Herbert and ordered to lie on the Table.

\* \* \* \* \*

**MUNICIPAL MONITOR — FURTHER REPORT ON THE DAREBIN CITY COUNCIL** —

Mr Jennings moved, by leave, That there be laid before this House a copy of the Further Report on the Darebin City Council.

Question — put and agreed to.

The Report was presented by Mr Jennings and ordered to lie on the Table and to be published.



**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Acting Clerk:

Charter of Human Rights and Responsibilities Act 2006 — Report on the Operation of the Act, 2014 (*Ordered to be published*).

Ombudsman — Reporting and investigation of allegations of abuse in the disability sector: Phase 1 — the effectiveness of statutory oversight, June 2015 (*Ordered to be published*).

Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee's Report on the 2012-13 Financial Performance Outcomes.

Statutory Rules under the following Acts of Parliament —

Audit Act 1994 — No. 63.

Cemeteries and Crematoria Act 2003 — No. 59.

Estate Agents Act 1980 — No. 54.

Gambling Regulation Act 2003 — No. 55.

Legal Profession Act 2004 — No. 51.

Legal Profession Uniform Law Application Act 2014 — Nos. 52 and 53.

Liquor Control Reform Act 1998 — Nos. 56 to 58.

Road Management Act 2004 — No. 61.

Road Safety Act 1986 — No. 62.

Subordinate Legislation Act 1994 — No. 60.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 56 to 58.

Surveillance Devices Act 1999 — Australian Crime Commission Report, 2013-14.

Victorian Government Report on Multicultural Affairs — Whole of Government Report, 2013-14.

**6 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 4 August 2015.

Question — put and agreed to.

**7 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 134, be postponed until later this day.

**10 APPROPRIATION (2015-2016) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2015-16** having been authorised to be debated concurrently pursuant to an Order of the Council on 28 May 2015].

Question — put and agreed to.

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

House in Committee.

The Acting President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

**11 ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE** — The President read a letter from Mr Jude Perera, MP resigning from the Economic, Education, Jobs and Skills Committee, effective from 11 June 2015.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**12 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3

**ACCESS OF SUPER-SIZED SHIPS TO PORT OF MELBOURNE** — Mr Jennings having given answers to a question without notice and a supplementary question relating to access of super-sized ships to the port of Melbourne —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10..

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Regional Network Development Plan** — substantive question asked by Mr Morris — response from Ms Pulford due Wednesday, 5 August 2015.
- **Easter Sunday and Grand Final Eve Public Holidays** — supplementary question asked by Mrs Peulich — response from Mr Jennings due Wednesday, 5 August 2015.
- **Minister Somyurek's Office** — substantive question asked by Ms Wooldridge — response from Mr Somyurek due Tuesday, 4 August 2015.
- **Leadbeater Possum Habitat** — supplementary question asked by Ms Dunn — response from Mr Jennings due Wednesday, 5 August 2015.
- **VicForests** — substantive question asked by Ms Dunn — response from Ms Pulford due Wednesday, 5 August 2015.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**14 APPROPRIATION (2015-2016) BILL 2015** — 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.

**15 BUDGET PAPERS, 2015-16** — The concurrent debate having concluded — Question — That the Council take note of the Budget Papers, 2015-16 — put and agreed to.

**16 COURT SERVICES VICTORIA AND OTHER ACTS AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be 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.

**17 APPROPRIATION (PARLIAMENT 2015-2016) BILL 2015** — 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.

**18 DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to authorise and facilitate the leasing of land in the port of Melbourne and disposal of assets of the Port of Melbourne Corporation to a private sector entity, to establish the Victorian Transport Fund, to make related amendments to the Transport Integration Act 2010, the Port Management Act 1995, the Marine Safety Act 2010, the Essential Services Commission Act 2001 and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**19 ADOPTION AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Adoption Act 1984 by repealing provisions relating to contact statements and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

**20 ENERGY LEGISLATION AMENDMENT (PUBLICATION OF RETAIL OFFERS) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mrs Peulich), the debate was adjourned for one week.

**21 ROAD SAFETY AMENDMENT (PRIVATE CAR PARKS) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 to abrogate any entitlement to a preliminary discovery order against the Corporation for the purpose of the recovery of private car park fees and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

**22 PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Planning and Environment Act 1987 to provide for a new system for levying and collecting contributions towards the provision of infrastructure and to make a related amendment to the Subdivision Act 1988 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**23 ASSOCIATIONS INCORPORATION REFORM AMENDMENT (ELECTRONIC TRANSACTIONS) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Associations Incorporation Reform Act 2012 to facilitate the making of applications and other transactions under that Act through the use of*

*electronic (digital and online) media, to reduce the reporting requirements of smaller associations and for other purposes and requesting the agreement of the Council.*

On the motion of Ms Mikakos (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

**24 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.26 p.m., adjourned until Tuesday, 4 August 2015.

ANDREW YOUNG  
*Acting Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 23, 24 and 25

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Tuesday, 23 June 2015

### 1 STATE TAXATION ACTS AMENDMENT BILL 2015

Clauses 1 to 14 — put and agreed to.

Heading to Clause 15 — Mr Jennings moved —

1. Suggested amendment to the Legislative Assembly:  
Heading to clause 15, omit "3E" and insert "3F".

*Committee interrupted at 10.00 p.m. pursuant to Standing Orders —*

Progress reported.

### 2 STATE TAXATION ACTS AMENDMENT BILL 2015

*Progress having been reported earlier this day —*

Heading to Clause 15 — Debate resumed on the suggested amendment —

1. Suggested amendment to the Legislative Assembly:  
Heading to clause 15, omit "3E" and insert "3F".

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

Consideration of Heading postponed.

Clause 15 — Mr Jennings moved —

2. Suggested amendment to the Legislative Assembly:  
Clause 15, page 23, line 9, omit "circumstances." and insert "circumstances".

3. Suggested amendment to the Legislative Assembly:  
Clause 15, page 23, after line 9 insert—

**"3F Delegation of exemption power**

- (1) The Treasurer may delegate, by instrument, to the Commissioner—
  - (a) the power of the Treasurer to exempt a person under section 3E(2);
  - (b) the power to delegate the power delegated under paragraph (a).
- (2) If power has been delegated under subsection (1)(b), the Commissioner may, subject to the terms of the instrument of delegation, sub-delegate, by instrument, to a member of staff of the State Revenue Office the power that is the subject of the delegation, other than the power of sub-delegation.
- (3) Subject to subsection (4), sections 42 and 42A of the **Interpretation of Legislation Act 1984** apply in relation to a sub-delegation in the same manner as they apply in relation to a delegation.
- (4) Despite section 42A(1)(a) of the **Interpretation of Legislation Act 1984**, the Treasurer cannot exercise the power to exempt a person under section 3E(2) while a delegation under subsection (1)(a) is in effect.
- (5) In this section—

**member of staff of the State Revenue Office** means—

  - (a) an employee referred to in section 67 of the **Taxation Administration Act 1997**; or
  - (b) a consultant or contractor engaged under section 68 of that Act."

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

Mr Rich-Phillips moved —

2. Suggested amendment to the Legislative Assembly:  
Clause 15, page 23, after line 9 insert—

- "(3) At least once every 6 months the Treasurer must cause to be laid before each House of Parliament, and publish on an appropriate government website, a report setting out—
- (a) in respect of the exemptions (if any) granted by the Treasurer under subsection (2) during the period covered by the report—
    - (i) the number of exemptions; and
    - (ii) the name of each foreign corporation or foreign trust in relation to which an exemption was granted; and
    - (iii) the value of each exemption, being the amount of duty foregone, or likely to be foregone, by the State because of the exemption; and
  - (b) in respect of the exemptions (if any) granted by the Commissioner or a member of staff of the State Revenue Office during the period covered by the report under a delegation under section 3F—
    - (i) the number of exemptions; and
    - (ii) the total value of the exemptions, being the total amount of duty foregone, or likely to be foregone, by the State because of the exemptions.
- (4) The Treasurer must issue guidelines for the exercise of the power of exemption under subsection (2).
- (5) The Treasurer must cause guidelines issued under subsection (4) to be published in the Government Gazette.
- (6) Guidelines issued under subsection (4) are not a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**."

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

Mr Barber moved —

2. Suggested amendment to the Legislative Assembly:  
Clause 15, page 21, line 24, omit "estate." and insert "estate.".
3. Suggested amendment to the Legislative Assembly:  
Clause 15, page 21, lines 25 to 34, page 22, lines 1 to 36 and page 23, lines 1 to 9, omit all words and expressions on these lines.

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

The Committee divided — The Acting President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

(*Tellers: Ms Hartland and Ms Pennicuik*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Wooldridge; Mr Young.

(*Tellers: Mr Leane and Mr Purcell*)

Question negatived.

Consideration of clause postponed.

**Clauses 16 to 25** — put and agreed to.

**Heading to Clause 26** — Mr Jennings moved —

4. Suggested amendment to the Legislative Assembly:  
Heading to clause 26, omit "**and 3B**" and insert "**to 3C**".

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

Consideration of Heading postponed.

**Clause 26** — Mr Jennings moved —

5. Suggested amendment to the Legislative Assembly:  
Clause 26, page 31, line 13, omit "circumstances." and insert "circumstances."
6. Suggested amendment to the Legislative Assembly:  
Clause 26, page 31, after line 13, insert—  
**"3C Delegation of exemption power**

- (1) The Treasurer may delegate, by instrument, to the Commissioner—
  - (a) the power of the Treasurer to exempt an absentee person under section 3B(2);
  - (b) the power to delegate the power delegated under paragraph (a).
- (2) If power has been delegated under subsection (1)(b), the Commissioner may, subject to the terms of the instrument of delegation, sub-delegate, by instrument, to a member of staff of the State Revenue Office the power that is the subject of the delegation, other than the power of sub-delegation.
- (3) Subject to subsection (4), sections 42 and 42A of the **Interpretation of Legislation Act 1984** apply in relation to a sub-delegation in the same manner as they apply in relation to a delegation.
- (4) Despite section 42A(1)(a) of the **Interpretation of Legislation Act 1984**, the Treasurer cannot exercise the power to exempt an absentee person under section 3B(2) while a delegation under subsection (1)(a) is in effect.
- (5) In this section—
 

**member of staff of the State Revenue Office** means—

  - (a) an employee referred to in section 67 of the **Taxation Administration Act 1997**; or
  - (b) a consultant or contractor engaged under section 68 of that Act."."

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

Mr Rich-Phillips moved —

4. Suggested amendment to the Legislative Assembly:

Clause 26, page, 31, after line 13 insert—

- "(3) At least once every 6 months the Treasurer must cause to be laid before each House of Parliament, and publish on an appropriate government website, a report setting out—
- (a) in respect of the exemptions (if any) granted by the Treasurer under subsection (2) during the period covered by the report—
    - (i) the number of exemptions; and
    - (ii) the name of each corporation in relation to which an exemption was granted; and
    - (iii) the value of each exemption, being the amount of land tax foregone, or likely to be foregone, by the State because of the exemption; and
  - (b) in respect of the exemptions (if any) granted by the Commissioner or a member of staff of the State Revenue Office during the period covered by the report under a delegation under section 3C—
    - (i) the number of exemptions; and
    - (ii) the total value of the exemptions, being the total amount of land tax foregone, or likely to be foregone, by the State because of the exemptions.
- (4) The Treasurer must issue guidelines for the exercise of the power of exemption under subsection (2).
- (5) The Treasurer must cause guidelines issued under subsection (4) to be published in the Government Gazette.
- (6) Guidelines issued under subsection (4) are not a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**."."

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

Mr Barber moved —

5. Suggested amendment to the Legislative Assembly:

Clause 26, page 30, line 16, omit "corporation." and insert "corporation."."

6. Suggested amendment to the Legislative Assembly:

Clause 26, page 30, lines 17 to 35 and page 31, lines 1 to 13, omit all words and expressions on these lines.

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

The Committee divided — The Acting President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

(Tellers: Mr Barber and Ms Springle)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Wooldridge; Mr Young.

(Tellers: Mr Drum and Mr Finn)

Question negatived.

Consideration of clause postponed.

**Clauses 27 to 46** — put and agreed to.

**Progress reported.**

## **Wednesday, 24 June 2015**

### **1 STATE TAXATION ACTS AMENDMENT BILL 2015**

*Progress having been reported on 23 June 2015 —*

**Postponed Heading preceding Clause 15** — put and agreed to.

**Postponed Clause 15** — put and agreed to.

**Postponed Heading preceding Clause 26** — put and agreed to.

**Postponed Clause 26** — put and agreed to.

**Bill report without amendment.**

## **Thursday, 25 June 2015**

### **1 APPROPRIATION (2015-2016) BILL 2015**

**Clause 1** — Debate commenced.

*Committee interrupted at 12 noon pursuant to Sessional Orders —*

**Progress reported.**

### **2 APPROPRIATION (2015-2016) BILL 2015**

*Progress having been reported earlier this day —*

**Clause 1** — put and agreed to.

**Clauses 2 to 10** — put and agreed to.

**Schedules 1 to 3** — put and agreed to.

**Bill reported without amendment.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 26, 27 and 28

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#### No. 26 — Tuesday, 4 August 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that he had —
  - On 29 June 2015, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
    - Court Services Victoria and Other Acts Amendment Act 2015*
    - State Taxation Acts Amendment Act 2015.*
  - On 29 June 2015, given the Royal Assent to the following Acts presented to him by the Speaker:
    - Appropriation (2015-2016) Act 2015*
    - Appropriation (Parliament 2015-2016) Act 2015.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Cost of legal representation and investigation relating to former Minister Somyurek** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Jennings due Thursday, 6 August 2015.
- **Foetal organs** — supplementary question asked by Dr Carling-Jenkins — response from Ms Mikakos due Thursday, 6 November 2015.

- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 5 **PAPERS** —

**ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO THE PLANNING AND ENVIRONMENT AMENDMENT (RECOGNISING OBJECTORS) BILL 2015** — Mr Davis presented a Report from the Environment and Planning Committee on the Planning and Environment Amendment (Recognising Objectors) Bill 2015 (including an Appendix).

Ordered to lie on the Table and to be published.

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

Debate ensued.

Question — put and agreed to.

**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO THE CHILDREN, YOUTH AND FAMILIES AMENDMENT (RESTRICTIONS ON THE MAKING OF PROTECTION ORDERS) BILL 2015** — Mr O'Donohue presented a Report from the Legal and Social Issues Committee on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015 (including an Appendix).

Ordered to lie on the Table and to be published.

Mr O'Donohue moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REVIEW 2014 ON REGULATIONS AND LEGISLATIVE INSTRUMENTS** — Mr Dalla-Riva presented the Annual Review 2014 on Regulations and Legislative Instruments (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 8 of 2015 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Gambling Regulations Act 2003 — Amendment of the Category 1 Public Lottery Licence, 3 June 2015.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule Nos. 42 and 82.

Melbourne Cricket Ground Trust — Annual Report, 2014-15.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C188.

Baw Baw Planning Scheme — Amendments C110 and C112.

Benalla Planning Scheme — Amendment C30.

Brimbank Planning Scheme — Amendment C134.

Cardinia Planning Scheme — Amendment C185.

Casey Planning Scheme — Amendments C115, C174, C203 and C214.

Colac Otway Planning Scheme — Amendment C85.

Colac Otway Planning Scheme and Greater Geelong Planning Scheme — Amendment GC27.

East Gippsland Planning Scheme — Amendment C123.

Glen Eira Planning Scheme and Stonnington Planning Schemes — Amendment No. GC30.

Greater Bendigo Planning Scheme — Amendment C130.

Greater Geelong Planning Scheme — Amendments C307, C308 and C312.

Greater Shepparton Planning Scheme — Amendment C176.

Hume Planning Scheme — Amendment C168.

Manningham Planning Scheme — Amendments C106 and C108.

Mansfield Planning Scheme — Amendment C32.

Maroondah Planning Scheme — Amendment C103.

Melbourne Planning Scheme — Amendment C263.

Mildura Planning Scheme — Amendment C90.

Moorabool Planning Scheme — Amendments C6 (Part 3) and C62.

Mornington Peninsula Planning Scheme — Amendment C188 (Part 1).

- Mount Alexander Planning Scheme — Amendment C49.
- Nillumbik Planning Scheme — Amendment C93.
- Stonnington Planning Scheme — Amendment C186.
- Surf Coast Planning Scheme — Amendment C104.
- Warrnambool Planning Scheme — Amendment C90.
- Wyndham Planning Scheme — Amendment C141.
- Yarra Planning Scheme — Amendments C186, C187 and C193.
- Yarra Ranges Planning Scheme — Amendment C129.
- Public Interest Monitor — Report, 2014-15.
- Statutory Rules under the following Acts of Parliament —
  - Building Act 1993 — No. 70.
  - Court Security Act 1980 — No. 89.
  - Domestic Animals Act 1994 — No. 64.
  - Electricity Safety Act 1998 — Nos. 67 and 68.
  - Emergency Management Act 2013 — No. 82.
  - Guardianship and Administration Act 1986 — No. 81.
  - Major Crime (Investigative Powers) Act 2004 — No. 65.
  - Plant Biosecurity Act 2010 — No. 80.
  - Port Management Act 1995 — No. 71.
  - Regional Development Victoria Act 2002 — No. 83.
  - Road Safety Act 1986 — Nos. 78, 79 and 84 to 86.
  - Safe Drinking Water Act 2003 — No. 88.
  - Sex Offenders Registration Act 2004 — No. 90.
  - Subordinate Legislation Act 1994 — Nos. 69 and 77.
  - Transport (Compliance and Miscellaneous) Act 1983 — Nos. 72 to 75.
  - Transport (Safety Schemes Compliance and Enforcement) Act 2014 — No. 76.
  - Victorian Civil and Administrative Tribunal Act 1998 — No. 66.
  - Wrongs Act 1958 — No. 87.
- Subordinate Legislation Act 1994 —
  - Documents under section 15 in respect of —
    - Legal Profession Uniform Regulations 2015.
    - Rail Safety National Law National Regulations (Fees) Variation Regulation 2015.
    - Rail Safety National Law National Regulations Variation Regulations 2015.
    - Statutory Rules Nos. 47, 55, 59, 60, 64 to 66, 68 to 91.
  - Legislative Instruments and related documents under section 16B in respect of —
    - Greater Metropolitan Cemetery Trust Scale of Fees and Charges effective as of 25 June 2015 under the Cemeteries and Crematoria Act 2003.
    - Southern Metropolitan Cemetery Trust Scale of Fees and Charges effective as of 2 July 2015 under the Cemeteries and Crematoria Act 2003.
    - Amendment to the Code of Practice for the Operation of Breeding and Rearing Businesses 2014, 30 June 2015, under the Domestic Animals Act 1994.
    - Order Exempting Certain Breeding Dogs from Payments of Council Registration Fee and De-Sexing Requirements, 7 July 2015, under the Domestic Animals Act 1994.
    - Determination of gaming machine entitlement, 20 July 2015, under the Gambling Regulation Act 2003.
    - Victorian Bar incorporated Legal Profession (Approved Clerks Trust Account) Rules 2015 under the Legal Profession Uniform Law Application Act 2014.
    - Ministerial Order of 22 June 2015 under section 66AC(1) of the Liquor Control Reform Act 1998.
    - Fixing of fees, notice of 30 June 2015, under the Livestock Disease Control Act 1994.
    - Determination of Fees: Commercial Passenger Vehicle Licences, Accreditations Applications and Annual Taxi-cab Licence fees made under the Transport (Compliance and Miscellaneous) Act 1983.
- Wrongs Act 1958 — Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels, 14 June 2015.

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Court Services Victoria and Other Acts Amendment Act 2015 — 30 June 2015 (*Gazette No. S183, 30 June 2015*).

Education and Training Reform Amendment (Child Safe Schools) Act 2015 — Remaining Provisions (except sections 4(2), 5(1), 5(2) and 5(4)) — 1 July 2015 (*Gazette No. S183, 30 June 2015*).

Limitation of Actions Amendment (Child Abuse) Act 2015 — 1 July 2015 (*Gazette No. S183, 30 June 2015*).

Regional Development Victoria Amendment (Jobs and Infrastructure) Act 2015 — Whole Act (except section 18) — 1 July 2015 (*Gazette No. S183, 30 June 2015*).

**6 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 5 August 2015:

- (1) the notice of motion given this day by Mr Rich-Phillips to establish a select committee inquiry into the Port of Melbourne;
- (2) Order of the Day No. 5, resumption of debate on the Alcoa (Portland Aluminium Smelter) (Amendment) Act Amendment Bill 2015;
- (3) the notice of motion given this day by Ms Wooldridge calling for documents on Peter Mac and the VCCC;
- (4) the notice of motion given this day by Ms Wooldridge relating to bullying and capabilities inquiries involving the former Minister for Small Business, Innovation and Trade;
- (5) the notice of motion given this day by Mr Rich-Phillips calling for documents from the Department of Economic Development, Jobs, Transport and Resources relating to two government contracts; and
- (6) Notice of Motion No. 127 standing in the name of Mr Davis calling for documents regarding an underground railway station located in South Yarra.

Question — put and agreed to.

**7 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 134 be postponed until the later this day.

**10 VICTORIA POLICE AMENDMENT (VALIDATION) BILL 2015** — 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.

**11 JUDICIAL ENTITLEMENTS BILL 2015** — 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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

**12 PLANNING AND ENVIRONMENT AMENDMENT (RECOGNISING OBJECTORS) BILL 2015** — 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.

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 ELECTORAL MATTERS COMMITTEE** — The Acting President read a letter from Mr Dalidakis resigning from the Electoral Matters Committee, effective from 4 August 2015.

**14 COMMITTEE MEMBERSHIP** — Mr Dalidakis moved, by leave, That —

(1) Mr Dalidakis be discharged from the Standing Committee on the Economy and Infrastructure;

(2) Ms Tierney be —

(a) discharged from the Standing Committee on the Environment and Planning; and  
(b) appointed to the Standing Committee on the Economy and Infrastructure;

(3) Mr Somyurek be appointed to the —

(a) Standing Committee on the Environment and Planning; and  
(b) Electoral Matters Committee.

Question — put and agreed to.

**15 DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

**16 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.32 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 27 — Wednesday, 5 August, 2015

1 The President took the Chair and read the Prayer.

2 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Collections Management in Cultural Agencies — August 2015 (*Ordered to be published*).

Managing Major Projects — August 2015 (*Ordered to be published*).

Management of Staff Occupational Health and Safety in Schools — August 2015 (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Macedon Ranges Planning Scheme — Amendment C89.

Melbourne Planning Scheme — Amendments C215 and C240.

Nillumbik Planning Scheme — Amendment C88.

A Statutory Rule under the Dangerous Goods Act 1985 — No. 91.

3 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

5 **PORT OF MELBOURNE SELECT COMMITTEE** — Mr Rich-Phillips moved, That —

(1) a Select Committee of eight members be appointed to inquire into and report on the proposed lease of the Port of Melbourne as contemplated by the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015 and, in particular —

- (a) the structure and duration of the proposed lease;
  - (b) the potential impacts of the proposed lease on the development of a second container port in Victoria;
  - (c) the potential impacts on the environment of the further expansion of the Port of Melbourne;
  - (d) the potential impacts of the proposed arrangements on the competitiveness of the Port of Melbourne, the supply chains that depend on it and cost effects on goods passing through the Port of Melbourne;
  - (e) the effectiveness of the proposed regulatory framework in dealing with the transfer of a monopoly asset from the public sector to the private sector;
  - (f) how the proposed lease balances the short-term objective of maximising the proceeds of the lease with the longer-term objective of maximising the economic benefits to Victoria of container trade; and
  - (g) any other relevant matters;
- (2) the Committee will consist of three Members from the Government nominated by the Leader of the Government in the Council, three Members from the Opposition nominated by the Leader of the Opposition in the Council, one Member from the Greens nominated by the Leader of the Greens in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
  - (3) the Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on the Friday following the adoption of this resolution;
  - (4) the first meeting of the Committee must be held no later than 4.00 p.m. on the Wednesday following the adoption of this resolution;
  - (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
  - (6) one half of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;
  - (7) the Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member;
  - (8) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
  - (9) the Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry;
  - (10) the Committee will present its final report to the Council no later than 30 November 2015;
  - (11) the presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions; and
  - (12) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Debate ensued.

Mr Jennings moved, as amendments —

1. For paragraph (6) substitute —  
“(6) five of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;”.
2. In paragraph (10), for “30 November 2015” substitute “30 September 2015”.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 6 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Financial implications of concessions given to religious organisations** — substantive question asked by Ms Patten — response from Mr Jennings due Tuesday, 18 August 2015.
- **Purchase of Boeing 717 aircraft for training** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Herbert due Thursday, 6 August 2015.
- **Minister Somyurek's office** — supplementary question asked by Ms Wooldridge on 25 June 2015 — matter having been redirected by the President, response from Mr Jennings due Tuesday, 18 August 2015.

**7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**8 PORT OF MELBOURNE SELECT COMMITTEE** — Debate continued on the question, That —

- (1) a Select Committee of eight members be appointed to inquire into and report on the proposed lease of the Port of Melbourne as contemplated by the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015 and, in particular —
  - (a) the structure and duration of the proposed lease;
  - (b) the potential impacts of the proposed lease on the development of a second container port in Victoria;
  - (c) the potential impacts on the environment of the further expansion of the Port of Melbourne;
  - (d) the potential impacts of the proposed arrangements on the competitiveness of the Port of Melbourne, the supply chains that depend on it and cost effects on goods passing through the Port of Melbourne;
  - (e) the effectiveness of the proposed regulatory framework in dealing with the transfer of a monopoly asset from the public sector to the private sector;
  - (f) how the proposed lease balances the short-term objective of maximising the proceeds of the lease with the longer-term objective of maximising the economic benefits to Victoria of container trade; and
  - (g) any other relevant matters;
- (2) the Committee will consist of three Members from the Government nominated by the Leader of the Government in the Council, three Members from the Opposition nominated by the Leader of the Opposition in the Council, one Member from the Greens nominated by the Leader of the Greens in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) the Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on the Friday following the adoption of this resolution;
- (4) the first meeting of the Committee must be held no later than 4.00 p.m. on the Wednesday following the adoption of this resolution;
- (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (6) one half of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;
- (7) the Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member;
- (8) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (9) the Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry;

(10) the Committee will present its final report to the Council no later than 30 November 2015;

(11) the presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions; and

(12) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

— and on the amendments moved by Mr Jennings.

Question — That amendment 1 moved by Mr Jennings be agreed to — put and agreed to.

Question — That amendment 2 moved by Mr Jennings be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Elasmarr and Mr Melhem)*

NOES, 24

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Purcell)*

Question negatived.

Original question, as amended — put and agreed to.

**9 ALCOA (PORTLAND ALUMINIUM SMELTER) (AMENDMENT) ACT AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Dunn were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted.

Mr Barber moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 22

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

*(Tellers: Mr Morris and Ms Springle)*

NOES, 18

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Bourman and Mr Melhem)*

Question agreed to.

Bill transmitted to the Assembly with a Message requesting their agreement.

**10 PRODUCTION OF DOCUMENTS — PETER MAC PRIVATE HOSPITAL** — Ms Wooldridge moved, That in accordance with Standing Order 11.01 there be provided to the Council, by noon on Monday immediately preceding the next sitting Tuesday following the adoption of this resolution, a copy of all documents in relation to the establishment of the Peter Mac



Private Hospital on the site of the Victorian Comprehensive Cancer Centre (VCCC) including, but not limited to —

- (1) the business case;
- (2) presentations and/or documents prepared for the Peter MacCallum Cancer Centre (PMCC) Board or sub-committees;
- (3) a copy of the agreement (be it a contract, MOU, Heads of Agreement or any other agreement relating to the relationship between PMCC and the Private Provider selected), or the most recent draft, together with working papers relating to this agreement between PMCC and the Private Provider selected to operate the private Hospital on the 13th Floor of the VCCC;
- (4) the State Government contract with the Plenary Group to lease the 13th Floor of the VCCC, or if there is no such contract, any document constituting or evidencing a commitment to Plenary by or on behalf of the State to take up a lease of that floor, any subsequent agreements (draft or otherwise) for PMCC to sub-lease this space from the State and any document recording the cost to the State of that lease;
- (5) information (not already covered by (1) – (4)) provided to the Department of Health and Human Services by PMCC in relation to the Business Case for the establishment of Peter Mac Private; and
- (6) documents provided to the Department of Health and Human Services from the VCCC proposing future use of the 13th Floor.

Debate ensued.

Question — put and agreed to.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 144 be postponed until later this day.

**12 PRODUCTION OF DOCUMENTS — DEPARTMENT OF ECONOMIC DEVELOPMENT, JOBS, TRANSPORT AND RESOURCES** — Mr Rich-Phillips moved, That in accordance with Standing Order 11.01 there be provided to the Council, by noon on the Monday immediately preceding the next sitting Tuesday following the adoption of this resolution, any reports, briefings, presentations or analysis provided to the Department of Economic Development, Jobs, Transport and Resources pursuant to the following contracts as identified on the tenders.vic.gov.au website —

- (1) contract 338524 with The Boston Consulting Group Pty Ltd; and
- (2) contract 335886 with KPMG.

On the motion of Ms Symes, debate was adjourned until later this day.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 127, be postponed until later this day.

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 134, be postponed until later this day.

**16 DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Lovell, the debate was adjourned until the Select Committee has delivered its report.

**17 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.57 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 28 — Thursday, 6 August, 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ALCOA (PORTLAND ALUMINIUM SMELTER) (AMENDMENT) ACT AMENDMENT BILL 2015** — The President read a Message from the Assembly informing the Council that they have rejected this Bill.  
On the motion of Mr Davis, the Message was ordered to be taken into consideration on the next day of meeting.
- 3 **PETITION — NO. 8 TRAM ROUTE** — Mr Davis presented a Petition bearing 260 signatures from certain citizens of Victoria requesting that the Legislative Council urge the Andrews Labor Government to stop their abolition of the No. 8 tram route.  
Ordered to lie on the Table.
- 4 **PAPER — FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — ABUSE IN DISABILITY SERVICES** — Mr Finn presented an Interim Report from the Family and Community Development Committee on Abuse in Disability Services (including Appendices), together with Transcripts of Evidence.  
Ordered to lie on the Table and the Report to be published.  
Mr Finn moved, That the Council take note of the Report.  
Debate ensued.  
Question — put and agreed to.
- 5 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 18 August 2015.  
Question — put and agreed to.
- 6 **MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.
- 7 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 8 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 134, be postponed until later this day.
- 9 **ENERGY LEGISLATION AMENDMENT (PUBLICATION OF RETAIL OFFERS) BILL 2015** — 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.
- 10 **CHILDREN, YOUTH AND FAMILIES AMENDMENT (RESTRICTIONS ON MAKING OF PROTECTION ORDERS) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 12 noon pursuant to Sessional Orders —*
- 11 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.  
**EARLY CHILDHOOD EDUCATORS — INDUSTRIAL NEGOTIATIONS** — Ms Mikakos having given answers to a question without notice and a supplementary question relating to early childhood educators industrial negotiations —  
On the motion of Ms Crozier, the Minister's answers were ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Manufacturing industry – bluestone procurement** — substantive and supplementary questions asked by Mr Purcell — response from Ms Pulford due Wednesday, 19 August 2015.
- **Native forest timber industry** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Tuesday, 18 August 2015

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 CHILDREN, YOUTH AND FAMILIES AMENDMENT (RESTRICTIONS ON THE MAKING OF PROTECTION ORDERS) BILL 2015** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Amendments proposed to be moved in Committee by Ms Crozier and Ms Springle were circulated.

Ms Crozier moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014* that relate to the restrictions on the making of protection orders under the *Children, Youth and Families Act 2005*, and requiring the Children's Court of Victoria to publish information relating to decisions not to make protection orders and requiring the Commission for Children and Young People to report on that information in the Commission's annual report.

Debate ensued.

Question — put and agreed to.

Ms Springle moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014* that relate to restrictions on the making of protection orders, the duration of family reunification orders, interim accommodation orders and contact between children on permanent care orders and their parents.

Debate ensued.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Ms Mikakos moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 24

Mr Barber; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

(Tellers: Mr Leane and Mr Young)

NOES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Ms Fitzherbert and Mr Morris)

Question agreed to.

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

- 14 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 consequential on certain amendments made to the Classification (Publications, Films and Computer Games) Act 1995 of the Commonwealth and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Jennings (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
- Mr Jennings moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.
- 15 CORRECTIONS LEGISLATION AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Corrections Act 1986 and the Parole Orders (Transfer) Act 1983 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Jennings (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
- Mr Jennings moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.
- 16 INFRASTRUCTURE VICTORIA BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish Infrastructure Victoria to provide independent and expert advice about Victoria's infrastructure needs and priorities, to establish a new strategic infrastructure planning process and to amend the Public Administration Act 2004 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
- Mr Jennings moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.
- 17 LOCAL GOVERNMENT LEGISLATION AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Local Government Act 1989 to enable Councils, including the City of Melbourne, to enter into environmental upgrade agreements and to consequentially amend the City of Melbourne Act 2001 and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Jennings (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
- Mr Jennings moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Mr Drum), the debate was adjourned for one week.
- 18 ROAD SAFETY AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 to provide for the taking of a blood sample of a driver or the person in charge of a motor vehicle that is*

*involved in an accident that has resulted in serious injury or death and to make other amendments to clarify the operation of that Act and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Jennings (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

**19 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.33 p.m. adjourned until Tuesday, 18 August 2015.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 26, 27 and 28

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**Tuesday, 4 August 2015**

**1 PLANNING AND ENVIRONMENT AMENDMENT (RECOGNISING OBJECTORS) BILL 2015**

**Clauses 1 to 6** — put and agreed to.

**Bill reported without amendment.**

**Wednesday, 5 August 2015**

**1 ALCOA (PORTLAND ALUMINIUM SMELTER) (AMENDMENT) ACT AMENDMENT BILL 2015**

**Clause 1** — Ms Dunn moved —

1. Clause 1, line 2, omit "repeal" and insert "amend2".

Question — That the amendment stand part of the Bill — put and agreed to.

Clause 1, as amended — put and agreed to.

**Clause 2** — put and agreed to.

**New Clause** — Ms Dunn moved —

2. Insert the following New Clause to follow clause 2—

**"A Section 14 amended**

- (1) In section 14(2) of the **Alcoa (Portland Aluminium Smelter) (Amendment) Act 1984**—
  - (a) in the definition of **Smelter**, omit "or the smelter at Point Henry"; and
  - (b) in the definition of **Smelter site**, omit "or the smelter site at Point Henry".
- (2) After section 14(2) of the **Alcoa (Portland Aluminium Smelter) (Amendment) Act 1984** insert—
- (3) A document created on or before the day on which the **Alcoa (Portland Aluminium Smelter) (Amendment) Act Amendment Act 2015** comes into operation and relating to the establishment, operation or carrying on of the smelter at Point Henry or affecting or relating to the smelter site at Point Henry or anything done or to be done on or in relation to the smelter site at Point Henry is an exempt document for the purposes of the **Freedom of Information Act 1982**."

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

**Clause 3** — put and negatived.

**Clause 4** — put and agreed to.

**Bill reported with amendments.**

## Thursday, 6 August 2015

### 1 CHILDREN, YOUTH AND FAMILIES AMENDMENT (RESTRICTIONS ON THE MAKING OF PROTECTION ORDERS) BILL 2015

**Clause 1** — Consideration of Clause 1 postponed.

**New Clause** — Ms Crozier moved —

2. Insert the following New Clause before clause 2—

**"AA Purposes**

The main purposes of this Act are to amend the **Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014**—

- (a) in relation to the restrictions on the making of protection orders under the **Children, Youth and Families Act 2005**; and
- (b) to require the Children's Court of Victoria to publish information relating to decisions not to make protection orders; and
- (c) to require the Commission for Children and Young People to report on that information in the Commission's annual report."

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

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge. (*Tellers: Mr Drum and Ms Fitzherbert*)

NOES, 24

Mr Barber; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young. (*Tellers: Mr Melhelm and Mr Purcell*)

Question negated.

**New Clause** — Ms Springle moved —

2. Insert the following New Clause before clause 2—

**"AA Purposes**

The main purpose of this Act is to amend the provisions of the **Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014** that relate to—

- (a) restrictions on the making of protection orders;
- (b) the duration of family reunification orders;
- (c) interim accommodation orders;
- (d) contact between children on permanent care orders and their parents."

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

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle. (*Tellers: Ms Dunn and Ms Hartland*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young. (*Tellers: Mr Elasmr and Mr Finn*)

Question negated.



**Postponed Clause 1** — put and agreed to.

**Clauses 2 to 4** — put and agreed to.

**Bill reported without amendment.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 29, 30 and 31

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#### No. 29 — Tuesday, 18 August 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 11 August 2015, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Act 2015.*
  - Energy Legislation Amendment (Publication of Retail Offers) Act 2015*
  - Judicial Entitlements Act 2015*
  - Planning and Environment Amendment (Recognising Objectors) Act 2015*
  - Victoria Police Amendment (Validation) Act 2015.*
- 3 **PAPER — PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — ALLEGATIONS MADE AGAINST THE AUDITOR-GENERAL – TERMS OF REFERENCE** — Ms Shing, by leave, presented a Report from the Public Accounts and Estimates Committee on the Allegations made against the Auditor-General – terms of reference.

Ordered to lie on the Table and be published.
- 4 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — TERMS OF REFERENCE** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the following Resolution —

That the Public Accounts and Estimates Committee is requested to inquire into and report no later than 20 October 2015 on allegations made against the Auditor-General, Mr John Doyle, in a formal grievance dated 12 August 2015, by a member of his staff; and

  - (a) whether, in light of any findings that the Committee may make in relation to the allegations, the Parliament should give consideration to the removal of the Auditor-General from office; and
  - (b) the Committee is requested to conduct this inquiry having regard to the need to afford procedural fairness to all parties, and to protect the privacy of individuals — and requesting the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Mr Jennings moved, by leave, That the Council concurs with the Assembly and resolves:

That the Public Accounts and Estimates Committee is requested to inquire into and report no later than 20 October 2015 on allegations made against the Auditor-General, Mr John Doyle, in a formal grievance dated 12 August 2015, by a member of his staff; and

- (a) whether, in light of any findings that the Committee may make in relation to the allegations, the Parliament should give consideration to the removal of the Auditor-General from office; and
- (b) the Committee is requested to conduct this inquiry having regard to the need to afford procedural fairness to all parties, and to protect the privacy of individuals.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly acquainting them accordingly.

**5 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**SMALL BUSINESS IMPACT ON TAXES** — Mr Dalidakis having given answers to a question without notice and a supplementary question relating to small business impact on taxes — On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Strong investigation into former Minister Somyurek** — supplementary question asked by Mr Dalla-Riva — response from Mr Jennings due Thursday, 20 August 2015.
- **Riots at Melbourne Remand Centre** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Jennings due Thursday, 20 August 2015.
- **Timber harvesting safety zones** — supplementary question asked by Ms Dunn — response from Ms Pulford due Wednesday, 19 August 2015.
- **Drug testing of drivers** — substantive question asked by Ms Patten — response from Mr Herbert due Thursday, 20 August 2015.

**6 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**7 PUBLIC HEALTH AND WELLBEING AMENDMENT (SAFE ACCESS) BILL 2015** — Ms Patten introduced *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 to provide for safe access zones around premises offering reproductive health services and for other purposes.*

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

**8 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 9 of 2015 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and be published.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 19 July 2015 giving approval to the granting of a lease at Victoria Park Reserve.

Occupational Health and Safety Act 2004 — Report of requests for approval of persons or bodies under section 11(1)(d)(v) of the Act, pursuant to section 11(2).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Alpine Planning Schemes — Amendments C34 and C50.

Ballarat Planning Scheme — Amendment C182.

Banyule Planning Scheme — Amendment C109.

Boroondara, Darebin and Hobsons Bay Planning Scheme — Amendment GC32.

Brimbank Planning Schemes — Amendments C174 and C175.  
 Colac Otway Planning Scheme — Amendment C73.  
 Darebin Planning Scheme — Amendment C133 (Part 1).  
 Glen Eira Planning Scheme — Amendment C135.  
 Glenelg Planning Scheme — Amendment C83.  
 Golden Plains Planning Scheme — Amendment C71.  
 Greater Bendigo Planning Scheme — Amendment C175.  
 Greater Dandenong Planning Scheme — Amendment C192.  
 Greater Shepparton Planning Scheme — Amendment C98 (Part 1).  
 Maribyrnong Planning Scheme — Amendment C131.  
 Moonee Valley Planning Scheme — Amendment C143.  
 Stonnington Planning Scheme — Amendment C208 (Part 2).  
 Surf Coast Planning Scheme — Amendment C101.  
 Yarra Ranges Planning Scheme — Amendment C152.

Statutory Rule under the Subordinate Legislation Act 1994 — No. 92.

Subordinate Legislation Act 1994 — Legislative Instrument and related documents under section 16B in respect of the Amendment to the Racing Victoria Bookmakers' Licence Levy Rules 2012, 6 August 2015, under the Racing Act 1958.

Surveyor-General — Report on the Administration of the Survey Co-ordination Act 1958, 2014-15.

Victorian Inspectorate —

Report 2014-15, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to the Department of Economic Development, Jobs, Transport and Resources.

Report 2014-15, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to the Department of Environment, Land, Water and Planning.

Report 2014-15, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to the Game Management Authority.

Report 2014-15, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to the Independent Broad-based Anti-corruption Commission.

Report 2014-15, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to Victoria Police.

Workplace Injury Rehabilitation and Compensation Act 2013 — Report of requests for approval of persons or bodies under section 595(2)(d) of the Act, pursuant to section 595(4).

**9 PRODUCTION OF DOCUMENTS — PETER MAC PRIVATE HOSPITAL** — The Clerk laid on the Table a letter from the Attorney-General in response to the Resolution of the Council of 5 August 2015 seeking the production of documents relating to the establishment of the Peter MacCallum Private Hospital on the site of the Victorian Comprehensive Cancer Centre indicating that the Government would respond to the Council's resolution as soon as possible.

**10 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 19 August 2015:

- (1) the order of the day standing in the name of Ms Patten to move the second reading of the Public Health and Wellbeing Amendment (Safe Access) Bill 2015;
- (2) Order of the Day No. 22 standing in the name of Mr Rich-Phillips in relation to the production of documents from the Department of Economic Development, Jobs, Transport and Resources relating to two government contracts;
- (3) Order of the Day No. 12 standing in the name of Mr Rich-Phillips relating to the failure of the Government to produce various documents;
- (4) the notice of motion given this day by Mr Bourman in relation to a joint committee reference into Victorian gun laws;
- (5) Notice of Motion No. 127 standing in the name of Mr Davis in relation to the production of documents relating to South Yarra Station; and

- (6) Notice of Motion No. 144 standing in the name of Ms Wooldridge relating to bullying and capabilities inquiries involving the former Minister for Small Business, Innovation and Trade.

Question — put and agreed to.

- 11 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

- 12 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 134 be postponed until later this day.

- 14 ADOPTION AMENDMENT BILL 2015** — 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.

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.

- 15 PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

Debate continued.

On the motion of Mr Drum, the debate was adjourned until later this day.

- 16 ROAD SAFETY AMENDMENT (PRIVATE CAR PARKS) BILL 2015** — 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.

- 17 ASSOCIATIONS INCORPORATION REFORM AMENDMENT (ELECTRONIC TRANSACTIONS) BILL 2015** — 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.

- 18 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 9.53 p.m, adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 30 — Wednesday, 19 August, 2015

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Auditor-General's Reports on —
    - Applying the High Value High Risk Process to Unsolicited Proposals, August 2015 (*Ordered to be published*).
    - Biosecurity: Livestock, August 2015 (*Ordered to be published*).
    - Unconventional Gas: Managing Risks and Impacts, August 2015 (*Ordered to be published*).
  - Commission for Children and Young People — Report of the Inquiry into the adequacy of the provision of residential care services to Victorian children and young people who have been subject to sexual abuse or sexual exploitation whilst residing in residential care, August 2015 (*Ordered to be published*).
  - Statutory Rule under the Powers of Attorney Act 2014 — No. 93.
- 3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 4 **PUBLIC HEALTH AND WELLBEING AMENDMENT (SAFE ACCESS) BILL 2015** — Ms Patten laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
Ms Patten moved, That the Bill be now read a second time.  
Debate ensued.  
On the motion of Ms Pulford (for Ms Symes), the debate was adjourned for two weeks.
- 5 **PRODUCTION OF DOCUMENTS — DEPARTMENT OF ECONOMIC DEVELOPMENT, JOBS, TRANSPORT AND RESOURCES** — Debate resumed on the motion, That in accordance with Standing Order 11.01 there be provided to the Council, by noon on the Monday immediately preceding the next sitting Tuesday following the adoption of this resolution, any reports, briefings, presentations or analysis provided to the Department of Economic Development, Jobs, Transport and Resources pursuant to the following contracts as identified on the tenders.vic.gov.au website —
  - (1) contract 338524 with The Boston Consulting Group Pty Ltd; and
  - (2) contract 335886 with KPMG.Question — put and agreed to.
- 6 **GOVERNMENT'S NON-PRODUCTION OF DOCUMENTS** — Debate resumed on the motion, That this House —
  - (1) notes the failure of the Government to comply with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —
    - (a) 11 February 2015 in respect of Port of Melbourne documents;
    - (b) 25 February 2015 in respect of West Gate Distributor documents;
    - (c) 25 February 2015 in respect of Australian F1 Grand Prix documents; and
    - (d) 25 February 2015 in respect of Cranbourne-Pakenham Rail Corridor Project documents;
  - (2) notes that the Government's failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;
  - (3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*, and the power to make Standing Orders under section 43 of that Act;
  - (4) affirms the right of the Council to require the production of documents;

- (5) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Government and demand accountability by the Government; and
- (6) notes that if the resolutions of the Council are not complied with, the Council reserves its right to find the Leader of the Government guilty of a contempt of the Council and to impose an appropriate sanction until the resolutions are complied with;
- and requires the Leader of the Government to table by 12 noon on the next day of sitting following the adoption of this resolution, all documents required to be tabled by the resolutions of the Council outlined in items (1)(a) to (d) that have not already been tabled.

Mr Ondarchie moved, as amendments, That —

1. In subparagraph (1)(c) omit “and”.
2. After subparagraph (1)(d) insert —  
“(e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents;  
and  
(f) 5 August 2015 in respect of Peter Mac Private Hospital documents;”.
3. In the final paragraph for “(1)(a) to (d)” substitute “(1)(a) to (f)”.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**PSOs AT PREMIUM STATIONS DURING HOME SAFE TRIAL** — Mr Jennings having given answers to a question without notice and a supplementary question relating to PSOs at premium stations during the Home Safe trial —

On the motion of Mr O'Donohue, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTION DIRECTED FOR WRITTEN RESPONSE** — The President directed a written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **FOI Commissioner — Advice to the Accountability and Oversight Committee** — supplementary question asked by Mr Rich-Phillips — response from Mr Jennings due Thursday, 20 August 2016.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**9 GOVERNMENT'S NON-PRODUCTION OF DOCUMENTS** — Debate continued on the motion, moved by Mr Rich-Phillips (*for full terms of motion, see item 6 on page 159, Minutes No. 30, 19 August 2015*) and on the amendments moved by Mr Ondarchie, That —

1. In subparagraph (1)(c) omit “and”.
2. After subparagraph (1)(d) insert —  
“(e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents;  
and  
(f) 5 August 2015 in respect of Peter Mac Private Hospital documents;”.
3. In the final paragraph for “(1)(a) to (d)” substitute “(1)(a) to (f)”.

Question — That the amendments moved by Mr Ondarchie be agreed to — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Ms Crozier; Mr Dall-Riva; Mr Davis; Mr Drum; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

(*Tellers: Mr Ramsay and Ms Springle*)



## NOES, 16

Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

(Tellers: Mr Mulino and Ms Shing)

Question agreed to.

Question — That this House —

- (1) notes the failure of the Government to comply with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —
  - (a) 11 February 2015 in respect of Port of Melbourne documents;
  - (b) 25 February 2015 in respect of West Gate Distributor documents;
  - (c) 25 February 2015 in respect of Australian F1 Grand Prix documents;
  - (d) 25 February 2015 in respect of Cranbourne-Pakenham Rail Corridor Project documents;
  - (e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and
  - (f) 5 August 2015 in respect of Peter Mac Private Hospital documents;
- (2) notes that the Government's failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;
- (3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*, and the power to make Standing Orders under section 43 of that Act;
- (4) affirms the right of the Council to require the production of documents;
- (5) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Government and demand accountability by the Government; and
- (6) notes that if the resolutions of the Council are not complied with, the Council reserves its right to find the Leader of the Government guilty of a contempt of the Council and to impose an appropriate sanction until the resolutions are complied with;

and requires the Leader of the Government to table by 12 noon on the next day of sitting following the adoption of this resolution, all documents required to be tabled by the resolutions of the Council outlined in items (1)(a) to (f) that have not already been tabled — put.

The Council divided — The President in the Chair.

## AYES, 24

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Ms Crozier; Mr Dall-Riva; Mr Davis; Mr Drum; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

(Tellers: Ms Dunn and Ms Fitzherbert)

## NOES, 16

Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

(Tellers: Mr Melhem and Mr Purcell)

Question agreed to.

**10 LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE REFERENCE —**

Mr Bourman moved, That this House, pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Law Reform, Road and Community Safety Committee to inquire into, consider and report no later than 30 June 2016 on the effectiveness of the existing gun laws in Victoria in providing public safety, and —

- (1) give particular consideration to the benefits of —

- (a) registering firearms;
  - (b) the Permit to Acquire system;
  - (c) the firearms category and classification system;
  - (d) classifying firearms based on appearance;
  - (e) handgun regulation;
  - (f) legalising suppressors;
  - (g) ammunition storage laws;
  - (h) including paint ball markers in the current licensing and registration scheme;
  - (i) the National Firearms Agreement and National Handgun Agreement; and
- (2) make recommendations that will have the least negative effect on law abiding citizens of the Victorian community.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, debate stood adjourned in the name of Ms Symes.*

**11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**12 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.58 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 31 — Thursday, 20 August, 2015

1 The President took the Chair and read the Prayer.

2 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 1 September 2015.

Question — put and agreed to.

3 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 150 be postponed until later this day.

6 **PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated in substitution of those already circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

7 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**8 GOVERNMENT'S NON-PRODUCTION OF DOCUMENTS** — The Clerk laid on the Table a letter from the Attorney-General dated 20 August 2015 in response to the Resolution of the Council of 19 August 2015 seeking the production of certain documents —

- noting that the Government has produced documents in relation to Port of Melbourne, West Gate Distributor and Cranbourne-Pakenham rail corridor project and advising that the Government will not be producing additional documents in response to these orders;
- noting that the Government has previously provided responses to Orders of the Council for documents relating to the Australian Formula One Grand Prix on 17 March 2015, the Advanced Lignite Demonstration Program on 23 June 2015 and the Peter MacCallum Private Hospital on 18 August 2015 indicating that the Government would respond to the Council's resolution shortly; and
- referring to previous letters regarding executive privilege sent on 14 April 2015, 23 June 2015 and 15 April 2015.

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

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015** — Bill further considered in Committee of the whole.

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.

**11 INFRASTRUCTURE VICTORIA BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Mr Barber were circulated.

Debate continued.

Question — put and agreed to.

Bill ordered to be committed to a Committee of the whole later this day.

**12 PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**13 CRIMES AMENDMENT (CHILD PORNOGRAPHY AND OTHER MATTERS) BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 in relation to child pornography offences, proceedings related to child pornography offences and warrants, to amend the Criminal Procedure Act 2009 to restrict inspection by an accused of evidence that is child pornography, to make minor amendments to certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

**14 EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2015** — The President read a Message from the Assembly presenting *A Bill for and Act to amend the Education and Training Reform Act 2006 to enhance the functions and powers of the*

*Victorian Registration and Qualifications Authority and school councils in relation to schools and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Jennings (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mrs Peulich), the debate was adjourned for one week.

- 15 EMERGENCY MANAGEMENT (CONTROL OF RESPONSE ACTIVITIES AND OTHER MATTERS) BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to the Emergency Management Act 2013, the Victoria State Emergency Service Act 2005, the Country Fire Authority Act 1958, the Metropolitan Fire Brigades Act 1958 and various other Acts and for other matters and requesting the agreement of the Council.*

On the motion of Mr Jennings (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 16 RESOURCES LEGISLATION AMENDMENT BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Mineral Resources (Sustainable Development) Amendment Act 2014, the Mineral Resources (Sustainable Development) Act 1990 and the Resources Legislation Amendment (BTEX Prohibition and Other Matters) Act 2014 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Jennings (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Drum), the debate was adjourned for one week.

- 17 INFRASTRUCTURE VICTORIA BILL 2015** — 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.

- 18 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 8.09 p.m., adjourned until Tuesday, 1 September 2015.

ANDREW YOUNG  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 29, 30 and 31

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**Tuesday, 18 August 2015**

**1 ADOPTION AMENDMENT BILL 2015**

**Clauses 1 to 11** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 20 August 2015**

**1 PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015**

**Clauses 1 to 3** — put and agreed to.

**Clause 4** — Mr Davis moved —

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

**"development contribution levy** means a development infrastructure levy or community infrastructure levy that is payable under Part 3B;"

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

Mr Davis moved —

2. Clause 4, page 11, after line 31 insert—

"(6) Directions issued under this section cannot provide for annual indexation that exceeds the movement in the consumer price index over the period to which the indexation relates."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr Young)*

NOES, 22

Mr Barber; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Purcell and Mr Somyurek)*

Question negated.

Mr Davis moved —

3. Clause 4, page 18, lines 20 and 21, omit "if required by the Minister, relating to any one or more of the following" and insert "at the times required by the Minister, relating to".

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

Mr Davis moved —

4. Clause 4, page 18, line 23, after "Part;" insert "and".
5. Clause 4, page 18, line 28, after "Part;" insert "and".
6. Clause 4, page 18, line 31, after "Part;" insert "and".
7. Clause 4, page 19, line 6, omit "Minister." and insert "Minister."

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

Mr Davis moved —

8. Clause 4, page 19, after line 6 insert—

**'46GN Minister to report annually**

The Minister must cause to be tabled in each House of Parliament at intervals not exceeding 12 months a report setting out—

- (a) the total amount of infrastructure levies and development contribution levies paid to a municipal council as a collecting agency or development agency during the period covered by the report; and
- (b) the total amount of infrastructure levies and development contribution levies paid to a collecting agency that is not a municipal council during the period covered by the report; and
- (c) the total amount of infrastructure levies and development contribution levies paid to the Consolidated Fund during the period covered by the report; and
- (d) the total amount of infrastructure levies and development contribution levies paid out of the Consolidated Fund during the period covered by the report; and
- (e) the total amount of infrastructure levies and development contribution levies paid during the period covered by the report."

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

Clause 4, as amended — put and agreed to.

**Clauses 5 to 12** — put and agreed to.

**New Clause** — Mr Davis moved —

9. Insert the following New Clause to follow clause 12—

**'A New section 46QD inserted**

After section 46QC of the **Planning and Environment Act 1987** insert—

**"46QD Reporting requirements of collecting agencies and development agencies**

- (1) A collecting agency or development agency must prepare and give a report to the Minister, at the times required by the Minister, relating to—
  - (a) any amount of levy paid to it as a collecting agency under this Part; and
  - (b) any land, works, services or facilities accepted by it as a collecting agency in part or full satisfaction of an amount of levy payable under this Part; and
  - (c) the use of any amount of levy paid to it as a development agency under this Part; and
  - (d) the use made by it as a development agency of any land, works, services or facilities referred to in paragraph (b).
- (2) A report required under subsection (1) must be prepared in accordance with any requirements of the Minister."

Question — That the new clause stand part of the Bill — put and agreed to.

**Clauses 13 to 16** — put and agreed to.

**Bill reported with amendments.**

## 2 INFRASTRUCTURE VICTORIA BILL 2015

**Clauses 1 to 7** — put and agreed to.

**Clause 8** — Mr Jennings moved —

1. Clause 8, line 22, after "measurement of" insert "costs and".
2. Clause 8, after line 25 insert—
 

"( ) infrastructure policy issues arising from climate change, such as the measurement of greenhouse gas emissions produced by infrastructure; and".

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

Clause 8, as amended — put and agreed to.

**Clause 9** — put and agreed to.

**Clause 10** — Mr Jennings moved —

3. Clause 10, line 7, after "thinks fit" insert ", including academics and professional bodies".

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

Clause 10, as amended — put and agreed to.

**Clauses 11 to 13** — put and agreed to.**Clause 14** — Mr Jennings moved —

4. Clause 14, after line 13 insert—

"(2) When making a recommendation under section 13(1), the Minister must have regard, as far as is practicable, to the need for the appointed directors collectively to have appropriate knowledge or experience gained in the private sector, within Australia or internationally."

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

Mr Barber moved —

3. Clause 14, line 13, omit "delivery." and insert "delivery; or".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

(*Tellers: Ms Dunn and Ms Hartland*)

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Mr Bourman and Ms Lovell*)

Question negatived.

Clause 14, as amended — put and agreed to.

**Clause 15** — put and agreed to.**Clause 16** — Mr Jennings moved —

5. Clause 16, page 11, after line 14 insert—

"( ) When making an appointment under subsection (5), the Minister must have regard, as far as is practicable, to the need for the appointed directors collectively to have appropriate knowledge or experience gained in the private sector, within Australia or internationally."

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

Clause 16, as amended — put and agreed to.

**Clauses 17 to 31** — put and agreed to.**Clause 32** — Mr Jennings moved —

6. Clause 32, after line 7 insert—

"(2) Infrastructure Victoria must transmit the 30-year infrastructure strategy to the Parliament on or before 31 December 2016."

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

Clause 32, as amended — put and agreed to.

**Clause 33** — Mr Barber moved —

5. Clause 33, line 26, after "land use plans," insert "transport modelling that contains an assessment of the social, economic and environmental costs and benefits of public and active transport options compared to private road vehicle and road freight transport options,".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

(*Tellers: Ms Pennicuik and Ms Springle*)

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Mr Finn and Mr Leane*)

Question negatived.

Clause 33 — put and agreed to.

**Clause 34** — Mr Jennings moved —

7. Clause 34, line 24, omit "publishing" and insert "transmitting".
8. Clause 34, line 26, after "(as the case may be)" insert "to the Parliament".
9. Clause 34, line 28, omit all words and expressions on this line and insert—  
"consultation on—  
(a) a draft of the statement of social, economic and environmental objectives referred to in section 33(2)(a); and  
(b) a draft of the strategy.".

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

Clause 34, as amended — put and agreed to.

**New Clause** — Mr Jennings moved —

10. Insert the following New Clause to follow clause 34—

**"A Transmission of 30-year infrastructure strategy to Parliament**

- (1) Infrastructure Victoria must cause the strategy or updated strategy (as the case may be) to be transmitted to each House of the Parliament as soon as is practicable after it has been completed.
- (2) The clerk of each House of the Parliament must cause the strategy or updated strategy (as the case may be) to be laid before the House on the day on which it is received or on the next sitting day of the House.
- (3) If Infrastructure Victoria proposes to transmit the strategy or updated strategy (as the case may be) to the Parliament on a day on which neither House of the Parliament is actually sitting, Infrastructure Victoria must—  
(a) give one business day's notice of intention to do so to the clerk of each House of the Parliament; and  
(b) give the strategy or updated strategy (as the case may be) to the clerk of each House on the day indicated in the notice; and  
(c) publish the strategy or updated strategy (as the case may be) as soon as practicable after giving it to the clerks.
- (4) The clerk of each House must—  
(a) notify each member of the House of the receipt of a notice under subsection (3)(a) on the same day that the clerk receives that notice; and  
(b) give a copy of the strategy or updated strategy (as the case may be) to each member of the House as soon as practicable after the strategy or updated strategy (as the case may be) is received under subsection (3)(b); and  
(c) cause the strategy or updated strategy (as the case may be) to be laid before the House on the next sitting day of the House.
- (5) Subject to section 25, upon the strategy or updated strategy (as the case may be) being laid before each House under subsection (4)(c), Infrastructure Victoria must publish, as far as is reasonably practicable, the evidence and analysis relied upon in preparing the strategy or updated strategy (as the case may be)."

Question — That the new clause stand part of the Bill — put and agreed to.

**Clause 35** — put and negatived.



**Clause 36** — Mr Jennings moved —

12. Clause 36, lines 11 to 12, omit "a notice is published under section 35(b)" and insert "the strategy or updated strategy (as the case may be) is laid before each House under section 35."

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

Clause 36, as amended — put and agreed to.

**Clause 37** — Mr Jennings moved —

13. Clause 37, lines 31 to 33, omit all words and expressions on these lines and insert—  
 "(3) The Minister must cause the Government response to be laid before each House on or before the date specified in subsection (4).  
 (4) For the purposes of subsection (3), the date is the first sitting day after the first anniversary of the sitting day on which the 30-year infrastructure strategy or updated 30-year infrastructure strategy (as the case may be) is laid before each House of the Parliament under section 35."

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

Clause 37, as amended — put and agreed to.

**Clause 38** — Mr Jennings moved —

14. Clause 38, lines 4 to 6, omit all words and expressions on these lines.

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

Clause 38, as amended — put and agreed to.

**Clause 39** — Mr Jennings moved —

15. Clause 39, line 20, after "priority projects" insert ", including an explanation of how the priority projects will achieve the social, economic and environmental objectives stated in the 30-year infrastructure strategy".

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

Clause 39, as amended — put and agreed to.

**Clause 40** — put and agreed to.**Clause 41** — Mr Jennings moved —

16. Clause 41, line 17, omit "publishing" and insert "laying".  
 17. Clause 41, line 18, after "(as the case may be)" insert "before each House of the Parliament".

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

Clause 41, as amended — put and agreed to.

**New Clause** — Mr Jennings moved —

18. After clause 41 insert—

**"A Laying of 5-year infrastructure plan before Parliament**

- (1) Upon the preparation or amendment of the 5-year infrastructure plan under this Division, the Minister must cause the 5-year infrastructure plan or amended plan (as the case may be) to be laid before each House of the Parliament by the date specified in subsection (2).  
 (2) For the purposes of subsection (1), the date is the first sitting day after the first anniversary of the sitting day on which the 30-year infrastructure strategy or updated 30-year infrastructure strategy (as the case may be) is laid before each House of the Parliament under section 35."

Question — That the new clause stand part of the Bill — put and agreed to.

**Clause 42** — put and negated.**Clauses 43 and 44** — put and agreed to.**Clause 45** — Mr Rich-Phillips moved —

9. Clause 45, lines 30 to 32, omit all words and expressions on these lines.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 26

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Mr Ondarchie and Mr Ramsay)*

## NOES, 14

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Melhem and Mr Mulino)*

Question agreed to.

Clause 45, as amended — put and agreed to.

**Clauses 46 to 49** — put and agreed to.

**Bill reported with amendments.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 32, 33 and 34

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#### No. 32 — Tuesday, 1 September 2015

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE FRANCIS RAYMOND (FRANK) SCULLY** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 12 August 2015, of the Honourable Francis Raymond Scully, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Richmond from 1949 to 1958, and as Assistant Minister of Lands and Assistant Minister for Electrical Undertakings from 1952 to 1955.  
And Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 3 **THE LATE HONOURABLE FRANK NOEL WILKES, AM** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 20 August 2015, of the Honourable Frank Noel Wilkes, AM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Northcote from 1957 to 1988, Minister for Local Government from 1982 to 1985, Minister for Housing from 1985 to 1987, Minister for Tourism and Minister for Water Resources from 1987 to 1988, Deputy Opposition Leader from 1967 to 1977, and Opposition Leader from 1977 to 1981.  
And Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.  
*[Sitting suspended from 3.38 p.m. until 4.44 p.m.]*
- 4 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had —  
On 25 August 2015, given the Royal Assent to the following Acts presented to her by the Deputy Clerk of the Legislative Assembly for and in the absence of the Clerk of the Parliaments:  
*Adoption Amendment Act 2015*  
*Associations Incorporation Reform Amendment (Electronic Transactions) Act 2015*  
*Road Safety Amendment (Private Car Parks) Act 2015.*  
On 1 September 2015, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:  
*Planning and Environment Amendment (Infrastructure Contributions) Act 2015.*
- 5 **ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE** — The President read a letter from Mr Purcell resigning from the Economic, Education, Jobs and Skills Committee, effective from 25 August 2015.

- 6 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Death of child in Mildura** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 3 September 2015.
- **Reports received in relation to Mildura child protection case** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 3 September 2015.
- **Allocation of child protection cases in the Mallee Region** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 3 September 2015.
- **Category one incident reports** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 3 September 2015.
- **Publication of quarterly outpatient data** — substantive question asked by Ms Hartland — response from Mr Jennings due Thursday, 3 September 2015.
- **Myki sales at Seven Eleven stores** — substantive and supplementary questions asked by Ms Patten — response from Ms Pulford due Thursday, 3 September 2015.

- 7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 8 PETITION — POLICE NUMBERS** — Mr O'Donohue presented a Petition bearing 26 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to commit to providing additional frontline police numbers as a matter of priority.

Ordered to lie on the Table.

- 9 PAPERS** —

**VICTORIAN PUBLIC HEALTH AND WELLBEING PLAN 2015-2019** — Ms Mikakos moved, by leave, That there be laid before this House a copy of the Victorian Public Health and Wellbeing Plan 2015-2019.

Question — put and agreed to.

The Report was presented by Ms Mikakos and ordered to lie on the Table.

\* \* \* \* \*

**ENVIRONMENT AND PLANNING COMMITTEE — INTERIM REPORT ON ONSHORE UNCONVENTIONAL GAS** — Mr Davis presented an Interim Report from the Environment and Planning Committee on Onshore Unconventional Gas (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

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

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 10 of 2015 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

- Casey Planning Scheme — Amendment C166.
- Greater Geelong Planning Scheme — Amendments C59 and C274.
- Macedon Ranges Planning Scheme — Amendment C106.
- Moreland Planning Scheme — Amendment C149.
- Moyne Planning Scheme — Amendment C57.
- Pyrenees Planning Scheme — Amendment C40.
- Stonnington Planning Scheme — Amendment C173.
- Wangaratta Planning Scheme — Amendment C43.
- Wodonga Planning Scheme — Amendment C118.
- Yarra Planning Scheme — Amendments C149, C157 and C163.

Statutory Rules under the following Acts of Parliament —

- Corrections Act 1986 — Nos. 94 and 95.
- Greenhouse Gas Geological Sequestration Act 2008 — No. 96.
- Mineral Resources (Sustainable Development) Act 1990 — No. 98.
- Pipelines Act 2005 — No. 97.

Subordinate Legislation Act 1994 —

- Documents under section 15 in respect of Statutory Rule No. 95.
- Legislative Instrument and related documents under section 16B in respect of the Amendment to the Determination that Specified Areas are Designated Bushfire Prone Areas, 12 August 2015, under the Building Act 1993.

Victorian Electoral Commission —

- Report to Parliament on the 2014 Victorian State Election.
- Report on the Gippsland South District By-election held on 14 March 2015.

\* \* \* \* \*

**PROCLAMATION** — A proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Justice Legislation Amendment Act 2015 — 1 September 2015 — Part 16 (*Gazette No. S236, 25 August 2015*).

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION — SPECIAL REPORT CONCERNING POLICE OVERSIGHT, AUGUST 2015** — Pursuant to section 162 of the *Independent Broad-based Anti-corruption Commission Act 2011*, the Clerk laid on the Table a copy of the Special report concerning police oversight (*Ordered to be published*).

**10 PRODUCTION OF DOCUMENTS — DEPARTMENT OF ECONOMIC DEVELOPMENT, JOBS, TRANSPORT AND RESOURCES** — The Clerk laid on the Table a letter of 31 August 2015 from the Attorney-General in response to the Resolution of the Council of 19 August 2015 seeking the production of documents relating to two contracts the Department of Economic Development, Jobs, Transport and Resources entered into with the Boston Consulting Group and KPMG, indicating that the Government would respond to the Council's resolution as soon as possible.

**11 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 2 September 2015:

- (1) Notice of Motion No. 144 standing in the name of Ms Wooldridge in relation to the inquiry involving the former Minister for Small Business, Innovation and Trade;
- (2) Notice of Motion No. 127 standing in the name of Mr Davis in relation to the production of documents relating to South Yarra Station;
- (3) Order of the Day relating to the resumption of debate on the second reading of the Public Health and Wellbeing Amendment (Safe Access) Bill 2015; and
- (4) Notice of Motion No. 152 standing in the name of Mr Morris in relation to the introduction of the new Regional Rail Link timetable.

Question — put and agreed to.

**12 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

- 13 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 14 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, Nos. 25 to 150 be postponed until later this day.
- 15 CORRECTIONS LEGISLATION AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.  
Debate continued.  
*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*
- 
- Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.
- 
- Debate continued.  
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.
- 16 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.  
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.  
And then the Council, at 10.43 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 33 — Wednesday, 2 September 2015

- 1** The President took the Chair and read the Prayer.
- 2 PAPERS** —  
**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:  
Crown Land (Reserves) Act 1978 — Minister's Order of 14 August 2015 giving approval to the granting of licences at Alexandra Gardens and Alexandra Park.  
Hazelwood Mine Fire Inquiry — Report, 2015-16 Volume 1 – Anglesea Mine, pursuant to section 77 of the Inquiries Act 2014 (*Ordered to be published*).  
Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 99.
- \* \* \* \* \*
- ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE — INQUIRY INTO CFA TRAINING COLLEGE AT FISKVILLE, INTERIM REPORT (IN LIEU OF PREVIOUS REPORT)** — Mr Ramsay presented a Interim Report from the Environment, Natural Resources and Regional Development Committee on the Inquiry into CFA Training College at Fiskville (*in lieu of that tabled on 24 June 2015*).  
Ordered to lie on the Table and the Report to be published.  
Mr Ramsay moved, That the Council take note of the Report.  
Debate ensued.  
Question — put and agreed to.
- 3 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 5 PAPER — MATTERS CONCERNING THE MINISTER FOR SMALL BUSINESS, INNOVATION AND TRADE — REPORT OF THE SECRETARY OF THE DEPARTMENT OF PREMIER AND CABINET —** Ms Wooldridge moved, by leave, That there be laid before this House a copy of the report of the Secretary of the Department of Premier and Cabinet on Matters concerning the Minister for Small Business, Innovation and Trade.

Question — put and agreed to.

The Report was presented by Ms Wooldridge and ordered to lie on the Table.

- 6 FORMER MINISTER FOR SMALL BUSINESS, INNOVATION AND TRADE —** Ms Wooldridge moved, That this House takes note of —
- (1) the report of the Secretary of the Department of Premier and Cabinet titled *Matters concerning the Minister for Small Business, Innovation and Trade*, referred to as a defamatory dirt-sheet by the former minister, Mr Adem Somyurek, MLC;
  - (2) statements made by witnesses providing evidence for the report; and
  - (3) the circumstances surrounding the resignation of the former Minister for Small Business, Innovation and Trade.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 7 QUESTIONS —** Questions without notice were taken pursuant to Sessional Order 3.
- ELECTORATE OFFICE STAFF — COMMUNITY ACTION NETWORK —** Ms Pulford having given answers to a question without notice and a supplementary question relating to electorate office staff assigned to the community action network—

On the motion of Mrs Peulich, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS —** Questions without notice continued.

**ELECTORATE OFFICE STAFF — COMMUNITY ACTION NETWORK —** Mr Herbert, Mr Dalidakis, Ms Mikakos and Mr Jennings having given answers to questions without notice and supplementary questions relating to electorate office staff assigned to the community action network—

On the motion of Mr Davis, the Ministers' answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS —** Questions without notice continued.

**GUIDELINES FOR EMPLOYMENT OF ELECTORATE OFFICE STAFF —** Mr Jennings having given answers to a question without notice and a supplementary question relating to guidelines for the employment of electorate office staff —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS —** Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTION DIRECTED FOR WRITTEN RESPONSE —** The President directed a written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Renewable energy industry job creation —** substantive and supplementary questions asked by Mr Purcell — response from Ms Pulford due Tuesday, 15 September 2015.

- 8 CONSTITUENCY QUESTIONS —** Constituency questions were taken pursuant to Sessional Order 4.

- 9 FORMER MINISTER FOR SMALL BUSINESS, INNOVATION AND TRADE —** Debate continued on the question, That this House takes note of —

- (1) the report of the Secretary of the Department of Premier and Cabinet titled *Matters concerning the Minister for Small Business, Innovation and Trade*, referred to as a defamatory dirt-sheet by the former minister, Mr Adem Somyurek, MLC;
- (2) statements made by witnesses providing evidence for the report; and
- (3) the circumstances surrounding the resignation of the former Minister for Small Business, Innovation and Trade.

On the motion of Mr Rich-Phillips, the debate was adjourned until later this day.

- 10 PRODUCTION OF DOCUMENTS — SOUTH YARRA UNDERGROUND RAILWAY STATION** — Mr Davis moved, That in accordance with Standing Order 11.01, there be tabled in the Council by 12 noon on Tuesday, 6 October 2015, a copy of all documents relating to an underground railway station located in South Yarra, in relation to either the Melbourne Rail Link or the Melbourne Metro Rail Project, prepared for, considered by, referred to or relied upon by, the Victorian Government, including any modelling and assessment of current and future demand for rail services at South Yarra.

Debate ensued.

Question — put and agreed to.

- 11 PUBLIC HEALTH AND WELLBEING AMENDMENT (SAFE ACCESS) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, debate stood adjourned in the name of Ms Lovell.*

- 12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 13 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.21 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 34 — Thursday, 3 September 2015

- 1** The President took the Chair and read the Prayer.
- 2 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:  
Ombudsman — Investigation into a conflict of interest by an Executive Officer in the Department of Education and Training, September 2015 (*Ordered to be published*).  
Subordinate Legislation Act 1994 —  
Documents under section 15 in respect of Statutory Rule Nos. 94, 96 and 98.  
Legislative Instrument and related documents under section 16B in respect of a Ministerial Order, 18 August 2015, under the Public Holidays Act 1993.  
Terrorism (Community Protection) Act 2003 — Report pursuant to section 21M by Victoria Police for 2013-14.
- 3 SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 15 September 2015.  
Question — put and agreed to.
- 4 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.
- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 159 and Order of the Day, Government Business, No. 1 be postponed until later this day.
- 7 ROAD SAFETY AMENDMENT BILL 2015** — 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.

- 8 LOCAL GOVERNMENT LEGISLATION AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2015** — 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.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Electorate office staff — community action network** — supplementary question asked by Ms Wooldridge — response from Ms Pulford due Tuesday, 15 September 2015.
- **Mildura DHHS office** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Tuesday, 15 September 2015.
- **Electorate office staff — community action network** — substantive and supplementary questions asked by Ms Fitzherbert — response from Ms Mikakos due Tuesday, 15 September 2015.
- **Employment status of ministerial staff** — supplementary question asked by Mr Ondarchie — response from Mr Jennings due Wednesday, 16 September 2015.
- **Electorate Office staff — community action network** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Jennings due Wednesday, 16 September 2015.
- **Lake Toolondo** — substantive and supplementary questions asked by Mr Young — response from Ms Pulford due Tuesday, 15 September 2015.
- **Workforce participation of mature age and disabled people** — supplementary question asked by Ms Patten — response from Ms Mikakos due Wednesday, 16 September 2015.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — Ms Crozier moved, by leave, That the written answers provided by the Minister for Families and Children in accordance with a direction of the President on 1 September 2015 be taken into consideration on the next day of meeting.

Question — put and agreed to.

- 10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 11 INFRASTRUCTURE VICTORIA BILL 2015** — The Deputy President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 12 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2015** — 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.

- 13 CORRECTIONS LEGISLATION AMENDMENT BILL 2015** — Bill committed to a Committee of the whole.  
House in Committee.  
Bill reported with amendments, the Report was adopted, and the Bill was read a third time and passed.  
Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill with amendments and requesting their agreement.
- 14 EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.  
Debate continued.  
Question — put and agreed to.  
Bill read a second time.  
Ms Pennicuik moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Education and Training Reform Act 2006* that relate to the repeal of a provision relating to special religious instruction.  
Debate ensued.  
Question — put and agreed to.  
Bill 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.
- 15 FIREARMS AMENDMENT (TRAFFICKING AND OTHER MEASURES) BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Firearms Act 1996 to lower the number of unregistered firearms that is a traffickable quantity, provide higher penalties for the unlawful manufacturing of firearms and clarify the circumstances under which certain persons are taken to be in possession of a firearm, to amend the Crimes Act 1958 to create a new offence of theft of a firearm and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Jennings (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.  
Mr Jennings moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.
- 16 HEAVY VEHICLES LEGISLATION AMENDMENT BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Heavy Vehicle National Law Application Act 2013, the Road Safety Act 1986 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Jennings (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.  
Mr Jennings moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.
- 17 NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the National Electricity (Victoria) Act 2005 to grant rights to the Minister and consumer or user groups to intervene*

*in appeals against certain decisions and determinations made by the Australian Energy Regulator and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Jennings (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Drum), the debate was adjourned for one week.

**18 RACING AMENDMENT BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Racing Act 1958 in relation to governance arrangements for Harness Racing Victoria and to specify bodies to which the Racing Integrity Commissioner may disclose integrity related information and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Drum), the debate was adjourned for one week.

**19 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 7.00 p.m., adjourned until Tuesday, 15 September 2015.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 32, 33 and 34

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Thursday, 3 September 2015

### 1 CORRECTIONS LEGISLATION AMENDMENT BILL 2015

**Clauses 1 to 5** — put and agreed to.

**Clause 6** — Ms Pennicuik moved —

1. Clause 6, page 14, line 23, omit 'Court.'" and insert "Court."
2. Clause 6, page 14, after line 23 insert—

**'71L Rights of prisoner at meeting of the Board**

A prisoner or a prisoner on parole who attends a meeting of the Board (whether physically or by audio visual link) where the Board is determining whether to make or vary a parole order in respect of the prisoner, cancel the prisoner's parole or revoke the cancellation of the prisoner's parole—

- (a) may be represented by a lawyer or, with the consent of the Board, by any other person; and
- (b) may ask questions of the Board, including asking for the reasons for any direction given by the Board; and
- (c) may give a response to those answers or reasons; and
- (d) may provide oral or written submissions on matters that are relevant to matter being determined; and
- (e) may provide documents or things to the Board that are relevant to matter being determined."

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Hartland and Ms Springle)*

NOES, 34

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Ms Crozier)*

Question negatived.

Clause 6 — put and agreed to.

**Clauses 7 to 17** — put and agreed to.

**Clause 18** — Ms Pennicuik moved —

3. Clause 18, line 6, omit "an" and insert "a senior".

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

Clause 18 — put and agreed to.

**Clauses 19 and 20** — put and agreed to.

**Clause 21** — Ms Pennicuik moved —

4. Clause 21, line 20, after "offence" insert "if the breach relates to the commission of an offence that is an indictable offence or an offence that, if committed in Victoria, would be an indictable offence".

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

Clause 21 — put and agreed to.

**Clauses 22 to 42** — put and agreed to.

**New Division Heading to follow Clause 42** — Mr O'Donohue moved —

1. Page 28, after line 31 insert the following heading—

**"Division 13—Annual reporting of offenders subject to community correction order"**.

Question — That the New Division Heading to follow Clause 42 stand part of the Bill — put and agreed to.

**New Clause to follow Clause 42** — Mr O'Donohue moved —

2. Insert the following New Clause to follow clause 42 and the heading proposed by amendment number 1—

**'A New Division 7 of Part 9 inserted**

After section 104 of the **Corrections Act 1986** insert—

**"Division 7—Sentencing Advisory Council to report on offenders subject to community correction orders**

**104AA Annual report**

- (1) This section applies to the Sentencing Advisory Council in addition to the functions conferred on it by the Sentencing Act 1991.
- (2) For each financial year commencing on or after 1 July 2016, the Sentencing Advisory Council must report for that year the number of persons convicted during that year of a serious offence committed while subject to a community correction order.
- (3) In this section—  
**community correction order** has the same meaning as in section 3(1) of the **Sentencing Act 1991**;  
**Sentencing Advisory Council** means the Sentencing Advisory Council established under Part 9A of the **Sentencing Act 1991**;  
**serious offence** means a sexual offence or a serious violent offence, both within the meaning of section 77(9)."'.

Question — That the new clause stand part of the Bill — put and agreed to.

**Clauses 43 to 45** — put and agreed to.

**Bill reported with amendments.**

## **2 EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2015**

**Clause 1** — Ms Pennicuik moved —

1. Clause 1, page 2, after line 5 insert—

"(iii) to repeal a provision relating to special religious instruction; and".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.  
*(Tellers: Ms Dunn and Ms Patten)*

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney;

Ms Wooldridge; Mr Young.  
(*Tellers: Ms Bath and Mr Melhem*)

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 12** — put and agreed to.

**Clause 13** — Ms Pennicuik moved —

2. Clause 13, line 19, omit 'education;'' and insert "education;".
3. Clause 13, after line 19 insert—

'(nab) protect the interests of the staff of providers of vocational education and training, further education, higher education, technical and further education, and schools;''.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(*Tellers: Mr Barber and Ms Dunn*)

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmar; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Mr Leane and Ms Lovell*)

Question negatived.

Clause 13 — put and agreed to.

**Clauses 14 to 30** — put and agreed to.

**Bill reported without amendment.**







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 35, 36 and 37

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#### No. 35 — Tuesday, 15 September 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 8 September 2015, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Classification (Publications, Films and Computer Games) (Enforcement) Amendment Act 2015*
  - Education and Training Reform Amendment (Miscellaneous) Act 2015*
  - Infrastructure Victoria Act 2015*
  - Local Government Legislation Amendment (Environmental Upgrade Agreements) Act 2015*
  - Road Safety Amendment Act 2015.*
- 3 **ABORIGINAL FLAG** — The President and Members made statements, by leave, regarding the raising of the Aboriginal flag at Parliament House.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Grand Final Eve – small business services** — supplementary question asked by Mr Ondarchie — response from Mr Dalidakis due Wednesday, 16 September 2015.
  - **Kindergarten ratios funding** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 16 September 2015.
  - **Logging coupes** — supplementary question asked by Ms Dunn — response from Ms Pulford due Wednesday, 16 September 2015.
  - **Disability support service staff – disclosure of legal information** — supplementary question asked by Dr Carling-Jenkins — response from Ms Mikakos due Thursday, 17 September 2015.
  - **Police social media – review of policies** — substantive and supplementary questions asked by Ms Patten — response from Mr Herbert due Thursday, 17 September 2015.
- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**6 PETITIONS —**

**NUMBER 8 TRAM** — Mr Davis presented a Petition bearing 242 signatures from certain citizens of Victoria requesting that the Legislative Council urge the Andrews Labor Government to stop their abolition of the No. 8 tram route.

Ordered to lie on the Table.

\* \* \* \* \*

**POLICE NUMBERS** — Mr O'Donohue presented a Petition bearing 7 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to commit to providing additional frontline police numbers as a matter of priority.

Ordered to lie on the Table.

**7 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 11 of 2015 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Forensic Leave Panel — Report, 2014.

Independent Broad-based Anti-corruption Commission — Report, 2014-15 (*Ordered to be published*).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4) in relation to the Waste Management Policy (Sitting, Design and Management of Landfills) 2004.

Liquor Control Reform Act 1998 — Report pursuant to section 148R by Victoria Police, 2014-15.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Frankston Planning Scheme — Amendment C104.

Gannawarra Planning Scheme — Amendment C39.

Greater Shepparton Planning Scheme — Amendment C175.

Hume Planning Scheme — Amendment C203.

Macedon Ranges Planning Scheme — Amendment C104.

Melbourne, Moonee Valley, Moreland and Yarra Planning Schemes — Amendment GC36.

Moonee Valley Planning Scheme — Amendment C150.

Whitehorse Planning Scheme — Amendment C180.

Professional Standards Act 2003 — Instrument amending the Institute of Chartered Accountants in Australia Professional Standards Scheme (Victoria), 25 August 2015.

Statutory Rules under the following Acts of Parliament —

Infringements Act 2006 — No. 100.

Victorian Civil and Administrative Tribunal Act 1998 — Nos. 99 and 101.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 97 and 100.

Legislative Instrument and related documents under section 16B in respect of a notice of amendments to the Australian Rules of Harness Racing (ARHR) and Australian Trotting Stud Book Regulations (ATSBR).

Victorian Institute of Teaching — Report, 2014-15.

**8 PRODUCTION OF DOCUMENTS — ADVANCED LIGNITE DEMONSTRATION PROGRAM** — The Clerk laid on the Table three documents received in response to the Resolution of the Council of 10 June 2015 relating to the Advanced Lignite Demonstration Program.

The Clerk also laid on the Table a letter from the Attorney-General dated 10 September 2015 —

- referring to the Government's process for assessing whether the release of documents is prejudicial to the public interest;

- advising that the release of some information in the relevant documents identified by the Government would be prejudicial to the public interest on the basis that its disclosure would materially damage the State's financial or commercial interests; and
- stating that Executive privilege was claimed in relation to redacted material within the documents.

**9 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 16 September 2015:

- (1) The notice of motion given this day by Mr Ondarchie relating to the Grand Final Parade public holiday;
- (2) The notice of motion given this day by Dr Carling-Jenkins relating to perinatal care; and
- (3) Notice of Motion No. 152 standing in the name of Mr Morris in relation to the introduction of the new Regional Rail Link timetable.

Question — put and agreed to.

**10 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 159 be postponed until later this day.

**13 RESOURCES LEGISLATION AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Barber were circulated.

Debate continued.

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.

**14 EMERGENCY MANAGEMENT (CONTROL OF RESPONSE ACTIVITIES AND OTHER MATTERS) BILL 2015** — 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 CORRECTIONS LEGISLATION AMENDMENT BILL 2015** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**16 CRIMES AMENDMENT (CHILD PORNOGRAPHY AND OTHER MATTERS) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Patten were circulated.

Debate continued.

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.

**17 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters was circulated pursuant to Standing Order 4.13.

And then the Council, at 10.17 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 36 — Wednesday, 16 September 2015

- 1 The Deputy President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Auditor-General's Reports on —
    - Realising the Benefits of Smart Meters, September 2015 (*Ordered to be published*).
    - Regional Growth Fund: Outcomes and Learnings, September 2015 (*Ordered to be published*).
  - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
    - Boroondara Planning Scheme — Amendment C220.
    - Casey Planning Scheme — Amendment C202.
    - Greater Geelong Planning Scheme — Amendment C261.
    - Knox Planning Scheme — Amendment C120.
    - Macedon Ranges Planning Scheme — Amendment C84.
    - Moonee Valley Planning Scheme — Amendment C144.
    - Moreland Planning Scheme — Amendment C133.
    - Surf Coast Planning Scheme — Amendment C100.
    - Warrnambool Planning Scheme — Amendment C97.
    - Whitehorse Planning Scheme — Amendment C170.
    - Yarra Planning Scheme — Amendment C181.
    - Yarra Ranges Planning Scheme — Amendment C147.
- 3 **PRODUCTION OF DOCUMENTS — AUSTRALIAN F1 GRAND PRIX** — The Clerk laid on the Table a letter from the Attorney-General dated 15 September 2015 —
  - advising that no contract was signed by the former Government to host the Grand Prix from 2016 to 2020, but a suite of agreements between the Australian Grand Prix Corporation and the Formula One Group of companies exists;
  - referring to the Government's process for assessing whether the release of documents is prejudicial to the public interest; and
  - indicating that the Government would claim Executive privilege in relation to any order to produce the agreement documents.

On the motion of Ms Pennicuik, the letter was ordered to be taken into consideration on the next day of meeting.
- 4 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 **GRAND FINAL EVE PUBLIC HOLIDAY** — Mr Ondarchie moved, That this House notes —
  - (1) the Grand Final eve public holiday has not been supported by Victorian business;
  - (2) the independent Regulatory Impact Statement relating to the two new public holidays has confirmed that the costs outweigh the benefits;
  - (3) the Minister for Small Business, Innovation and Trade has confirmed that the Government's calls for submissions relating to the Regulatory Impact Statement is a sham consultation;

- (4) that in the last month under the current Labor Government full-time jobs of 18,600 Victorians have been lost;
- (5) the stance of the former Minister for Small Business, Innovation and Trade that advocating for additional public holidays was not consistent with his small business portfolio;

and calls on the Premier of Victoria, Mr Daniel Andrews, MP, to cancel the Grand Final parade holiday and focus on creating jobs, not cutting them.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**DROUGHT CONDITIONS — SUPPLEMENTARY FEEDING** — Ms Pulford having given answers to a question without notice and a supplementary question relating to supplementary feeding in drought conditions —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**BLACKMORE WAGYU BEEF FARM PLANNING ISSUES** — Ms Pulford having given answers to a question without notice and a supplementary question relating to Blackmore Wagyu Beef Farm planning issues —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Monitoring systems for kangaroo cull data collection** — supplementary question asked by Mr Young — response from Mr Jennings due Tuesday, 6 October 2015.
- **Delay in appointments for South West TAFE** — substantive and supplementary questions asked by Mr Drum — response from Mr Herbert due Thursday, 17 September 2015.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**9 GRAND FINAL EVE PUBLIC HOLIDAY** — Debate continued on the question, That this House notes —

- (1) the Grand Final eve public holiday has not been supported by Victorian business;
- (2) the independent Regulatory Impact Statement relating to the two new public holidays has confirmed that the costs outweigh the benefits;
- (3) the Minister for Small Business, Innovation and Trade has confirmed that the Government's calls for submissions relating to the Regulatory Impact Statement is a sham consultation;
- (4) that in the last month under the current Labor Government full-time jobs of 18,600 Victorians have been lost;
- (5) the stance of the former Minister for Small Business, Innovation and Trade that advocating for additional public holidays was not consistent with his small business portfolio;

and calls on the Premier of Victoria, Mr Daniel Andrews, MP, to cancel the Grand Final parade holiday and focus on creating jobs, not cutting them.

On the motion of Dr Carling-Jenkins, the debate was adjourned until later this day.

- 10 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE REFERENCE** — Dr Carling-Jenkins moved, That this House, pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Family and Community Development Committee to inquire into, consider and report no later than 30 June 2016 on the current situation relating to the health, care and wellbeing of mothers and babies in Victoria during the perinatal period, including —
- (1) the availability, quality and safety of health services delivering services to women and their babies during the perinatal period;
  - (2) the impact that the loss of Commonwealth funding (in particular, the National Perinatal Depression Initiative) will have on Victorian hospitals and medical facilities as well as on the health and wellbeing of Victorian families;
  - (3) the adequacy of the number, location, distribution, quality and safety of health services capable of dealing with high risk and premature births in Victoria;
  - (4) the quality, safety and effectiveness of current methods to reduce the incidence of maternal and infant mortality and premature births;
  - (5) access to and provision of an appropriately qualified workforce, including midwives, paediatricians, obstetricians, general practitioners, anaesthetists, maternal and child health nurses, mental health practitioners and lactation consultants across Victoria;
  - (6) disparity in outcomes between rural and regional and metropolitan locations; and
  - (7) identification of best practice.

Debate ensued.

Question — put and agreed to.

- 11 REGIONAL RAIL LINK TIMETABLE** — Mr Morris moved, That this House —
- (1) condemns the Andrews Labor Government and Minister for Public Transport, Ms Jacinta Allan, MP, for neglecting regional Victorians after having botched the introduction of the new Regional Rail Link timetable;
  - (2) notes that punctuality on the Ballarat line has dropped from 95 per cent in May 2015 to 82.8 per cent in July 2015; and
  - (3) calls upon the Minister for Public Transport to reinstate the pre Regional Rail Link timetable on the Ballarat train line.

Debate ensued.

Question — put and agreed to.

- 12 GRAND FINAL EVE PUBLIC HOLIDAY** — Debate resumed on the question, That this House notes —
- (1) the Grand Final eve public holiday has not been supported by Victorian business;
  - (2) the independent Regulatory Impact Statement relating to the two new public holidays has confirmed that the costs outweigh the benefits;
  - (3) the Minister for Small Business, Innovation and Trade has confirmed that the Government's calls for submissions relating to the Regulatory Impact Statement is a sham consultation;
  - (4) that in the last month under the current Labor Government full-time jobs of 18,600 Victorians have been lost;
  - (5) the stance of the former Minister for Small Business, Innovation and Trade that advocating for additional public holidays was not consistent with his small business portfolio;

and calls on the Premier of Victoria, Mr Daniel Andrews, MP, to cancel the Grand Final parade holiday and focus on creating jobs, not cutting them.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, debate stood adjourned in the name of Mr Finn.*

- 13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**14 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.38 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## **No. 37 — Thursday, 17 September 2015**

**1** The Deputy President took the Chair and read the Prayer.

**2 PAPERS** —

**PARLIAMENTARY DEPARTMENTS** — Mr Elasmar moved, by leave, That there be laid before this House a copy of the Reports of —

(1) the Clerk on the operations of the Department of the Legislative Council for the year 2014-15; and

(2) the Secretary on the operations of the Department of Parliamentary Services for the year 2014-15.

Question — put and agreed to.

Ordered to lie on the Table.

On the motion of Mr Davis, the Reports were ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Charter of Human Rights and Responsibilities Act 2006 — From Commitment to Culture, report on the review of the Act, 2015 pursuant to section 45 (*Ordered to be published*).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to the Dangerous Goods (Transport by Road or Rail) Amendment Regulations 2015.

Ombudsman — Investigation into the rehabilitation and reintegration of prisoners in Victoria, September 2015 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 102 and 103.

Victorian WorkCover Authority — Report, 2014-15.

**3 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 6 October 2015.

Question — put and agreed to.

**4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 165 be postponed until later this day.

**7 CRIMES AMENDMENT (CHILD PORNOGRAPHY AND OTHER MATTERS) BILL 2015** — Bill considered in 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.

**8 NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Electorate Officer arrangements — directions by Mr Mintern and Mr Lenders** — supplementary question asked by Mrs Peulich — response from Ms Pulford due Tuesday, 6 October 2015.
- **Electorate Officer arrangements — Minister's discussion with Mr Mintern** — supplementary question asked by Mr Rich-Phillips — response from Ms Pulford due Tuesday, 6 October 2015.
- **Adler lever-action shotgun** — substantive and supplementary questions asked by Mr Young — response from Mr Herbert due Wednesday, 7 October 2015.

- 10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 11 NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2015** — Debate continued on the question, That the Bill be now read a second time.

Mr Barber moved, That the debate be adjourned until later this day.

Debate ensued.

Question — put and agreed to.

- 12 NATIONAL ELECTRICITY (VICTORIA) BILL AMENDMENT 2015** — 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.

- 13 FIREARMS AMENDMENT (TRAFFICKING AND OTHER MEASURES) BILL 2015** — 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.

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 CRIMES AMENDMENT (CHILD PORNOGRAPHY AND OTHER MATTERS) BILL 2015** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 15 HEAVY VEHICLES LEGISLATION AMENDMENT BILL 2015** — 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.

- 16 CRIMINAL ORGANISATIONS CONTROL AMENDMENT (UNLAWFUL ASSOCIATIONS) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Organisations Control Act 2012 to prohibit individuals associating with individuals convicted of serious criminal offences for the purpose of preventing the commission of offences and to repeal the offence of consorting from the*



*Summary Offences Act 1966 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 17 ENERGY LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000, the Essential Services Commission Act 2001 and the Gas Industry Act 2001 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Herbert (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Drum), the debate was adjourned for one week.

- 18 LOCAL GOVERNMENT AMENDMENT (IMPROVED GOVERNANCE) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Local Government Act 1989 to improve the governance standards of Councils, amend arrangements for local government elections and provide for other matters, to amend the City of Melbourne Act 2001 to repeal Part 4A of that Act and to consequentially amend the City of Greater Geelong Act 1993, the City of Melbourne Act 2001, the Electoral Act 2002 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Herbert (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 19 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to specify requirements that the operators of certain publicly funded health facilities staff certain wards with a minimum number of nurses or midwives, to provide for the reporting of compliance with, and enforcement of, those requirements and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Herbert (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

- 20 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AND OTHER ACTS AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Serious Sex Offenders (Detention and Supervision) Act 2009 to provide new police powers in relation to offenders and to further provide for the management of offenders, and to generally improve the operation and enforcement of that*

*Act, to amend the Bail Act 1977 to require, in proceedings with respect to bail, certain accused persons to show cause why their detention in custody is not justified, to amend the Corrections Act 1986, the Sentencing Act 1991 and the Sex Offenders Registration Act 2004 and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

**21 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.12 p.m., adjourned until Tuesday, 6 October 2015.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 35, 36 and 37

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**Tuesday, 15 September 2015**

### 1 RESOURCES LEGISLATION AMENDMENT BILL 2015

**Clause 1** — Mr Barber moved —

1. Clause 1, page 2, after line 32 insert—

"( ) to require the Minister to publish work plans and variations to approved work plans that have been statutorily endorsed; and".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Springle)*

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Dalla-Riva)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 19** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 17 September 2015**

### 1 CRIMES AMENDMENT (CHILD PORNOGRAPHY AND OTHER MATTERS) BILL 2015

**Clause 1** — Ms Patten moved —

1. Clause 1, page 1, lines 5 and 6, omit all words and expressions on these lines and insert—

"(i) to create 3 new offences related to child sexual abuse material; and".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 2

Ms Patten; Mr Purcell.

*(Tellers: Ms Patten and Mr Purcell)*

NOES, 37

Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Dunn and Mr Leane)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 5** — put and agreed to.

**Clause 6** — Mr Herbert moved —

1. Clause 6, page 7, line 19, omit "or X18+".

2. Clause 6, page 7, line 21, omit "or X18+".

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

Clause 6, as amended — put and agreed to.

**Clauses 7 to 31** — put and agreed to.

**Bill reported with amendments.**

## **2 FIREARMS AMENDMENT (TRAFFICKING AND OTHER MEASURES) BILL 2015**

**Clauses 1 to 10** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 38, 39 and 40

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#### No. 38 — Tuesday, 6 October 2015

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE VERNON THOMAS HAUSER** — The President advised the House of the death on 11 September 2015 of the Hon. Vernon Thomas Hauser, Member of the Legislative Council for the Electoral District of Boronia from 1970 to 1976 and the Electoral District of Nunawading from 1976 to 1982.  
Members stood in their places as a mark of respect to the memory of the deceased.
- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 22 September 2015, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:  
*Corrections Legislation Amendment Act 2015*  
*Crimes Amendment (Child Pornography and Other Matters) Act 2015*  
*Emergency Management (Control of Response Activities and Other Matters) Act 2015*  
*Firearms Amendment (Trafficking and Other Measures) Act 2015*  
*Heavy Vehicles Legislation Amendment Act 2015*  
*National Electricity (Victoria) Amendment Act 2015*  
*Resources Legislation Amendment Act 2015.*
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.  
**UNION TRAINING PROGRAMS** — Mr Herbert having given answers to a question without notice and supplementary question relating to union training programs —  
On the motion of Mrs Peulich, the Minister's answers were ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.  
\* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:
  - **PrimeSafe appointment** — substantive question asked by Mr Drum — response from Ms Pulford due Wednesday, 7 October 2015.
  - **Firearms offences** — substantive and supplementary questions asked by Mr Bourman — response from Mr Herbert due Thursday, 8 October 2015.
- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 6 **PETITIONS** —  
**POLICE NUMBERS** — Mr O'Donohue presented a Petition bearing 82 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor

Government to commit to providing additional police for the community as a matter of priority.

Ordered to lie on the Table.

\* \* \* \* \*

**GRAND FINAL EVE PUBLIC HOLIDAY** — Mr Davis presented a Petition bearing 39 signatures from certain citizens of Victoria requesting that the Legislative Council urge the Andrews Labor Government to reverse its decision to impose the Grand Final Eve public holiday.

Ordered to lie on the Table.

\* \* \* \* \*

**NUMBER 8 TRAM** — Mr Davis presented a Petition bearing 193 signatures from certain citizens of Victoria requesting that the Legislative Council urge the Andrews Labor Government to stop their abolition of the No. 8 tram route.

Ordered to lie on the Table.

## 7 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 12 of 2015 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and be published.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Adult Community and Further Education Board — Report, 2014-15.

Australian Centre for the Moving Image — Report, 2014-15.

Council of Trustees of the National Gallery of Victoria — Report, 2014-15.

Crown Land (Reserves) Act 1978 — Minister's Order of 6 August 2015 giving approval to the granting of a licence at Corinella Foreshore Reserve.

Energy Safe Victoria — Report, 2014-15.

Glenelg Hopkins Catchment Management Authority — Report, 2014-15.

Goulburn Broken Catchment Management Authority — Report, 2014-15.

Health and Human Services Department — Report, 2014-15.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to the Pipelines Amendment Regulations 2015.

Mallee Catchment Management Authority — Report, 2014-15.

North Central Catchment Management Authority — Report, 2014-15.

North East Catchment Management Authority — Report, 2014-15.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C173.

Banyule Planning Scheme — Amendment C71.

Colac Otway Planning Scheme — Amendment C83.

Corangamite Planning Scheme — Amendment C36.

Glen Eira Planning Scheme — Amendment C130.

Greater Geelong Planning Scheme — Amendment C203.

Maroondah Planning Scheme — Amendment C98.

Melbourne Planning Scheme — Amendment C261.

Mitchell Planning Scheme — Amendment C56.

Monash Planning Scheme — Amendment C123.

Moreland Planning Scheme — Amendment C130.

Stonnington Planning Scheme — Amendments C175, C184 and C206.

Warrnambool Planning Scheme — Amendment C73 (Part 2).

Whitehorse Planning Scheme — Amendment C162.

Yarra Planning Scheme — Amendment C190.

Yarra Ranges Planning Scheme — Amendment C175.

Port of Hastings Development Authority — Report, 2014-15.

Queen Victoria Women's Centre — Minister's report of receipt of 2014-15 report.

- Road Safety Camera Commissioner — Report, 2014-15.  
 Roads Corporation (VicRoads) — Report, 2014-15.  
 Statutory Rules under the following Acts of Parliament —  
   Improving Cancer Outcomes Act 2014 — Nos. 106 and 107.  
   Subdivision Act 1988 — Transfer of Land Act 1958 — No. 105.  
   Supreme Court Act 1986 — No. 103.  
   Supreme Court Act 1986 — Adoption Act 1984 — No. 102.  
   Transfer of Land Act 1958 — No. 104.  
 Subordinate Legislation Act 1994 —  
   Documents under section 15 in respect of Statutory Rules Nos. 108 and 112.  
   Legislative Instruments and related documents under section 16B in respect of —  
     Ministerial Order No. 860 — Fee for temporary approval to be employed or engaged  
       as an early childhood teacher 2015-16, 11 September 2015, under the Education  
       and Training Reform Act 2006.  
     Industrial Waste — Classification for Drilling Mud under the Environment Protection  
       (Industrial Waste Resource) Regulations 2009 and Environment Protection Act  
       1970.  
     Industrial Waste — Classification for Unprocessed Used Cooking Fats and Oils  
       under the Environment Protection (Industrial Waste Resource) Regulations 2009  
       and Environment Protection Act 1970.  
     Approval of the transfer of the King Valley Community Memorial Hall from the  
       Whitfield RSL Sub-branch Building Patriotic Fund to King Valley Community  
       Memorial Hall Inc., 29 September 2015, under the Veterans Act 2005.  
 Sustainability Victoria — Report, 2014-15.  
 Victorian Catchment Management Council — Report, 2014-15.  
 Victorian Curriculum and Assessment Authority — Report, 2014-15.  
 Victorian Law Reform Commission — Report on Medicinal Cannabis, August 2015  
 (*Ordered to be published*).  
 Victorian Regional Channels Authority — Report, 2014-15.  
 Victorian Registration and Qualifications Authority — Report, 2014-15.  
 Victorian Small Business Commissioner — Report, 2014-15.  
 Victorian Veterans Council — Minister's report of receipt of 2014-15 report.  
 West Gippsland Catchment Management Authority — Report, 2014-15.  
 Wimmera Catchment Management Authority — Report, 2014-15.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Associations Incorporation Reform Amendment (Electronic Transactions) Act 2015 —  
 1 October 2015 (Gazette No. S285, 29 September 2015).  
 Education and Training Reform Amendment (Registration of Early Childhood Teachers  
 and Victorian Institute of Teaching) Act 2014 — Remaining Provisions (except section  
 79) — 30 September 2015 (Gazette No. S278, 22 September 2015).  
 Energy Legislation Amendment (Publication of Retail Offers) Act 2015 — 1 October 2015  
 (Gazette No. S285, 29 September 2015).  
 Infrastructure Victoria Act 2015 — 1 October 2015 (Gazette No. S285, 29 September  
 2015).

- 8 PRODUCTION OF DOCUMENTS — SOUTH YARRA UNDERGROUND RAILWAY STATION** — The Clerk laid on the Table a letter from the Attorney-General dated 5 October 2015 received in response to the Resolution of the Council of 2 September 2015 relating to South Yarra underground railway station ordered by the Council on 2 September 2015 advising that the Council's deadline of 6 October does not allow sufficient time to respond.
- 9 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 7 October 2015:
- (1) Notice of motion No. 149 standing in the name of Mr Davis, requesting documents on the City of Port Phillip draft Planning Scheme Amendment C107;

- (2) Notice of motion given this day by Mr Ramsay on supporting improved rail services to Warrnambool;
- (3) Notice of motion No. 166 standing in the name of Ms Pennicuik referring a matter to the Electoral Matters Committee relating to political donations;
- (4) Notice of motion given this day by Mrs Peulich on Labor's Community Action Network;
- (5) Order of the Day No. 15, resumption of debate referring a matter relating to Victorian gun laws to the Law Reform, Road and Community Safety Committee; and
- (6) Notice of motion given this day by Mr Morris on Victoria's regional road network and the Country Roads and Bridges Program.

Question — put and agreed to.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 165 be postponed until later this day.

**12 RACING AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

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.

**13 ENERGY LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2015** — 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 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill ordered to be committed to a Committee of the whole on the next day of meeting.

**15 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.38 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 39 — Wednesday, 7 October 2015

**1** The President took the Chair and read the Prayer.

**2 PETITION — GRAND FINAL EVE PUBLIC HOLIDAY** — Ms Wooldridge presented a Petition bearing 331 signatures from certain citizens of Victoria requesting that the Legislative Council urge the Andrews Labor Government to reverse its decision to impose the Grand Final Eve public holiday.

Ordered to lie on the Table.



**3 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

- Albury Wodonga Health — Report, 2014-15.
- Alexandra District Health — Report, 2014-15.
- Alfred Health — Report, 2014-15.
- Alpine Health — Report, 2014-15.
- Ambulance Victoria — Report, 2014-15.
- Auditor General's Office — Report, 2014-15.
- Auditor-General's Reports on —
  - Delivering Services to Citizens and Consumers via Devices of Personal Choice: Phase 2, October 2015 (*Ordered to be published*).
  - Financial System Controls Report: Information Technology 2014-15, October 2015 (*Ordered to be published*).
- Austin Health — Report, 2014-15.
- Bairnsdale Regional Health Service — Report, 2014-15.
- Ballarat General Cemeteries Trust — Minister's report of receipt of 2014-15 report.
- Ballarat Health Services — Report, 2014-15.
- Barwon Health — Report, 2014-15.
- Beaufort and Skipton Health Service — Report, 2014-15.
- Beechworth Health Service — Report, 2014-15.
- Benalla Health — Report, 2014-15.
- Bendigo Cemeteries Trust — Minister's report of receipt of 2014-15 report.
- Bendigo Health Care Group — Report, 2014-15.
- Boort District Hospital — Report, 2014-15.
- Calvary Health Care Bethlehem Ltd — Report, 2014-15.
- Casterton Memorial Hospital — Report, 2014-15.
- Castlemaine Health — Report, 2014-15.
- Central Gippsland Health Service — Report, 2014-15.
- Cobram District Hospital — Report, 2014-15.
- Cohuna Community Nursing Home Inc. — Report, 2014-15.
- Colac Area Health — Report, 2014-15.
- Confiscation Act 1997 — Report 2014-15 under section 139A by Victoria Police.
- Dental Health Services Victoria — Report, 2014-15.
- Disability Services Commissioner — Report, 2014-15.
- Djerriwarrh Health Services — Report, 2014-15.
- Docklands Studios Melbourne Pty Ltd — Report, 2014-15.
- Dunmunkle Health Services — Report, 2014-15.
- East Grampians Health Service — Report, 2014-15.
- East Wimmera Health Service — Report, 2014-15.
- Eastern Health — Report, 2014-15.
- Echuca Regional Health — Report, 2014-15.
- Edenhope and District Memorial Hospital — Report, 2014-15.
- Emerald Tourist Railway Board — Report, 2014-15.
- Film Victoria — Report, 2014-15.
- Geelong Cemeteries Trust — Report, 2014-15.
- Geelong Performing Arts Centre Trust — Report, 2014-15.
- Gippsland Southern Health Service — Report, 2014-15.
- Goulburn Valley Health — Report, 2014-15.
- Greater Metropolitan Cemeteries Trust — Report, 2014-15.
- Health Purchasing Victoria — Report, 2014-15.
- Health Services Commissioner — Report, 2014-15.
- Heathcote Health — Report, 2014-15.
- Hepburn Health Service — Report, 2014-15.
- Hesse Rural Health Service — Report, 2014-15.
- Heywood Rural Health — Report, 2014-15.
- Inglewood and Districts Health Service — Report, 2014-15.
- Kerang District Health — Report, 2014-15.

- Kilmore and District Hospital — Report, 2014-15.  
 Kooweerup Regional Health Service — Report, 2014-15.  
 Kyabram District Health Service — Report, 2014-15.  
 Kyneton District Health Service — Report, 2014-15.  
 Latrobe Regional Hospital — Report, 2014-15.  
 Library Board of Victoria — Report, 2014-15.  
 Lorne Community Hospital — Report, 2014-15.  
 Maldon Hospital — Report, 2014-15.  
 Mallee Track Health and Community Service — Report, 2014-15.  
 Mansfield District Hospital — Report, 2014-15.  
 Maryborough District Health Service — Report, 2014-15.  
 Melbourne Health — Report, 2014-15.  
 Melbourne Recital Centre Ltd — Report, 2014-15.  
 Mental Health Complaints Commissioner — Report, 2014-15.  
 Mental Health Tribunal — Report, 2014-15.  
 Mercy Public Hospitals Inc. — Report, 2014-15.  
 Metropolitan Planning Authority — Report, 2014-15.  
 Mildura Cemetery Trust — Minister's report of receipt of 2014-15 report.  
 Monash Health — Report, 2014-15.  
 Moynes Health Services — Report, 2014-15.  
 Museums Board of Victoria — Report, 2014-15.  
 Nathalia District Hospital — Report, 2014-15.  
 Northeast Health Wangaratta — Report, 2014-15.  
 Northern Health — Report, 2014-15.  
 Numurkah District Health Service — Report, 2014-15.  
 Ombudsman — Report, 2014-15 (*Ordered to be published*).  
 Omeo District Health — Report, 2014-15.  
 Orbost Regional Health — Report, 2014-15.  
 Otway Health — Report, 2014-15.  
 Peninsula Health — Report, 2014-15.  
 Peter MacCallum Cancer Centre — Report, 2014-15.  
 Portland District Health — Report, 2014-15.  
 Queen Elizabeth Centre — Report, 2014-15.  
 Radiation Advisory Committee — Report, 2014-15.  
 Robinvale District Health Services — Report, 2014-15.  
 Rochester and Elmore District Health Service — Report, 2014-15.  
 Royal Children's Hospital — Report, 2014-15.  
 Royal Victorian Eye and Ear Hospital — Report, 2014-15.  
 Royal Women's Hospital — Report, 2014-15.  
 Rural Northwest Health — Report, 2014-15.  
 Seymour District Memorial Hospital — Report, 2014-15.  
 South Gippsland Hospital — Report, 2014-15.  
 South West Healthcare — Report, 2014-15.  
 Southern Metropolitan Cemeteries Trust — Report, 2014-15.  
 St Vincent's Hospital (Melbourne) Ltd — Report, 2014-15.  
 Statutory Rules under the following Acts of Parliament —  
     Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — No. 108.  
     Drugs, Poisons and Controlled Substances Act 1981 — No. 110.  
     Freedom of Information Act 1982 — No. 111.  
     Traditional Owner Settlement Act 2010 — No. 109.  
     Victorian Civil and Administrative Tribunal Act 1998 — No. 112.  
 Stawell Regional Health — Report, 2014-15.  
 Subordinate Legislation Act 1994 —  
     Documents under section 15 in respect of Statutory Rules Nos. 104 to 107.  
     Legislative Instruments and related documents under 16B in respect of —  
         Electronic conveyancing operating requirements (Version 3), 30 September 2015,  
         under the Electronic Conveyancing (Adoption of National Law) Act 2013.

Electronic conveyancing participation rules (Version 3), 30 September 2015, under the Electronic Conveyancing (Adoption of National Law) Act 2013.

Order in Council declaring VicRoads as a specified entity, 29 September 2015, under the Financial Management Act 1994.

Registrar's requirements for paper conveyancing transactions (Version 1), 30 September 2015, under the Transfer of Land Act 1958.

Surveillance Devices Act 1999 — Reports 2014-15 pursuant to section 30L by the — Australian Crime Commission.

Department of Economic Development, Jobs, Transport and Resources.

Department of Environment, Land Water and Planning.

Game Management Authority.

Independent Broad-Based Anti-Corruption Commission.

Swan Hill District Health — Report, 2014-15.

Tallangatta Health Service — Report, 2014-15.

Terang and Mortlake Health Service — Report, 2014-15.

Timboon and District Healthcare Service — Report, 2014-15.

Tweddle Child and Family Health Service — Minister's report of receipt of 2014-15 report.

Upper Murray Health and Community Services — Report, 2014-15.

Victorian Arts Centre Trust — Report 2014-14.

Victorian Assisted Reproductive Treatment Authority — Minister's report of receipt of 2014-15 report.

Victorian Health Promotion Foundation (VicHealth) — Report, 2014-15.

Victorian Institute of Forensic Mental Health — Report, 2014-15.

Victorian Pharmacy Authority — Minister's report of receipt of 2014-15 report.

West Wimmera Health Service — Report, 2014-15.

Western District Health Service — Report, 2014-15.

Western Health — Report, 2014-15.

Wimmera Health Care Group — Report, 2014-15.

Yarram and District Health Service — Report, 2014-15.

Yarrawonga District Health Service — Report, 2014-15.

Yea and District Memorial Hospital — Report, 2014-15.

- 4 ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE** — Mr Jennings moved, by leave, That Mr Bourman be a member of the Economic, Education, Jobs and Skills Committee.

Question — put and agreed to.

- 5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 7 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — EXTENSION TO REPORTING DATE** — The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the following resolution —

That the resolution of the House of 18 August 2015 be amended to extend the reporting date for the Public Accounts and Estimates Committee's inquiry into allegations made against the Auditor-General to no later than 10 November 2015.

Ordered — That the Message be taken into consideration forthwith.

Mr Jennings moved, by leave, That —

- (a) the resolution of the House of 18 August 2015 be amended to extend the reporting date for the Public Accounts and Estimates Committee's inquiry into allegations made against the Auditor-General to no later than 10 November 2015; and

- (b) a Message will be sent to the Assembly acquainting them of the Council's resolution.

Question put and agreed to.

**8 PRODUCTION OF DOCUMENTS — CITY OF PORT PHILLIP DRAFT PLANNING SCHEME**

**AMENDMENT C107** — Mr Davis moved, That In accordance with Standing Order 11.01, there be tabled in the Council, by 12 noon on Wednesday, 11 November 2015, a copy of all documents created on or after 4 December 2014, or used to inform departmental decisions or ministerial briefings on or after 4 December 2014, in relation to the City of Port Phillip draft Planning Scheme Amendment C107, including but not limited to —

- (1) all correspondence to/from the Department of Economy, Jobs, Transport and Resources and Department of Environment, Land, Water and Planning;
- (2) all correspondence to/from the Minister for Planning, the Hon Richard Wynne MP, dealing with Amendment C107; and
- (3) an extract copy of the Minister for Planning's diary identifying meetings held or attended in relation to Amendment C107.

Debate ensued.

Question put and agreed to.

**9 RAIL SERVICES — WARRNAMBOOL TO GEELONG** — Mr Ramsay moved, That this House —

- (1) condemns the Andrews Government for not supporting an additional daily rail service on the Warrnambool to Geelong line;
- (2) notes the Geelong to Melbourne peak rail services are overcrowded, unreliable and suffer regular delays;
- (3) notes the many complaints made to the Regional Network Community Forums; and
- (4) calls on the Andrews Government to make the necessary changes and introduce a fourth daily service to meet the needs of train passengers using the Warrnambool line.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Point Cook police station** — supplementary question asked by Dr Carling-Jenkins — response from Mr Herbert due Tuesday, 20 October 2015.
- **THC drug road side testing** — supplementary question asked by Ms Patten — response from Mr Herbert due Tuesday, 20 October 2015.
- **Cobaw controlled fires — staffing levels** — supplementary question asked by Ms Wooldridge — response from Mr Jennings due Tuesday, 20 October 2015.
- **Public holidays** — substantive question asked by Mr Ondarchie — response from Mr Dalidakis due Thursday, 8 October 2015.
- **Programs to reduce threats of radicalisation of young people** — supplementary question asked by Mrs Peulich — response from Mr Jennings due Tuesday, 20 October 2015.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.**12 RAIL SERVICES — WARRNAMBOOL TO GEELONG** — Debate continued on the question, That this House —

- (1) condemns the Andrews Government for not supporting an additional daily rail service on the Warrnambool to Geelong line;
- (2) notes the Geelong to Melbourne peak rail services are overcrowded, unreliable and suffer regular delays;
- (3) notes the many complaints made to the Regional Network Community Forums; and
- (4) calls on the Andrews Government to make the necessary changes and introduce a fourth daily service to meet the needs of train passengers using the Warrnambool line.

Question — put and agreed to.

**13 ELECTORAL MATTERS COMMITTEE REFERENCE** — Ms Pennicuik moved, That this House, pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Electoral Matters Committee to inquire into, consider and report no later than 1 August 2016 on —

- (1) whether the *Electoral Act 2002* and/or the *Local Government Act 1989* should be amended to create a system of political donations disclosure and/or restrictions on political donations; and
- (2) the outcomes of similar legislative reforms introduced in other relevant jurisdictions, particularly in the last six years.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 7

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Mr Purcell; Ms Springle.

(Tellers: Ms Dunn and Mr Purcell)

NOES, 31

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(Tellers: Mr Dalla-Riva and Mr Eideh)

Question negatived.

**14 ELECTORATE OFFICE STAFF — COMMUNITY ACTION NETWORK** — Mrs Peulich moved, That this House —

- (1) notes Labor Members' alleged misuse of casual electorate officers as Field Organisers for the Labor Party's Community Action Network; and
- (2) calls on Ministers in the Legislative Council to release casual staff time-sheets for the 2014-15 financial year.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Leane.*

**15 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**16 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.25 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 40 — Thursday, 8 October 2015

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**SPECIAL RELIGIOUS INSTRUCTION IN SCHOOLS** — Ms Crozier presented a Petition bearing 65 signatures from certain citizens of Victoria requesting that the Legislative Council ensure that the Andrews Labor Government allow students attending government schools to attend Special Religious Instruction during school hours.

Ordered to lie on the Table.

**TRUCKS OFF BEACONSFIELD PARADE AND BEACH ROAD** — Ms Crozier presented a Petition bearing 866 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to place a 24 hour curfew on large trucks using Beaconsfield Parade and Beach Road as a thoroughfare to the Port of Melbourne.

Ordered to lie on the Table.

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**GRAND FINAL EVE PUBLIC HOLIDAY** — Mr Davis presented a Petition bearing 118 signatures from certain citizens of Victoria requesting that the Legislative Council urge the Andrews Labor Government to reverse its decision to impose the Grand Final Eve public holiday.

Ordered to lie on the Table.

### 3 PAPERS —

**VICTORIAN COMPETITION AND EFFICIENCY COMMISSION REPORT, 2014-15** — Mr Jennings moved, by leave, That there be laid before this House a copy of the Victorian Competition and Efficiency Commission Report, 2014-15.

Question — put and agreed to.

The Report was presented by Mr Jennings and ordered to lie on the Table.

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**VICTORIAN BUSHFIRES ROYAL COMMISSION IMPLEMENTATION PROGRESS REPORT** — Mr Dalidakis moved, by leave, That there be laid before this House a copy of the Victorian Bushfires Royal Commission Progress Report on Implementation of Recommendations and Actions, 1 August 2015.

Question — put and agreed to.

The Report was presented by Mr Dalidakis and ordered to lie on the Table.

On the motion of Mr Davis, the Report was ordered to be taken into consideration on the next day of meeting.

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**CONSUMER UTILITIES ADVOCACY CENTRE REPORT, 2014-15** — Mr Dalidakis moved, by leave, That there be laid before this House a copy of the Consumer Utilities Advocacy Centre Report, 2014-15.

Question — put and agreed to.

The Report was presented by Mr Dalidakis and ordered to lie on the Table.

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**POLICE REGISTRATION AND SERVICES BOARD REPORT, 2014-15** — Mr Herbert moved, by leave, That there be laid before this House a copy of the Police Registration and Services Board Report, 2014-15.

Question — put and agreed to.

The Report was presented by Mr Herbert and ordered to lie on the Table.

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**VICTORIA LAW FOUNDATION REPORT, 2014-15** — Mr Herbert moved, by leave, That there be laid before this House a copy of the Victoria Law Foundation Report, 2014-15.

Question — put and agreed to.

The Report was presented by Mr Herbert and ordered to lie on the Table.

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**OFFICE OF THE PUBLIC ADVOCATE REPORT, 2014-15** — Mr Herbert moved, by leave, That there be laid before this House a copy of the Report of the Office of the Public Advocate 2014-15.

Question — put and agreed to.

The Report was presented by Mr Herbert and ordered to lie on the Table and be published.

**ACCOUNTABILITY AND OVERSIGHT COMMITTEE — VICTORIAN OVERSIGHT AGENCIES 2013-14** — Ms Symes presented a Report from the Accountability and Committee on the Report into Victorian oversight agencies 2013–14 (including Appendices).

Ordered to lie on the Table and to be published.

Ms Symes moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

- Accident Compensation Conciliation Service — Report, 2014-15.
- Adult Multicultural Education Services — Report, 2014-15.
- Adult Parole Board of Victoria — Report, 2014-15.
- Agriculture Victoria Services Pty Ltd — Report, 2014-15.
- Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2014-15 report.
- Asset Confiscation Operations — Report, 2014-15.
- Barwon Region Water Corporation — Report, 2014-15
- Central Gippsland Region Water Corporation — Report, 2014-15.
- Central Highlands Region Water Corporation — Report, 2014-15.
- Coliban Region Water Corporation — Report, 2014-15.
- Corangamite Catchment Management Authority — Report, 2014-15.
- Country Fire Authority — Report, 2014-15
- Dairy Food Safety Victoria — Report, 2014-15.
- East Gippsland Catchment Management Authority — Report, 2014-15.
- East Gippsland Region Water Corporation — Report, 2014-15.
- Emergency Services Superannuation Board — Report, 2014-15.
- Emergency Services Telecommunications Authority — Report, 2014-15.
- Environment Protection Authority — Report, 2014-15.
- Essential Services Commission — Report, 2014-15.
- Fed Square Pty Ltd — Report, 2014-15.
- Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2014-15.
- Freedom of Information Commissioner — Report, 2014-15.
- Geoffrey Gardiner Dairy Foundation — Report, 2014-15.
- Gippsland and Southern Rural Water Corporation — Report, 2014-15.
- Goulburn-Murray Rural Water Corporation — Report, 2014-15.
- Goulburn Valley Region Water Corporation — Report, 2014-15.
- Grampians Wimmera Mallee Water Corporation — Report, 2014-15.
- Greyhound Racing Victoria — Report, 2014-15.
- Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of 2014-15 report.
- Harness Racing Victoria — Report, 2014-15.
- Legal Practitioners' Liability Committee — Report, 2014-15.
- Lower Murray Urban and Rural Water Corporation — Report, 2014-15.
- Melbourne and Olympic Parks Trust — Report, 2014-15.
- Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 2015 and Summary of Variations notified between 23 June and 7 October 2015 (*Ordered to be published*).
- Metropolitan Fire and Emergency Services Board — Report, 2014-15.
- Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2014-15 report.
- National Parks Act 1975 — Report on the working of the Act, 2014-15.
- National Parks Advisory Council — Report, 2014-15.
- North East Region Water Corporation — Report, 2014-15.
- Northern Victorian Fresh Tomato Industry Development Committee — Minister's report of receipt of 2014-15 report.
- Parks Victoria — Report, 2014-15

Phillip Island Nature Parks — Report, 2014-15.  
 Phytogene Pty Ltd — Minister's report of receipt of 2014-15 report.  
 Places Victoria — Report, 2014-15.  
 Port Phillip and Westernport Catchment Management Authority — Report, 2014-15.  
 Premier and Cabinet Department — Report, 2014-15.  
 PrimeSafe — Minister's report of receipt of 2014-15 report.  
 Public Record Office Victoria — Report, 2014-15.  
 Racing Integrity Commissioner — Report, 2014-15 (*Ordered to be published*).  
 Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2014-15.  
 Rolling Stock (Victoria-VL) Pty Ltd — Report, 2014-15.  
 Rolling Stock (VL-1) Pty Ltd — Report, 2014-15.  
 Rolling Stock (VL-2) Pty Ltd — Report, 2014-15.  
 Rolling Stock (VL-3) Pty Ltd — Report, 2014-15.  
 Royal Botanic Gardens Board Victoria — Report, 2014-15.  
 Rural Finance Corporation of Victoria — Report, 2014-15.  
 South Gippsland Region Water Corporation — Report, 2014-15.  
 State Trustees Ltd — Report, 2014-15.  
 Subordinate Legislation Act 1994 — Legislative Instrument and related documents under section 16B in respect of the Revocation of an Area, 14 September 2015, under the Nudity (Prescribed Areas) Act 1983.  
 Transport Accident Commission — Report, 2014-15.  
 Trust for Nature (Victoria) — Report, 2014-15.  
 V/Line Corporation — Report, 2014-15.  
 Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt for 2014-15 report.  
 Victims of Crime Assistance Tribunal — Report, 2014-15.  
 Victoria Legal Aid — Report, 2014-15.  
 Victoria Police — Report, 2014-15.  
 Victorian Broiler Industry Negotiation Committee — Report, 2014-15.  
 Victorian Building Authority — Report, 2014-15.  
 Victorian Environmental Assessment Council — Report, 2014-15.  
 Victorian Environmental Water Holder — Report, 2014-15.  
 Victorian Equal Opportunity and Human Rights Commission — Report, 2014-15 (*Ordered to be published*).  
 Victorian Funds Management Corporation — Report, 2014-15.  
 Victorian Government Purchasing Board — Report, 2014-15.  
 Victorian Legal Commissioner — Report, 2014-15 (*Ordered to be published*).  
 Victorian Managed Insurance Authority — Report, 2014-15.  
 Victorian Multicultural Commission — Report, 2014-15.  
 Victorian Rail Track — Report, 2014-15.  
 Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2014-15 report.  
 VITS Languagelink — Report, 2014-15.  
 Wannon Region Water Corporation — Report, 2014-15.  
 Western Region Water Corporation — Report, 2014-15.  
 Westernport Region Water Corporation — Report, 2014-15.  
 Young Farmers' Finance Council — Report, 2014-15.  
 Youth Parole Board — Report, 2014-15.  
 Zoological Parks and Gardens Board — Report, 2014-15.

**4 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 20 October 2015.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.



- 6 STANDING COMMITTEE ON ECONOMY AND INFRASTRUCTURE** — Mr Jennings moved, by leave, That Dr Carling-Jenkins be discharged from the Standing Committee on Economy and Infrastructure.

Question — put and agreed to.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 165 be postponed until later this day.

- 8 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AND OTHER ACTS AMENDMENT BILL 2015** — 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 having been interrupted at 12 noon pursuant to Sessional Orders —*

- 9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Infrastructure Victoria Board qualifications** — supplementary question asked by Mr Rich-Phillips — response from Mr Jennings due Wednesday, 21 October 2015.
- **Stronger Country Bridges Program** — supplementary question asked by Mr Morris — response from Mr Jennings due Wednesday, 21 October 2015.
- **Water distribution and north-south pipeline** — supplementary question asked by Mr Ramsay — response from Mr Jennings due Wednesday, 21 October 2015.
- **Announcement of operator of Lilydale TAFE site** — supplementary question asked by Mr O'Donohue — response from Mr Herbert due Tuesday, 20 October 2015.
- **Sale of water excess to environmental requirements** — supplementary question asked by Mr Young — response from Mr Jennings due Wednesday, 21 October 2015.
- **Logging coupes** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Tuesday, 20 October 2015.

- 10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 11 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AND OTHER ACTS AMENDMENT BILL 2015** — 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.

- 12 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) BILL 2015** — Bill 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.

- 13 CRIMINAL ORGANISATIONS CONTROL AMENDMENT (UNLAWFUL ASSOCIATIONS) BILL 2015** — 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, 30

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(Tellers: Ms Bath and Mr Melhem)

## NOES, 7

Mr Atkinson; Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(Tellers: Ms Hartland and Ms Patten)

Question 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 NATIONAL PARKS AMENDMENT (NO 99 YEAR LEASES) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the National Parks Act 1975 to repeal section 19I of that Act to remove the power to grant a lease of any land that may be leased under section 19G of that Act for a term of more than 21 years and not exceeding 99 years and to reduce the maximum term of a lease that may be granted for specific areas of land in specified parks from 99 years to 50 years and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Davis), the debate was adjourned for one week.

- 15 PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Prevention of Cruelty to Animals Act 1986 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Drum), the debate was adjourned for one week.

- 16 PUBLIC HEALTH AND WELLBEING AMENDMENT (NO JAB, NO PLAY) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 to increase immunisation rates for young children in the community and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Ms Wooldridge), the debate was adjourned for one week.

- 17 VICTIMS OF CRIME COMMISSIONER BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish the Victims of Crime Commissioner and the Victims of Crime Consultative Committee and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Jennings (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
- Mr Jennings moved, That the Bill be now read a second time.
- On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.
- 18 WRONGS AMENDMENT BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Wrongs Act 1958 in relation to maximum amounts of damages for economic loss and non-economic loss, damages for loss of capacity to care for dependants in limited circumstances, threshold impairment levels for psychiatric and spinal injury, certain proceedings to which Part VBA of that Act applies and for other purposes* and requesting the agreement of the Council.
- On the motion of Mr Jennings (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
- Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.
- Mr Jennings moved, That the Bill be now read a second time.
- On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.
- 19 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.
- Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.
- And then the Council, at 7.44 p.m., adjourned until Tuesday, 20 October 2015.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 38, 39 and 40

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**Tuesday, 6 October 2015**

**1 RACING AMENDMENT BILL 2015**

**Clauses 1 to 7** — put and agreed to.

**Clause 8** — Ms Pennicuik moved —

1. Clause 8, page 8, line 16, omit "industry." and insert "industry;".
2. Clause 8, page 8, after line 16 insert—  
"(d) one person who has expertise in animal welfare."

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.  
(*Tellers: Ms Dunn and Ms Hartland*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Drum and Mr Leane*)

Question negatived.

Clause 8 — put and agreed to.

**Clauses 9 to 12** — put and agreed to.

**Bill reported without amendment.**

**Thursday, 8 October 2015**

**1 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AND OTHER ACTS AMENDMENT BILL 2015**

**Clause 1** — Debate commenced.

*Committee interrupted at 12 noon pursuant to Sessional Orders.*

**Clause 1** — put and agreed to.

**Clauses 2 to 49** — put and agreed to.

**Bill reported without amendment.**

**2 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) BILL  
2015**

**Clauses 1 to 49** — put and agreed to.

**Schedules 1 to 3** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 41, 42 and 43

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#### No. 41 — Tuesday, 20 October 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant Governor informing the Council that she had, on 13 October 2015, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:  
*Criminal Organisations Control Amendment (Unlawful Associations) Act 2015*  
*Energy Legislation Amendment (Consumer Protection) Act 2015*  
*Racing Amendment Act 2015*  
*Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015*  
*Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Act 2015.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Melbourne Metro Rail Project — consultants' advice** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Jennings due Thursday, 22 October 2015.
  - **Category 1 Incident Reports** — substantive question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 21 October 2015.
  - **Data on indictable offenses involving firearms** — substantive and supplementary questions asked by Mr Bourman — response from Mr Herbert due Thursday, 22 October 2015.
  - **Melbourne Metro Rail Project — number of businesses affected** — supplementary question asked by Ms Patten — response from Mr Jennings due Thursday, 22 October 2015.
- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
  - 5 **PETITIONS** —  
**GRAND FINAL EVE PUBLIC HOLIDAY** — Ms Crozier presented a Petition bearing 26 signatures from certain citizens of Victoria requesting that the Legislative Council urge the Andrews Labor Government to reverse its decision to impose the Grand Final Eve public holiday.

Ordered to lie on the Table.

**SPECIAL RELIGIOUS INSTRUCTION IN SCHOOLS** — Mr O'Donohue presented a Petition bearing 32 signatures from certain citizens of Victoria requesting that the Legislative Council ensure that the Andrews Labor Government allow students attending government schools to attend Special Religious Instruction during school hours.

Ordered to lie on the Table.

- 6 INFANT VIABILITY BILL 2015** — Dr Carling-Jenkins introduced *A Bill for an Act to ensure the provision of access to holistic care and support to pregnant women and preborn children so as to promote infant viability, to amend the Abortion Law Reform Act 2008 and the Crimes Act 1958, to make consequential amendments to certain other Acts and for other purposes.*

Dr Carling-Jenkins moved, That the Bill be now read a first time.

Question — put.

The Council divided — The President in the Chair.

AYES, 30

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Young)*

NOES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Patten)*

Question agreed to.

On the motion of Dr Carling-Jenkins, the Bill was ordered to be read a second time on the next day of meeting.

## **7 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 13 of 2015 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crimes (Controlled Operations) Act 2004 — Report pursuant to section 39 by Victorian Inspectorate, 2014-15.

Dhelkunya Dja Land Management Board — Minister's report of receipt of 2014-15 report.

Fisheries Act 1995 — Report pursuant to section 131T by Victorian Inspectorate, 2014-15.

Heritage Council of Victoria — Minister's report of receipt of 2014-15 report.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 55.

Melbourne Convention and Exhibition Trust — Report, 2014-15.

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2015 *(Ordered to be published)*.

Metropolitan Waste and Resource Recovery Group — Report, 2014-15.

Parliamentary Committees Act 2003 — Government Response to the Environment and Natural Resources Committee's Report on Heritage Tourism and Ecotourism in Victoria.

Planning and Environment Act 1987 — Notice of Approval of the Victoria Planning Provisions — Amendment VC128.

Regional Development Victoria — Report, 2014-15.

Sentencing Advisory Council — Report, 2014-15.



State Sports Centres Trust — Report, 2014-15.  
 Statutory Rules under the following Acts of Parliament —  
   Cemeteries and Crematoria Act 2003 — No. 115.  
   Magistrates' Court Act 1989 — No. 113.  
   Planning and Environment Act 1987 — No. 116.  
   Road Safety Act 1986 — No. 118.  
   Subdivision Act 1988 — No. 117.  
   Subordinate Legislation Act 1994 — No. 114.  
 Subordinate Legislation Act 1994 —  
   Documents under section 15 in respect of Statutory Rules Nos. 110, 111 and 113.  
   Legislative Instrument and related documents under 16B in respect of Determination of  
     Specifications for Taxi-cabs under the Transport (Buses, Taxi-Cabs and Other  
     Commercial Passenger Vehicles) Regulations 2005, 10 August 2015.  
 Victorian Coastal Council — Report, 2014-15.  
 Victorian Institute of Forensic Medicine — Report, 2014-15.  
 Victorian Public Sector Commission — Report, 2014-15.  
 Wildlife Act 1975 — Report pursuant to section 74P by Victorian Inspectorate, 2014-15.  
 Yorta Yorta Traditional Owner Land Management Board — Minister's report of receipt of  
 2014-15 report.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Cemeteries and Crematoria Amendment (Veterans Reform) Act 2015 — 9 November 2015 (*Gazette No. S303, 13 October 2015*).

Planning and Environment Amendment (Recognising Objectors) Act 2015 — 12 October 2015 (*Gazette No. S294, 6 October 2015*).

**8 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 21 October 2015:

- (1) Notice of motion No. 173 standing in the name of Mr Morris relating to Victoria's regional road network and the Country Roads and Bridges Program;
- (2) Order of the Day No. 12, resumption of debate to refer a matter relating to Victorian gun laws to the Law Reform, Road and Community Safety Committee;
- (3) Notice of motion No. 168 standing in the name of Mr O'Donohue relating to police resources in Victoria; and
- (4) Notice of motion given this day by Mr Drum relating to drought conditions in Victoria.

Question — put and agreed to.

**9 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, Nos. 25 to 165 be postponed until later this day.

**12 LOCAL GOVERNMENT AMENDMENT (IMPROVED GOVERNANCE) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

Debate continued.

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.

**13 PUBLIC HEALTH AND WELLBEING AMENDMENT (NO JAB, NO PLAY) BILL 2015 —**

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

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Ms Mikakos declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

Ms Shing moved, That the debate be adjourned until the next day of meeting.

Question — put and agreed to.

**14 ADJOURNMENT —** Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.57 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

**No. 42 — Wednesday, 21 October 2015**

1 The President took the Chair and read the Prayer.

2 **PAPERS PURSUANT TO STATUTE —** The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report — Department of Education and Training: Strategic Planning, October 2015 (*Ordered to be published*).

Barwon South West Waste and Resource Recovery Group — Minister's report of receipt of 2014-15 report.

Commissioner for Environmental Sustainability — Minister's report of receipt of 2014-15 report.

Essential Services Commission — Final Report on Local Government Rate Capping and Variation Framework Review, September 2015.

Gippsland Waste and Resource Recovery Group — Minister's report of receipt of 2014-15 report.

Grampians Central West Waste and Resource Recovery Group — Minister's report of receipt of 2014-15 report.

Loddon Mallee Waste and Resource Recovery Group — Minister's report of receipt of 2014-15 report.

National Parks Act 1975 — Advice of National Parks Advisory Council to Minister on proposed excisions from existing parks.

North East Waste and Resource Recovery Group — Minister's report of receipt of 2014-15 report.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendment C218.

Casey Planning Schemes — Amendments C181, C212, C213 and C216.

Darebin Planning Schemes — Amendments C138 and C147.

Golden Plains Planning Scheme — Amendment C63.

Greater Geelong Planning Scheme — Amendment C265.

Hobsons Bay Planning Scheme — Amendment C108.

Hume Planning Schemes — Amendment C197 and C199.

Kingston Planning Scheme — Amendment C143.

Melbourne Planning Schemes — Amendments C173, C196 and C198.

Monash Planning Scheme — Amendment C124.

Moreland Planning Scheme — Amendment C123.

Nillumbik Planning Scheme — Amendment C111.

South Gippsland Planning Scheme — Amendment C77 (Part 3).

Wellington Planning Scheme — Amendment C86.  
 Yarra Ranges Planning Scheme — Amendment C112.  
 State Electricity Commission of Victoria — Report, 2014-15.

\* \* \* \* \*

**PROCLAMATION** — A proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the table by the Clerk:

Racing Amendment Act 2015 — 21 October 2015 (*Gazette No. S309, 20 October 2015*).

**3 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**5 VICTORIA'S REGIONAL ROAD NETWORK** — Mr Morris moved, That this House —

- (1) condemns the Andrews Labor Government and Minister for Roads and Road Safety, Mr Luke Donnellan MP, for neglecting Victoria's regional road network;
- (2) notes that Labor have scrapped the Coalition's successful \$160 million Country Roads and Bridges Program; and
- (3) notes that two of regional Victoria's most dangerous roads are the Myamyn-Macarthur Road and the Portland-Nelson Road, both in South West Victoria.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**ALLOCATION OF FUNDS FROM KEW COTTAGES SALE** — Ms Mikakos having given answers to a question without notice and a supplementary question relating to the allocation of funds from Kew Cottages sale —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**EVALUATION OF PUBLIC HOLIDAYS** — Mr Dalidakis having given answers to a question without notice and a supplementary question relating to the evaluation of public holidays —

On the motion of Mrs Peulich, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Allocation of funds from Kew Cottages sale** — supplementary question asked by Dr Carling-Jenkins — response from Ms Mikakos due Tuesday, 10 November 2015.
- **NAPLAN services provided by NCS Pearson** — substantive and supplementary questions asked by Ms Pennicuik — response from Mr Herbert due Tuesday, 10 November 2015.
- **Evaluation of public holidays** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Dalidakis due Thursday, 22 October 2015.
- **Unemployed youth since December 2014** — substantive and supplementary questions asked by Mr Morris — response from Ms Mikakos due Tuesday, 10 November 2015.
- **Barista training — student numbers** — substantive question asked by Mr Finn — response from Mr Herbert due Thursday, 22 October 2015.
- **TAFE board membership recommendation from Auditor-General** — substantive question asked by Mr Dalla-Riva — response from Mr Herbert due Thursday, 22 October 2015.
- **Public holidays — days in lieu** — supplementary question asked by Mr Ondarchie — response from Mr Dalidakis due Thursday, 22 October 2015.

**7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**8 VICTORIA'S REGIONAL ROAD NETWORK** — Debate continued on the question, That this House —

- (1) condemns the Andrews Labor Government and Minister for Roads and Road Safety, Mr Luke Donnellan MP, for neglecting Victoria's regional road network;
- (2) notes that Labor have scrapped the Coalition's successful \$160 million Country Roads and Bridges Program; and
- (3) notes that two of regional Victoria's most dangerous roads are the Myamyn-Macarthur Road and the Portland-Nelson Road, both in South West Victoria.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 21

Mr Barber; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Ms Dunn; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

(Tellers: Mr Dalla-Riva and Ms Pennicuik)

NOES, 14

Mr Bourman; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Ms Mikakos; Mr Mulino; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.

(Tellers: Mr Somyurek and Mr Young)

Question agreed to.

**9 LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE REFERENCE** — Debate resumed on the question, That this House, pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Law Reform, Road and Community Safety Committee to inquire into, consider and report no later than 30 June 2016 on the effectiveness of the existing gun laws in Victoria in providing public safety, and —

- (1) give particular consideration to the benefits of —
  - (a) registering firearms;
  - (b) the Permit to Acquire system;
  - (c) the firearms category and classification system;
  - (d) classifying firearms based on appearance;
  - (e) handgun regulation;
  - (f) legalising suppressors;
  - (g) ammunition storage laws;
  - (h) including paint ball markers in the current licensing and registration scheme;
  - (i) the National Firearms Agreement and National Handgun Agreement; and
- (2) make recommendations that will have the least negative effect on law abiding citizens of the Victorian community.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 5

Mr Bourman; Dr Carling-Jenkins; Ms Patten; Mr Purcell; Mr Young.

(Tellers: Mr Bourman and Mr Young)

NOES, 30

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Davis; Mr Drum; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek;

Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.  
(Tellers: Mr Barber and Mr Ramsay)

Question negatived.

**10 POLICE NUMBERS** — Mr O'Donohue moved, That this House notes —

- (1) in November 2014, when the Coalition left government there were 13,151 equivalent full-time sworn police officers in Victoria;
- (2) as at the end of June 2015 there were 13,151 equivalent full-time sworn police officers in Victoria;
- (3) the failure of the Andrews Labor Government to add even one additional sworn police member despite population growth of approximately 100,000 per annum and the challenges of terrorism, Ice and family violence;
- (4) that while the Premier, Daniel Andrews, MP hasn't prioritised additional police, he has found hundreds of millions of dollars to not build a road and \$20 million for a new logo; and
- (5) the failure of Labor to invest in more police stands in stark contrast to the Coalition's record of 1,900 additional police and 950 Protective Service Officers during its term in office.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, debate stood adjourned in the name of Mr Ramsay.*

**11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**12 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.13 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 43 — Thursday, 22 October 2015

1 The President took the Chair and read the Prayer.

2 **PETITION — SPECIAL RELIGIOUS INSTRUCTION IN SCHOOLS** — Ms Wooldridge presented a Petition bearing 164 signatures from certain citizens of Victoria requesting that the Legislative Council ensure that the Andrews Labor Government allow students attending government schools to attend Special Religious Instruction during school hours.

Ordered to lie on the Table.

3 **PAPERS — PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Australian Grand Prix Corporation — Report, 2014-15.

Bass Coast Health — Report, 2014-15.

CenITex — Report, 2014-15.

Game Management Authority — Report, 2014-15.

Melbourne Market Authority — Report, 2014-15.

Office of Public Prosecutions — Report, 2014-15.

Parliamentary Committees Act 2003 — Government response to the Rural and Regional Committee's Report on Opportunities for Increasing Exports of Goods and Services from Regional Victoria.

Port of Melbourne Corporation — Report, 2014-15.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 115.

Victorian Electoral Commission — Report, 2014-15.

Victorian Inspectorate — Report, 2014-15.

Victorian Responsible Gambling Foundation — Report, 2014-15.

West Gippsland Healthcare Group — Report, 2014-15.

**4 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 10 November 2015.

Question — put and agreed to.

**7 SITTING OF THE COUNCIL — WEDNESDAY, 11 NOVEMBER 2015** — Mr Jennings moved, by leave, That the Standing and Sessional Orders be suspended to the extent necessary to enable the sitting of the Council on Wednesday, 11 November 2015 to commence at 2.00 p.m. and the order of business to be —

- (1) Messages;
- (2) Questions (up to 9 non-Government Members);
- (3) Answers to questions on notice;
- (4) Constituency questions (up to 10 Members);
- (5) Formal business;
- (6) Ministers' statements (up to 5 Ministers);
- (7) Members' statements (up to 15 Members);
- (8) General Business;
- (9) At **6.30 p.m.** Statements on reports and papers;
- (10) At **7.00 p.m.** Adjournment (up to 20 Members).

Question put and agreed to.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion Government Business, Nos. 25 to 165 be postponed until later this day.

**9 PUBLIC HEALTH AND WELLBEING AMENDMENT (NO JAB, NO PLAY) BILL 2015** — 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 having been interrupted at 12 noon pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Future Industry Funds — ICT eligibility** — supplementary question asked by Mr Rich-Phillips — response from Mr Dalidakis due Tuesday, 10 November 2015.
- **Regional Development Fund** — supplementary question asked by Mr Drum — response from Mr Jennings due Tuesday, 10 November 2015.
- **Support for displaced training students** — supplementary question asked by Ms Lovell — response from Mr Herbert due Tuesday, 10 November 2015.
- **Youth mental health first aid — mandatory training** — supplementary question asked by Ms Springle — response from Ms Mikakos due Tuesday, 10 November 2015.
- **Game Management Authority** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Tuesday, 10 November 2015.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 12 PUBLIC HEALTH AND WELLBEING AMENDMENT (NO JAB, NO PLAY) BILL 2015** — Bill further considered in 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.
- 13 NATIONAL PARKS AMENDMENT (NO 99 YEAR LEASES) BILL 2015** — 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 VICTIMS OF CRIME COMMISSIONER BILL 2015** — 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 ADOPTION AMENDMENT (ADOPTION BY SAME-SEX COUPLES) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Adoption Act 1984 to enable the adoption of children by same-sex couples and to amend the Equal Opportunity Act 2010 to remove the exception to the prohibition to discriminate in relation to religious bodies providing adoption services and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Herbert (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Herbert laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.  
Mr Herbert moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.
- 16 CHILDREN, YOUTH AND FAMILIES AMENDMENT (ABORIGINAL PRINCIPAL OFFICERS) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005 to make further provisions in relation to the authorisation of the principal officers of Aboriginal agencies and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Herbert (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Herbert laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.  
Mr Herbert moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.
- 17 JUSTICE LEGISLATION AMENDMENT (POLICE CUSTODY OFFICERS) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Victoria Police Act 2013, the Corrections Act 1986, the Court Security Act 1980, the Crimes Act 1958 and the Road Safety Act 1986 with respect to police custody officers and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Herbert, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 18 VICTORIAN ENERGY EFFICIENCY TARGET AMENDMENT (SAVING ENERGY, GROWING JOBS) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Victorian Energy Efficiency Target Act 2007 in relation to the VEET scheme target and greenhouse gas reduction rates and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Herbert (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Drum), the debate was adjourned for one week.

- 19 GAMBLING LEGISLATION AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Casino Control Act 1991, the Gambling Regulation Act 2003 and the Victorian Responsible Gambling Foundation Act 2011 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Herbert (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 20 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.30 p.m., adjourned until Tuesday, 10 November 2015.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 41, 42 and 43

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Tuesday, 20 October 2015

### 1 LOCAL GOVERNMENT AMENDMENT (IMPROVED GOVERNANCE) BILL 2015

Clauses 1 to 8 — put and agreed to.

**New Clause** — Mr Davis moved —

1. Insert the following New Clause to follow clause 8—

**'A New section 94AA inserted**

After section 94 of the Principal Act insert—

**"94AA Chief Executive Officer Employment Matters Committee**

- (1) A Council must establish a Chief Executive Officer employment matters committee.
- (2) A Chief Executive Officer employment matters committee is an advisory committee.
- (3) A Chief Executive Officer employment matters committee is to be constituted by the chairperson and at least 2 Councillors.
- (4) The chairperson of a Chief Executive Officer employment matters committee must—
  - (a) not be a Councillor; and
  - (b) not be a member of Council staff; and
  - (c) be suitably qualified.
- (5) The functions and responsibilities of a Chief Executive Officer employment matters committee are—
  - (a) to make recommendations to Council on contractual matters relating to the Chief Executive Officer or the person appointed to act as the Chief Executive Officer including the following—
    - (i) the appointment of the Chief Executive Officer;
    - (ii) remuneration and conditions of appointment of the Chief Executive Officer;
    - (iii) any extension of the appointment of the Chief Executive Officer under section 94(4); and
  - (b) to conduct performance reviews of the Chief Executive Officer; and
  - (c) to perform any other prescribed functions or responsibilities.
- (6) A Council may only pay a fee to the chairperson of the Chief Executive Officer employment matters committee.".

Question — That the new clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Davis; Mr Drum; Mr Finn; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Ms Bath and Mr Morris)

NOES, 21

Mr Barber; Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

(Tellers: Mr Bourman and Ms Springle)

Question negatived.

**Clauses 9 to 96** — put and agreed to.

**Bill reported without amendment.**

## **Thursday, 22 October 2015**

### **1 PUBLIC HEALTH AND WELLBEING AMENDMENT (NO JAB, NO PLAY) BILL 2015**

**Clause 1** — Debate commenced.

*Committee interrupted at 12 noon pursuant to Sessional Orders.*

**Clause 1** — put and agreed to.

**Clauses 2 to 9** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 44, 45 and 46

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#### No. 44 — Tuesday, 10 November 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 27 October 2015, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:  
*Local Government Amendment (Improved Governance) Act 2015*  
*National Parks Amendment (No 99 Year Leases) Act 2015*  
*Public Health and Wellbeing Amendment (No Jab, No Play) Act 2015*  
*Victims of Crime Commissioner Act 2015.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Melbourne Metro Rail Authority — Advisian tender** — substantive question asked by Ms Wooldridge — response from Mr Jennings due Thursday, 12 November 2015.
- **Melbourne Metro Rail Authority — probity auditor** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Jennings due Thursday, 12 November 2015.
- **The Civic Group — Mr Andres Puig** — substantive question asked by Mrs Peulich — response from Mr Jennings due Thursday, 12 November 2015.
- **Ultimate Fighting Championship — under age attendance** — supplementary question asked by Ms Springle — response from Ms Mikakos due Wednesday, 11 November 2015.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Unemployed youth since December 2014** — substantive question asked by Mr Morris on Wednesday, 21 October 2015 — further response from Ms Mikakos due Thursday, 12 November 2015.

- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 5 PETITION — SPECIAL RELIGIOUS INSTRUCTION** — Ms Wooldridge presented a Petition bearing 100 signatures from certain citizens of Victoria requesting the Legislative Council ensure that the Andrews Labor Government allow students attending government schools to attend Special Religious Instruction during school hours.

Ordered to lie on the Table.

- 6 ADOPTION AMENDMENT (IDENTIFYING BIOLOGICAL PARENTS) BILL 2015** — Dr Carling-Jenkins introduced *A Bill for an Act to ensure the names of biological parents are included on the birth certificate of all adopted children, to amend the Adoption Act 1984 and Births, Deaths and Marriages Registration Act 1996 and for other purposes.*

On the motion of Dr Carling-Jenkins, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**7 PAPERS —**

**LEGAL AND SOCIAL ISSUES COMMITTEE — END OF LIFE CHOICES, INTERIM REPORT**

— Mr O'Donohue presented an Interim Report from the Legal and Social Issues Committee on End of Life Choices.

Ordered to lie on the Table and to be published.

Mr O'Donohue moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — INVESTIGATION INTO ALLEGATIONS MADE AGAINST THE AUDITOR-GENERAL** — Dr Carling-Jenkins presented a Report from the Public Accounts and Estimates Committee on the Investigation into Allegations made against the Auditor-General (including an Appendix).

Ordered to lie on the Table and to be published.

Dr Carling-Jenkins moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 14 of 2015 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ANNUAL FINANCIAL REPORT 2014-15** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the 2014-15 Annual Financial Report (incorporating Quarterly Financial Report No. 4) (*Ordered to be published*).

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Architects Registration Board of Victoria — Minister's report of receipt of 2014-15 report.

Australian Health Practitioner Regulation Agency — Report, 2014-15.

City West Water Corporation, Report 2014-15.

Consumer Affairs Victoria, Report 2014-15 (*Ordered to be Published*).

Commissioner for Children and Young People, Report 2014-15.

Court Services Victoria, Report 2014-15.

Crown Land (Reserves) Act 1978 —

Minister's Order of 18 September 2015 giving approval to the granting of a lease and a licence at Albert Park.

Minister's Order of 19 September 2015 giving approval to the granting of a licence at Kings Domain and Alexandra Park.

- Minister's Orders of 21 September 2015 giving approval to the granting of a lease and 14 October 2015 giving approval of the granting of a lease and licence at Mordialloc-Mentone Beach Park.
- Minister's Order of 9 October 2015 giving approval to the granting of a lease at Flemington and Kensington Reserve.
- Minister's Order of 13 October 2015 giving approval to the granting of a lease at Victoria Park.
- Minister's Order of 19 October 2015 giving approval to the granting of a licence at Mordialloc-Mentone Beach Park/Mordialloc Creek.
- Minister's Order of 9 November 2015 giving approval to the granting of a lease at Albert Park.
- Education and Training Department, Report 2014-15.
- Environment, Land, Water and Planning Department, Report 2014-15.
- Geoffrey Gardiner Dairy Foundation, Report 2014-15 (Part 2).
- Goulburn Valley Waste and Resource Recovery Group — Minister's report of receipt of 2014-15.
- Judicial College of Victoria, Report 2014-15.
- Justice and Regulation Department, Report 2014-15.
- Melbourne Water Corporation, Report 2014-15.
- National Environment Protection Council, Report 2013-14.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
- Boroondara Planning Scheme — C195 (Part 1) and C212 (Part 1).
  - Brimbank Planning Scheme — C181.
  - Casey Planning Scheme — C209.
  - Greater Geelong Planning Scheme — C355.
  - Greater Shepparton Planning Scheme — C178.
  - Hobsons Bay Planning Scheme — C96.
  - Knox Planning Scheme — C132.
  - Melton Planning Scheme — C119.
  - Nillumbik Planning Scheme — C91.
  - Victoria Planning Provisions — VC101.
  - Whitehorse Planning Scheme — C110.
  - Whittlesea Planning Scheme — C181.
  - Yarra Planning Scheme — C173 (Part 1).
  - Yarra Ranges Planning Scheme — C144.
- Professional Standards Council Victoria, Report 2014-15.
- Residential Tenancies Bond Authority, Report 2014-15.
- South East Water Corporation, Report 2014-15.
- Statutory Rules under the following Acts of Parliament —
- Conveyancers Act 2006 — No. 122.
  - Drugs, Poisons and Controlled Substances Act 1981 — No. 124.
  - Land Conservation (Vehicle Control) Act 1972 — No. 123.
  - Local Government Act 1989 — No. 119.
  - Road Safety Act 1986 — Nos. 120, 121 and 125.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rule Nos. 118 to 120 and 122.
  - A Legislative Instrument and related documents under section 16B in respect of a Ministerial Direction, dated 23 October 2015, under section 3.2.3(1) of the Gambling Regulation Act 2003.
- Surveyors Registration Board of Victoria — Minister's report of receipt of 2014-15 report.
- Treasury and Finance Department, Report 2014-15.
- Treasury Corporation of Victoria, Report 2014-15.
- VicForests, Report 2014-15.
- Victoria Grants Commission, Report 2014-15.
- Victoria State Emergency Services Authority, Report 2014-15.
- Victorian Commission for Gambling and Liquor Regulation, Report 2014-15.
- Victorian Law Reform Commission, Report 2014-15 (*Ordered to be published*).

Workplace Injury Rehabilitation and Compensation Act 2013 — Ministerial direction of 21 October 2015 pursuant to section 610(1).

Yarra Valley Water Corporation, Report 2014-15.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Local Government Legislation Amendment (Environmental Upgrade Agreements) Act 2015 — 1 November 2015 (*Gazette No. S317, 27 October 2015*).

National Electricity (Victoria) Amendment Act 2015 — 1 November 2015 (*Gazette No. S317, 27 October 2015*).

**8 PRODUCTION OF DOCUMENTS — CITY OF PORT PHILLIP DRAFT PLANNING SCHEME**

**AMENDMENT C107** — The Clerk laid on the Table a letter from the Attorney-General dated 6 November 2015 in response to the Resolution of the Council of 7 October 2015 seeking the production of documents relating to the City of Port Phillip draft Planning Scheme Amendment C107, advising that the Council's deadline of 11 November 2015 does not allow sufficient time to respond.

**9 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 11 November 2015:

(1) Order of the Day No. 23, resumption of debate on a motion relating to police resources in Victoria;

(2) Notice of Motion given this day by Ms Patten referring a matter to the Law Reform, Road and Community Safety Committee relating to illicit drug demand, supply and treatment issues;

(3) Notice of Motion No. 179 standing in the name of Mr Drum relating to drought conditions in Victoria; and

(4) Notice of Motion No. 180 standing in the name of Mr Davis relating to the Melbourne Metro Rail Link.

Question — put and agreed to.

**10 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**12 GAMBLING LEGISLATION AMENDMENT BILL 2015** — Mr Dalidakis, by leave, made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 165 be postponed until later this day.

**14 WRONGS AMENDMENT BILL 2015** — 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 PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

*The President having ruled that certain amendments proposed to be moved in Committee by Ms Pennicuik were outside the scope of the Bill —*

Ms Pennicuik moved, That it be an instruction to the Committee that they have power to consider an amendment and New Clause to amend the Prevention of Cruelty to Animals Amendment Bill 2015 to provide for an offence prohibiting steeplechasing and hurdle racing.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle;  
(*Tellers: Ms Dunn and Ms Springle*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Mr Somyurek and Mr Young*)

Question negatived.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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.

**16 VICTORIAN ENERGY EFFICIENCY TARGET AMENDMENT (SAVING ENERGY, GROWING JOBS) BILL 2015** — 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.

**17 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 11.36 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 45 — Wednesday, 11 November 2015

1 The President took the Chair and read the Prayer.

2 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**EAST WEST LINK CONTRACT COSTINGS** — Mr Jennings having given answers to a question without notice and supplementary question relating to the East West Link contract costings —

On the motion of Mr Drum, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**TAFE AND TRAINING SECTOR** — Mr Herbert having given answers to a question without notice and supplementary question relating to the TAFE and training sector —

On the motion of Mr Leane, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTION DIRECTED FOR WRITTEN RESPONSE** — The President directed a written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **East West Link contract settlement** — supplementary question asked by Ms Fitzherbert — response from Mr Jennings due Tuesday, 24 November 2015.

**3 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**4 PETITIONS** —

**NUMBER 8 TRAM** — Mr Davis presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Legislative Council urge the Andrews Labor Government to stop the abolition of the No. 8 tram route.

Ordered to lie on the Table.

\* \* \* \* \*

**GRAND FINAL EVE PUBLIC HOLIDAY** — Mr Davis presented a Petition bearing 4 signatures from certain citizens of Victoria requesting that the Legislative Council urge the Andrews Labor Government to reverse its decision to impose the Grand Final Eve public holiday.

Ordered to lie on the Table.

\* \* \* \* \*

**FAWKNER PARK** — Mr Davis presented a Petition bearing 12 signatures from certain citizens of Victoria requesting that the Legislative Council urge the Andrews Labor Government to reverse its decision to use Fawkner Park as a spoil dump and staging point for heavy machinery for tunnelling of the Melbourne Metro Rail Project and in particular to further guarantee there will be no trees removed or restrictions to public access.

Ordered to lie on the Table.

\* \* \* \* \*

**MELBOURNE METRO LINK DEVELOPMENT PROPOSAL** — Mr Davis presented a Petition bearing 25 signatures from certain citizens of Victoria calling on the Government to reverse its decision to remove access to the Pakenham and Cranbourne lines and include South Yarra Station in the Melbourne Metro Link development proposal.

Ordered to lie on the Table.

\* \* \* \* \*

**ADOPTION AMENDMENT (ADOPTION BY SAME-SEX COUPLES) BILL 2015 REQUEST TO DEFEAT** — Mr Dalla-Riva presented a Petition bearing 232 signatures from certain citizens of Victoria requesting that the Legislative Council defeat the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015 in its entirety.

Ordered to lie on the Table.

**5 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Statutory Rules under the following Acts of Parliament —

Parliamentary Salaries and Superannuation Act 1968 — No.127.

Subordinate Legislation Act 1994 — No.126.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos.123 and 127.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.



**7 POLICE NUMBERS** — Debate resumed on the question, That this House notes —

- (1) in November 2014, when the Coalition left government there were 13,151 equivalent full-time sworn police officers in Victoria;
- (2) as at the end of June 2015 there were 13,151 equivalent full-time sworn police officers in Victoria;
- (3) the failure of the Andrews Labor Government to add even one additional sworn police member despite population growth of approximately 100,000 per annum and the challenges of terrorism, Ice and family violence;
- (4) that while the Premier, Daniel Andrews, MP hasn't prioritised additional police, he has found hundreds of millions of dollars to not build a road and \$20 million for a new logo; and
- (5) the failure of Labor to invest in more police stands in stark contrast to the Coalition's record of 1,900 additional police and 950 Protective Service Officers during its term in office.

Question — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

(Tellers: Mr O'Donohue and Mr Purcell)

NOES, 13

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Mr Somyurek; Ms Symes; Ms Tierney.

(Tellers: Mr Leane and Ms Symes)

Question agreed to.

**8 LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE REFERENCE** —

Ms Patten moved, That pursuant to section 33 of the *Parliamentary Committees Act 2003* this House requires the Law Reform, Road and Community Safety Committee to inquire into, consider and report, no later than 3 March 2017 on the effectiveness of laws and procedures relating to illicit and synthetic drugs and prescription medication, including —

- (1) reviewing the effectiveness of drug treatment programs in Victoria with recommendations on how treatment and harm minimisation strategies could be used as an alternative to criminal penalties;
- (2) reviewing the effectiveness of Victorian Government investment into illicit drug supply reduction, demand reduction and harm reduction strategies and programs;
- (3) reviewing effectiveness of drug detection programs including roadside testing and procedures for deploying drug detection activities at events;
- (4) assessing the impact of prescription medication on road safety;
- (5) reviewing and assessing the effectiveness of laws and regulations relating to illicit and synthetic drugs; and
- (6) assessing practices of other Australian states and territories and overseas jurisdictions and their approach to drug law reform and how other positive reforms could be adopted to Victorian law.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

(Tellers: Ms Dunn and Mr Mulino)

## NOES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Mr Morris and Mr Young)

Question agreed to.

**9 DROUGHT CONDITIONS — REGIONAL VICTORIA** — Mr Drum moved, That this House —

- (1) acknowledges the serious drought that is continuing to develop in Victoria;
- (2) notes that —
  - (a) monthly rainfall has been up to 50 per cent below the state-wide average;
  - (b) some regions are experiencing a second consecutive year of extensive crop failures;
  - (c) comments by the Minister for Agriculture delighting in the continued lack of rain over the Grand Final Eve long weekend;

and calls on the Government to develop urgent assistance packages for farmers and country communities.

Debate ensued.

*Business having been interrupted at 6.30 p.m. pursuant to an order of the Council on 22 October 2015, debate stood adjourned in the name of Mr Drum.*

**10 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**11 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 7.19 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 46 — Thursday, 12 November 2015

1 The President took the Chair and read the Prayer.

2 **PETITION — POLICE NUMBERS** — Mr O'Donohue presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to commit to providing additional police for the community as a matter of priority.

Ordered to lie on the Table.

3 **PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2015-16 BUDGET ESTIMATES** — Ms Pennicuik presented a Report from the Public Accounts and Estimates Committee on the 2015-16 Budget Estimates (including Appendices, an Extract of Proceedings and a Minority Report) together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Pennicuik moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE — CFA TRAINING COLLEGE AT FISKVILLE, SPECIAL REPORT** —

Mr Ramsay presented a Special Report from the Environment, Natural Resources and Regional Development Committee on the production of documents (including an Appendix) relating to the inquiry into CFA Training College at Fiskville.

Ordered to lie on the Table and to be published.

Mr Ramsay moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Public Hospitals: 2014-15 Audit Snapshot, November 2015  
(*Ordered to be published*).

Community Visitors, Report 2014-15 (*Ordered to be published*).

Coronial Council of Victoria, Report 2014-15.

Crimes (Assumed Identities) Act 2004 — Report pursuant to section 31 by Victoria Police for 2014-15.

Crimes (Controlled Operations) Act 2004 — Report pursuant to section 39 by the Victorian Inspectorate for 2014-15.

Project Development and Construction Management Act 1994 — Nomination order and application order, 10 November 2015 and a statement of reasons for making a nomination order, 29 October 2015.

Public Transport Development Authority — Minister's report of failure to submit 2014-15 report to the Minister within the prescribed period and the reasons therefor and the Report, 2014-15.

Shrine of Remembrance Trustees, Report 2014-15.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 114, 116 and 117.

Surveillance Devices Act 1999 — Report pursuant to section 30L by Victoria Police for 2014-15.

Terrorism (Community Protection) Act 2003 —

Report pursuant to sections 13, 13ZR and 21M by Victoria Police for 2014-15.

Report pursuant to section 13ZR by the Independent Broad-based Anti-corruption Commission for 2014-15.

Tourism Victoria, Report 2014-15.

Wildlife Act 1975 — Report pursuant to section 74P by the Victorian Inspectorate for 2014-15.

**4 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 24 November 2015.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 165 be postponed until later this day.

**7 CHILDREN, YOUTH AND FAMILIES (ABORIGINAL PRINCIPAL OFFICERS) BILL 2015** — 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.

**8 JUSTICE LEGISLATION AMENDMENT (POLICE CUSTODY OFFICERS) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Hand gun licence application** — substantive and supplementary questions asked by Mr Young — response from Mr Herbert due Wednesday, 25 November 2015.
- **Special Religious Instruction — guidelines to childcare centres** — supplementary question asked by Ms Patten — response from Mr Herbert due Wednesday, 25 November 2015.
- **Landmate Program** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Jennings due Wednesday, 25 November 2015.
- **Melbourne Metro Rail Project — Fawkner Park** — substantive and supplementary questions asked by Mr Davis — response from Mr Jennings due Wednesday, 25 November 2015.
- **Annual financial report** — supplementary question asked by Mr Rich-Phillips — response from Mr Jennings due Wednesday, 25 November 2015.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 JUSTICE LEGISLATION AMENDMENT (POLICE CUSTODY OFFICERS) BILL 2015** — 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 GAMBLING LEGISLATION AMENDMENT BILL 2015** — 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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

**13 ADOPTION AMENDMENT (ADOPTION BY SAME-SEX COUPLES) BILL 2015** — 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, 32

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Davis; Mr Drum; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Somyurek; Ms Springle Ms Symes; Ms Tierney; Ms Wooldridge.

(*Tellers: Mr Elasmarr and Ms Springle*)

NOES, 7

Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Finn; Mrs Peulich; Mr Rich-Phillips; Mr Young.

(*Tellers: Dr Carling-Jenkins and Mr Dalla-Riva*)

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.

Ms Mikakos moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 31

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Davis; Mr Drum; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Ramsay; Mr Somyurek; Ms Springle Ms Symes; Ms Tierney; Ms Wooldridge.

(Tellers: Ms Lovell and Ms Patten)

NOES, 8

Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Finn; Mrs Peulich; Mr Rich-Phillips; Mr Purcell; Mr Young.

(Tellers: Mrs Peulich and Mr Young)

Question agreed to.

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.

- 14 FISHERIES AMENDMENT BILL 2015** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Fisheries Act 1995 to establish a scheme to phase out commercial net fishing in Port Phillip Bay, to provide for a limited non-net fishery to operate there on and after 1 April 2022 and to compensate persons whose fishery licences are surrendered under, or affected by, the scheme and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Drum), the debate was adjourned for one week.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

- 15 RELATIONSHIPS AMENDMENT BILL 2015** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Relationships Act 2008 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 16 LOCAL GOVERNMENT AMENDMENT (FAIR GO RATES) BILL 2015** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Local Government Act 1989 and the Essential Services Commission Act 2001 to provide for a mechanism to set a cap on the increases in rate revenue that can be levied by a Council in a financial year, to make consequential amendments and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 17 TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2015** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Terrorism (Community Protection) Act 2003 to provide for the remote entry of premises for the purposes of covert search warrants, to extend the operation of preventative detention orders and prohibited contact orders and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 18 CHILD WELLBEING AND SAFETY AMENDMENT (CHILD SAFE STANDARDS) BILL 2015** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 to provide for safe access zones around premises at which abortions are provided, to prohibit publication and distribution of certain recordings and for other purposes*, and requesting the agreement of the Council.

On the motion of Mr Jennings (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned until for one week.

- 19 PUBLIC HEALTH AND WELLBEING AMENDMENT (SAFE ACCESS ZONES) BILL 2015** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 to provide for safe access zones around premises at which abortions are provided, to prohibit publication and distribution of certain recordings and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

- 20 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2015** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the Payroll Tax Act 2007 and the Valuation of Land Act 1960 and for other purposes and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**21 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 10.41 p.m., adjourned until Tuesday, 24 November 2015.

ANDREW YOUNG  
*Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 44, 45 and 46

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**Tuesday, 10 November 2015**

### 1 PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL 2015

**Clause 1** — put and agreed to.

**Clause 2** — postponed.

**Clause 3** — put and agreed to.

**Clause 4** — postponed.

**Clauses 5 to 10** — put and agreed to.

**New Clause** — Ms Pennicuik moved —

6. Insert the following new clause to follow clause 10—

**'B New section 13A inserted**

After section 13 of the Principal Act insert—

**"13A Removing or trimming beak of domestic fowl prohibited**

(1) Despite section 6, a person must not remove or trim the beak of a domestic fowl.

Penalty: 240 penalty units or imprisonment for 2 years, in the case of a natural person.  
1200 penalty units, in the case of a body corporate.

(2) A veterinary practitioner who removes or trims the beak of a domestic fowl for a therapeutic purpose does not commit an offence under subsection (1).".

Question — That the new clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

(*Tellers: Ms Dunn and Ms Hartland*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Mr Dalla-Riva and Mr Melhem*)

Question negated.

**New Clause** — Ms Pennicuik moved —

7. Insert the following new clause to follow clause 10—

**'C New section 14A inserted**

After section 14 of the Principal Act insert—

**"14A Keeping of domestic fowl in battery cages prohibited**

(1) Despite section 6, a person must not keep in a battery cage any domestic fowl for the purpose of the production of eggs for sale.

Penalty: 240 penalty units or imprisonment for 2 years, in the case of a natural person.  
1200 penalty units, in the case of a body corporate.

(2) Despite section 6, a person must not keep in a battery cage any domestic fowl for the purpose of the production of meat for sale.

Penalty: 240 penalty units or imprisonment for 2 years, in the case of a natural person.  
1200 penalty units, in the case of a body corporate.".'.

Question — That the new clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.  
(*Tellers: Mr Barber and Ms Hartland*)

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Mr Crozier and Mr Davis*)

Question negatived.

**New Clause** — Ms Pennicuik moved —

8. Insert the following new clause to follow clause 10—

**D New section 15D inserted**

After section 15C of the Principal Act insert—

**"15D Keeping of pigs in inappropriate accommodation prohibited**

(1) Despite section 6, a person must not keep a pig for the purposes of the production of meat for sale unless the pig is kept in appropriate accommodation.

Penalty: 240 penalty units or imprisonment for 2 years, in the case of a natural person.  
1200 penalty units, in the case of a body corporate.

(2) In this section—

**appropriate accommodation**, in relation to a pig, means accommodation—

(a) that allows the pig to—

- (i) turn around, stand up and lie down without difficulty; and
- (ii) have a clean, comfortable and adequately drained place in which it can lie down; and
- (iii) maintain a comfortable temperature; and
- (iv) have outdoor access; and

(b) if the accommodation is for more than one pig—

- (i) that allows each pig in the accommodation to lie down at the same time; and
- (ii) that allows each pig in the accommodation to see another pig unless—
  - (A) the pig is isolated on the advice of a veterinary practitioner; or
  - (B) it is a week before, or during, farrowing for the pig.".'.

Question — That the new clause stands part of the Bill — put.

The Committee divided — Deputy President in the Chair.

AYES, 7

Mr Barber; Dr Carling-Jenkins; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(*Tellers: Ms Patten and Ms Springle*)

NOES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Ms Lovell and Mr Somyurek*)

Question negatived.

**Clauses 11 to 53** — put and agreed to.

**Postponed Clause 2** — put and agreed to.

**Postponed Clause 4** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 12 November 2015

### 1 JUSTICE LEGISLATION AMENDMENT (POLICE CUSTODY OFFICERS) BILL 2015

**Clauses 1 to 30** — put and agreed to.

**Bill reported without amendment.**

### 2 ADOPTION AMENDMENT (ADOPTION BY SAME-SEX COUPLES) BILL 2015

**Clauses 1 to 16** — put and agreed to.

**Clause 17** —

Question — That Clause 17 stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmir; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Dunn and Mr Melhem)*

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Purcell; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Lovell and Mr O'Donohue)*

The Ayes and Noes being equal, the question was negatived.

**Clause 18** — put and agreed to.

**Bill reported with an amendment.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 47, 48 and 49

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#### No. 47 — Tuesday, 24 November 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 18 November 2015, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Children, Youth and Families Amendment (Aboriginal Principal Officers) Act 2015*
  - Gambling Legislation Amendment Act 2015*
  - Justice Legislation Amendment (Police Custody Officers) Act 2015*
  - Prevention of Cruelty to Animals Amendment Act 2015*
  - Victorian Energy Efficiency Target Amendment (Saving Energy, Growing Jobs) Act 2015*
  - Wrongs Amendment Act 2015.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Cobaw State Forest** — supplementary question asked by Ms Wooldridge — response from Mr Jennings due Thursday, 26 November 2015.
- **Minister Somyurek Investigation costs** — supplementary question asked by Ms Wooldridge — response from Mr Jennings due Wednesday, 25 November 2015.
- **TAFE staff levels moratorium** — substantive question asked by Ms Bath — response from Mr Herbert due Wednesday, 25 November 2015.
- **Chartered flight information** — substantive question asked by Mr Finn — response from Ms Pulford due Wednesday, 25 November 2015.
- **Fire Services Review Report** — substantive question asked by Ms Hartland — response from Mr Jennings due Thursday, 26 November 2015.

- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 5 **PETITIONS** —

**COMMERCIAL HARVESTING IN PORT PHILLIP BAY** — Mr Barber presented a Petition bearing 6,635 signatures from certain citizens of Victoria requesting that the Legislative Council reject any Bill that prohibits commercial harvesting of fish and seafood from Port Phillip Bay.

Ordered to lie on the Table.

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

**RATE CAPPING** — Ms Patten presented a Petition bearing 1,289 signatures from certain citizens of Victoria requesting that the Legislative Council refuse legislation or regulation that aims to impose a rate cap on Victorian local government.

Ordered to lie on the Table.

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

## 6 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 15 of 2015 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on the Annual Financial Report of the State of Victoria, 2014-15, November 2015 (*Ordered to be Published*).

National Health Funding Pool — Report 2014-15.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Banyule Planning Scheme — Amendment C73.

Campaspe, Gannawarra, Greater Bendigo, Greater Shepparton, Loddon, Moira and Swan Hill Planning Schemes — Amendment GC35.

Gannawarra Planning Scheme — Amendment C30.

Glen Eira Planning Scheme — Amendments C141 and C142.

Horsham Planning Scheme — Amendment C63.

Melbourne Planning Scheme — Amendment C266.

Moorabool Planning Scheme — Amendment C65.

Moreland Planning Scheme — Amendment C71.

Port Phillip Planning Scheme — Amendment C97.

South Gippsland Planning Scheme — Amendment C105.

Stonnington Planning Scheme — Amendment C177.

Strathbogie Planning Scheme — Amendment C32.

Surf Coast Planning Scheme — Amendment C109.

Whitehorse Planning Scheme — Amendments C130 and C174.

Yarra Planning Scheme — Amendment C133.

Statutory Rule under the Tobacco Act 1987 — No. 128.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 124, 126, 129, 130 and 134.

A Legislative Instrument and related documents under section 16B in respect of Driver Accreditation Application, Test, Course and Renewal Requirements dated 23 June 2015, under the Transport (Compliance and Miscellaneous) Act 1983.

Victorian Industry Participation Policy — Report 2014-15.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Firearms Amendment (Trafficking and Other Measures) Act 2015 — 1 December 2015 (*Gazette No. S349, 18 November 2015*).

Local Government Amendment (Improved Governance) Act 2015 — Part 1 and sections 6, 7, 9, 11, 64, 65, 77, 90 and 91 — 18 November 2015 (*Gazette No. S349, 18 November 2015*).

**7 PRODUCTION OF DOCUMENTS — PETER MAC PRIVATE HOSPITAL** — The Clerk laid on the Table 31 documents received in response to the Resolution of the Council of 5 August 2015 relating to the Peter Mac Private Hospital.

The Clerk also laid on the Table a letter from the Attorney-General dated 24 November 2015 —

- referring to the Government's process for assessing whether the release of documents is prejudicial to the public interest; and
- stating that Executive privilege was claimed in full in relation to 12 documents and claimed in part in relation to 10 documents.

**8 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 25 November 2015:

- (1) Notice of Motion No. 184 standing in the name of Ms Wooldridge relating to the Government's failure to comply with the order for the production of documents regarding Peter Mac Private Hospital;
- (2) Notice of Motion given this day by Ms Wooldridge relating to the Government's performance in its first year of office;
- (3) Notice of Motion No. 182 standing in the name of Mr Barber referring a matter to the Ombudsman for investigation and report; and
- (4) Notice of Motion No. 153 standing in the name of Mr Davis requesting the Legislative Assembly grant leave for the Minister for Energy to appear before the Environment and Planning Committee.

Question — put and agreed to.

**9 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**11 MESSAGE FROM ASSEMBLY — ADDRESS BY MS ROSIE BATTY** — The Acting President read a Message from the Assembly acquainting the Council that they have agreed to the following resolution:

- (1) the Legislative Assembly invites Members of the Legislative Council to attend in the Legislative Assembly Chamber on Thursday, 26 November 2015 at 10.30 am to hear an address by Ms Rosie Batty;
- (2) the lower public gallery on the non-Government side of the House is taken to be part of the Legislative Assembly Chamber for the duration of the address to provide additional seating for Members of the Legislative Council; and
- (3) the Speaker of the Legislative Assembly will chair the address, and the conduct of proceedings will be in accordance with the standing and sessional orders of the Legislative Assembly.

**12 PRODUCTION OF DOCUMENTS — DEPARTMENT OF ECONOMIC DEVELOPMENT, JOBS, TRANSPORT AND RESOURCES** — The Clerk laid on the Table a letter from the Attorney-General, dated 24 November 2015, together with 58 documents in accordance with the Resolution of the Council of 19 August 2015 relating to documents provided to the Department of Economic Development, Jobs, Transport and Resources pursuant to —

- (1) Contract 338524 with The Boston Consulting Group Pty Ltd; and
- (2) Contract 335886 with KPMG.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 165 be postponed until later this day.

**14 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2015** — 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 FISHERIES AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Drum were circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr Young)*

NOES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Patten)*

Question agreed to.

Bill read a second time.

Mr Barber moved, That the Fisheries Amendment Bill 2015 be referred to the Economy and Infrastructure Committee for inquiry, consideration and report by 23 February 2016.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Springle and Ms Hartland)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Morris and Mr Elasmarr)*

Question negatived.

Bill 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.

**16 PUBLIC HEALTH AND WELLBEING AMENDMENT (SAFE ACCESS ZONES) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

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Ms Mikakos declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Debate continued.

Amendments proposed to be moved in Committee by Mr Finn were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Mr Dalla-Riva were circulated.



Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Ms Mikakos declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 31

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Davis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Ramsay; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Ms Springle and Mr Mulino)*

NOES, 8

Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Finn; Mrs Peulich; Mr Purcell; Mr Rich-Phillips; Mr Young.

*(Tellers: Mr Dalla-Riva and Mr Young)*

Question agreed to.

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

House in Committee.

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 25 NOVEMBER 2015

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Mr Jennings moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson; Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Tierney.

*(Tellers: Mr Purcell and Mr Somyurek)*

NOES, 17

Ms Crozier; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge, Mr Young.

*(Tellers: Mr Bourman and Mr Ondarchie)*

Question agreed to.

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Bill further considered in the Committee of the whole.

House in Committee.

Progress reported and Bill ordered to be further considered in Committee of the whole on the next day of meeting.

- 17 PAPER — QUARTERLY FINANCIAL REPORT** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the Budget Sector Quarterly Financial Report No. 1 for the period ended 30 September 2015.

**18 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 4.11 a.m., adjourned until later this day.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 48 — Wednesday, 25 November 2015

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**COMMERCIAL HARVESTING IN PORT PHILLIP BAY** — Mr Barber presented a Petition bearing 967 signatures from certain citizens of Victoria requesting that the Legislative Council reject any Bill that prohibits commercial harvesting of fish and seafood from Port Phillip Bay.

Ordered to lie on the Table.

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

\* \* \* \* \*

**FAWKNER PARK** — Mr Davis presented a Petition bearing 23 signatures from certain citizens of Victoria requesting that the Legislative Council urge the Andrews Labor Government to reverse its decision to use Fawkner Park as a spoil dump and staging point for heavy machinery for tunnelling of the Melbourne Metro Rail Project and in particular to further guarantee there will be no trees removed or restrictions to public access.

Ordered to lie on the Table.

3 **PAPERS** —

**HAZELWOOD MINE FIRE INQUIRY IMPLEMENTATION MONITOR REPORT, 2014-15** — Mr Jennings moved, by leave, That there be laid before this House a copy of Hazlewood Mine Fire Inquiry Implementation Monitor Report, 2014-15.

Question — put and agreed to.

The Report was presented by Mr Jennings and ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Local Government: 2014-15 Audit Snapshot, November 2015  
(*Ordered to be published*).

Economic Development, Jobs, Transport and Resources Department — Minister's report of failure to submit 2014-15 report to the Minister within the prescribed period and the Report, 2014-15.

Ombudsman — Investigation of a protected disclosure complaint regarding allegations of improper conduct by councillors associated with political donations, November 2015  
(*Ordered to be published*).

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 134.

Charities Act 1978 — No. 131.

City of Melbourne Act 2001 — No. 133.

County Court Act 1958 — Nos. 129 and 130.

Food Act 1984 — Nos. 132.

Road Safety Act 1986 — No. 135.

Subordinate Legislation Act 1994 — A Legislative Instrument and related documents under section 16B in respect of Ministerial Direction No. 145 — Special Religious Instruction in Government Schools, dated 9 November 2015, under the Education and Training Reform Act 2006.

Taxi Services Commission — Minister's report of failure to submit 2014-15 report to the Minister within the prescribed period and the Report, 2014-15.

Victorian Civil and Administrative Tribunal — Report, 2014-15

On the motion on Mr Davis, the Minister's report of failure to submit the 2014-15 report of the Department of Economic Development, Jobs, Transport and Resources to the Minister within the prescribed period was ordered to be taken into consideration on the next day of meeting.

**4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 BUSINESS POSTPONED** — Ordered — That Notice of Motion, General Business, No. 184 be postponed until later this day.

**7 ANDREWS GOVERNMENT FIRST YEAR IN OFFICE** — Ms Wooldridge moved, That this House condemns the Andrews Labor Government on its first year in office, a year of putting politics before people and failing Victorian families as a result of economic mismanagement, infrastructure projects cancelled or stalled, service delivery failing, increased burdens on business, election commitments broken, factional fighting and inappropriate union influence.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**CHARTERED FLIGHT INFORMATION** — Ms Pulford having given answers to a question without notice and supplementary question relating to chartered flight information —

On the motion of Mr Rich-Phillips, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**CONTRACT STAFF REDUCTIONS IN TAFE** — Mr Herbert having given answers to a question without notice and supplementary question relating to contract staff reductions in TAFE —

On the motion of Mrs Peulich, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Warrnambool rail services** — supplementary question asked by Mr Purcell — response from Ms Pulford due Tuesday, 8 December 2015.
- **Therapeutic counselling for children in care** — supplementary question asked by Ms Springle — response from Ms Mikakos due Thursday, 26 November 2015.
- **Former Ministerial staff payout** — supplementary question asked by Ms Wooldridge — response from Mr Jennings due Tuesday, 8 December 2015.
- **Ministerial staff employment** — substantive and supplementary questions asked by Ms Lovell — response from Mr Jennings due Tuesday, 8 December 2015.
- **East West Link bond arrangement fees** — substantive and supplementary questions asked by Ms Fitzherbert — response from Mr Jennings due Tuesday, 8 December 2015.
- **VicForest contracts** — substantive question asked by Mr Drum — response from Ms Pulford due Thursday, 26 November 2015.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 10 ANDREWS GOVERNMENT FIRST YEAR IN OFFICE** — Debate continued on the question, That this House condemns the Andrews Labor Government on its first year in office, a year of putting politics before people and failing Victorian families as a result of economic mismanagement, infrastructure projects cancelled or stalled, service delivery failing, increased burdens on business, election commitments broken, factional fighting and inappropriate union influence.

Mr Finn moved, That the debate be adjourned until later this day.

Question — put and agreed to.

- 11 REFERRAL TO OMBUDSMAN — ALLEGATIONS OF MISUSE OF MEMBERS' STAFF BUDGET ENTITLEMENTS** — Mr Barber moved, That, pursuant to section 16 of the *Ombudsman Act 1973*, this House refers the following matter to the Ombudsman for investigation and report:

(1) allegations that ALP Members of the Victorian Parliament misused Members' staff budget entitlements, against the provisions of the Parliament of Victoria Members Guide, that is, "Electorate Officers are employees of the Parliament of Victoria, and are directly accountable to the Member in whose electorate office they work...These positions are provided to support the Member in their parliamentary and electorate duties. The Parliament does not fund positions to support the Member's political or party duties"; and

(2) any other breach of applicable policies, laws or codes in relation to these allegations.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Atkinson; Mr Barber; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

(*Tellers: Ms Bath and Mr O'Donohue*)

NOES, 18

Mr Bourman; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.

(*Tellers: Mr Bourman and Mr Eideh*)

Question agreed to.

- 12 ENVIRONMENT AND PLANNING COMMITTEE INQUIRY INTO ONSHORE UNCONVENTIONAL GAS — MINISTER TO APPEAR BEFORE COMMITTEE** — Mr Davis moved, That this House requests that the Legislative Assembly grant leave to the Minister for Energy and Resources, the Hon. Lily D'Ambrosio, MP, to appear before the Legislative Council Standing Committee on the Environment and Planning to give evidence and answer questions in relation to the Committee's inquiry into unconventional gas.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 26

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

(*Tellers: Mr Morris and Ms Springle*)

## NOES, 14

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane;  
Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek;  
Ms Symes; Ms Tierney.

(Tellers: Mr Mulino and Ms Shing)

Question agreed to.

- 13 ANDREWS GOVERNMENT FIRST YEAR IN OFFICE** — Debate resumed on the question, That this House condemns the Andrews Labor Government on its first year in office, a year of putting politics before people and failing Victorian families as a result of economic mismanagement, infrastructure projects cancelled or stalled, service delivery failing, increased burdens on business, election commitments broken, factional fighting and inappropriate union influence.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Finn.*

- 14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 15 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.30 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 49 — Thursday, 26 November 2015

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — REJECT AMENDMENT C153** — Mr Leane presented a Petition bearing 2,250 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Planning to reject Amendment C153 and the proposed planning permit.  
Ordered to lie on the Table.
- 3 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:  
Linking Melbourne Authority — Minister's report of failure to submit 2014-15 report to the Minister within the prescribed period and the Report, 2014-15.  
Office of the National Rail Safety Regulator — Report, 2014-15.
- 4 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 8 December 2015.  
Question — put and agreed to.
- 7 **SITTING OF THE COUNCIL** — Mr Jennings moved, by leave, That Standing Orders 4.01 and 5.02 be suspended to the extent necessary to enable the sitting of the Council on Tuesday, 8 December 2015 to commence at 11.00 a.m. and the order of business on that day will be —
  - (1) Messages;
  - (2) Formal business;
  - (3) Minister's statements (up to 5 Ministers);
  - (4) Members' statements (up to 15 members);
  - (5) Government Business;

- (6) At 2.00 pm Questions;
- (7) Answers to Questions;
- (8) Constituency questions;
- (9) Government Business (continues);
- (10) Adjournment (up to 20 Members).

Question — put and agreed to.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 200 be postponed until later this day.

- 9 CHILD WELLBEING AND SAFETY AMENDMENT (CHILD SAFE STANDARDS) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**MULTICULTURAL BUSINESS MINISTERIAL COUNCIL** — Mr Dalidakis having given answers to a question without notice and supplementary question relating to the Multicultural Business Ministerial Council —

On the motion of Mrs Peulich, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Melbourne Youth Justice Centre** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Tuesday, 8 December 2015.
- **Major Projects Victoria Annual Report** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Mikakos due Wednesday, 9 December 2015.

- 11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 12 CHILD WELLBEING AND SAFETY AMENDMENT (CHILD SAFE STANDARDS) BILL 2015** — 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.

- 13 LOCAL GOVERNMENT AMENDMENT (FAIR GO RATES) BILL 2015** — 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, 32

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Drum and Mr Purcell)*

## NOES, 7

Mr Barber; Dr Carling-Jenkins; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(Tellers: Ms Hartland and Ms Patten)

Question 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.

Mr Dalidakis moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

## AYES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(Tellers: Mr Rich-Phillips and Ms Shing)

## NOES, 7

Mr Barber; Dr Carling-Jenkins; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(Tellers: Dr Carling-Jenkins and Ms Dunn)

Question agreed to.

Bill read a third time and passed.

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

- 14 SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — The President read a letter from Ms Kealy resigning from the Scrutiny of Acts and Regulations Committee, effective from 26 November 2015.

Mr Jennings moved, by leave, That Ms Bath be a member of the Scrutiny of Acts and Regulations Committee.

Question — put and agreed to.

- 15 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for further offences in relation to drugs of dependence, to consequentially amend the Confiscation Act 1997 and other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 16 EDUCATION LEGISLATION AMENDMENT (TAFE AND UNIVERSITY GOVERNANCE REFORM) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 in relation to the constitution of boards of TAFE institutes and to amend various university Acts in relation to the constitution of councils of universities and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Drum), the debate was adjourned for one week.

- 17 JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, the Constitution Act 1975, the Coroners Act 2008, the County Court Act 1958, the Court Security Act 1980, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Judicial Entitlements Act 2015, the Magistrates' Court Act 1989, the Supreme Court Act 1986, the Victims of Crime Assistance Act 1996 and the Victorian Civil and Administrative Tribunal Act 1998 to make consequential or minor amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 18 ROAD LEGISLATION AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 and other Acts to provide greater flexibility in relation to the certification of analyses conducted in approved laboratories, to make minor amendments to the Road Management Act 2004, to make other amendments to the Road Safety Act 1986 relating to the licensing of drivers and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Herbert (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 19 TRANSPORT ACCIDENT AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport Accident Act 1986 to repeal certain subsections of that Act inserted in 2013 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Herbert (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 20 TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair.



AYES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Mr Drum)*

NOES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Pennicuik)*

Question agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole later this day.

**21 PUBLIC HEALTH AND WELLBEING AMENDMENT (SAFE ACCESS ZONES) BILL 2015 —**

Bill further considered in Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Mr Jennings declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

House in Committee.

*And the Council having continued to sit after 12 midnight —*

FRIDAY, 27 NOVEMBER 2015

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Mr Jennings moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 32

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Davis; Mr Drum; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Drum and Mr Somyurek)*

NOES, 7

Mr Bourman, Dr Carling-Jenkins, Mr Dalla-Riva; Mr Finn; Mrs Peulich; Mr Rich-Phillips; Mr Young.

*(Tellers: Dr Carling-Jenkins and Mr Young)*

Question agreed to.

Bill further considered in the Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Ms Mikakos moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 30

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Davis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Ramsay; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Somyurek and Ms Springle)*

NOES, 8

Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Finn; Mrs Peulich; Mr Purcell; Mr Rich-Phillips; Mr Young.

*(Tellers: Mr Dalla-Riva and Mr Rich-Phillips)*

Question agreed to.

Bill read a third time and passed.

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

**22 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 1.56 a.m., adjourned until Tuesday, 8 December 2015.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 47, 48 and 49

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**Tuesday, 24 November 2015**

### **1 FISHERIES AMENDMENT BILL 2015**

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Mr O'Donohue moved —

Clause 5, page 3, line 31, omit "2018." and insert "2017".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 14

Ms Crozier; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Mr Dalla-Riva)*

NOES, 22

Mr Barber; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Dalidakis and Ms Springle)*

Question negatived.

Clause 5 — put and agreed to.

**Clauses 6 and 7** — put and agreed to.

**Bill reported without amendment.**

### **2 PUBLIC HEALTH AND WELLBEING AMENDMENT (SAFE ACCESS ZONES) BILL 2015**

**Clause 1** — Debate commenced.

*Committee interrupted at the conclusion of the declared extension pursuant to Standing Orders.*

**Clause 1** —

Question — That Clause 1 stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 31

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Davis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Ramsay; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Ondarchie and Ms Hartland)*

NOES, 8

Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Finn; Mrs Peulich; Mr Purcell; Mr Rich-Phillips; Mr Young.

*(Tellers: Dr Carling-Jenkins and Mr Young)*

Question agreed to.  
**Progress reported.**

## Thursday, 26 November 2015

### 1 CHILD WELLBEING AND SAFETY AMENDMENT (CHILD SAFE STANDARDS) BILL 2015

**Clauses 1 to 16** — put and agreed to.

**Bill reported without amendment.**

### 2 LOCAL GOVERNMENT AMENDMENT (FAIR GO RATES) BILL 2015

**Clauses 1 to 13** — put and agreed to.

**Bill reported without amendment.**

### 3 PUBLIC HEALTH AND WELLBEING AMENDMENT (SAFE ACCESS ZONES) BILL 2015

*Progress having been reported on 24 November 2015 —*

#### **Clause 2** —

Question — That Clause 2 stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 32

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Davis; Mr Drum; Ms Dunn; Mr Eideh; Mr Elasmir; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Ms Patten and Mr Purcell)*

NOES, 4

Dr Carling-Jenkins; Mr Dalla-Riva; Mr Finn; Mrs Peulich.

*(Tellers: Mr Dalla-Riva and Mrs Peulich)*

Question agreed to.

**Clauses 3 and 4** — put and agreed to.

#### **Clause 5** — Mr Finn moved —

1. Clause 5, page 4, line 22, omit "behaviour;" and insert "behaviour—"

2. Clause 5, page 4, after line 22 insert—

"but does not include praying or other forms of religious expression;".

*Committee interrupted at the conclusion of the declared extension pursuant to Standing Orders.*

#### **Clause 5** —

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Finn; Mrs Peulich; Mr Purcell; Mr Rich-Phillips; Mr Young.

*(Tellers: Dr Carling-Jenkins and Mr Finn)*

## NOES, 30

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Davis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Ramsay; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Dalidakis and Ms Hartland)*

Question negatived.

Mr Dalla-Riva moved —

1. Clause 5, page 4, line 26, omit "150" and insert "15".

*Committee interrupted at the conclusion of the declared extension pursuant to Standing Orders.*

**Clause 5 —**

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 8

Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Finn; Mrs Peulich; Mr Purcell; Mr Rich-Phillips; Mr Young.

*(Tellers: Mr Purcell and Mr Young)*

## NOES, 30

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Davis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Ramsay; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Ms Dunn and Mr O'Donohue)*

Question negatived.

Mr Finn moved —

3. Clause 5, page 5, line 19, omit "120 penalty units" and insert "10 penalty units".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 8

Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Finn; Mrs Peulich; Mr Purcell; Mr Rich-Phillips; Mr Young.

*(Tellers: Mr Bourman and Mr Dalla-Riva)*

## NOES, 30

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Davis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Ramsay; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Ms Bath and Mr Leane)*

Question negatived.

Question — That Clause 5 stands part of the Bill — put.

Committee divided — Deputy President in the Chair.

## AYES, 30

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Davis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Ramsay; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Eideh and Ms Patten)*

## NOES, 8

Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Finn; Mrs Peulich; Mr Purcell;  
Mr Rich-Phillips; Mr Young.

*(Tellers: Mr Finn and Mrs Peulich)*

Question agreed to.

**Clause 6** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 50, 51 and 52

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#### No. 50 — Tuesday, 8 December 2015

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 1 December 2015, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*
  - Fisheries Amendment Act 2015*
  - Local Government Amendment (Fair Go Rates) Act 2015*
  - Public Health and Wellbeing Amendment (Safe Access Zones) Act 2015*
  - State Taxation Acts Further Amendment Act 2015.*

#### 3 **PAPERS** —

**PORT OF MELBOURNE SELECT COMMITTEE — PROPOSED LEASE OF THE PORT OF MELBOURNE** — Mr Rich-Phillips presented a Report from the Port of Melbourne Select Committee on the Proposed Lease of the Port of Melbourne (including Appendices, Extracts of Proceedings and Minority Reports), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Rich-Phillips moved, That the Council take note of the Report and further, by leave, That so much of Standing Order 5.03 be suspended so as to allow the mover of the motion to take note of the report and other Members to speak as required.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INFRASTRUCTURE PROJECTS** — Mr Morris presented a Report from the Economy and Infrastructure Committee on Infrastructure Projects (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Morris moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ENVIRONMENT AND PLANNING COMMITTEE — ONSHORE UNCONVENTIONAL GAS** — Mr Davis presented a Report from the Environment and Planning Committee on Onshore Unconventional Gas (including Appendices, Extracts of Proceedings and Minority Reports), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

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

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ENVIRONMENT AND PLANNING COMMITTEE — RATE CAPPING POLICY** — Mr Davis presented a Report from the Environment and Planning Committee on Rate Capping Policy (including Appendices, Extracts of Proceedings and Minority Reports), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

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

Debate ensued.

*Business having been interrupted at 2.00 p.m. pursuant to an order of the Council on 26 November 2015 —*

- 4 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Fonterra grants** — substantive question asked by Mr Drum — response from Ms Pulford due Wednesday, 9 December 2015.
- **VicForests financial costings** — supplementary question asked by Ms Dunn — response from Ms Pulford due Wednesday, 9 December 2015.
- **Firearm thefts** — substantive and supplementary questions asked by Mr Bourman — response from Mr Herbert due Thursday, 10 December 2015.
- **Illicit drugs at music festivals** — substantive and supplementary questions asked by Ms Patten — response from Mr Herbert due Thursday, 10 December 2015.
- **Lost Dogs Home euthanasia rates** — substantive and supplementary questions asked by Ms Pennicuik — response from Ms Pulford due Thursday, 10 December 2015.
- **Victorian Comprehensive Cancer Centre** — supplementary question asked by Ms Wooldridge — response from Mr Jennings due Thursday, 10 December 2015.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Ministerial staff employment** — substantive question asked by Ms Lovell on Wednesday, 24 November 2015 — further response from Mr Jennings due Thursday, 10 December 2015.

\* \* \* \* \*

**FORMER MINISTERIAL STAFF PAYOUT** — Mr Jennings having provided a written response, in accordance with Sessional Order 5, to a question asked by Ms Wooldridge on 25 November 2015 on a former ministerial staff payout —

Ms Wooldridge moved, by leave, That the Minister's written response be taken into consideration on the next day of meeting.

Question — put and agreed to.

**5 PAPERS** —

**ENVIRONMENT AND PLANNING COMMITTEE — RATE CAPPING POLICY** — Debate continued on the question that the Council take note of the Report.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 16 of 2015 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

Mr Dalla-Riva moved, That the Council take note of the Report.



Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ACCOUNTABILITY AND OVERSIGHT COMMITTEE — VICTORIAN OVERSIGHT AGENCIES 2014-15** — Ms Symes presented a Report from the Accountability and Oversight Committee on Victorian Oversight Agencies 2014–15 (including Appendices).

Ordered to lie on the Table and to be published.

Ms Symes moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**BUDGET UPDATE 2015-16** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the Budget Update, 2015-16.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor General's Report on Responses to Performance Audit Recommendations: 2012-13 and 2013-14, December 2015 (*Ordered to be published*).

Coroners Court of Victoria — Report, 2014-15.

Crown Land (Reserves) Act 1978 — Minister's Order of 15 November 2015 giving approval to the granting of a lease at Anglesea Riverbank Reserve.

Duties Act 2000 —

Treasurer's report of exemptions and refunds arising out of corporate consolidations for 2014-15.

Treasurer's report of exemptions and refunds arising out of corporate reconstructions for 2014-15.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ararat Planning Scheme — Amendment C34.

Casey Planning Scheme — Amendment C217.

East Gippsland Planning Scheme — Amendment C124.

Hobsons Bay Planning Scheme — Amendment C102 (Part 1).

Knox Planning Schemes — Amendments C133 and C138.

Melbourne Planning Scheme — Amendment C283.

Moonee Valley Planning Scheme — Amendment C156.

Victoria Planning Provisions — Amendment VC107.

Whitehorse Planning Scheme — Amendment C158.

Wodonga Planning Scheme — Amendment C106.

Yarra Planning Schemes — Amendments C199 and C208.

Statutory Rules under the following Acts of Parliament —

Corrections Act 1986 — Nos. 140 and 145.

Crimes Act 1958 — Nos. 137 and 138.

Domestic Animals Act 1994 — No. 136.

Gambling Regulation Act 2003 — No. 139.

Mental Health Act 2014 — No. 141.

Supreme Court Act 1986 — Nos. 142 and 144.

Supreme Court Act 1986 and Sentencing Act 1991 — No. 143.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 125, 128, 132 and 135 to 144.

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

Greyhound Racing Victoria — Rule Amendments, effective 1 December 2015, under the Racing Act 1958.

Determination of Standard Venue Conditions for Pre-Commitment Services, 19 November 2015, under section 3.8A19A of the Gambling Regulation Act 2003.

Ministerial Direction No.146 — Standards for Registered Training Organisations, 19 November 2015, under the Education and Training Reform Act 2006.  
 Wodonga Institute of TAFE — Report, 2014 (*in lieu of that tabled 16 April 2015*).

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Education and Training Reform Amendment (Miscellaneous) Act 2015 — Remaining Provisions — 1 December 2015 (*Gazette No. S363, 24 November 2015*).

Mental Health Amendment Act 2015 — Remaining Provisions — 25 November 2015 (*Gazette No. S363, 24 November 2015*).

Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Act 2015 — Division 1 of Part 2 and sections 42, 44 and 45 — 1 December 2015 (*Gazette No. S363, 24 November 2015*).

**6 PRODUCTION OF DOCUMENTS — SOUTH YARRA UNDERGROUND RAILWAY STATION** — The Clerk laid on the Table nine documents received in response to the Resolution of the Council of 2 September 2015 relating to the South Yarra Underground Railway.

The Clerk also laid on the Table a letter from the Attorney-General dated 7 December 2015 —

- referring to the Government's process for assessing whether the release of documents is prejudicial to the public interest; and
- stating that Executive privilege was claimed in full in relation to two documents.

**7 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 9 December 2015:

- (1) Notice of Motion No. 187 standing in the name of Mr Davis in relation to the production of documents for the Punt Road traffic flows;
- (2) Notice of Motion given this day by Mr Purcell in referring a matter to the Law Reform, Road and Community Safety Committee;
- (3) Order of the Day No. 24 standing in the name of Mr Drum in relation to drought conditions in regional Victoria;
- (4) Notice of Motion given this day by Ms Wooldridge referring a matter to the Public Accounts and Estimates Committee; and
- (5) Order of the Day No. 28 standing in the name of Mr Finn in relation to the Andrews Government's first year in office.

Question — put and agreed to.

**8 MINISTER'S STATEMENT** — A Statement was made by a Minister pursuant to Sessional Order 2.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 207 be postponed until later this day.

**12 TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2015** — Bill 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.

**13 EDUCATION LEGISLATION AMENDMENT (TAFE AND UNIVERSITY GOVERNANCE REFORM) BILL 2015** — 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, 24

Mr Barber; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

(*Tellers: Mr Somyurek and Mr Young*)

NOES, 16

Mr Atkinson; Ms Crozier; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(*Tellers: Ms Bath and Ms Fitzherbert*)

Question 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 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 to 9 be postponed until later this day.

- 15 DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

- 16 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.35 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 51 — Wednesday, 9 December 2015

- 1 The President took the Chair and read the Prayer.

- 2 **PETITION — REJECT AMENDMENT C153** — Mr Leane presented a Petition bearing 193 signatures from certain citizens of Victoria requesting the Legislative Council call on the Minister for Planning to reject Amendment C153 and the proposed planning permit.

Ordered to lie on the Table.

- 3 **PAPERS** —

**VICTORIAN GOVERNMENT ABORIGINAL AFFAIRS REPORT 2014-15** — Mr Dalidakis moved, by leave, That there be laid before this House a copy of the Victorian Government Aboriginal Affairs Report, 2014-15.

Question — put and agreed to.

The Report was presented by Mr Dalidakis and ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor General's Reports on —

East West Link Project, December 2015 (*Ordered to be published*).

Portfolio Departments and Associated Entities: 2014-15 Audit Snapshot, December 2015 (*Ordered to be published*).

Australian Children's Education and Care Quality Authority — Report, 2014-15.  
 Commissioner for Privacy and Data Protection — Report, 2014-15 (*Ordered to be published*).  
 Education and Care Services Ombudsman, National Education and Care Services Freedom of Information and Privacy Commissioners — Report, 2014-15.  
 Hazelwood Mine Fire Inquiry — Report, 2015-16, Volume 2 – Investigations into 2009 – 2014 deaths, pursuant to section 77 of the Inquiries Act 2014 (*Ordered to be published*).  
 Ombudsman — Reporting and investigation of allegations of abuse in the disability sector: Phase 2 – Incident reporting, December 2015 (*Ordered to be published*).  
 Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 145.

- 4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 PRODUCTION OF DOCUMENTS — PUNT ROAD** — Mr Davis moved, That in accordance with Standing Order 11.01, there be tabled in the Council by Wednesday, 20 January 2016, a copy of all documents relating to traffic flows, projections and plans produced, developed, considered or researched by VicRoads, State Government departments and other State Government authorities concerning Punt Road (also referred to as Hoddle Street) between St Kilda Road and Swan Street, including but not limited to —
- (1) the Punt Road Public Acquisition Overlay documentation, and any assessments thereof including legal advice;
  - (2) advice or assessments concerning road alternatives and alignments and road options to better connect the ends of Punt Road between St Kilda Road and Swan Street, including tunnel options, 'cut and fill' options along the current Punt Road alignments or other alignments and options to widen Swan Street Bridge;
  - (3) all documents, correspondence and briefings received by the Punt Road Public Acquisition Overlay Advisory Committee, including material provided for or from public consultations;
  - (4) all documents examining the impact of widening or other changes on the amenity of Punt road and neighbouring residents;
  - (5) all documents examining the impact of widening or other road and traffic changes on the health of Punt Road residents and neighbouring residents;
  - (6) all documents examining the impact of widening or other road and traffic changes on the local schools and students attending those schools, including Christ Church Grammar, Wesley College (all local campuses and facilities), Christ Church Grammar Pre-School, South Yarra Primary School, Melbourne Girls Junior Grammar (Morris Hall), Melbourne Girls Grammar School (Merton Hall), including any examination of the impact of potential changes, especially examinations of changed risks to safety brought about by increased traffic movements, including students crossing Punt Road;
  - (7) all documents examining the impact of widening or other road and traffic changes on the aged and other care facilities, including Centennial House Nursing Home, Royal Freemasons Homes of Victoria, Royal Victorian Institute for the Blind, The Alfred Hospital and Montefiore Homes for the Aged;
  - (8) all documents examining the impact of widening or other road and traffic changes on the access and amenity of residents in neighbouring streets, including the impact on local community of the above potential road changes;
  - (9) documents, assessments or examinations of the impact of different road options considered on the preservation of public green spaces, including the Royal Botanic Gardens, the Yarra River and associated Precinct and Fawkner Park;
  - (10) the use of the Morell Bridge, including changes of access and new bridge options or alternatives, including connections between Punt Road, the Morell Bridge and Anderson Street;

- (11) options and models for funding road widening and traffic changes alternatives (including all tunnel or cut and fill alternatives) including levies and tolls; and
- (12) all consultancy or internal reports undertaken, completed or otherwise, relating to the above.

Debate ensued.

Question — put and agreed to.

## 7 LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE REFERENCE —

Mr Purcell moved, That pursuant to section 33 of the *Parliamentary Committees Act 2003*, this House requires the Law Reform, Road and Community Safety Committee to inquire into, consider and report, no later than 30 November 2016, on the impacts of lowering the probationary driving age in Victoria to 17, including —

- (1) reviewing the licence structures in other Australian states, particularly the probationary driving age;
- (2) assessing the links between the existing 18 year old probationary driving age and high youth unemployment in regional areas;
- (3) reviewing the impacts of separating the legal driving age and legal drinking age;
- (4) considering relevant international licensing models and the positive and negative impacts of such; and
- (5) assessing the correlation between a reduced probationary driving age and the road toll.

Debate ensued.

Mr Leane moved, as an amendment, That all the words after "30 November 2016," be omitted with the view of inserting in their place —

“on —

- (1) the impacts of lowering the probationary driving age in Victoria to 17, including —
  - (a) reviewing the licence structures in other Australian states, particularly the probationary driving age;
  - (b) assessing the links between the existing 18 year old probationary driving age and high youth unemployment in regional areas;
  - (c) reviewing the impacts of separating the legal driving age and legal drinking age;
  - (d) considering relevant international licensing models and the positive and negative impacts of such; and
  - (e) assessing the correlation between a reduced probationary driving age and the road toll;
- (2) the adequacy of current transport infrastructure and services available to people of non-driving age, particularly in regional Victoria;
- (3) strategies to remove barriers for people of non-driving age to access employment, study and training.”.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

## 8 QUESTIONS — Questions without notice were taken pursuant to Sessional Order 3.

**INFRASTRUCTURE VICTORIA — SCRUTINY OF FUTURE PROJECTS** — Mr Jennings having given answers to a question without notice and supplementary question relating to Infrastructure Victoria’s scrutiny of future projects —

On the motion of Mr Davis, the Minister’s answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**VOCATIONAL EDUCATION TRAINING FUNDING** — Mr Herbert having given an answer to a supplementary question relating to Vocational Education Training Funding —

On the motion of Mrs Peulich, the Minister’s answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **South Yarra Siding Reserve** — substantive and supplementary questions asked by Mr Davis — response from Mr Jennings due Tuesday, 9 February 2016.
- **Infrastructure Victoria — scrutiny of future projects** — supplementary question asked by Mr Rich-Phillips — response from Mr Jennings due Thursday, 10 December 2015.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE REFERENCE** — Debate continued on the question, That pursuant to section 33 of the *Parliamentary Committees Act 2003*, this House requires the Law Reform, Road and Community Safety Committee to inquire into, consider and report, no later than 30 November 2016, on the impacts of lowering the probationary driving age in Victoria to 17, including —

- (1) reviewing the licence structures in other Australian states, particularly the probationary driving age;
- (2) assessing the links between the existing 18 year old probationary driving age and high youth unemployment in regional areas;
- (3) reviewing the impacts of separating the legal driving age and legal drinking age;
- (4) considering relevant international licensing models and the positive and negative impacts of such; and
- (5) assessing the correlation between a reduced probationary driving age and the road toll.

And the amendment moved by Mr Leane, That all the words after "30 November 2016," be omitted with the view of inserting in their place —

“on —

- (1) the impacts of lowering the probationary driving age in Victoria to 17, including —
  - (a) reviewing the licence structures in other Australian states, particularly the probationary driving age;
  - (b) assessing the links between the existing 18 year old probationary driving age and high youth unemployment in regional areas;
  - (c) reviewing the impacts of separating the legal driving age and legal drinking age;
  - (d) considering relevant international licensing models and the positive and negative impacts of such; and
  - (e) assessing the correlation between a reduced probationary driving age and the road toll;
- (2) the adequacy of current transport infrastructure and services available to people of non-driving age, particularly in regional Victoria;
- (3) strategies to remove barriers for people of non-driving age to access employment, study and training.”.

Question — That the amendment moved by Mr Leane be agreed to — put and agreed to.

Question — That the motion, as amended, be agreed to — put and agreed to.

**11 DROUGHT CONDITIONS — REGIONAL VICTORIA** — Debate resumed on the question, That this House —

- (1) acknowledges the serious drought that is continuing to develop in Victoria;
- (2) notes that —
  - (a) monthly rainfall has been up to 50 per cent below the state-wide average;
  - (b) some regions are experiencing a second consecutive year of extensive crop failures;
  - (c) comments by the Minister for Agriculture delighting in the continued lack of rain over the Grand Final Eve long weekend;

and calls on the Government to develop urgent assistance packages for farmers and country communities.

Question — put and agreed to.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 209 be postponed until later this day.

**13 ANDREWS GOVERNMENT FIRST YEAR IN OFFICE** — Debate resumed on the question, That this House condemns the Andrews Labor Government on its first year in office, a year of putting politics before people and failing Victorian families as a result of economic mismanagement, infrastructure projects cancelled or stalled, service delivery failing, increased burdens on business, election commitments broken, factional fighting and inappropriate union influence.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

**14 ADOPTION AMENDMENT (ADOPTION BY SAME-SEX COUPLES) BILL 2015** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendment made by the Council in this Bill.

**15 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**16 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.  
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.31 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 52 — Thursday, 10 December 2015

1 The President took the Chair and read the Prayer.

**2 UPHOLDING AUSTRALIAN VALUES (PROTECTING OUR FLAGS) BILL 2015** — Mr Young introduced *A Bill for an Act to provide for the upholding of Australian values by protecting certain Australian Flags and for other purposes.*

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

**3 PAPERS** —

**CHILDREN'S COURT OF VICTORIA REPORT 2014-15** — Mr Herbert presented, by command of the Governor, the Report of the Children's Court of Victoria for the year 2014-15.

Ordered to lie on the Table.

\* \* \* \* \*

**LEGAL AND SOCIAL ISSUES COMMITTEE — MACHINERY OF GOVERNMENT CHANGES** — Mr O'Donohue presented a Report from the Legal and Social Issues Committee on Machinery of Government Changes (including Appendices).

Ordered to lie on the Table and to be published.

Mr O'Donohue moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Access to Public Sector Information, December 2015 (*Ordered to be published*).

Implementing the Gifts, Benefits and Hospitality Framework, December 2015 (*Ordered to be published*).

Water Entities: 2014-15 Audit Snapshot, December 2015 (*Ordered to be published*).

Commissioner for Environmental Sustainability Act 2003 — Framework for the Victorian 2018 State of the Environment Report.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2014.

Legal Profession Uniform Law Application Act 2014 — Practitioner Remuneration Order, 1 January 2016.

- 4 SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 9 February 2016.

Question — put and agreed to.

- 5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 207 be postponed until later this day.

- 8 DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Regional Living Expo** — supplementary question asked by Mr Drum — response from Ms Pulford due Tuesday, 9 February 2016.
- **No. 86 Tram Route** — substantive and supplementary questions asked by Ms Patten — response from Ms Pulford due Wednesday, 10 February 2016.

- 10 MESSAGE FROM ASSEMBLY — MINISTER TO APPEAR BEFORE ENVIRONMENT AND PLANNING COMMITTEE** — The President read a Message from the Assembly informing the Council that the Assembly had refused to consent to the Legislative Council's request for the Minister for Energy and Resources to appear before the Legislative Council Environment and Planning Committee to give evidence and answer questions in relation to the inquiry into onshore unconventional gas.

On the motion of Mr Davis, the Message was ordered to be taken into consideration on the next day of meeting.

- 11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 12 DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015** — Debate continued on the question, That the Bill be now read a second time.

Debate continued.

Ms Mikakos moved, That the debate be adjourned until the next day of meeting.

Question — put and agreed to.

- 13 RELATIONSHIPS AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

An amendment proposed to be moved in Committee by Ms Pennicuik was circulated.

Debate continued.

Question — put and 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, 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 an amendment.

- 14 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Assisted Reproductive Treatment Act 2008 to enable persons born as the result of the use of gametes donated before 1 January 1998 to obtain information about donors without consent, to provide for the lodgement of contact preferences, to further provide for the keeping of the Central Register and the Voluntary Register, to make consequential amendments to the Births, Deaths and Marriages Registration Act 1996 and for other purpose and requesting the agreement of the Council.*

On the motion of Mr Herbert (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

- 15 BAIL AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Bail Act 1977 in relation to terrorism related offences, serious offences, failure to answer bail and children, to amend the Children, Youth and Families Act 2005 in relation to the commencement of criminal proceedings against children and youth offending information, to make consequential amendments to certain Acts and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 16 CROWN LAND LEGISLATION AMENDMENT (CANADIAN REGIONAL PARK AND OTHER MATTERS) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the Livestock Disease Control Act 1994, the Mineral Resources (Sustainable Development) Act 1990, the National Parks Act 1975 and the Wildlife Act 1975 and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Herbert (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 17 KARDINIA PARK STADIUM BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish the Kardinia Park Stadium Trust to administer certain land and facilities at Kardinia Park, to provide the functions and powers of the Trust, to provide power to re-reserve land at Kardinia Park, and to make consequential amendments to the Geelong (Kardinia Park) Land Act 1950 and other Acts and for other purposes and requesting the agreement of the Council.*

On the motion of Mr Herbert (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Drum), the debate was adjourned for one week.

**18 LAND (REVOCAION OF RESERVATIONS) BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to revoke permanent reservations of certain land, to provide for reservations of certain land for specified purposes and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Herbert (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**19 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.36 p.m., adjourned until Tuesday, 9 February 2016.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 50, 51 and 52

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**Tuesday, 8 December 2015**

### 1 TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2015

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Ms Pennicuik moved —

1. Clause 5, page 3, after line 6 insert—

'(4) After section 9(1) of the Principal Act **insert**—

"(1A) The operation of electronic equipment by way of remote entry under subsection (1)(fa) does not include the addition, deletion or alteration of data, or the doing of anything that is likely to—

- (a) materially interfere with, interrupt or obstruct a communication in transit, or the lawful use by other persons, of electronic equipment unless the doing of the thing is necessary to do one or more of the things specified in the warrant; or
- (b) cause any other material loss or damage to other persons lawfully using electronic equipment.".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Hartland)*

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Finn and Ms Symes)*

Question negatived.

Clause 5 — put and agreed to.

**Clause 6** — put and agreed to.

**Clause 7** — Ms Pennicuik moved —

2. Clause 7, after line 20 **insert**—

"( ) Section 13F(6) of the Principal Act is **repealed**."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Patten)*

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Elasmarr)*

Question negatived.

Clause 7 — put and agreed to.

**Clauses 8 and 9** — put and agreed to.

**Clause 10** — Ms Pennicuik moved —

3. Clause 10, after line 21 insert—

'(3) After section 13W(10) of the Principal Act **insert**—

"(11) A person detained under a preventative detention order in a prison must not be held with a person convicted of a criminal offence.".'. .

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Mr Barber; Dr Carling-Jenkins; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Dr Carling-Jenkins and Ms Springle)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Herbert and Mr Ramsay)*

Question negatived.

Clause 10 — put and agreed to.

**Clause 11** — postponed.

**New Clause** — Ms Pennicuik moved —

7. Insert the following New Clause to follow clause 10—

'C **Annual report**

In section 13ZR(2) of the Principal Act—

(a) in paragraph (f), for "made." **substitute** "made;";

(b) after paragraph (f) **insert**—

"(g) the number of persons in relation to whom a preventative detention order was made who were 16, 17 or 18 years of age at the time the order was made;

(h) the number of persons other than Australian citizens in relation to whom a preventative detention order was made;

(i) the number of persons in relation to whom a preventative detention order was made who, at the end of the period for which the person was detained under the order, were arrested.".'. .

Question — That the new clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Mr Barber; Dr Carling-Jenkins; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Mr Barber)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Finn and Mr Leane)*

Question negatived.

**New Clause** — Ms Pennicuik moved —

8. Insert the following New Clause to follow clause 10—

**'D Sunset provision**

- (1) In section 13ZV(1) of the Principal Act, for "at the end of 10 years after the day on which section 4 of the **Terrorism (Community Protection) (Amendment) Act 2005** comes into operation" **substitute** "on 31 December 2018".
- (2) In section 13ZV(2) of the Principal Act, for "the end of 10 years after the day on which section 4 of the **Terrorism (Community Protection) (Amendment) Act 2005** comes into operation" **substitute** "31 December 2018".

Question — That the new clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(*Tellers: Ms Hartland and Ms Patten*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Ms Mikakos and Mr Rich-Phillips*)

Question negatived.

**Postponed Clause 11** — put and agreed to.

**Clause 12** — put and agreed to.

**New Clauses** — Ms Pennicuik moved —

9. Insert the following New Clauses to follow clause 12—

**'E Authorisation of special powers to protect essential services from a terrorist act**

- (1) For section 21F(1) of the Principal Act **substitute**—  
 "(1) The Supreme Court, on the application of the Chief Commissioner of Police, may make an order authorising the exercise of special powers conferred by this Part."
- (2) In section 21F(2) of the Principal Act, for "relevant Minister may only recommend the making of an Order" **substitute** "Supreme Court may only make an order".
- (3) Section 21F(4) of the Principal Act is **repealed**.

**F Duration of authorisation**

In section 21I(3) of the Principal Act, for "the first anniversary of" **substitute** "60 days after".

Question — That the new clauses stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(*Tellers: Ms Hartland and Ms Patten*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Mr Melhem and Ms Fitzherbert*)

Question negatived.

**Clauses 13 to 16** — put and agreed to.

**Bill reported without amendment.**

## Thursday, 10 December 2015

### 1 RELATIONSHIPS AMENDMENT BILL 2015

**Clauses 1 to 5** — put and agreed to.

**New Clause** — Ms Pennicuik moved —

Insert the following New Clause to follow clause 5—

**'A Registration**

After section 10(3) of the Principal Act **insert**—

"(4) The Registrar may conduct a ceremony in connection with the registration of a registrable domestic relationship under this section."

Question — That the new clause stands part of the Bill — put and agreed to.

**Clauses 6 to 9** — put and agreed to.

**Bill reported with an amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 53, 54 and 55

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#### No. 53 — Tuesday, 9 February 2016

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 15 December 2015, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Adoption Amendment (Adoption by Same-Sex Couples) Act 2015*

*Education Legislation Amendment (TAFE and University Governance Reform) Act 2015*

*Terrorism (Community Protection) Amendment Act 2015.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.  
**SKY RAIL BUSINESS CASE** — Mr Jennings having given answers to a question without notice and supplementary question relating to the Sky Rail business case —  
On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Coal-fired power** — substantive and supplementary questions asked by Mr Barber — response from Ms Pulford due Thursday, 11 February 2016.
- **Ignite funding milestones** — substantive and supplementary questions asked by Mr Barber — response from Mr Jennings due Thursday, 11 February 2016.
- **Ombudsman referral – Government's legal advice** — substantive question asked by Mr Rich-Phillips — response from Mr Jennings due Thursday, 11 February 2016.

- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 5 **PETITIONS** —

**PRE-EXPOSURE PROPHYLAXIS** — Mr Davis presented a Petition bearing 69 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide a large scale trial of free Pre-Exposure Prophylaxis to treat HIV.

Ordered to lie on the Table.

\* \* \* \* \*

**SKY RAIL** — Mr Davis presented a Petition bearing 2,704 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to hold off announcing a preferred tenderer for Sky Rail until community consultation has been taken into account.

Ordered to lie on the Table.

\* \* \* \* \*

**SHARED ACCOMMODATION PLANNING** — Mr Davis presented a Petition bearing 356 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to strengthen planning provisions in relation to shared accommodation.

Ordered to lie on the Table.

\* \* \* \* \*

**POLICE NUMBERS** — Mr O'Donohue presented a Petition bearing 38 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to commit to providing additional police for the community as a matter of priority.

Ordered to lie on the Table.

\* \* \* \* \*

**SPECIAL RELIGIOUS INSTRUCTION** — Mr O'Donohue presented a Petition bearing 23 signatures from certain citizens of Victoria requesting that the Legislative Council note the Government has scrapped voluntary Special Religious Instruction in Government schools during school hours.

Ordered to lie on the Table.

\* \* \* \* \*

**MEDICINAL CANNABIS** — Mr Leane presented a Petition bearing 43 signatures from certain citizens of Victoria requesting that the Legislative Council support legislation to enable research and treatment using medicinal cannabis.

Ordered to lie on the Table.

## 6 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 1 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ROYAL COMMISSION INTO TRADE UNION GOVERNANCE AND CORRUPTION — FINAL REPORT** — Pursuant to section 37 of the *Inquiries Act 2014*, the Clerk laid on the Table a copy of the Royal Commission into Trade Union Governance and Corruption Final Report, December 2015.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Border Groundwaters Agreement Review Committee — Report, 2014-15.

Cancer Council Victoria — Report for the year ended 30 September 2015.

Crown Land (Reserves) Act 1978 — Minister's Order of 27 October 2015 giving approval to the granting of a licence at Knox Community Gardens and Vineyard.

Duties Act 2000 — Treasurer's report of foreign purchaser additional duty exemptions for 1 July 2015 to 30 November 2015.

Education and Care Services National Law Act 2010 — Education and Care Services National Amendment Regulations 2015 pursuant to section 303 of the Act.

Health Practitioner Regulation National Law (Victoria) Act 2009 — National Health Practitioner Ombudsman and Privacy Commissioner's Report, 2014-15.

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3) in relation to Statutory Rule Nos. 136/2015 and 167/2015.

Notice pursuant to section 32(4) in relation to the Dangerous Goods (Explosives) Regulations 2011, Dangerous Goods (Storage and Handling) Regulations 2012,



- Dangerous Goods (Transport by Road or Rail) Regulations 2008 and Occupation Health and Safety Regulations 2007.
- Land Acquisition and Compensation Act 1986 —  
Minister's certificate of 9 December 2015 pursuant to section 7(1) of the Act.  
Minister's certificate of 4 February 2016 pursuant to section 7(1) of the Act.
- Land Tax Act 2005 — Treasurer's report of land tax absentee owner surcharge exemptions for 29 June 2015 to 30 November 2015.
- Melbourne City Link Act 1995 —  
Melbourne City Link Thirty-fifth Amending Deed pursuant to section 15(2) of the Act.  
CityLink — Tullamarine Corridor Redevelopment Deed Second Amending Deed pursuant to section 15(2) of the Act.
- Parliamentary Committees Act 2003 — Government response to the Environment, Natural Resources and Regional Development Committee's Interim Report on the Inquiry into the CFA Training College at Fiskville.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
- Ballarat Planning Scheme — Amendment C185.
  - Bayside Planning Scheme — Amendment C146.
  - Boroondara Planning Schemes — Amendments C200 and C209.
  - Brimbank Planning Scheme — Amendment C105.
  - Cardinia Planning Scheme — Amendment C161.
  - Casey Planning Schemes — Amendments C197 and C199.
  - Frankston Planning Schemes — Amendments C99 and C110 (Part 1).
  - Glen Eira Planning Scheme — Amendment C123.
  - Greater Dandenong Planning Scheme — Amendment C183.
  - Greater Geelong Planning Scheme — Amendment C315.
  - Greater Shepparton Planning Schemes — Amendments C92 and C170.
  - Kingston Planning Scheme — Amendment C175.
  - Knox Planning Schemes — Amendments C74 and C144.
  - Latrobe Planning Scheme — Amendment C86.
  - Macedon Ranges Planning Scheme — Amendment C96.
  - Maroondah Planning Schemes — Amendments C95 and C125.
  - Melbourne Planning Scheme — Amendment C269.
  - Moreland Planning Scheme — Amendment C157.
  - Mornington Planning Scheme — Amendment C184 (Part 3).
  - Mount Alexander Planning Scheme — Amendment C74.
  - Moyne Planning Scheme — Amendment C48 (Part 1).
  - Port Phillip Planning Schemes — Amendments C115, C124 and C131.
  - Stonnington Planning Scheme — Amendment C183 (Part 1).
  - Victoria Planning Provisions — Amendments VC121, VC126 and VC127.
  - Warrnambool Planning Scheme — Amendment C78 (Part 1).
  - Wellington Planning Scheme — Amendment C94.
  - Whittlesea Planning Schemes — Amendments C195, C179 and C73.
  - Whitehorse Planning Schemes — Amendments C167 and C210.
  - West Wimmera Planning Scheme — Amendment C32.
  - Wyndham Planning Schemes — Amendments C194 and C210.
  - Yarra Planning Schemes — Amendments C195 and C207.
  - Yarra Ranges Planning Scheme — Amendment C150.
- Project Development and Construction Management Act 1994 —  
Nomination order and application order, 22 December 2015 and statement of reasons for making a nomination order, 15 December 2015, in relation to the Palais Theatre Project.
- Nomination order and application order, 22 December 2015 and statement of reasons for making a nomination order, 15 December 2015, in relation to the State Library Redevelopment Project.
- Statutory Rules under the following Acts of Parliament —  
Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — No. 146/2015.  
Building Act 1993 — Nos. 152/2015 and 157/2015.

- Child Wellbeing and Safety Act 2005 — No. 168/2015.  
 Country Fire Authority Act 1958 — No. 148/2015.  
 County Court Act 1958 — No. 162/2015.  
 Dangerous Goods Act 1985 — No. 156/2015.  
 Domestic Animals Act 1994 — No. 165/2015.  
 Human Tissue Act 1982 — No. 171/2015.  
 Infringements Act 2006 — No. 166/2015.  
 Land Tax Act 2005 — No. 161/2015.  
 Liquor Control Reform Act 1998 — No. 155/2015.  
 Magistrates' Court Act 1989 — Nos. 154/2015, 163/2015 and 164/2015.  
 Marine Safety Act 2010 — Nos. 153/2015 and 158/2015.  
 Mineral Resources (Sustainable Development) Act 1990 — Nos. 149/2015 and 150/2015.  
 Non-Emergency Patient Transport Act 2003 — No. 151/2015.  
 Public Administration Act 2004 — No. 160/2015.  
 Public Health and Wellbeing Act 2008 — No. 170/2015.  
 Retirement Villages Act 1986 — No. 147/2015.  
 Road Safety Act 1986 — No. 159/2015.  
 Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 — No. 169/2015.  
 Victorian Energy Efficiency Target Act 2007 — No. 167/2015.  
 Subordinate Legislation Act 1994 —  
 Documents under section 15 in respect of Statutory Rules Nos. 133/2015 and 146 to 171/2015.  
 Legislative Instruments and related documents under section 16B in respect of —  
 Cemeteries and Crematoria Act 2003 — Southern Metropolitan Cemeteries Trust's Scale of Fees and Charges effective as of 7 January 2016.  
 City of Geelong Act 1993 — Greater Geelong City Council — Mayoral and Deputy Mayoral Allowances — Alteration, dated 18 November 2015.  
 City of Melbourne Act 2001 — Melbourne City Council — Lord Mayoral, Deputy Lord Mayoral and Councillor Allowances — Alteration, dated 18 November 2015.  
 Education and Training Reform Act 2006 — Ministerial Order No. 858 — Further Provisions in relation to the School Policy and Funding Advisory Council, dated 20 January 2016.  
 Livestock Disease Control Act 1994 — Notice of the Fixing of Fees, dated 1 December 2015.  
 Local Government Act 1989 —  
 General Order setting the Average Rate Cap, dated 14 December 2015.  
 Mayoral and Councillor Allowances Adjustment, dated 18 November 2015.  
 Senior Officer Remuneration Threshold Increase, dated 17 December 2015.  
 Victorian Energy Efficiency Act 2007 — Declaration of a discount factor, dated 23 December 2015.  
 Water Act 1989 — Abolition of the Diamond Creek Water Supply Protection Area, 30 January 2016.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 — 1 January 2016 (*Gazette No. S426, 22 December 2015*).  
 Children, Youth and Families Amendment (Aboriginal Principal Officers) Act 2015 — remaining provisions — 4 January 2016 (*Gazette No. S426, 22 December 2015*).  
 Corrections Legislation Amendment Act 2015 — Divisions 6, 7 and 9 of Part 2 — 9 December 2015 (*Gazette No. S389, 8 December 2015*).  
 Education and Training Reform Amendment (Child Safe Schools) Act 2015 — sections 4(2) and 5(1), (2) and (4) — 9 December 2015 (*Gazette No. S389, 8 December 2015*).  
 Education Legislation Amendment (TAFE and University Governance Reform) Act 2015 — 1 January 2016 (*Gazette No. S403, 15 December 2015*).

Energy Legislation Amendment (Consumer Protection) Act 2015 — 1 January 2016 (*Gazette No. S403, 15 December 2015*).

Fisheries Amendment Act 2015 — 16 December 2015 (*Gazette No. S403, 15 December 2015*).

Mineral Resources (Sustainable Development) Amendment Act 2014 — Sections 4(3), 16 and 27 — 8 December 2015 (*Gazette No. S389, 8 December 2015*).

Prevention of Cruelty to Animals Amendment Act 2015 — Whole Act (except sections 31, 32, 34, 35, 37, 38, 40 and 42 and Part 7) — 23 December 2015 (*Gazette No. S426, 22 December 2015*).

Public Health and Wellbeing Amendment (No Jab, No Play) Act 2015 — 1 January 2016 (*Gazette No. S403, 15 December 2015*).

Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 — 23 December 2015 (*Gazette No. S426, 22 December 2015*).

Victims of Crime Commissioner Act 2015 — 3 February 2016 (*Gazette No. S10, 2 February 2016*).

## 7 PRODUCTION OF DOCUMENTS —

**PUNT ROAD** — The Clerk laid on the Table a letter from the Attorney-General dated 18 January 2016 in response to the Resolution of the Council of 9 December 2015 seeking the production of documents relating to traffic flows, projections and plans concerning Punt Road, advising that the Council's deadline of 20 January 2016 does not allow sufficient time to respond and indicating that the Government would respond to the Council's resolution as soon as possible.

On the motion of Mr Davis, the letter was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**CITY OF PORT PHILLIP DRAFT PLANNING SCHEME AMENDMENT C107** — The Clerk laid on the Table 59 documents received in response to the Resolution of the Council of 7 October 2015 relating to all documents created on or after 4 December 2014, or used to inform departmental decisions or ministerial briefings on or after 4 December 2014, in relation to the City of Port Phillip draft Planning Scheme Amendment C107, including but not limited to —

- (1) all correspondence to/from the Department of Economy, Jobs, Transport and Resources and Department of Environment, Land, Water and Planning;
- (2) all correspondence to/from the Minister for Planning, the Hon Richard Wynne MP, dealing with Amendment C107; and
- (3) an extract copy of the Minister for Planning's diary identifying meetings held or attended in relation to Amendment C107.

The Clerk also laid on the Table a letter from the Attorney-General dated 8 February 2016 —

- stating that Departments have collated and assessed documents identified in paragraphs (1) and (2) of the resolution;
- stating that the Government is continuing to consider the Council's request for production of documents identified in paragraph (3) of the resolution and will provide a response in due course; and
- noting that the use of the phrase "all documents" in the resolution would require assessing over 10,000 pages of documents, which would significantly divert the resources of Departments and therefore trusting the Council will not insist on the Government responding further.

## 8 ECONOMY AND INFRASTRUCTURE STANDING COMMITTEE — SELF REFERRAL —

The President read a letter from the Chair of the Economy and Infrastructure Standing Committee advising that the Committee, pursuant to Sessional Order 6, commenced a self-referenced inquiry on 9 February 2015 into the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015.

**9 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 10 February 2016:

- (1) Notice of Motion given this day by Mr Barber in relation to the Supreme Court and the Ombudsman;
- (2) Notice of Motion given this day by Mr Morris calling on the Minister for Public Transport to appear before the Economy and Infrastructure Committee;
- (3) Notice of Motion given this day by Mr Ondarchie regarding matters relating to the Member for Western Metropolitan Region, Mr Melhem, and the Royal Commission into Trade Union Governance and Corruption;
- (4) Notice of Motion given this day by Mr Barber in relation to the failure of the Government to provide for documents regarding the Advanced Lignite Demonstration Program; and
- (5) Order of the Day No. 24, resumption of debate relating to the Andrews Labor Government's first year in office.

Question — put and agreed to.

**10 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 207 and Order of the Day, Government Business, No. 1 be postponed until later this day.

**13 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Patten were circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Somyurek and Mr Young)*

NOES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Patten)*

Question agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted.

Mr Herbert moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge;

Mr Young.  
(Tellers: Mr Dalla-Riva and Mr Purcell)

NOES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.  
(Tellers: Ms Pennicuik and Ms Springle)

Question agreed to.

Bill read a third time.

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

**14 JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

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** — Mr Herbert moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.32 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 54 — Wednesday, 10 February 2016

1 The President took the Chair and read the Prayer.

2 **PETITION — SKY RAIL** — Mr Davis presented a Petition bearing 40 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to hold off announcing a preferred tenderer for Sky Rail until community consultation has been taken into account.

Ordered to lie on the Table.

3 **PAPERS** —

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE — STRENGTHENING VICTORIA'S KEY ANTI-CORRUPTION AGENCIES?** — Ms Symes presented a Report from the Independent Broad-based Anti-corruption Commission Committee on Strengthening Victoria's Key Anti-corruption Agencies? (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Symes moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Administration of Parole, February 2016 (*Ordered to be published*).

Hospital Performance: Length of Stay, February 2016 (*Ordered to be published*).

Hazelwood Mine Fire Inquiry — Report, 2015-16, Volume 3 — Health Improvement, pursuant to section 77 of the Inquiries Act 2014 (*Ordered to be published*).

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns — December 2015 and Summary of Variations notified between 13 October 2015 and 8 February 2016 (*Ordered to be published*).

**4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 OMBUDSMAN'S JURISDICTION** — Mr Barber moved, That, further to the resolution of the Legislative Council on 25 November 2015 referring a matter to the Ombudsman for investigation pursuant to section 16 of the *Ombudsman Act 1973*, this House —

- (1) notes that the Ombudsman has made an application to the Supreme Court of Victoria pursuant to section 27 of the *Ombudsman Act 1973* seeking a determination as to her jurisdiction to investigate the matter referred to her by the Legislative Council;
- (2) affirms the Ombudsman's jurisdiction and power under section 16 of the *Ombudsman Act 1973* to investigate the matter referred to her by the Legislative Council;
- (3) directs the President to —
  - (a) make application to the Supreme Court for the Legislative Council of Victoria to be joined as a party to the section 27 proceedings in order to contend in those proceedings that the view set out in (2) is correct;
  - (b) act as the Legislative Council's representative in such proceedings in any manner he deems appropriate and in accordance with any direction from the House;
  - (c) for the purposes of (3)(b) this may include, but is not limited to —
    - (i) seeking legal advice;
    - (ii) engaging counsel; and
    - (iii) making submissions.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Atkinson; Mr Barber; Ms Bath; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Davis; Mr Drum; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Lovell; Ms Hartland; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

(Tellers: Dr Carling-Jenkins and Ms Fitzherbert)

NOES, 13

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Ms Symes; Ms Tierney.

(Tellers: Mr Melhem and Mr Mulino)

Question agreed to.

**7 REQUEST FOR MINISTER TO APPEAR BEFORE COMMITTEE** — Mr Morris moved, That this House requests that the Legislative Assembly grant leave to the Minister for Public Transport, the Hon. Jacinta Allan, MP, to appear before the Legislative Council Standing Committee on the Economy and Infrastructure to give evidence and answer questions in relation to the Committee's inquiry into infrastructure projects.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Economic assessment for Jumps Racing** — supplementary question asked by Mr Purcell — response from Mr Herbert due Tuesday, 23 February 2016.
- **Free kindergarten to drought affected communities** — substantive and supplementary questions asked by Ms Wooldridge — response from Ms Mikakos due Thursday, 11 February 2016.

- **Ombudsman letter – consultation with Premier** — substantive question asked by Mr Rich-Phillips — response from Mr Jennings due Thursday, 11 February 2016.
- **Working capital requirements for training providers** — substantive and supplementary questions asked by Mr Drum— response from Mr Herbert due Thursday, 11 February 2016.
- **Sky Rail construction** — substantive and supplementary questions asked by Mrs Peulich — response from Mr Jennings due Tuesday, 23 February 2016.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 REQUEST FOR MINISTER TO APPEAR BEFORE COMMITTEE** — Debate continued on the question, That this House requests that the Legislative Assembly grant leave to the Minister for Public Transport, the Hon. Jacinta Allan, MP, to appear before the Legislative Council Standing Committee on the Economy and Infrastructure to give evidence and answer questions in relation to the Committee's inquiry into infrastructure projects.

Question — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Davis; Mr Drum; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

(Tellers: Dr Carling-Jenkins and Mr O'Donohue)

NOES, 13

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Ms Shing; Ms Symes; Ms Tierney.

(Tellers: Mr Mulino and Ms Shing)

Question agreed to.

**11 ROYAL COMMISSION FINDINGS** — Mr Ondarchie moved, That this House notes the evidence and findings of the Royal Commission into Trade Union Governance and Corruption that, as an official of the Australian Workers Union, the Member for Western Metropolitan Region, Mr Cesar Melhem, MLC —

- (1) repeatedly put his own interests and the interests of his union ahead of the interests of the workers he was supposed to represent;
- (2) took payments behind workers' backs from employers with whom he was negotiating on workers' behalf;
- (3) knowingly signed-up workers to bad wage deals with employers from whom he had secretly sought and obtained payments;
- (4) issued false invoices to disguise payments from employers;
- (5) dishonestly falsified union records by listing workers as union members without their knowledge or consent; and
- (6) breached his fiduciary duty as a union official by using union resources and the AWU's name and connections to operate a slush fund for his own and his associates' advancement;

and calls on the Premier to put the interests of ordinary workers ahead of corrupting union officials and expel Mr Melhem from the Parliamentary ALP.

Debate ensued.

*Business having been interrupted at 5.00 pm pursuant to Standing Orders, the debate stood adjourned in the name of Mr Dalidakis.*

**12 RELATIONSHIPS AMENDMENT BILL 2015 — MESSAGE FROM ASSEMBLY** — The Acting President read a message from the Assembly informing the Council that they had —

- (1) disagreed with the amendment made by the Council; and
- (2) made amendments with which agreement is requested.

Ms Symes moved, That the message be taken into consideration later this day.

Question – put and agreed to.

**13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**14 RELATIONSHIPS AMENDMENT BILL 2015** — The amendments remaining for consideration by the Council were read and are as follows:

**AMENDMENT NO 1 (Resolved by the Council on 10 December 2015)**

1 Insert the following New Clause to follow clause 5—

**'A Registration**

After section 10(3) of the Principal Act **insert—**

"(4) The Registrar may conduct a ceremony in connection with the registration of a registrable domestic relationship under this section.".

**How dealt with by the Assembly**

Disagreed with, but the following amendments made:

1 Insert the following New Clause to follow clause 5:

**"AA Additional services in relation to information in Register and other information**

(1) For the heading to section 27 of the Principal Act **substitute—**

**'Provision of additional services or information in relation to registrable relationships'.**

(2) After section 27(1)(a) of the Principal Act **insert—**

'(ab) additional services in connection with any ceremony to celebrate the registration of a registrable domestic relationship;'.

2 Clause 8, line 30, omit "6" and insert "7".

Ms Pulford moved, That —

- (1) the Council does not insist on its amendment to this Bill; and
- (2) the amendments made by the Assembly be agreed to.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly informing them that the Council have not insisted upon the amendment made by the Council to the Bill and have agreed to the amendments made by the Assembly.

**15 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.33 p.m. adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 55 — Thursday, 11 February 2016

1 The President took the Chair and read the Prayer.

**2 MESSAGE FROM ASSEMBLY — MINISTER TO APPEAR BEFORE COMMITTEE** — The President read a Message from the Assembly informing the Council that the Assembly had refused to consent to the Legislative Council's request for the Minister for Public Transport to appear before the Legislative Council Standing Committee on Economy and Infrastructure to give evidence and answer questions in relation to the inquiry into infrastructure projects.

On the motion of Mr Davis, the Message was ordered to be taken into consideration on the next day of meeting.

**3 PETITION — SKY RAIL** — Mr Davis presented a Petition bearing 344 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to hold off announcing a preferred tenderer for Sky Rail until community consultation has been taken into account.

Ordered to lie on the Table.



- 4 REGULATION OF RIDESHARING BILL 2016** — Ms Patten introduced *A Bill for an Act to establish a legal framework for the regulation of ridesharing services in Victoria.*

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

- 5 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Climate Change Act 2010 — Review of the Act pursuant to section 18.

Legal Services Council and Commissioner for Uniform Legal Services Regulation — Report, 2014-15.

Parliamentary Committees Act 2003 — Government response to the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee's Report on Marine Rescue Services in Victoria.

- 6 MINISTER'S STATEMENT** — A Statement was made by a Minister pursuant to Sessional Order 2.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion Government Business, Nos. 25 to 221 be postponed until later this day.

- 9 JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2015** — Bill 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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

- 10 ROAD LEGISLATION AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**SKY RAIL — CONSULTATION WITH SMALL BUSINESS** — Mr Dalidakis, having given answers to a question without notice and supplementary question relating to the proposed Sky Rail and consultation with small business —

On the motion of Ms Fitzherbert, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Royal Commission into Trade Union Governance and Corruption — Ministerial access to volume 6** — substantive question asked by Mr Ondarchie — response from Mr Jennings due Wednesday, 24 February 2016.
- **MICA paramedic services — Melbourne to Euroa** — substantive and supplementary question asked by Mr Young — response from Ms Mikakos due Wednesday, 24 February 2016.

- 12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 13 ROAD LEGISLATION AMENDMENT BILL 2015** — 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.

- 14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day Government Business, No.3 be postponed until later this day.

- 15 BAIL AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

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.

- 16 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2015** — 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.

- 17 ACCESS TO MEDICINAL CANNABIS BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for medicinal use of products derived from cannabis by establishing a scheme for the lawful cultivation of cannabis for those products, the lawful manufacture of those products and the lawful use of those products by a limited class of Victorians, to consequentially amend the Drugs, Poisons and Controlled Substances Act 1981 and to make related amendments to certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week

- 18 ABORIGINAL HERITAGE AMENDMENT BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Aboriginal Heritage Act 2006, the Borrowing and Investment Powers Act 1987, the Cemeteries and Crematoria Act 2003 and the Coroners Act 2008 to improve the reporting requirements in relation to Aboriginal cultural heritage, to include provisions regarding Aboriginal intangible heritage, to establish an Aboriginal Cultural Heritage Fund and to provide for the further protection of Aboriginal cultural heritage and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

- 19 EDUCATION AND TRAINING REFORM AMENDMENT (VICTORIAN INSTITUTE OF TEACHING) BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 to provide power for the Victorian Institute of Teaching to suspend the registration of a registered teacher if there is an unacceptable risk of harm to children, to change the membership requirements of the Council of the Victorian Institute of Teaching and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mrs Peulich), the debate was adjourned for one week.

- 20 BUILDING LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Domestic Building Contracts Act 1995 and the Building Act 1993 to enhance consumer protection in relation to domestic building work and to otherwise improve the operation of those Acts, to make consequential amendments to the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 21 CONSUMER ACTS AND OTHER ACTS AMENDMENT BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to amend various Consumer Acts, the Property Law Act 1958 and the State Trustees (State Owned Company) Act 1994 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 22 ANDREWS LABOR GOVERNMENT ELECTION COMMITMENTS** — Ms Symes moved, That this House congratulates the Andrews Labor Government for a year of getting on with the job of government and delivering its election commitments to the people of Victoria, specifically —

- (1) to rebuild Victoria's broken TAFE system, almost destroyed by the former Coalition Government;
- (2) to make Victoria the Education State through the biggest school and kinder capital budget ever delivered;
- (3) to remove 50 of our most dangerous and congested level crossings;
- (4) to bring down Victoria's unemployment rate from its highest level in 13 years, having already 73,000 new jobs since coming to office;
- (5) to establish a Regional Jobs and Infrastructure Fund to grow our regional economy and invest in job-creating projects in our regions;
- (6) to end the war on our paramedics and fix the crisis in our ambulance system;
- (7) to reverse years of crippling cuts to our health system and invest again in hospital beds and health services;
- (8) to begin construction on the Melbourne Metro project to deliver Australia's most important piece of public transport infrastructure;
- (9) to save our renewable energy system and invest in the technologies and jobs of the future; and
- (10) to establish the first Royal Commission into Family Violence to address the number-one law and order issue in our State.

Debate ensued.

On the motion of Mr Ondarchie, the debate was adjourned until the next day of meeting.

**23 SITTING OF THE COUNCIL** — Mr Jennings moved — That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified to each Member of the Council.

Question — put and agreed to.

**24 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 10.05 p.m. adjourned until a day and hour to be fixed by the President.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 53, 54 and 55

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**Tuesday, 9 February 2016**

### **1 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2015**

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Mr O'Donohue moved —

1. Clause 5, line 22, omit "300" and insert "500".

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

Question — That Clause 5, as amended, stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Lovell and Mr Purcell)*

NOES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Patten)*

Question agreed to.

**Clause 6** — Mr O'Donohue moved —

2. Clause 6, page 4, line 7, omit "300" and insert "500".

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

Clause 6, as amended — put and agreed to.

**Clauses 7 and 8** — put and agreed to.

**Clause 9** — Mr O'Donohue moved —

3. Clause 9, line 18, omit "300" and insert "500".
4. Clause 9, line 24, omit "300" and insert "500".

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

Clause 9, as amended — put and agreed to.

**Clause 10** — Ms Patten moved —

1. Clause 10, line 1, omit "**sections 71E and 71F**" and insert "**section 71E**".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Hartland)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino;

Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Melhem and Mrs Peulich)*

Question negatived.

Ms Patten moved —

4. Clause 10, line 30, omit "dependence—" and insert "dependence with the intention that the instructions will be used by another person for the purposes of the trafficking or cultivation of a drug of dependence is guilty of an indictable offence and liable to a penalty of not more than 1200 penalty units or level 5 imprisonment (10 years maximum) or both."

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

Clause 10 — put and agreed to.

**Clauses 11 to 16** — put and agreed to.

**Clause 17** — Mr O'Donohue moved —

5. Clause 17, line 12, omit "300" and insert "500".
6. Clause 17, line 29, omit "300" and insert "500".

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

Clause 17, as amended — put and agreed to.

**Clauses 18 and 19** — put and agreed to.

**Bill reported with amendments.**

## Thursday, 11 February 2016

### 1 JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2015

**Clause 1** — Ms Pennicuik moved —

1. Clause 1, page 2, after line 31 insert—  
 "(iii) to require the Tribunal to take into account financial hardship and other relevant matters in making orders regarding reimbursement of fees; and".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

Mr Barber; Dr Carling-Jenkins; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Patten and Ms Springle)*

NOES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmar; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Mulino)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 108** — put and agreed to.

**Bill reported without amendment.**

**2 BAIL AMENDMENT BILL 2015****Clause 1** — Mr Rich-Phillips moved —

1. Clause 1, page 2, lines 1 to 6, omit all words and expressions on these lines and insert—  
     "(b) to amend the **Children, Youth and Families Act 2005** in relation to the suppression of youth offending information; and".

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

Clause 1 — put and agreed to.

**Clauses 2 and 3** — put and agreed to.**Clause 4** — Mr Rich-Phillips moved —

2. Clause 4, line 21, omit "4B(1) or 21W" and insert "4B(1), 13ZJ(1), (2), (3), (6), (8), (9) or (10) or 21W".

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Dr Carling-Jenkins and Mr Finn)*

NOES, 23

Mr Barber; Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Ms Springle; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Ms Hartland and Mr Mulino)*

Question negatived

Clause 4 — put and agreed to.

**Clause 5** — Mr Rich-Phillips moved —

3. Clause 5, lines 4 to 9, omit all words and expressions on these lines and insert—  
     '"(ba) whether the accused has expressed publicly support for, or has incited or encouraged—  
         (i) a terrorist act or a terrorist organisation; or  
         (ii) the provision of resources to a terrorist organisation; or  
         (iii) terrorism;"'.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Fitzherbert and Mr Ondarchie)*

NOES, 22

Mr Barber; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Mr Purcell; Ms Pulford; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Ms Dunn and Mr Elasmar)*

Question negatived

Clause 5 — put and agreed to.

**Clauses 6 to 15** — put and agreed to.

**Clause 16 —**

Question — That Clause 16 stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Barber; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Purcell and Ms Springle)*

NOES, 15

Mr Atkinson; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Drum and Mrs Peulich)*

Question agreed to.

**Clauses 17 to 19 — put and agreed to.**

**Clause 20 —**

Question — That Clause 20 stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Barber; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Melhem and Mr Young)*

NOES, 15

Mr Atkinson; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Lovell and Mr Ramsay)*

Question agreed to.

**Clauses 21 and 22 — put and agreed to.**

**Bill reported without amendment.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 56, 57 and 58

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#### No. 56 — Tuesday, 23 February 2016

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 16 February 2016, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Bail Amendment Act 2016*

*Drugs, Poisons and Controlled Substances Amendment Act 2016*

*Justice Legislation Further Amendment Act 2016*

*Relationships Amendment Act 2016*

*Road Legislation Amendment Act 2016.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Ombudsman jurisdiction – Government application to join court proceedings** — substantive question asked by Mr Rich-Phillips — response from Mr Jennings due Thursday, 25 February 2016.
  - **Ombudsman jurisdiction – cost of Government’s application** — supplementary question asked by Mr Finn — response from Mr Jennings due Wednesday, 24 February 2016.
  - **VET funding eligibility** — substantive and supplementary questions asked by Ms Bath — response from Mr Herbert due Wednesday, 24 February 2016.
  - **HIV/AIDS – production of monthly surveillance reports** — substantive question asked by Ms Wooldridge — response from Ms Mikakos due Thursday, 25 February 2016.
  - **Portland Aluminium Smelter – transition to renewable energy** — supplementary question asked by Mr Purcell — response from Mr Jennings due Thursday, 25 February 2016.
  - **Drug harm reduction schemes** — substantive and supplementary questions asked by Ms Patten — response from Mr Herbert due Thursday, 25 February 2016.
- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**5 PETITIONS —**

**SKY RAIL** — Mr Davis presented a Petition bearing 149 signatures from certain citizens of Victoria requesting the Andrews Labor Government to hold off announcing a preferred tenderer for Sky Rail until community consultation has been taken into account.

Ordered to lie on the Table.

\* \* \* \* \*

**PUNT ROAD PRODUCTION OF DOCUMENTS** — Mr Davis presented a Petition bearing 47 signatures from certain citizens of Victoria requesting that the Legislative Council calls on the Andrews Government to immediately act to provide relevant documents relating to traffic flows, projections and plans concerning Punt Road as directed by the Legislative Council on 9 December 2015.

Ordered to lie on the Table.

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

**6 CORRECTIONS AMENDMENT (NO BODY, NO PAROLE) BILL 2016** — Mr O'Donohue introduced *A Bill for an Act to amend the Corrections Act 1986 in relation to the granting of parole to prisoners serving a prison sentence for an offence of murder or conspiracy to commit murder who fail to assist authorities to locate the remains of victims and for other purposes.*

On the motion of Mr O'Donohue, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**7 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 2 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Greater Sunraysia Pest Free Area Industry Development Committee — Minister's report of receipt of 2014-15 report and Minister's report of failure to submit 2014-15 report to the Minister within the prescribed period and the reason therefore.

The Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2015.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2015.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2015.

Mount Hotham Alpine Report Management Board — Report for the year ended 31 October 2015.

Parliamentary Committees Act 2003 — Government response to the Environment, Natural Resources and Regional Development Committee's Interim Report on the CFA Training College at Fiskville (*in lieu of that tabled 9 February 2016*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Buloke Planning Scheme — Amendment C25.

Cardinia Planning Scheme — Amendment C204.

Casey Planning Scheme — Amendments C182 and C210.

Frankston Planning Scheme — Amendment C110 (Part 2).

Gannawarra Planning Scheme — Amendment C40.

Glenelg Planning Scheme — Amendment C84.

Greater Bendigo Planning Scheme — Amendments C200 and C219.

Greater Geelong Planning Scheme — Amendment C340.

Greater Shepparton Planning Scheme — Amendments C179, C182 and C186.

- Hume Planning Scheme — Amendment C210.
- Knox Planning Scheme — Amendment C140.
- Mansfield Planning Scheme — Amendment C15.
- Melbourne Planning Scheme — Amendment C209.
- Mitchell Planning Scheme — Amendment C91 (Part 2).
- Monash Planning Scheme — Amendments C121 and C122 (Part 1).
- Murrindindi Planning Scheme — Amendments C53 and C54.
- South Gippsland Planning Scheme — Amendment C99.
- Wangaratta Planning Scheme — Amendment C56.
- Wellington Planning Scheme — Amendment C93.
- Whittlesea Planning Scheme — Amendment C183.
- Wyndham Planning Scheme — Amendment C170.
- Statutory Rules under the following Acts of Parliament —
  - Children's Services Act 1996 — No. 2.
  - Public Health and Wellbeing Act 2008 — No. 3.
  - Subordinate Legislation Act 1994 — No. 4.
  - Wrongs Act 1958 — No. 1.
- Subordinate Legislation Act 1994 —
  - Documents under section 15 in respect of Statutory Rules Nos. 1 to 4.
  - Legislative Instrument and related documents under section 16B in respect of Cemeteries and Crematoria Act 2003 — Southern Metropolitan Cemeteries Trust's Scale of Fees and Charges effective as of 4 February 2016.
- Surveillance Devices Act 1999 — Report No. 1, pursuant to section 30Q by the Victorian Inspectorate for 2015-16.

**8 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 24 February 2016:

- (1) Order of the Day made this day, second reading of the Corrections Amendment (No body, no parole) Bill 2016;
- (2) Order of the Day No. 8, second reading of the Upholding Australian Values (Protecting Our Flags) Bill 2015;
- (3) Notice of Motion given this day by Mr Davis in relation to the production of documents for Sky Rail;
- (4) Notice of Motion No. 214 standing in the name of Ms Hartland relating to a committee reference on the retirement housing sector;
- (5) Notice of Motion given this day by Mr Davis relating to community consultation for Sky Rail;
- (6) Notice of Motion given this day by Mrs Peulich relating to Labor Party donations received from the CFMEU; and
- (7) Notice of Motion No. 217 standing in the name of Mr Morris calling on the Hon. Martin Pakula, MP to appear before the Economy and Infrastructure Committee.

Question — put and agreed to.

**9 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 221 and Order of the Day, Government Business, No.1 be postponed until later this day.

**12 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

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.

- 13 TRANSPORT ACCIDENT AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Rich-Phillips.*

- 14 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.50 p.m. adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 57 — Wednesday, 24 February 2016

- 1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**REVERSE CHRISTMAS CAROL BAN** — Mr Ramsay presented a Petition bearing 694 signatures from certain citizens of Victoria requesting that the Legislative Council ensures that the Andrews Government reverse the ban on singing Christmas carols in Victorian Government schools.

Ordered to lie on the Table.

\* \* \* \* \*

**SHARED ACCOMMODATION** — Mr Davis presented a Petition bearing 46 signatures from certain citizens of Victoria requesting that the Legislative Council strengthen planning provisions in relation to shared accommodation.

Ordered to lie on the Table.

\* \* \* \* \*

**SKY RAIL** — Mr Davis presented a Petition bearing 913 signatures from certain citizens of Victoria requesting the Andrews Labor Government abandon its Sky Rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

Ordered to lie on the Table.

- 3 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Public Safety on Victoria's Train System, February 2016 (*Ordered to be published*).

Victorian Electoral Commission, February 2016 (*Ordered to be published*).

Murray-Darling Basin Authority — Report, 2014-15.

- 4 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 6 **CORRECTIONS AMENDMENT (NO BODY, NO PAROLE) BILL 2016** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Ms Symes, the debate was adjourned for one week.

- 7 UPHOLDING AUSTRALIAN VALUES (PROTECTING OUR FLAGS) BILL 2015** — Mr Young laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Young moved, That the Bill be now read a second time.

On the motion of Ms Symes, the debate was adjourned for one week.

- 8 SKY RAIL — PRODUCTION OF DOCUMENTS** — Mr Davis moved, That, in accordance with Standing Order 11.01, a copy of all documents created or referred to since 4 December 2014 relating to the Level Crossing Removal Project – Caulfield to Dandenong Project Proposal, be tabled in the Council by 12 noon on Tuesday, 22 March 2016, including but not limited to —

- (1) any sound and vibration attenuation studies and shadowing studies;
- (2) any directions given to research organisations regarding the makeup of focus groups and the product of any such research;
- (3) details of submissions and comment either for or against elevated rail;
- (4) de-identified copies of all Level Crossing Removal Authority communications with the community;
- (5) the electronic presentation of the 3D modelling showed to residents in the Level Crossing Removal Authority's one-on-one consultations;
- (6) the minutes, agendas and correspondence of the community consultation panel Chaired by Mr Stephen Dimopoulos, MP, Member for Oakleigh;
- (7) assessments of alternate models of level crossing removals considered by Government; and
- (8) the full business case for the Government's announced Sky Rail option, or such of the business case that has been completed to date.

Debate ensued.

Question — put and agreed to.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 214 be postponed until later this day.

- 10 SKY RAIL PROPOSAL** — Mr Davis moved, That this House —

- (1) notes that —
  - (a) Premier Daniel Andrews announced on Sunday, 7 February 2016 that the Government was proceeding with a rail over road 'Sky Rail' for almost nine kilometres of the rail corridor between Caulfield and Dandenong as part of the Government's commitment to remove level crossings;
  - (b) this announcement was at variance with the community's understanding of the Government's election commitment and the community has not been properly consulted since the election;
  - (c) while this House supports the removal of level crossings, the Government has no mandate to remove level crossings with an extended elevated railway option given its visual impacts, potential noise impacts and the lack of community support; and
- (2) calls on the Andrews Government to —
  - (a) listen to the community;
  - (b) complete a full Environmental Effects Statement;
  - (c) ensure key planning powers remain with local councils given the impact of these proposals on adjacent public and private land and the need to integrate other local planning objectives; and
  - (d) pursue an alternative model consistent with its election promise which sees rail put under road.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Safe Schools program** — supplementary question asked by Dr Carling-Jenkins — response from Mr Herbert due Tuesday, 8 March 2016.
- **Horseshoe Bend Tunnel environmental study** — substantive and supplementary questions asked by Mr Bourman — response from Mr Jennings due Tuesday, 8 March 2016.
- **Timber supply contracts** — substantive question asked by Ms Dunn— response from Ms Pulford due Thursday, 25 February 2016.
- **Ombudsman jurisdiction – Supreme Court proceedings** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Jennings due Thursday, 25 February 2016.
- **PSOs at train stations** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Jennings due Tuesday, 8 March 2016.
- **Minister for Small Business conduct** — supplementary question asked by Mrs Peulich — response from Mr Jennings due Thursday, 25 February 2016.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 SKY RAIL PROPOSAL** — Debate continued on the question, That this House —

(1) notes that —

- (a) Premier Daniel Andrews announced on Sunday, 7 February 2016 that the Government was proceeding with a rail over road 'Sky Rail' for almost nine kilometres of the rail corridor between Caulfield and Dandenong as part of the Government's commitment to remove level crossings;
- (b) this announcement was at variance with the community's understanding of the Government's election commitment and the community has not been properly consulted since the election;
- (c) while this House supports the removal of level crossings, the Government has no mandate to remove level crossings with an extended elevated railway option given its visual impacts, potential noise impacts and the lack of community support; and

(2) calls on the Andrews Government to —

- (a) listen to the community;
- (b) complete a full Environmental Effects Statement;
- (c) ensure key planning powers remain with local councils given the impact of these proposals on adjacent public and private land and the need to integrate other local planning objectives; and
- (d) pursue an alternative model consistent with its election promise which sees rail put under road.

On the motion of Mr Ondarchie, the debate was adjourned until later this day.

**14 RETIREMENT HOUSING SECTOR — COMMITTEE REFERRAL** — Ms Hartland moved, by leave in an amended form, That, pursuant to Sessional Order 6, this House requires the Legal and Social Issues Committee to inquire into, consider and report, no later than 1 March 2017, on the operation and regulation of the retirement housing sector (including retirement villages, caravan parks, residential parks and independent living units) with the aim of identifying opportunities for improvement and reform and, in particular, the Committee should consider —

- (1) existing legislation that relates to retirement housing, in particular, recommendations for reform of retirement housing legislation to ensure it —
  - (a) reflects the diversity of retirement housing types;

- (b) includes proper consumer protections, dispute resolution procedures, fair pricing, and consistent, simplified management standards and regulations across the sector; and
- (c) has a focus on dignity, respect, appropriate care and quality of life for retirees;
- (2) comparable reviews and recommendations for reform in other Australian and overseas jurisdictions;
- (3) the experiences and views of residents of retirement housing and their families and retirement housing owners and managers; and
- (4) the option to appoint a Retirement Housing Ombudsman.

Debate ensued.

Mr O'Donohue moved, as amendments —

1. Omit “pursuant to Sessional Order 6, this House requires the Legal and Social Issues Committee” and insert “pursuant to section 33 of the *Parliamentary Committees Act 2003*, this House requires the Family and Community Development Committee”.
2. In paragraph (4) omit “Ombudsman.” and insert “Ombudsman; and”
3. After paragraph (4) insert —  
“(5) the impact of local government rating on retirement housing.”.

Debate ensued.

Question — That amendment No. 1 moved by Mr O'Donohue be agreed to — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins, Ms Crozier, Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Purcell, Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.  
(*Tellers: Mr Dalla-Riva and Mr Drum*)

NOES, 22

Mr Barber, Mr Bourman, Mr Dalidakis; Ms Dunn, Mr Eideh; Mr Elasmr; Ms Hartland, Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten, Ms Pennicuik, Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle, Ms Symes; Ms Tierney, Mr Young.  
(*Tellers: Ms Dunn and Mr Somyurek*)

Question negatived.

Question — That amendment Nos. 2 and 3 moved by Mr O'Donohue be agreed to — put and agreed to.

Question — That, pursuant to Sessional Order 6, this House requires the Legal and Social Issues Committee to inquire into, consider and report, no later than 1 March 2017, on the operation and regulation of the retirement housing sector (including retirement villages, caravan parks, residential parks and independent living units) with the aim of identifying opportunities for improvement and reform and, in particular, the Committee should consider —

- (1) existing legislation that relates to retirement housing, in particular, recommendations for reform of retirement housing legislation to ensure it —
  - (a) reflects the diversity of retirement housing types;
  - (b) includes proper consumer protections, dispute resolution procedures, fair pricing, and consistent, simplified management standards and regulations across the sector; and
  - (c) has a focus on dignity, respect, appropriate care and quality of life for retirees;
- (2) comparable reviews and recommendations for reform in other Australian and overseas jurisdictions;
- (3) the experiences and views of residents of retirement housing and their families and retirement housing owners and managers; and
- (4) the option to appoint a Retirement Housing Ombudsman; and
- (5) the impact of local government rating on retirement housing — put and agreed to.

**15 SKY RAIL PROPOSAL** — Debate resumed on the question, That this House —

- (1) notes that —
- (a) Premier Daniel Andrews announced on Sunday, 7 February 2016 that the Government was proceeding with a rail over road ‘Sky Rail’ for almost nine kilometres of the rail corridor between Caulfield and Dandenong as part of the Government’s commitment to remove level crossings;
  - (b) this announcement was at variance with the community’s understanding of the Government’s election commitment and the community has not been properly consulted since the election;
  - (c) while this House supports the removal of level crossings, the Government has no mandate to remove level crossings with an extended elevated railway option given its visual impacts, potential noise impacts and the lack of community support; and
- (2) calls on the Andrews Government to —
- (a) listen to the community;
  - (b) complete a full Environmental Effects Statement;
  - (c) ensure key planning powers remain with local councils given the impact of these proposals on adjacent public and private land and the need to integrate other local planning objectives; and
  - (d) pursue an alternative model consistent with its election promise which sees rail put under road.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

**16 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.**17 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.18 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 58 — Thursday, 25 February 2016

1 The President took the Chair and read the Prayer.

2 **PAPERS — PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Minister’s Order of 20 December 2015 giving approval to the granting of a lease and licence at Sandy Point Foreshore.

\* \* \* \* \*

**PROCLAMATION** — Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Local Government Amendment (Improved Governance) Act 2015 — remaining provisions — 1 March 2016 (*Gazette No. S25, 23 February 2016*).

3 **STANDING COMMITTEES** — Mr Barber moved, by leave, That —

- (1) Ms Dunn be a participating member of the Standing Committee on Economy and Infrastructure; and
- (2) Ms Hartland be a participating member of the Standing Committee on Legal and Social Issues.

Question — put and agreed to.

4 **MINISTERS’ STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

5 **MEMBERS’ STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.



**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 226 be postponed until later this day.

**7 KARDINIA PARK STADIUM BILL 2015** — 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.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2 be postponed until later this day.

**9 CROWN LAND LEGISLATION AMENDMENT (CANADIAN REGIONAL PARK AND OTHER MATTERS) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

An amendment proposed to be moved in Committee by Mr Barber was circulated.

Debate continued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Port of Melbourne sale** — substantive question asked by Mr Ondarchie — response from Mr Jennings due Wednesday, 9 March 2016.
- **Skyrail business case** — supplementary question asked by Mr Davis — response from Mr Jennings due Wednesday, 9 March 2016.
- **Plastic shopping bags** — supplementary question asked by Ms Springle — response from Mr Jennings due Wednesday, 9 March 2016.
- **All-terrain vehicles safety standards** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Wednesday, 9 March 2016.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**12 CROWN LAND LEGISLATION AMENDMENT (CANADIAN REGIONAL PARK AND OTHER MATTERS) BILL 2015** — 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 ordered to be committed to a Committee of the whole later this day.

**13 TRANSPORT ACCIDENT AMENDMENT BILL 2015** — 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 ordered to be committed to a Committee of the whole later this day.

**14 DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Jennings, the debate was adjourned until later this day.

**15 TARGET ONE MILLION** — Ms Pulford moved, That this House notes the progress the Andrew's Labor Government has made to implement its *Target One Million* plan to get more people fishing, more often, specifically —

- (1) that recreational fishing contributes \$2.3 billion to our social and economic wellbeing and it encourages kids and families to get outdoors and learn more about our environment;
- (2) increase fish stocking; and
- (3) the progress on halting commercial netting in Port Phillip and Corio Bays.

Debate ensued.

Mr Ondarchie moved, That the debate be adjourned until the next day of meeting.

Question — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

(Tellers: Ms Crozier and Mr Davis)

NOES, 15

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

(Tellers: Mr Mulino and Ms Shing)

Question agreed to.

- 16 CHILDREN LEGISLATION AMENDMENT BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005 to improve the operation of that Act and to amend the Commission for Children and Young People Act 2012 in relation to the disclosure of information under that Act and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

- 17 JUDICIAL COMMISSION OF VICTORIA BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Constitution Act 1975 to establish the Judicial Commission of Victoria under that Act, to provide for investigations into judicial officers and non-judicial members of VCAT, to make consequential and other amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 18 HEALTH COMPLAINTS BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for a complaints process and other processes about health service provision and related matters, to establish the office of Health Complaints Commissioner and the Health Complaints Commissioner Advisory Council, to repeal the Health Services (Conciliation and Review) Act 1987, to make minor and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

- 19 RACING AND OTHER ACTS AMENDMENT (GREYHOUND RACING AND WELFARE REFORM) BILL 2015** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Racing Act 1958 in relation to Greyhound Racing Victoria, the GRV Racing Appeals and Disciplinary Board, the Racing Integrity Commissioner, the use of animals as lures in greyhound races, certain enforcement powers and the use or disclosure of information, to amend the Domestic Animals Act 1994 in relation to codes of practice for the keeping of certain greyhounds and fees to be given by Greyhound Racing Victoria to the Treasurer, to amend the Prevention of Cruelty to Animals Act 1986 in relation to the time for charging certain offences under that Act and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Drum), the debate was adjourned for one week.

- 20 DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015** — By leave, amendments proposed to be moved in Committee by Mr Jennings were circulated.

- 21 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 8 March 2016.

Question — put and agreed to.

- 22 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 8.39 p.m., adjourned until Tuesday, 8 March 2016.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 56, 57 and 58

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**Tuesday, 23 February 2016**

### **1 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2015**

**Clauses 1 to 22** — put and agreed to.

**Clause 23** — Ms Pennicuik moved —

1. Clause 23, page 26, line 15, omit all words and expressions on that line.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Dunn)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman, Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Drum and Ms Patten)*

Question negatived.

Ms Pennicuik moved —

2. Clause 23, page 27, line 32, after "may" insert "before 1 July 2020".

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

Clause 23 — put and agreed to.

**Clauses 24 to 41** — put and agreed to.

**Bill reported without amendment.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 59, 60 and 61

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#### No. 59 — Tuesday, 8 March 2016

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 1 March 2016, given the Royal Assent to the following Acts presented to her by the Deputy Clerk of the Legislative Assembly:  
*Assisted Reproductive Treatment Amendment Act 2016*  
*Kardinia Park Stadium Act 2016.*

- 3 **JOINT SITTING — SENATE VACANCY, VICTORIAN HEALTH PROMOTION FOUNDATION AND VICTORIAN RESPONSIBLE GAMBLING FOUNDATION** — The President —
  - (1) announced the receipt of a Message from the Governor transmitting a letter from the President of the Senate notifying that a vacancy had occurred in the Senate through the resignation of Senator the Honourable Michael Ronaldson;
  - (2) read a letter from the Minister for Health dated 1 February 2015 requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to elect three Members for appointment to the Victorian Health Promotion Foundation (VicHealth);
  - (3) read a letter from the Minister for Consumer Affairs, Gaming and Liquor Regulation dated 15 January 2015 requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to elect three Members for appointment to the Board of the Victorian Responsible Gambling Foundation; and
  - (4) read a Message from the Assembly informing the Council that they had agreed to meet the Council to choose a person to hold the seat in the Senate rendered vacant by the resignation of Senator the Honourable Michael Ronaldson, to elect three Members to the Victorian Health Promotion Foundation and to elect three Members to the Board of the Victorian Responsible Gambling Foundation.

On the motion of Mr Jennings, the Assembly's Message was taken into consideration forthwith.

Mr Jennings moved, by leave, That this House meets with the Legislative Assembly for the purpose of sitting and voting together to —

- (1) choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Michael Ronaldson;
- (2) elect three Members to the Victorian Health Promotion Foundation; and
- (3) elect three Members to the Victorian Responsible Gambling Foundation Board —  
and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 9 March 2016 at 6.45 p.m.

Question put and agreed to.

Message sent to the Assembly informing them accordingly.

- 4 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Parkville Youth Justice Centre** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 9 March 2016.
- **Commercial kangaroo harvesting** — supplementary question asked by Mr Barber — response from Ms Pulford due Wednesday, 9 March 2016.

- 5 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 6 PETITIONS** —

**SKY RAIL** — Mr Davis presented a Petition bearing 694 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its Sky Rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

Ordered to lie on the Table.

\* \* \* \* \*

**SKY RAIL** — Mr Davis presented a Petition bearing 132 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to hold off announcing a preferred tenderer for Sky Rail until community consultation has been taken into account.

Ordered to lie on the Table.

- 7 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 3 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 2 March 2016 giving approval to the granting of a lease at Albert Park.

Emergency Services Superannuation Act 1986 — Report on the Actuarial Investigation of the Emergency Services Superannuation Scheme as at 30 June 2015.

Falls Creek Alpine Resort Management Board — Minister's report of failure to submit 2014-15 report to the Minister within the prescribed period.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C186.

Baw Baw, Frankston, Melbourne, Monash, Port Phillip and Stonnington Planning Schemes — Amendment GC41.

Banyule Planning Scheme — Amendment C101.

Benalla Planning Scheme — Amendment C31.

Brimbank Planning Scheme — Amendment C166.

Buloke Planning Scheme — Amendment C29.

Cardinia Planning Schemes — Amendments C189 and C207.

Casey Planning Scheme — Amendments C215.

Darebin Planning Scheme — Amendment C133 (Part 2).

Frankston Planning Scheme — Amendment C109.

Golden Plains Planning Scheme — Amendment C70.

Greater Geelong Planning Schemes — Amendment C333.



- Greater Shepparton Planning Schemes — Amendments C143, C162, C180, C181 and C183.
- Knox Planning Scheme — Amendment C147.
- Manningham Planning Scheme — Amendment C110.
- Melton Planning Scheme — Amendment C138.
- Mitchell Planning Scheme — Amendment C92.
- Monash Planning Scheme — Amendment C122 (Part 2).
- Moonee Valley Planning Schemes — Amendments C149 and C154.
- Murrindindi Planning Scheme — Amendment C46.
- Nillumbik Planning Scheme — Amendment C85.
- Northern Grampians Planning Scheme — Amendment C44.
- Strathbogie Planning Scheme — Amendment C70.
- Whitehorse Planning Scheme — Amendment C183.
- Wyndham Planning Schemes — Amendments C183 and C199.
- Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2014-15.
- Statutory Rules under the following Acts of Parliament —
  - Children, Youth and Families Act 2005 — No. 7.
  - Fisheries Act 1995 — No. 8.
  - Subordinate Legislation Act 1994 — No. 6.
  - Water Industry Act 1994 — No. 5.
  - Working with Children Act 2005 — No. 9.
- Subordinate Legislation Act 1994 —
  - Documents under section 15 in respect of Statutory Rules Nos. 6 to 9.
  - Legislative Instrument and related documents under section 16B in respect of Gambling Regulation Act 2003 — Notice fixing the value of the supervision charge for 2014-15, dated 16 February 2016.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:  
 Gambling Legislation Amendment Act 2015 — Part 4 — 2 March 2016 (*Gazette No. S34, 1 March 2016*).

- 8 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 9 March 2016:
- (1) Notice of Motion No. 228 standing in the name of Ms Wooldridge, relating to the continuing failure of the Government to comply with certain orders for the production of documents;
  - (2) Order of the Day No. 2, resumption of debate on the Upholding Australian Values (Protecting Our Flags) Bill 2015;
  - (3) Order of the Day No. 33, resumption of debate on the motion relating to community consultation for Sky Rail; and
  - (4) Notice of Motion No. 223 standing in the name of Mrs Peulich, calling on the Labor Party to return donations received from the CFMEU.
- Question — put and agreed to.
- 9 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.
- 10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 11 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion, Government Business, Nos. 25 to 221 and Order of the Day, Government Business, No.1 be postponed until later this day.
- 12 EDUCATION AND TRAINING REFORM AMENDMENT (VICTORIAN INSTITUTE OF TEACHING) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.
- Amendments proposed to be moved in Committee by Mrs Peulich were circulated.

Debate continued.

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.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos.3 to 9 be postponed until later this day.

**14 CHILDREN LEGISLATION AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Crozier were circulated.

Debate continued.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Springle.*

**15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.50 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 60 — Wednesday, 9 March 2016

1 The President took the Chair and read the Prayer.

**2 PETITION — WHITTLESEA PLANNING AMENDMENT C181** — Mr Ondarchie presented a Petition bearing 557 signatures from certain citizens of Victoria requesting that the Legislative Council move to revoke Whittlesea Planning Amendment C181.

Ordered to lie on the Table.

**3 PAPERS —**

**LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE — INQUIRY INTO FUEL DRIVE-OFFS** — Mr Eideh presented a Report from the Law Reform, Road and Community Safety Committee on the Inquiry into Fuel Drive-Offs (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Eideh moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Digital Dashboard: Status Review of ICT Projects and Initiatives – Phase 2, March 2016 (*Ordered to be published*).

Grants to Non-Government Schools, March 2016 (*Ordered to be published*).

**4 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 PRODUCTION OF DOCUMENTS — SUSPENSION OF LEADER OF THE GOVERNMENT** — Ms Wooldridge moved, That this House —

- (1) notes the continuing failure of the Leader of the Government, on behalf of the Government, to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —
  - (a) 11 February 2015 in respect of port of Melbourne documents;
  - (b) 25 February 2015 in respect of West Gate distributor documents;
  - (c) 25 February 2015 in respect of Australian Formula One Grand Prix documents;
  - (d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;
  - (e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and
  - (f) 5 August 2015 in respect of Peter Mac Private Hospital documents;
- (2) notes the failure of the Government to comply with the further resolution of the Council of 19 August 2015 reaffirming the requirement for the Leader of the Government to table in the Council the documents outlined in (1)(a) to (f);
- (3) notes that the Government's continuing failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;
- (4) reaffirms the privileges, immunities and powers conferred on it by section 19 of the *Constitution Act 1975*, which includes the right to require the production of documents, and the power to make Standing Orders under section 43 of that Act;
- (5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise Executive behaviour;
- (6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;
- (7) condemns the Government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria;
- (8) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure, on behalf of the Government, to comply, to the satisfaction of the Council, with the resolutions of the Council outlined in (1)(a) to (f) and further resolution of 19 August 2015;
- (9) suspends the Leader of the Government from the service of the Council from 12 noon on the next Tuesday the Council sits following the adoption of this resolution;
- (10) in the event that the documents specified in the resolutions of the Council outlined in (1)(a) to (f) are subsequently lodged with the Clerk, a Member may move at any time, providing there is no question before the Chair, 'That the suspension of the Leader of the Government be lifted';
- (11) for the purposes of a motion moved in accordance with (10), Standing Orders are suspended to the extent necessary so as to provide for the motion —
  - (a) to be a procedural motion for the purposes of Standing Order 5.03;
  - (b) to take precedence over all other business;
  - (c) to be put without amendment; and
  - (d) in the event that it is negatived, to be put again on a subsequent sitting day;
- (12) notwithstanding the terms of this resolution, a suspension of the Leader of the Government in accordance with (9) ceases to have effect on the day that is six months after the day such a suspension came into effect.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 7 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Crown Casino gambling report** — substantive and supplementary questions asked by Ms Hartland — response from Mr Dalidakis due Tuesday, 22 March 2016.
- **Sale of synthetic cannabis** — supplementary question asked by Mrs Peulich — response from Mr Dalidakis due Tuesday, 22 March 2016.

- 8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 9 PRODUCTION OF DOCUMENTS — SUSPENSION OF LEADER OF THE GOVERNMENT** — Debate continued on the question, That this House —

- (1) notes the continuing failure of the Leader of the Government, on behalf of the Government, to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —
  - (a) 11 February 2015 in respect of port of Melbourne documents;
  - (b) 25 February 2015 in respect of West Gate distributor documents;
  - (c) 25 February 2015 in respect of Australian Formula One Grand Prix documents;
  - (d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;
  - (e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and
  - (f) 5 August 2015 in respect of Peter Mac Private Hospital documents;
- (2) notes the failure of the Government to comply with the further resolution of the Council of 19 August 2015 reaffirming the requirement for the Leader of the Government to table in the Council the documents outlined in (1)(a) to (f);
- (3) notes that the Government's continuing failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;
- (4) reaffirms the privileges, immunities and powers conferred on it by section 19 of the *Constitution Act 1975*, which includes the right to require the production of documents, and the power to make Standing Orders under section 43 of that Act;
- (5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise Executive behaviour;
- (6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;
- (7) condemns the Government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria;
- (8) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure, on behalf of the Government, to comply, to the satisfaction of the Council, with the resolutions of the Council outlined in (1)(a) to (f) and further resolution of 19 August 2015;
- (9) suspends the Leader of the Government from the service of the Council from 12 noon on the next Tuesday the Council sits following the adoption of this resolution;
- (10) in the event that the documents specified in the resolutions of the Council outlined in (1)(a) to (f) are subsequently lodged with the Clerk, a Member may move at any time, providing there is no question before the Chair, 'That the suspension of the Leader of the Government be lifted';

- (11) for the purposes of a motion moved in accordance with (10), Standing Orders are suspended to the extent necessary so as to provide for the motion —
- (a) to be a procedural motion for the purposes of Standing Order 5.03;
  - (b) to take precedence over all other business;
  - (c) to be put without amendment; and
  - (d) in the event that it is negatived, to be put again on a subsequent sitting day;
- (12) notwithstanding the terms of this resolution, a suspension of the Leader of the Government in accordance with (9) ceases to have effect on the day that is six months after the day such a suspension came into effect.

On the motion of Mr Elasmar, debate adjourned until later this day.

**10 UPHOLDING AUSTRALIAN VALUES (PROTECTING OUR FLAGS) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Bourman, the debate was adjourned until the next day of meeting.

**11 SKY RAIL PROPOSAL** — Debate resumed on the question, That this House —

- (1) notes that —
- (a) Premier Daniel Andrews announced on Sunday, 7 February 2016 that the Government was proceeding with a rail over road 'Sky Rail' for almost nine kilometres of the rail corridor between Caulfield and Dandenong as part of the Government's commitment to remove level crossings;
  - (b) this announcement was at variance with the community's understanding of the Government's election commitment and the community has not been properly consulted since the election;
  - (c) while this House supports the removal of level crossings, the Government has no mandate to remove level crossings with an extended elevated railway option given its visual impacts, potential noise impacts and the lack of community support; and
- (2) calls on the Andrews Government to —
- (a) listen to the community;
  - (b) complete a full Environmental Effects Statement;
  - (c) ensure key planning powers remain with local councils given the impact of these proposals on adjacent public and private land and the need to integrate other local planning objectives; and
  - (d) pursue an alternative model consistent with its election promise which sees rail put under road.

Question — put and agreed to.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

**12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**13 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.15 p.m. adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 61 — Thursday, 10 March 2016

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**SKY RAIL** — Mrs Peulich presented a Petition bearing 798 signatures from certain citizens of Victoria requesting the Government immediately rule out a Sky Rail design for Cheltenham,

Edithvale, Bonbeach, Carrum, Seaford and Frankston and ensure that local level crossings be undergrounded like Springvale.

Ordered to lie on the Table.

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

\* \* \* \* \*

**RUSKIN PARK** — Mr Leane presented a Petition bearing 273 signatures from certain citizens of Victoria requesting that the Legislative Council calls on the Minister for Planning to use his power to limit new planning applications in the specified Ruskin Park Area to no more than dual occupancy until the new Maroondah Housing Strategy is implemented.

Ordered to lie on the Table.

**3 PAPERS — PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Subordinate Legislation Act 1994 — Legislative Instrument and related documents under section 16B in respect of the Victoria Racing Club Act 2006 — Victoria Racing Club Amendment Regulations 2016, dated 25 February 2016.

**4 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 22 March 2016.

Question — put and agreed to.

**5 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 234 be postponed until later this day.

**8 DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Jennings were circulated in substitution of those previously circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 33

Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Finn and Ms Shing*)

NOES, 7

Mr Atkinson; Mr Barber; Dr Carling-Jenkins; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.  
(*Tellers: Dr Carling-Jenkins and Ms Springle*)

Question agreed to.

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

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**LONGFORD GAS PIPELINE — SKY RAIL** — Mr Jennings having given answers to a question without notice and supplementary question relating to the Longford Gas Pipeline and Sky Rail —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

**START CON — MINISTERIAL AND DEPARTMENT EXPENSES** — Mr Dalidakis having given answers to a question without notice and supplementary question relating Start Con Ministerial and Department expenses —

On the motion of Mr Ondarchie, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Longford Gas Pipeline – Sky Rail** — supplementary question asked by Mr Davis — response from Mr Jennings due Wednesday, 23 March 2016.
- **Mernda Rail Map** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Jennings due Wednesday, 23 March 2016.
- **Child respiratory health – impact of road works** — substantive and supplementary questions asked by Ms Hartland — response from Mr Jennings due Wednesday, 23 March 2016.
- **Timber industry worker qualifications** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Tuesday, 22 March 2016.
- **Duck hunting – State reserve baiting program** — substantive question asked by Mr Young — response from Ms Pulford due Tuesday, 22 March 2016.
- **Small business – Government invoice payment process** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Mr Jennings due Wednesday, 23 March 2016.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015** — Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Mr Jennings moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(Tellers: Mr Melhem and Mr Young)

NOES, 6

Mr Barber; Dr Carling-Jenkins; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

(Tellers: Ms Dunn and Ms Pennicuik)

Question agreed to.

Bill read a third time.

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

- 12 CHILDREN LEGISLATION AMENDMENT BILL 2016** — 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.  
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 ROOMING HOUSE OPERATORS BILL 2015** — The Acting President read a Message from the Assembly presenting a *Bill for an Act to improve the operation of rooming houses by establishing a licensing scheme for rooming house operators and to make consequential amendments to the Australian Consumer Law and Fair Trading Act 2012, the Business Licensing Authority Act 1998, the Estate Agents Act 1980, and the Residential Tenancies Act 1997 and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Mikakos (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.  
Ms Mikakos moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.
- 14 NATIONAL ELECTRICITY (VICTORIA) FURTHER AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the National Electricity (Victoria) Act 2005 to apply in Victoria certain provisions of the National Electricity Law and to amend the National Electricity Rules as in force in Victoria to implement certain retail customer connection arrangements and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Mikakos (Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.  
Ms Mikakos moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr Drum), the debate was adjourned for one week.
- 15 VICTORIA POLICE AMENDMENT (MERIT-BASED TRANSFER) BILL 2016** — The Acting President read a Message from the Assembly presenting a *Bill for an Act to amend the Victoria Police Act 2013 in relation to the transfer of certain police officers and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Mikakos (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.  
Ms Mikakos moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.
- 16 OCCUPATIONAL LICENSING NATIONAL LAW REPEAL BILL 2015** — The Acting President read a Message from the Assembly presenting a *Bill for an Act to repeal the Occupational Licensing National Law Act 2010 and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Mikakos (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.



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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**17 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.17 p.m. adjourned until Tuesday, 22 March 2016.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 59, 60 and 61

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**Tuesday, 8 March 2016**

### 1 EDUCATION AND TRAINING REFORM AMENDMENT (VICTORIAN INSTITUTE OF TEACHING) BILL 2015

**Clause 1** — Mrs Peulich moved —

1. Clause 1, lines 4 to 8 and page 2, lines 1 to 3, omit all words and expressions on these lines and insert "**Education and Training Reform Act 2006** to provide power for the Victorian Institute of Teaching to suspend the registration of a registered teacher if there is an unacceptable risk of harm to children."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Lovell and Mr Morris)*

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Hartland and Mr Melhem)*

The Ayes and Noes being equal, the question was negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 17** — put and agreed to.

**Clause 18** — Mrs Peulich moved —

9. Clause 18, line 3, omit "1 December 2017" and insert "the first anniversary of its commencement".

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

Clause 18 — put and agreed to.

**Bill reported without amendment.**

**Thursday, 10 March 2016**

### 1 DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015

**Clauses 1 to 10** — put and agreed to.

**Clause 11** — Mr Jennings moved —

1. Clause 11, lines 24 to 32, omit all words and expressions on these lines and insert—  
"( ) For the purposes of subsection (1)(b) and (c), the specified period is—  
(a) 50 years; or

(b) if the Premier makes an order under subsection (3), the period determined under that order."

2. Clause 11, page 11, line 2, omit "(2)(a)" and insert "(2)(b)".
3. Clause 11, page 11, lines 8 and 9, omit all words and expressions on these lines.
4. Clause 11, page 11, line 12, omit "(6)" and insert "(5)".

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

Clause 11, as amended — put and agreed to.

**Clauses 12 to 14** — put and agreed to.

**Clause 15** — Mr Jennings moved —

5. Clause 15, line 12, after "infrastructure" insert "(including regional infrastructure)".

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

Mr Jennings moved —

6. Clause 15, after line 12 insert—

"(iii) rail infrastructure projects for improving rail access, including any rail infrastructure project for improving access identified as an option in a Rail Access Strategy prepared under Part 6C of the **Port Management Act 1995**; and".

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

Mr Jennings moved —

7. Clause 15, after line 17 insert—

"( ) The amounts authorised by the Treasurer to be paid out of the Victorian Transport Fund to fund the cost of all or any part of the development of regional infrastructure projects must equate to, in aggregate, at least 10% of the net transaction proceeds.

( ) In addition, the amounts authorised by the Treasurer to be paid out of the Victorian Transport Fund under subsection (1)(a) must, in any relevant period, include amounts to fund the cost of all or any part of the development of regional infrastructure projects that equate to, in aggregate, at least 10% of the amounts so authorised.

( ) However, subsection (3) ceases to apply when amounts authorised by the Treasurer to be paid out of the Victorian Transport Fund to fund the cost of all or any part of the development of regional infrastructure projects equate to, in aggregate, 10% of the net transaction proceeds."

8. Clause 15, line 26, omit "deliver." and insert "deliver;".

9. Clause 15, after line 26 insert—

**"net transaction proceeds** means the transaction proceeds paid into the Victorian Transport Fund under section 12(3) less any deductions made from the transaction proceeds under section 12(4);

**regional**, in relation to infrastructure, means a geographic area of Victoria that is within a municipal district of a Council or an alpine resort within the meaning of the **Alpine Resorts Act 1983** that is defined as **rural or regional Victoria** under the **Regional Development Victoria Act 2002**;

**relevant period** means any of the following—

- (a) the period of 4 years commencing on 1 July after the first lease or licence of land comprising port assets is granted to a private sector entity under section 11;
- (b) each 4 years commencing on each subsequent 1 July."

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

Clause 15, as amended — put and agreed to.

**Clauses 16 to 59** — put and agreed to.

**New Clauses to follow Clause 59** — Mr Jennings moved —

10. Insert the following Division heading and clauses to follow clause 59—

**"Division 2—Compensation payments under authorised transaction related agreements or deeds**

**Subdivision 1—Preliminary**

**AA Definitions**

In this Division—

**anchorage** has the same meaning as in the **Port Management Act 1995**;  
**capacity expansion proposal** means a proposal for a port or terminal capacity expansion;  
**Commission** means the Essential Services Commission established under the **Essential Services Commission Act 2001**;

**Dedicated Channels** has the meaning given by section 45 of the **Port Management Act 1995**;

**ESC Minister** means the Minister administering Part 2 of the **Essential Services Commission Act 2001**;

**existing port or terminal capacity** means—

- (a) infrastructure at the port of Melbourne, as at the commencement of this section, used to handle international containers; and
- (b) infrastructure constructed at the port of Melbourne to handle international containers as part of the development declared in the nomination order under the **Project Development and Construction Management Act 1994**, dated 4 September 2012 and published in the Government Gazette on 7 September 2012;

**handling**, in relation to a container, includes loading, unloading, transporting or storing;

**least cost capacity expansion principles Order** means an Order made under section 72;

**Port Growth Regime payment provision** has the meaning given by section 61;

**Port Growth Regime waiver provision** has the meaning given by section 62;

**port lessee** means a lessee under a port of Melbourne lease;

**port of Melbourne land** has the same meaning as in the **Port Management Act 1995**;

**port of Melbourne lease** has the same meaning as in section 59;

**port of Melbourne operator** has the same meaning as in the **Port Management Act 1995**;

**port or terminal capacity expansion** means an expansion in the capacity of infrastructure, or development of new infrastructure, at the port of Melbourne to handle international containers;

**Ports Minister** means the Minister administering Part 6B of the **Port Management Act 1995**;

**provision of channels** has the same meaning as in the **Port Management Act 1995**;

**relevant services** means any of the following—

- (a) the provision of channels (except anchorages) for use by shipping in port of Melbourne waters, including the Shared Channels used by vessels bound either for the port of Melbourne or for the port of Geelong and the Dedicated Channels used by vessels bound for the port of Melbourne;
- (b) the provision of berths, buoys or dolphins in connection with the berthing of vessels in the port of Melbourne;
- (c) the provision of short-term storage or cargo marshalling facilities in connection with the loading or unloading of vessels at berths, buoys or dolphins in the port of Melbourne;
- (d) the provision of access to, or allowing the use of, places or infrastructure (including wharves, slipways, gangways, roads and rail infrastructure) on port of Melbourne land for the provision of services to port users;

**Examples**

Tanker, wharf and water inspection services, and security services, are kinds of services that are provided to port users on port of Melbourne land.

**Shared Channels** has the same meaning as in section 45 of the **Port Management Act 1995**;

**State sponsored port** has the same meaning as in section 49R of the **Port Management Act 1995**;

**vessel** has the same meaning as in the **Marine Safety Act 2010**.

**BB Meaning of Port Growth Regime payment provision**

(1) A **Port Growth Regime payment provision** is a provision that—

- (a) is contained in an agreement or deed connected with an authorised transaction; and
- (b) requires a public sector entity to make a payment (including a payment of damages or a lump sum) to an entity specified in subsection (2)—

- (i) in relation to, or because of, or calculated by reference to the handling of international containers at a port in Victoria other than the port of Melbourne; or
- (ii) in relation to, or because of, or calculated by reference to a factor that is a proxy for the handling of international containers at a port in Victoria other than the port of Melbourne; or
- (iii) in relation to the development, or an announcement by the State of the proposed development, of international container facilities at a port in Victoria other than the Port of Melbourne.

**Note**

A public sector entity includes the State—see section 3.

- (2) For the purposes of subsection (1), a specified entity is—
  - (a) the port of Melbourne operator; or
  - (b) an associated entity of the port of Melbourne operator; or
  - (c) any other person but only to the extent that the person receives the payment for the benefit of the port of Melbourne operator or an associated entity of the port of Melbourne operator.

**CC Meaning of Port Growth Regime waiver provision**

- (1) A **Port Growth Regime waiver provision** is a provision that—
  - (a) is contained in an agreement or deed connected with an authorised transaction; and
  - (b) requires a public sector entity to waive a right to receive a payment, or forgo a payment, that would be otherwise payable to that entity by an entity specified in subsection (2)—
    - (i) in relation to, or because of, or calculated by reference to the handling of international containers at a port in Victoria other than the port of Melbourne; or
    - (ii) in relation to, or because of, or calculated by reference to a factor that is a proxy for the handling of international containers at a port in Victoria other than the port of Melbourne; or
    - (iii) in relation to the development, or an announcement by the State of the proposed development, of international container facilities at a port in Victoria other than the Port of Melbourne.

**Note**

A public sector entity includes the State—see section 3.

- (2) For the purposes of subsection (1), a specified entity is—
  - (a) the port of Melbourne operator; or
  - (b) an associated entity of the port of Melbourne operator.

**DD Relevant legislation for the purposes of the Essential Services Commission Act 2001**

This Division is relevant legislation for the purposes of the **Essential Services Commission Act 2001**.

**EE Ministerial guidelines about capacity expansion proposals**

- (1) The Ports Minister may issue guidelines about the form and content of a capacity expansion proposal.
- (2) The guidelines must be published in the Government Gazette and made available for inspection free of charge at the office of the Ports Minister.

**Subdivision 2—Restriction on compensation payments****FF Compensation not payable or capped in certain cases**

- (1) This section applies despite anything to the contrary in a Port Growth Regime payment provision or Port Growth Regime waiver provision or under any rule of, or principle at, law.
- (2) A public sector entity must not make any payment under a Port Growth Regime payment provision, or waive a right to receive a payment, or forgo a payment, that would be otherwise payable to it under a Port Growth Regime waiver provision, in respect of any period unless—
  - (a) international containers are handled at a port in Victoria other than the port of Melbourne during the period—
    - (i) commencing on the commencement of this section; and

- (ii) ending on the day that is 15 years after the day on which the first lease or licence of land comprising port assets is granted to a private sector entity under section 11; and
  - (b) the Port Growth Regime payment provision or Port Growth Regime waiver provision is expressed to apply to, or to be in respect of, the handling of international containers at a port in Victoria other than the port of Melbourne during the period referred to in paragraph (a).
- (3) In addition but subject to subsection (4), a public sector entity must not make a payment under a Port Growth Regime payment provision, or waive a right to receive a payment, or forgo a payment, that would be otherwise payable to it under a Port Growth Regime waiver provision, other than in respect of—
- (a) existing port or terminal capacity; or
  - (b) a port or terminal capacity expansion the proposal for which has been approved under section 66 or certified under section 68.
- (4) A public sector entity must not pay any amount in respect of any payment under a Port Growth Regime payment provision, or waive the right to any amount, or forgo any amount, that would be otherwise payable to it under a Port Growth Regime waiver provision, as permitted under subsection (2) or (3), the values of which, in aggregate, exceed the capped amount.
- (5) A public sector entity is not to be regarded as breaching or being in default of, or repudiating or terminating, an agreement or deed connected with an authorised transaction by relying on this section and—
- (a) not making a payment under a Port Growth Regime payment provision; or
  - (b) not waiving the right to any amount, or forgoing any amount, that would be otherwise payable to it under a Port Growth Regime waiver provision.
- (6) To avoid doubt, subsection (4) does not affect any obligation a public sector entity has to make a payment of an amount under a Port Growth Regime payment provision, or waive the right to any amount, or forgo any amount, that would be otherwise payable to it under a Port Growth Regime waiver provision, if the value of any amounts in aggregate, are less than or equal to the capped amount.
- (7) In this section—

**capped amount** means—

- (a) for the first financial year in respect of which the first payment under a Port Growth Regime payment provision is due, or the first financial year in respect of which the right to the payment of an amount has been waived, or a payment has been forgone, under a Port Growth Regime waiver provision, as permitted under subsection (2) or (3)—the amount equating to 15% of all revenue earned by the port of Melbourne operator by providing relevant services in the financial year immediately preceding that year; and
- (b) for each subsequent financial year, the amount determined in accordance with the following formula—

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

where—

- A** is the capped amount for the financial year;
- B** is the CPI number published for the quarter ending immediately before 1 July of the financial year;
- C** is the CPI number published for the quarter ending immediately before 1 July of the previous financial year;
- D** is—
  - (a) for the first financial year after the financial year to which paragraph (a) applies, the capped amount referred to in that paragraph; and
  - (b) for each subsequent financial year, the amount determined in accordance with this formula for the previous financial year;

**CPI number** means the Consumer Price Index (All Groups Index Number weighted average of eight capital cities) published by the Australian Bureau of Statistics (or any other index published in substitution for that index).

### Subdivision 3—Approval of capacity expansion proposals by Minister

#### GG Approval of material increases in capacity for the handling of international containers at the port of Melbourne

- (1) Subject to this section, a port lessee or the port of Melbourne operator (a **proponent**) may submit a capacity expansion proposal to the Ports Minister.
- (2) A capacity expansion proposal that is submitted under subsection (1) must only be for a material port or terminal capacity expansion.
- (3) A capacity expansion proposal cannot be submitted under subsection (1) for a port or terminal capacity expansion in respect of which works have commenced.
- (4) If there are guidelines in effect under section 64 in respect of the form and content of a capacity expansion proposal, the proponent must submit a capacity expansion proposal under subsection (1) that accords with the guidelines.
- (5) On receiving a capacity expansion proposal, the Ports Minister may approve or refuse to approve the proposal.
- (6) The Ports Minister must make a decision under subsection (5) within 6 months after receiving the capacity expansion proposal.
- (7) The Ports Minister must—
  - (a) notify, in writing, the proponent of the Minister's decision under subsection (5) and give the proponent the Minister's written reasons for the decision; and
  - (b) as soon as practicable after that, publish—
    - (i) notice of the making of a decision under subsection (5) in the Government Gazette and on the Department's Internet site; and
    - (ii) a decision under subsection (5) (including the reasons for the decision) on the Department's Internet site.
- (8) An approval of a capacity expansion proposal under this section is not to be regarded as—
  - (a) authorising or approving, or not authorising or approving, works for the port or terminal capacity expansion to which the proposal relates; or
  - (b) requiring any person to commence works for a port or terminal capacity expansion to which the proposal relates.

### Subdivision 4—Certification of capacity expansion proposals by Commission

#### HH Application

This Subdivision applies if the Ports Minister—

- (a) refuses to approve a capacity expansion proposal under section 66; or
- (b) fails to make a decision under that section within the time required by that section.

#### II Application for certification

- (1) The person who submitted the capacity expansion proposal to the Ports Minister (the **applicant**) may, within 3 months after the Ports Minister has refused to approve the proposal, apply to the Commission for it to certify the proposal.
- (2) An application must attach a copy of the capacity expansion proposal.
- (3) If there are guidelines in effect under section 64 in respect of the form and content of a capacity expansion proposal, the capacity expansion proposal that the applicant attaches to the application must accord with the guidelines.

#### JJ Decision on certification by Commission

- (1) Subject to this section, the Commission must not later than 3 months after receiving an application under section 68 decide whether to certify the proposal.
- (2) In deciding whether to certify a capacity expansion proposal, the Commission must apply the principles specified in the least cost capacity expansion principles Order.
- (3) If the Commission is satisfied that the capacity expansion proposal is the least cost means of expanding the capacity of infrastructure, or developing new infrastructure, to handle international containers at a port in Port Phillip Bay or Western Port Bay, the Commission must certify the proposal.
- (4) Section 35(1) to (3) and (5) of the **Essential Services Commission Act 2001** applies to a decision of the Commission under this section as if the decision were a determination to which section 35 applies.
- (5) The Commission must also give a copy of its decision to the Ports Minister.
- (6) A decision to certify a capacity expansion proposal under this section is not to be regarded as—



- (a) authorising or approving, or not authorising or approving, works for the port or terminal capacity expansion to which the proposal relates; or
  - (b) requiring any person to commence works for a port or terminal capacity expansion to which the proposal relates.
- (7) The Commission is not subject to the direction or control of the ESC Minister in respect of any decision it makes under this section.

**KK Inquiries for the purposes of decisions on certification**

- (1) For the purpose of making a decision under section 69, the Commission must conduct and complete an inquiry into the capacity expansion proposal.
- (2) Before commencing an inquiry, the Commission must notify the Ports Minister that it will be conducting an inquiry under this section.
- (3) Part 4 and section 43 (other than subsections (4)(a) and (6)(b) of that section) of the **Essential Services Commission Act 2001** apply to an inquiry under this section.

**LL Draft report to be provided to applicant**

The Commission must—

- (a) provide a draft of a report on an inquiry under this Subdivision to the applicant; and
- (b) give the applicant an opportunity to make a written submission to the Commission on that draft report before the Commission makes its decision under section 69.

**Subdivision 5—Least cost capacity expansion principles Order**

**MM Least cost capacity expansion principles Order**

The Governor in Council, by Order published in the Government Gazette, may specify principles for the purposes of Subdivision 4.

**NN When a least cost capacity expansion principles Order takes effect**

A least cost capacity expansion principles Order takes effect—

- (a) on the day the Order is published in the Government Gazette; or
- (b) if a later day is specified in the Order, on that day.

**OO Limitation on amending or revoking a least cost capacity expansion principles Order**

A least cost capacity expansion principles Order cannot be amended or revoked except in accordance with this Subdivision.

**PP Circumstances in which a least cost capacity expansion principles Order may be amended**

Subject to section 76, a least cost capacity expansion principles Order may only be amended with the agreement of the port lessee.

**QQ Circumstances in which a least cost capacity expansion principles Order may be wholly revoked**

A least cost capacity expansion principles Order may be wholly revoked by an Order made under section 72—

- (a) if the port lessee agrees to the revocation; or
- (b) after the first lease of land comprising port assets granted to a private sector entity under section 11 ends."

Question — That the new clauses stand part of the Bill — put and agreed to.

**Clauses 60 to 68** — put and agreed to.

**Clause 69** — put and negated.

**Clauses 70 to 82** — put and agreed to.

**Clause 83** — Mr Jennings moved —

- 12. Clause 83, page 66, lines 22 to 24, omit "**upfront licence fee for a period instead of annual licence fees for that period**" and insert "**a one-off upfront licence fee for a period of up to 15 years instead of annual fees for that period**".
- 13. Clause 83, page 66, lines 26 to 28, omit "a period commencing on or after 1 July 2016 during which the port licence will be in force" and insert "a period of up to 15 years ending on or before 1 July 2032".
- 14. Clause 83, page 66, line 32, after "period" insert "in which the port licence will be in force".

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

Clause 83, as amended — put and agreed to.

**Clauses 84 to 88** — put and agreed to.

**Clause 89** — postponed.

**Clauses 90 and 91** — put and agreed to.

**Heading to Clause 92** — postponed.

**Clause 92** — Mr Jennings moved —

22. Clause 92, page 89, line 11, after "**regime**" insert "**for port of Melbourne operator**".

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

Mr Jennings moved —

23. Clause 92, page 90, line 12, omit 'appropriate.'" and insert "appropriate.".

24. Clause 92, page 90, after line 12 insert—

**"Division 2C—Complaints in relation to provision of prescribed services**

**49Q Person provided prescribed services may complain to ESC in relation to the provision of such services**

- (1) This section applies if a person who is provided prescribed services considers that the provider of those services has not, in providing the services, complied with the Pricing Order which applies to those services.
- (2) The person may complain to the Commission about the non-compliance with the Pricing Order.
- (3) On receiving a complaint under subsection (2), the Commission may investigate the complaint.
- (4) In investigating the complaint, the Commission may have regard to any matter raised or considered in—
  - (a) the Commission's most recent final published report; and
  - (b) any application to the Supreme Court under section 49P.

**Note**

The Commission must also have regard to the objectives of this Part and the objectives under section 8 of the **Essential Services Commission Act 2001** when investigating a complaint—see section 48A.

- (5) The Commission must inform the person of the outcome of its investigation of the person's complaint.
- (6) If the Commission considers that the issues raised in the complaint have not been considered or dealt with under a Pricing Order or Division 2A or 2B, the Commission may refer the complaint to the ESC Minister.

**Division 2D—Competitive neutrality pricing**

**Subdivision 1—Preliminary**

**49R Definitions**

In this Division—

**accrual building block methodology**—see section 49S;

**competitively neutral price**, for a relevant service, means the price, determined through the application of the competitively neutral pricing principles, that is the lower of—

- (a) the price which is likely to enable the recovery of the efficient costs attributable to any State cost contribution and any private cost contribution in providing the relevant service; and
- (b) the price at which the port of Melbourne operator provides a service that is economically substitutable for the relevant service, having regard to any material differences between the quality or scope of the relevant service and the quality or scope of the economically substitutable service;

**competitively neutral pricing principles** means the principles specified in an Order under section 49ZC;

**handling**, in relation to a container, includes loading, unloading, transporting or storing;

**private cost contribution** means the amount of any capital invested by a private sector entity in, or expenses incurred by a private sector entity in operating, a State sponsored port;

**private sector entity** has the same meaning as in the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**;

**relevant service** means any of the following services provided at a State sponsored port for the purpose of enabling the handling, at that port, of containers that are being transported from, or are to be transported to, a destination outside of Australia—

- (a) the provision of channels used by vessels to access the State sponsored port;
- (b) the provision of berths, buoys or dolphins in connection with the berthing of vessels carrying container cargoes in the State sponsored port;
- (c) the provision of short term storage or cargo marshalling facilities in connection with the loading or unloading of vessels carrying container cargoes at berths, buoys or dolphins in the State sponsored port;
- (d) a service that is prescribed;

**State cost contribution** means an amount reflecting the net competitive advantage conferred on or given to a State sponsored port operator and includes—

- (a) an exemption from a requirement to pay a State tax or charge; and
- (b) an exemption under a law of the State; and
- (c) an explicit or implicit guarantee of debt executed or otherwise given by the State or by a Minister on behalf of the State; and
- (d) a concessional interest rate on a loan given by a public sector entity; and
- (e) an exemption from a requirement to account for depreciation expenses; and
- (f) an exemption from a requirement to earn a commercial rate of return on assets; and
- (g) a matter or thing referred to in section 49T(2);

**State sponsored port**—see section 49T;

**State sponsored port operator** means an operator of a State sponsored port.

#### **49S Meaning of accrual building block methodology**

- (1) An **accrual building block methodology** is a methodology that—
  - (a) provides for an allowance to recover—
    - (i) a return on assets used by a State sponsored port operator to provide relevant services (the **capital base of a State sponsored port operator**); and
    - (ii) a return of the capital base of a State sponsored port operator through depreciation; and
    - (iii) the forecast efficient operating expenditure that would be incurred by a State sponsored port operator acting prudently in the provision of relevant services; and
  - (b) requires that—
    - (i) an initial capital base of a State sponsored port operator be established utilising the depreciated optimised replacement cost approach; and
    - (ii) the value of that capital base be updated on an annual basis by applying a roll forward principle that takes the opening value at the start of a financial year, adds in capital expenditure when incurred or to be incurred and deducts an amount for the return of capital; and
    - (iii) the value of any assets transferred from a public sector entity to a private sector entity that form part of a private cost contribution for a State sponsored port be included in the capital base of a State sponsored port operator of that port at a value calculated using the depreciated optimised replacement cost approach; and
  - (c) requires costs incurred by a State sponsored port operator be allocated between different types of relevant services, and other services (if any), on the basis that—
    - (i) costs that are directly attributable to a service are to be allocated to that service; and
    - (ii) costs that are not directly attributable to a service are to be allocated on the basis of the expected revenue share of that service to expected total services revenue; and

- (d) provides for the establishment of an aggregate revenue requirement that provides a State sponsored port operator with a reasonable opportunity to recover the allowances referred to in subsection (1)(a); and
  - (e) requires the aggregate revenue requirement to be used to establish the prices for relevant services that, if paid, would provide a State sponsored port operator a reasonable opportunity to recover its aggregate revenue requirement.
- (2) For the purposes of subsection (1)(a)(i), an **accrual building block methodology** must provide for the recovery of a return on assets to be determined—
- (a) by reference to that which would be required by a benchmark efficient entity providing services with a similar degree of risk and
  - (b) using an appropriate method that distinguishes between the cost of equity and debt so that a weighted average cost of capital can be derived.
- (3) An **accrual building block methodology** must not, for the purposes of subsection (1)(c), allow for the inclusion, in the capital base of a State sponsored port operator, of any value attributable to rail, road or other landside infrastructure at a place that is outside a State sponsored port operated by that operator.

#### 49T Meaning of State sponsored port

- (1) A **State sponsored port** is a port located in Port Phillip Bay (other than the port of Melbourne) or in Western Port Bay—
- (a) the main purpose of which is to handle international containers and at which containers may be handled; and
  - (b) to which a matter or thing set out in subsection (2) applies.
- (2) The following are matters or things which apply for the purposes of subsection (1)—
- (a) the port has been partially or fully constructed or is being operated by—
    - (i) a public sector entity; or
    - (ii) a private sector entity using financial support in the form of a grant from a public sector entity;
  - (b) any equity funding for construction of the port has been or is provided by or on behalf of a public sector entity on materially better terms than would be available to the operator of that port from a private sector entity;
  - (c) any debt funding for the construction of the port has been or is provided by or on behalf of a public sector entity on materially better terms than would be available to the operator of that port from a private sector entity;
  - (d) a public sector entity provides financial support or a financial concession in respect of the port that has the effect of materially reducing the cost of capital for or operating costs of the port (including the operating costs of users of the port) and that support or concession or a similar support or concession is not available to the port of Melbourne operator;
  - (e) a public sector entity provides financial support or a financial concession in respect of the costs of the transport of containers to or from the port that has the effect of materially reducing the operating costs of the transport of containers to or from the port and that support or concession, or a similar support or concession, is not available in respect of the transport of containers to or from the port of Melbourne;
  - (f) a public sector entity provides financial support or a financial concession to users of or tenants at or prospective users of or tenants at the port such that their cost of being or becoming a user or tenant of the port is materially reduced and that support or concession, or a similar support or concession, is not available to users of or tenants at or prospective users of or tenants at the port of Melbourne.

#### 49U Application

- (1) This Division applies on and after the day on which the first lease of land comprising port assets is granted to a private sector entity under section 11 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**.
- (2) This Division ceases to apply on the day on which the lease referred to in subsection (1) ends.

#### Note

The Pricing Order made under Division 2, the ongoing monitoring regime under Division 2A and the transitional enforcement regime under Division 2B apply to the port of Melbourne operator.

**Subdivision 2—Competitive neutrality pricing obligations****49V State sponsored port operator must provide services at not less than competitively neutral prices**

- (1) A State sponsored port operator must not provide a relevant service at a price that is lower than the competitively neutral price for the relevant service.
- (2) For the purposes of complying with subsection (1), a State sponsored port operator must apply the competitively neutral pricing principles.

**49W State sponsored port operator must publish relevant service prices**

A State sponsored port operator must on or before 31 May every year (the **publication date**)—

- (a) publish all prices for every relevant service it will provide in the financial year after the publication date; and
- (b) give a copy of those prices to the Commission.

**49X State sponsored port operator must keep records of relevant service prices**

- (1) A State sponsored port operator must keep records (including financial and business records) relating to the prices for relevant services the operator provides in accordance with guidelines prepared under subsection (3).
- (2) A State sponsored port operator must keep records (including financial and business records) relating to the prices for relevant services the operator provides in a manner that is consistent with guidelines prepared under subsection (3).
- (3) The Commission must prepare guidelines for the purposes of subsection (1) and (2).

**Subdivision 3—Investigation and enforcement of competitive neutrality pricing obligations****49Y Commission may be requested to inquire into relevant service prices**

- (1) This section applies if the ESC Minister or the port of Melbourne operator is of the view that a State sponsored port operator is providing, or is likely to provide, a relevant service at a price lower than the competitively neutral price for that service.
- (2) The ESC Minister or the port of Melbourne operator may request the Commission to conduct an inquiry into the price for the relevant service.
- (3) Before making a request, the ESC Minister must consult with the Minister.
- (4) A request must—
  - (a) be in writing; and
  - (b) set out the grounds on which the ESC Minister or port of Melbourne operator requests the Commission to investigate the price for the relevant service; and
  - (c) include any relevant information or evidence in support of the grounds.

**49Z Commission may conduct inquiry into relevant service prices**

- (1) The Commission must, no later than 3 months after receiving a request under section 49Y—
  - (a) conduct and complete an inquiry into the subject matter of the request; and
  - (b) prepare a final report on the inquiry.
- (2) In the case of a request under section 49Y from the port of Melbourne operator, the Commission may refuse to act under subsection (1) if the Commission is of the view that the request—
  - (a) is frivolous; or
  - (b) is vexatious; or
  - (c) is without substance; or
  - (d) has been made in bad faith.
- (3) Part 4, and sections 42 to 46, of the **Essential Services Commission Act 2001** apply in respect of an inquiry under this section.
- (4) A final report on an inquiry under this section must include—
  - (a) the Commission's findings as to whether the State sponsored port operator has been providing, or is likely to provide, a relevant service at a price lower than the competitively neutral price for that service; and
  - (b) the Commission's reasons for those findings.

#### **49ZA Commission may determine minimum competitively neutral price for relevant service**

- (1) This section applies if the Commission in a final report on an inquiry under section 49Z finds that the State sponsored port operator has been providing, or is likely to provide, a relevant service at a price lower than the competitively neutral price for that service.
- (2) The Commission may make a determination that specifies the minimum competitively neutral price for the provision of the relevant service.
- (3) In addition, a determination must specify a period (not exceeding 5 years from the date the determination takes effect) during which the minimum competitively neutral price will apply to the provision of the relevant service.
- (4) Section 35(1) to (3) and (5) of the **Essential Services Commission Act 2001** applies to a determination of the Commission under this section as if the determination under this section were a determination under section 35 of that Act.

#### **49ZB Enforcement of Commission determinations**

If the Supreme Court is satisfied, on the application of the ESC Minister or the port of Melbourne operator, that a State sponsored port operator has engaged, is engaging, or is proposing to engage in conduct that constitutes a contravention of a determination under section 49ZA, the Court may make all or any of the following orders—

- (a) if the applicant is the ESC Minister—
  - (i) an order granting an injunction on such terms as the Court thinks appropriate—
    - (A) restraining the State sponsored port operator from engaging in the conduct; or
    - (B) if the conduct involves refusing or failing to do something, requiring the provider to do that thing;
  - (ii) an order directing the State sponsored port operator to pay to the State an amount up to the amount of any financial benefit that the operator has obtained directly or indirectly and that is reasonably attributable to the contravention;
  - (iii) an order directing the provider to compensate any other person who has suffered loss or damage as a result of the contravention;
- (b) if the applicant is the port of Melbourne operator, an order granting an injunction on such terms as the Court thinks appropriate—
  - (i) restraining the State sponsored port operator from engaging in the conduct; or
  - (ii) if the conduct involves refusing or failing to do something, requiring the provider to do that thing;
- (c) in all cases, any other order that the Court thinks appropriate.

#### **Subdivision 4—Competitively neutral pricing principles Order**

#### **49ZC Competitively neutral pricing principles Order**

- (1) The Governor in Council, by Order published in the Government Gazette, may specify principles for the purposes of this Division.
- (2) An Order under this section—
  - (a) must set out principles that provide for the determination of a competitively neutral price for the provision of a relevant service through the application of an accrual building block methodology; and
  - (b) may specify other principles (which may include methodologies or procedures), that are not inconsistent with paragraph (a), for the determination of a competitively neutral price for the provision of a relevant service; and
  - (c) may include any other matter or thing ancillary to, or not inconsistent with, a matter or thing referred to in paragraph (a) or (b).

#### **49ZD General powers in relation competitively neutral pricing principles Order**

An Order under section 49ZC may—

- (a) confer functions and powers on, or leave any matter to be decided by, the Commission; and
- (b) be of general or limited application; and
- (c) differ according to differences in time, place or circumstances.

#### **49ZE When a competitively neutral pricing principles Order takes effect**

An Order under section 49ZC takes effect—

- (a) on the day the Order is published in the Government Gazette; or
- (b) if a later day is specified in the Order, on that day.

**49ZF Limitation on amending or revoking a competitively neutral pricing principles Order**

An Order under section 49ZC cannot be amended or revoked except in accordance with this Subdivision.

**49ZG Circumstances in which a competitively neutral pricing principles Order may be amended**

Subject to section 49ZH, an Order under section 49ZC may only be amended with the agreement of the port of Melbourne operator.

**49ZH Circumstances in which a competitively neutral pricing principles Order may be wholly revoked**

A Order under section 49ZC may be wholly revoked by an Order made under that section—

- (a) if the port of Melbourne operator agrees to the revocation; or
- (b) after the first lease of land comprising port assets granted to a private sector entity under section 11 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016** ends."

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

Clause 92, as amended — put and agreed to.

**Postponed Clause 89** — Mr Jennings moved —

- 15. Clause 89, line 10, before "The" insert "(1)".
- 16. Clause 89, after line 15 insert—
  - "(b) to protect the interests of users of prescribed services by ensuring that prescribed prices are fair and reasonable whilst having regard to the level of competition in, and efficiency of, the regulated industry; and".
- 17. Clause 89, line 16, omit "(b)" and insert "(c)".
- 18. Clause 89, line 22, omit "(c)" and insert "(d)".
- 19. Clause 89, line 27, omit "ports." and insert "ports; and".
- 20. Clause 89, after line 27 insert—
  - "(e) to eliminate resource allocation distortions by prohibiting a State sponsored port operator from providing a relevant service at a price lower than the competitively neutral price for that service.
- (2) In this section, **competitively neutral price**, **State sponsored port operator** and **relevant services** each have the meaning given to them by section 49R."

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

Clause 89, as amended — put and agreed to.

**Postponed Heading to Clause 92** — Mr Jennings moved —

- 21. Heading to clause 92, omit "**and 2B**" and insert "**to 2D**".

Heading to Clause 92, as amended — put and agreed to.

**Clause 93** — put and agreed to.

**New Clause to follow Clause 93** — Mr Jennings moved —

- 25. Insert the following New Clause to follow clause 93—

**'RR New section 53 substituted**

For section 53 of the **Port Management Act 1995** substitute—

**"53 Conduct of inquiries**

- (1) The Commission must, not later than 6 months after the end of an inquiry period—
  - (a) conduct and complete an inquiry into the following matters—
    - (i) whether a port lessee or the port of Melbourne operator has power in the relevant market that it may exercise in relation to the process for the setting or reviewing of rents or associated payments (however described) payable by a tenant under an applicable lease;
    - (ii) whether a port lessee or the port of Melbourne operator has exercised that power in a way that has the effect of causing material detriment to

- the long term interests of Victorian consumers (a ***misuse of market power***); and
- (b) if and only if the Commission finds that there has been a misuse of market power, make recommendations to the ESC Minister about whether the provision of access to port of Melbourne land by means of an applicable lease should be subject to economic regulation, and, if so, the form of the economic regulation.
- (2) For the purposes of subsection (1)(b), the form of economic regulation may include a form of price regulation.
  - (3) Without limiting subsection (1), in conducting an inquiry under this section the Commission must have regard to—
    - (a) the processes used to establish or review rents or associated payments (however described) payable by a tenant under an applicable lease; and
    - (b) a port lessee's or the port of Melbourne operator's compliance with any processes for setting and reviewing rents or associated payments (however described) payable by a tenant under an applicable lease required under—
      - (i) a port of Melbourne lease; or
      - (ii) any agreement or arrangement entered into by the port lessee or the port of Melbourne operator in connection with a port of Melbourne lease; and
    - (c) the extent to which any rents or associated payments (however described) paid by a tenant under an applicable lease may be passed through by the tenant to users of services provided by the tenant, to those users' customers, and ultimately to Victorian consumers.
  - (4) An inquiry under this section must be conducted in accordance with Part 5 of the **Essential Services Commission Act 2001** but section 40 of that Act does not apply in respect of that inquiry.
  - (5) In this section—
 

***applicable lease*** means a sublease, or a sublease of a sublease, of leased port of Melbourne land granted by a port lessee (other than to the port of Melbourne operator) or by the port of Melbourne operator;

***inquiry period*** means any of the following—

    - (a) the period of 3 years commencing on the day on which the first lease of land comprising port assets is granted to a private sector entity under section 11 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**;
    - (b) the period of 5 years commencing on the day after the day on which the period referred to in paragraph (a) ends;
    - (c) a period of 5 years commencing on the day after the day on which a previous 5 year period ends;

***port lessee*** means a lessee under a port of Melbourne lease;

***port of Melbourne lease*** has the same meaning as in section 59 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**;

***relevant market*** means the market for access to leased port of Melbourne land by means of an applicable lease.".

Question — That the new clause stands part of the Bill — put and agreed to.

**Clause 94** — put and negated.

**Clauses 95 to 108** — put and agreed to.

**Clause 109** — Mr Jennings moved —

27. Clause 109, page 105, line 30, omit "Port" and insert "port".

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

Clause 109, as amended — put and agreed to.

**Clauses 110 to 139** — put and agreed to.



**New Clause to follow Clause 139** — Mr Jennings moved —

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

**'SS New Part 6C inserted**

After Part 6B of the **Port Management Act 1995** insert—

**"Part 6C—Port of Melbourne Rail Access Strategy****91O Definitions**

In this Part—

**direction** means a direction given under section 91U or 91V;

**guidelines** means guidelines made under section 91T;

**Port Development Strategy** has the same meaning as in Part 6B;

**port rail shuttle**—see section 91P;

**private sector entity** has the same meaning as in the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**;

**Rail Access Strategy**—see section 91Q.

**91P Meaning of port rail shuttle**

A **port rail shuttle** is a rail intermodal facility in, or in the vicinity of, the port of Melbourne that is connected to rail terminals outside the port, the purpose of which is to increase rail freight movements into and out of the port in order—

- (a) to provide an alternative to the movement of freight into and out of the port by means of road transport; and
- (b) to reduce traffic congestion on roads in and around the port caused by the movement of freight into and out of the port by means of road transport.

**91Q Rail Access Strategy**

- (1) The port of Melbourne operator must prepare a strategy (a **Rail Access Strategy**) in accordance with this Part.
- (2) The port of Melbourne operator must prepare—
  - (a) the first Rail Access Strategy within 3 years after the first lease of land comprising port assets is granted to a private sector entity under section 11 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**; and
  - (b) every other Rail Access Strategy at the same time as it prepares a Port Development Strategy under Part 6B.
- (3) The port of Melbourne operator must prepare and submit a Rail Access Strategy to the Minister.
- (4) A Rail Access Strategy must set out—
  - (a) options for rail infrastructure projects for improving rail access for the movement of freight into and out of the port of Melbourne; and
  - (b) a commercial assessment of each identified option that—
    - (i) in the case of the first Rail Access Strategy prepared under this Part, includes—
      - (A) projections of trade through the port of Melbourne; and
      - (B) current and projected transport infrastructure requirements for land and water in the port of Melbourne; and
    - (ii) in the case of every other Rail Access Strategy prepared under this Part, is consistent with the applicable Port Development Strategy for the port of Melbourne; and
    - (iii) in all cases, includes any other matter specified in the guidelines; and
  - (c) the implementation timing for each identified option.
- (5) One of the options set out in the first Rail Access Strategy must be the development of a port rail shuttle.
- (6) Every rail infrastructure project identified as an option set out in a Rail Access Strategy must be capable of being implemented within 5 years after it has been submitted to the Minister in accordance with this section.
- (7) If there are guidelines in effect in respect of the form and content of a Rail Access Strategy, and the method and process for preparation of a Rail Access Strategy, the port of Melbourne operator must prepare and submit a Rail Access Strategy to the Minister in accordance with the guidelines.

**91R Rail infrastructure project options in Rail Access Strategy are major infrastructure projects for the purposes of the Infrastructure Victoria Act 2015**

A rail infrastructure project identified as an option in a Rail Access Strategy is a major infrastructure project for the purposes of section 44 of the **Infrastructure Victoria Act 2015**.

**91S Consultation**

- (1) In preparing a Rail Access Strategy, the port of Melbourne operator must consult with—
  - (a) port of Melbourne users; and
  - (b) owners and tenants of port of Melbourne land; and
  - (c) licensees at the port of Melbourne; and
  - (d) persons who wish to design, construct or operate rail infrastructure at the port of Melbourne; and
  - (e) persons who wish to provide rail freight services at the port of Melbourne; and
  - (f) relevant government agencies; and
  - (g) any stakeholders specified in guidelines.
- (2) If there are guidelines in effect that set out a process for consultation with the persons and entities listed in subsection (1), the port of Melbourne operator must, in preparing a Rail Access Strategy, consult with those persons and entities in accordance with the guidelines.

**91T Guidelines**

- (1) The Minister may issue guidelines about any one or more of the following matters in relation to a Rail Access Strategy—
  - (a) the form;
  - (b) the content;
  - (c) the method and process for preparation;
  - (d) processes for consultation;
  - (e) stakeholders for the purposes of section 91S(1)(g);
  - (f) publication and availability.
- (2) The guidelines must be published in the Government Gazette and made available for inspection free of charge at the office of the Minister.

**91U Ministerial directions if port of Melbourne operator fails to prepare and submit a Rail Access Strategy**

- (1) This section applies if the port of Melbourne operator fails to prepare and submit a Rail Access Strategy in accordance with section 91Q.
- (2) The Minister, by written notice given to the port of Melbourne operator, may direct the operator to prepare and submit a Rail Access Strategy to the Minister by the date specified in the direction.
- (3) The date specified in a direction under subsection (2) must be at least 3 months after the date of the direction.
- (4) The port of Melbourne operator must comply with a direction given to it under subsection (2).  
Penalty: 240 penalty units.

**91V Ministerial directions if Rail Access Strategy is non-compliant**

- (1) This section applies if the Minister is of the opinion that a Rail Access Strategy submitted by the port of Melbourne operator—
  - (a) has not been prepared in accordance with the guidelines, if any; or
  - (b) does not set out the matters required to be set out under section 91Q.
- (2) The Minister, by written notice given to the port of Melbourne operator, may direct the operator to amend and resubmit the Rail Access Strategy to the Minister by the date specified in the direction.
- (3) The date specified in a direction under subsection (2) must be at least 3 months after the date of the direction.
- (4) The port of Melbourne operator must comply with a direction given to it under subsection (2).  
Penalty: 240 penalty units."

Question — That the new clause stands part of the Bill — put and agreed to.

**Clauses 140 to 152** — put and agreed to.

**Clause 153** — Mr Jennings moved —

29. Clause 153, line 26, omit 'decision—' and insert "decision; or".
30. Clause 153, after line 26 insert—
  - (f) a decision of the Commission under section 69 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**; or
  - (g) a determination of the Commission under section 49ZA of the **Port Management Act 1995**—'.
31. Clause 153, page 136, line 17, omit 'circumstances.'" and insert "circumstances;".
32. Clause 153, page 136, after line 17 insert—
  - (f) under subsection (1)(f) is that the decision—
    - (i) was not made in accordance with the law; or
    - (ii) is unreasonable having regard to all the relevant circumstances;
  - (g) under subsection (1)(g) is that the decision—
    - (i) was not made in accordance with the law; or
    - (ii) is unreasonable having regard to all the relevant circumstances.'".
33. Clause 153, page 136, line 33, omit 'made.'" and insert "made; or".
34. Clause 153, page 136, after line 33 insert—
  - (e) in the case of an appeal under subsection (1)(f), within 21 working days after the decision is made; or
  - (f) in the case of an appeal under subsection (1)(g), within 21 working days after the determination is made.'".
35. Clause 153, page 137, line 12, omit 'determined.'" and insert "determined."
36. Clause 153, page 137, after line 12 insert—
  - (9) If a person lodges an appeal under subsection (1)(f), the decision of the Commission under section 69 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016** continues in effect until the appeal is determined.
  - (10) If a person lodges an appeal under subsection (1)(g), the determination of the Commission under section 49ZA of the **Port Management Act 1995** continues in effect until the appeal is determined.'".

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

Clause 153, as amended — put and agreed to.

**Clause 154** — Mr Jennings moved —

37. Clause 154, page 138, line 15, omit 'panel.'" and insert "panel; and".
38. Clause 154, page 138, after line 15 insert—
  - (g) in the case of an appeal under section 55(1)(f), may in granting the appeal—
    - (i) affirm the decision of the Commission under section 69 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**; or
    - (ii) vary the decision; or
    - (iii) set aside the decision and remit it to the Commission for amendment of the decision in accordance with the decision and recommendations (if any) of the appeal panel; and
  - (h) in the case of an appeal under section 55(1)(g), may in granting the appeal—
    - (i) affirm the determination of the Commission under section 49ZA of the **Port Management Act 1995**; or
    - (ii) vary the determination; or
    - (iii) set aside the determination and remit it to the Commission for amendment of the determination in accordance with the decision and recommendations (if any) of the appeal panel.'".
39. Clause 154, page 138, line 18, omit "or 55(1)(e)" and insert ", 55(1)(e), 55(1)(f) or 55(1)(g)".

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

Clause 154, as amended — put and agreed to.

**Clauses 155 to 159** — put and agreed to.

**Clause 160** — Mr Jennings moved —

40. Clause 160, line 17, omit "160" and insert "177".

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

Clause 160, as amended — put and agreed to.

**Clauses 161 to 163** — put and agreed to.

**Schedule** — Mr Jennings moved —

41. Schedule 1, line 2, omit "Section 162" and insert "Section 179".

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

Schedule, as amended — put and agreed to.

**Bill reported with amendments.**

## **2 CHILDREN LEGISLATION AMENDMENT BILL 2016**

**Clauses 1 to 28** — put and agreed to.

**Bill reported without amendment.**



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 62, 63 and 64

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#### No. 62 — Tuesday, 22 March 2016

- 1 The Deputy President took the Chair and read the Prayer.
  - 2 **ASSENT TO ACTS** — The Deputy 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 15 March 2016 —  
*Children Legislation Amendment Act 2016.*  
*Education and Training Reform Amendment (Victorian Institute of Teaching) Act 2016.*
    - On 22 March 2016 —  
*Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2015.*
  - 3 **DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) BILL 2015** — The Deputy President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.
  - 4 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.  
\* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The Deputy President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:
- **Moomba Riots** — supplementary question asked by Ms Wooldridge — response from Mr Jennings due Wednesday, 23 March 2016.
  - **Auswest Timber** — substantive question asked by Ms Bath — response from Ms Pulford due Wednesday, 23 March 2016.
  - **Parks and reserves trust – funding of EBA** — substantive and supplementary questions asked by Mr Finn — response from Mr Jennings due Thursday, 24 March 2016.
  - **Ministerial mobile device security review** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Jennings due Wednesday, 23 March 2016.
  - **Transport costs for students** — substantive and supplementary questions asked by Ms Patten — response from Ms Pulford due Thursday, 24 March 2016.
- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**6 PETITIONS —**

**REVERSE CHRISTMAS CAROL BAN** — Ms Lovell presented a Petition bearing 1,793 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria ensures that the Andrews Government reverse the ban on singing traditional Christmas carols in Victorian Government schools.

Ordered to lie on the Table.

\* \* \* \* \*

**SKY RAIL** — Mr Davis presented a Petition bearing 280 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its Sky Rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

Ordered to lie on the Table.

\* \* \* \* \*

**SKY RAIL** — Mr Davis presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to hold off announcing a preferred tenderer for Sky Rail until community consultation has been taken into account.

Ordered to lie on the Table.

**7 PAPERS —**

**PARTNERSHIPS VICTORIA PROJECT SUMMARY — NEW SCHOOLS PUBLIC PRIVATE PARTNERSHIPS (PPP) PROJECT** — Mr Herbert moved, by leave, That there be laid before this House a copy of the Partnerships Victoria Project Summary for the New Schools Public Private Partnership (PPP) Project, February 2016.

Question — put and agreed to.

The Report was presented by Mr Herbert and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 4 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems 2014-15.

Municipal Association of Victoria — Report, 2014-15.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendments C189 and C199.

Buloke Planning Scheme — Amendment C31.

Cardinia Planning Scheme — Amendment C162.

Casey Planning Scheme — Amendment C206.

Glen Eira Planning Scheme — Amendment C144.

Glenelg Planning Scheme — Amendment C78.

Greater Geelong Planning Scheme — Amendments C248 and C324.

Greater Shepparton Planning Scheme — Amendment C185.

Indigo Planning Scheme — Amendment C65.

Kingston Planning Scheme — Amendment C128.

Knox Planning Scheme — Amendment C131.

Melbourne Planning Scheme — Amendment C286.

Melton Planning Scheme — Amendment C161.

Mornington Peninsula Planning Scheme — Amendment C188 (Part 2).  
 Whitehorse Planning Scheme — Amendment C155.  
 Yarra Planning Scheme — Amendment C196.  
 Yarra Ranges Planning Scheme — Amendments C138 and C151.  
 Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 5 and 10.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Kardinia Park Stadium Act 2016 — 16 March 2016 (*Gazette No. S55, 15 March 2016*).

\* \* \* \* \*

**MID-YEAR FINANCIAL REPORT 2015-16** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the 2015-16 Mid-Year Financial Report (incorporating Quarterly Financial Report No. 2).

\* \* \* \* \*

**REPORT OF THE VICTORIAN FIRE SERVICES REVIEW** — Pursuant to section 109 of the *Inquiries Act 2014*, the Clerk laid on the Table a copy of the Report of the Victorian Fire Services Review.

- 8 PRODUCTION OF DOCUMENTS — SKY RAIL** — The Clerk laid on the Table a letter from the Attorney-General dated 21 March 2016 in response to the resolution of the Council of 24 February 2016 seeking the production of documents relating to the Level Crossing Removal Project – Caulfield to Dandenong Project Proposal, advising that the Council's deadline of 22 March 2016 does not allow sufficient time to respond and indicating that the Government would respond to the Council's resolution as soon as possible.
- 9 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 23 March 2016:
- (1) Order of the Day No. 32, resumption of debate on motion relating to the continuing failure of the Government to comply with certain orders for the production of documents;
  - (2) Notice of Motion given this day by Ms Pennicuik referring a matter to the Procedure Committee relating to the daily prayer;
  - (3) Order of the Day No. 35, consideration of Minister's answers to a question without notice and supplementary question on 10 March 2016 relating to StartCon; and
  - (4) Notice of Motion given this day by Mr O'Donohue in relation to the Melbourne CBD riot.
- Question — put and agreed to.
- 10 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.
- 11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 234 be postponed until later this day.
- 13 ABORIGINAL HERITAGE AMENDMENT BILL 2015** — 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.  
 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 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 4 be postponed until later this day.

**15 LAND (REVOCAION OF RESERVATIONS) BILL 2015** — 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.

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.

**16 BUILDING LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Ms Mikakos declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

Amendments proposed to be moved in Committee by Ms Dunn were circulated.

Debate continued.

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.

**17 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 11.05 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 63 — Wednesday, 23 March 2016

1 The Deputy President took the Chair and read the Prayer.

2 **PETITIONS** —

**SAFE SCHOOLS PROGRAM** — Dr Carling-Jenkins presented a Petition bearing 944 signatures from certain citizens of Victoria requesting that the Safe Schools Coalition Victoria be withdrawn from Victorian schools and funding be redirected to a balanced anti-bullying program that addresses all forms of bullying.

Ordered to lie on the Table.

\* \* \* \* \*

**ABBOTTS ROAD CLOSURE** — Mrs Peulich presented a Petition bearing 437 signatures from certain citizens of Victoria requesting the Andrews Labor Government immediately rule out a permanent closure of Abbots Road in Dandenong South.

Ordered to lie on the Table.

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

3 **PAPERS** —

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE RESTRICTED BREED DOGS** — Mr Morris presented a Report from the Economy and Infrastructure Committee on the Inquiry into the Legislative and Regulatory Framework Relating to Restricted Dog Breeds (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.



Mr Morris moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Patient Safety in Victorian Public Hospitals, March 2016 (*Ordered to be published*).

Bullying and Harassment in the Health Sector, March 2016 (*Ordered to be published*).

Local Government Service Delivery: Recreational Facilities, March 2016 (*Ordered to be published*).

Essential Services Commission — Supporting Customers, Avoiding Labels - Energy Hardship Inquiry Final Report, February 2016.

Statutory Rules under the following Acts of Parliament —

Fisheries Act 1995 — No. 10.

Road Management Act 2004 — No. 11.

Road Safety Act 1986 — No. 12.

Trustee Companies Act 1984 — No. 13.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 14.

**4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 PRODUCTION OF DOCUMENTS — SUSPENSION OF LEADER OF THE GOVERNMENT** — Debate resumed on the question, That this House —

(1) notes the continuing failure of the Leader of the Government, on behalf of the Government, to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —

(a) 11 February 2015 in respect of port of Melbourne documents;

(b) 25 February 2015 in respect of West Gate distributor documents;

(c) 25 February 2015 in respect of Australian Formula One Grand Prix documents;

(d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;

(e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and

(f) 5 August 2015 in respect of Peter Mac Private Hospital documents;

(2) notes the failure of the Government to comply with the further resolution of the Council of 19 August 2015 reaffirming the requirement for the Leader of the Government to table in the Council the documents outlined in (1)(a) to (f);

(3) notes that the Government's continuing failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;

(4) reaffirms the privileges, immunities and powers conferred on it by section 19 of the *Constitution Act 1975*, which includes the right to require the production of documents, and the power to make Standing Orders under section 43 of that Act;

(5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise Executive behaviour;

(6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;

- (7) condemns the Government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria;
- (8) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure, on behalf of the Government, to comply, to the satisfaction of the Council, with the resolutions of the Council outlined in (1)(a) to (f) and further resolution of 19 August 2015;
- (9) suspends the Leader of the Government from the service of the Council from 12 noon on the next Tuesday the Council sits following the adoption of this resolution;
- (10) in the event that the documents specified in the resolutions of the Council outlined in (1)(a) to (f) are subsequently lodged with the Clerk, a Member may move at any time, providing there is no question before the Chair, 'That the suspension of the Leader of the Government be lifted';
- (11) for the purposes of a motion moved in accordance with (10), Standing Orders are suspended to the extent necessary so as to provide for the motion —
  - (a) to be a procedural motion for the purposes of Standing Order 5.03;
  - (b) to take precedence over all other business;
  - (c) to be put without amendment; and
  - (d) in the event that it is negatived, to be put again on a subsequent sitting day;
- (12) notwithstanding the terms of this resolution, a suspension of the Leader of the Government in accordance with (9) ceases to have effect on the day that is six months after the day such a suspension came into effect.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 7 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Audit on students with disabilities** — supplementary question asked by Dr Carling-Jenkins — response from Mr Jennings due Tuesday, 12 April 2016.
- **Australian Careers Network** — supplementary question asked by Mr Ramsay — response from Mr Herbert due Thursday, 24 March 2016.
- **Plastic bags data** — substantive and supplementary questions asked by Ms Springle — response from Mr Jennings due Tuesday, 12 April 2016.

- 8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 9 PRODUCTION OF DOCUMENTS — SUSPENSION OF LEADER OF THE GOVERNMENT** — Debate continued on the question, That this House —

- (1) notes the continuing failure of the Leader of the Government, on behalf of the Government, to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —
  - (a) 11 February 2015 in respect of port of Melbourne documents;
  - (b) 25 February 2015 in respect of West Gate distributor documents;
  - (c) 25 February 2015 in respect of Australian Formula One Grand Prix documents;
  - (d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;
  - (e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and
  - (f) 5 August 2015 in respect of Peter Mac Private Hospital documents;
- (2) notes the failure of the Government to comply with the further resolution of the Council of 19 August 2015 reaffirming the requirement for the Leader of the Government to table in the Council the documents outlined in (1)(a) to (f);

- (3) notes that the Government's continuing failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;
- (4) reaffirms the privileges, immunities and powers conferred on it by section 19 of the *Constitution Act 1975*, which includes the right to require the production of documents, and the power to make Standing Orders under section 43 of that Act;
- (5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise Executive behaviour;
- (6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;
- (7) condemns the Government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria;
- (8) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure, on behalf of the Government, to comply, to the satisfaction of the Council, with the resolutions of the Council outlined in (1)(a) to (f) and further resolution of 19 August 2015;
- (9) suspends the Leader of the Government from the service of the Council from 12 noon on the next Tuesday the Council sits following the adoption of this resolution;
- (10) in the event that the documents specified in the resolutions of the Council outlined in (1)(a) to (f) are subsequently lodged with the Clerk, a Member may move at any time, providing there is no question before the Chair, 'That the suspension of the Leader of the Government be lifted';
- (11) for the purposes of a motion moved in accordance with (10), Standing Orders are suspended to the extent necessary so as to provide for the motion —
  - (a) to be a procedural motion for the purposes of Standing Order 5.03;
  - (b) to take precedence over all other business;
  - (c) to be put without amendment; and
  - (d) in the event that it is negatived, to be put again on a subsequent sitting day;
- (12) notwithstanding the terms of this resolution, a suspension of the Leader of the Government in accordance with (9) ceases to have effect on the day that is six months after the day such a suspension came into effect.

On the motion of Mr Melhem, the debate was adjourned until later this day.

- 10 PROCEDURE COMMITTEE REFERENCE — DAILY PRAYER** — Ms Pennicuik moved, That this House requires the Procedure Committee to inquire into and report no later than 1 December 2016 on a suitable alternative to the daily prayer, including looking at options adopted by other Parliaments, and calls on the Committee to request submissions from the public and conduct public hearings in the completion of its inquiries.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Wooldridge.*

- 11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 12 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.36 p.m. adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 64 — Thursday, 24 March 2016

1 The President took the Chair and read the Prayer.

2 **PAPERS —**

**REVIEW INTO THE WITNESS PROTECTION ACT 1991** — Mr Herbert moved, by leave, That there be laid before this House a copy of the Report of the Honourable Frank Vincent, AO, QC on a Review of the *Witness Protection Act 1991*.

Question — put and agreed to.

The Report was presented by Mr Herbert and ordered to lie on the Table.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 13.

3 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 12 April 2016.

Question — put and agreed to.

4 **MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 234 be postponed until later this day.

7 **ACCESS TO MEDICINAL CANNABIS BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Patten were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time, and ordered to be committed to a Committee of the whole later this day.

8 **BUILDING LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2015** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

9 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Parkville Youth Detention Centre – damage costs** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Tuesday, 12 April 2016.
- **Jobs growth plan – North West Victoria** — supplementary question asked by Ms Lovell — response from Ms Pulford due Tuesday, 12 April 2016.
- **Toolangi-Healesville regeneration burns – impact on wine industry** — supplementary question asked by Ms Dunn — response from Mr Dalidakis due Tuesday, 12 April 2016.
- **Johnson Swamp watering plan** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Wednesday, 13 April 2016.

10 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 11 BUILDING LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2015** — Bill further considered in Committee of the whole.  
House in Committee.  
The Deputy President reported progress and asked leave to sit again.  
Bill to be again considered in Committee of the whole later this day.
- 12 ACCESS TO MEDICINAL CANNABIS BILL 2015** — 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.
- 13 CRIMES LEGISLATION AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting a *Bill for an Act to amend the Sentencing Act 1991, the Crimes Act 1958 and the Summary Offences Act 1966 in relation to certain persons performing custodial functions or exercising custodial powers, to amend the Criminal Procedure Act 2009 to provide for the admission of recorded evidence of complainants in proceedings for certain sexual offences heard summarily by the Children's Court and related proceedings, to amend the Crimes Act 1958 to provide further for the making of regulations under that Act, to make minor amendments to the Children, Youth and Families Act 2005 and for other purposes and requesting the agreement of the Council.*  
On the motion of Ms Mikakos (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.  
Ms Mikakos moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.
- 14 INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (A STRONGER SYSTEM) BILL 2015** — The Acting President read a Message from the Assembly presenting a *Bill for an Act to amend the Independent Broad-based Anti-corruption Commission Act 2011, the Audit Act 1994, the Ombudsman Act 1973, the Public Interest Monitor Act 2011, the Victorian Inspectorate Act 2011 and certain other Acts to implement a stronger system of integrity and accountability, to consequently amend certain other Acts and for other purposes and requesting the agreement of the Council.*  
On the motion of Ms Mikakos (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.  
Ms Mikakos moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.
- 15 FINES REFORM AND INFRINGEMENTS ACTS AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting a *Bill for an Act to amend the Fines Reform Act 2014, the Infringements Act 2006 and other Acts in relation to work and development permits, to further provide for enforcement under those Acts and to bring forward the commencement of some of the measures in the Fines Reform Act 2014 by including them in the Infringements Act 2006 and for other purposes and requesting the agreement of the Council.*  
On the motion of Ms Mikakos (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 16 PARLIAMENTARY BUDGET OFFICER BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for the appointment of a Parliamentary Budget Officer, to give that Officer the functions of providing policy costing and advisory services for members of Parliament, to amend the Parliamentary Administration Act 2005 to establish the Parliamentary Budget Office, to make miscellaneous amendments to section 24 of the Constitution Act 1975 and to the Independent Broad-based Anti-corruption Commission Act 2011, the Ombudsman Act 1973 and the Parliamentary Committees Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 17 SEX OFFENDERS REGISTRATION AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *a Bill for an Act to amend the Sex Offenders Registration Act 2004, to make consequential amendments to the Children, Youth and Families Act 2005, the Magistrates' Court Act 1989 and the Open Courts Act 2013 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 18 BUILDING LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2015** — Bill further considered in 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.

- 19 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid on the Table by the Clerk:

Wildlife Act 1975 —

Wildlife (Control of Game Hunting) Notice No. 1/2016.

Wildlife (Prohibition of Game Hunting) Notices —

Notice Gazetted 15 March 2016.

Notice Gazetted 24 March 2016.

- 20 CROWN LAND LEGISLATION AMENDMENT (CANADIAN REGIONAL PARK AND OTHER MATTERS) BILL 2015** — Bill 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.

**21 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.17 p.m. adjourned until Tuesday, 12 April 2016.

ANDREW YOUNG  
*Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 62, 63 and 64

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### **ABORIGINAL HERITAGE AMENDMENT BILL 2015**

*Committed Tuesday, 22 March 2016*

**Clauses 1 to 141** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### **LAND (REVOCAION OF RESERVATIONS) BILL 2015**

*Committed Tuesday, 22 March 2016*

**Clauses 1 to 25** — put and agreed to.

**Schedule** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### **BUILDING LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2016**

*Committed Thursday, 24 March 2016*

*Amendments circulated: Ms Dunn (see p 361)*

**Clause 1** — debate commenced.

**Progress reported.**

*Progress having been reported, Bill further considered in Committee of the whole.*

**Clause 1** — put and agreed to.

**Clauses 2 to 29** — put and agreed to.

**Clause 30** — Ms Dunn moved her Amendment No. 1 — put and agreed to.

Ms Dunn moved her Amendment No. 2 — put and agreed to.

Clause 30, as amended — put and agreed to.

**Clauses 31 to 73** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

### **ACCESS TO MEDICINAL CANNABIS BILL 2015**

*Committed Thursday, 24 March 2016*

*Amendments circulated: Ms Pulford (see pp 361–73), Ms Wooldridge (see p 374) and Ms Patten (see p 374)*

**Clause 1** — Ms Pulford moved her Amendment No. 1 — put and agreed to.

Clause 1, as amended — put and agreed to.

**Clause 2** — put and agreed to.

**Clause 3** — Ms Patten moved her Amendment No. 1 — put and negatived  
Ms Pulford moved her Amendment Nos. 2 to 39 — put and agreed to.  
Clause 3, as amended — put and agreed to.

**Clause 4** — Ms Pulford moved her Amendment Nos. 40 to 43 — put and agreed to.  
Clause 4, as amended — put and agreed to.

**Clause 5** — Ms Pulford moved her Amendment Nos. 44 to 46 — put and agreed to.  
Clause 5, as amended — put and agreed to.

**Clause 6** — Ms Pulford moved her Amendment No. 47 — put and agreed to.  
Ms Pulford moved her Amendment No. 48 — put and agreed to.  
Ms Pulford moved her Amendment Nos. 49 and 50 — put and agreed to.  
Clause 6, as amended — put and agreed to.

**Clause 7** — put and agreed to

**New Clause** — Ms Pulford moved her Amendment No. 51.  
Question — That the new clause stands part of the Bill — put and agreed to.

**Clause 8** — put and agreed to

**Clause 9** — Ms Pulford moved her Amendment No. 52 — put and agreed to.  
Clause 9, as amended — put and agreed to.

**Clauses 10 to 12** — put and agreed to.

**Part Heading preceding Clause 13** — Ms Pulford moved her Amendment No. 53 — put and agreed to.  
Part Heading preceding Clause 13, as amended — put and agreed to.

**Division Heading, preceding Clause 13** — Ms Pulford moved her Amendment No. 54 — put and agreed to.  
Division Heading preceding Clause 13, as amended — put and agreed to.

**Heading to Clause 13** — Ms Pulford moved her Amendment No. 55 — put and agreed to.  
Heading to Clause 13, as amended — put and agreed to.

**Clause 13** — Ms Pulford moved her Amendment Nos. 56 to 67 — put and agreed to.  
Clause 13, as amended — put and agreed to.

**Heading to Clause 14** — Ms Pulford moved her Amendment No. 68 — put and agreed to.  
Heading to Clause 14, as amended — put and agreed to.

**Clause 14** — Ms Pulford moved her Amendment No. 69 — put and agreed to.  
Clause 14, as amended — put and agreed to.

**Heading to Clause 15** — Ms Pulford moved her Amendment No. 70 — put and agreed to.  
Heading to Clause 15, as amended — put and agreed to.

**Clause 15** — Ms Pulford moved her Amendment No. 71 — put and agreed to.  
Clause 15, as amended — put and agreed to.

**Clauses 16 and 17** — put and negatived.

**Clause 18** — Ms Pulford moved her Amendment Nos. 73 to 83 — put and agreed to.  
Clause 18, as amended — put and agreed to.

**Clause 19** — Ms Pulford moved her Amendment No. 84 — put and agreed to.  
Clause 19, as amended — put and agreed to.

**Heading to Clause 20** — Ms Pulford moved her amendment No. 85 — put and agreed to.  
Heading to Clause 20, as amended — put and agreed to.

**Clause 20** — Ms Pulford moved her Amendment No. 86 — put and agreed to.  
Clause 20, as amended — put and agreed to.

**Clauses 21 and 22** — put and negatived.

**Part Heading preceding Clause 23** — put and negatived.

**Clauses 23 to 43** — put and negatived.

**Part Heading preceding Clause 44** — Ms Pulford moved her Amendment No. 90 — put and agreed to.

Part Heading preceding Clause 44, as amended — put and agreed to.

**Clause 44** — Ms Pulford moved her Amendment Nos. 91 to 97 — put and agreed to.  
Clause 44, as amended — put and agreed to.

**Clause 45** — Ms Pulford moved her Amendment Nos. 98 to 105 — put and agreed to.  
Clause 45, as amended — put and agreed to.

**Clause 46** — Ms Pulford moved her Amendment No. 106 — put and agreed to.  
Clause 46, as amended — put and agreed to.

**Clause 47** — put and agreed to.

**Clause 48** — Ms Pulford moved her Amendment Nos. 107 and 108 — put and agreed to.  
Clause 48, as amended — put and agreed to.

**Clause 49** — Ms Pulford moved her Amendment No. 109 — put and agreed to.  
Clause 49, as amended — put and agreed to.

**Clause 50** — Ms Pulford moved her Amendment Nos. 110 to 116 — put and agreed to.  
Clause 50, as amended — put and agreed to.

**Clause 51** — Ms Pulford moved her Amendment Nos. 117 to 119 — put and agreed to.  
Clause 51, as amended — put and agreed to.

**Clause 52** — Ms Pulford moved her Amendment Nos. 120 to 122 — put and agreed to.  
Clause 52, as amended — put and agreed to.

**Clause 53** — Ms Pulford moved her Amendment Nos. 123 and 124 — put and agreed to.  
Clause 53, as amended — put and agreed to.

**Clause 54** — Ms Pulford moved her Amendment Nos. 125 and 126 — put and agreed to.  
Clause 54, as amended — put and agreed to.

**Clause 55** — put and negatived.

**Clause 56** — Ms Pulford moved her Amendment No. 128 — put and agreed to.  
Clause 56, as amended — put and agreed to.

**Clauses 57 and 58** — put and agreed to.

**Heading to Clause 59** — Ms Pulford moved her Amendment No. 129 — put and agreed to.  
Heading to Clause 59, as amended — put and agreed to.

**Clause 59** — Ms Pulford moved her Amendment Nos. 130 to 134 — put and agreed to.  
Clause 59, as amended — put and agreed to.

**Clause 60** — Ms Pulford moved her Amendment Nos. 135 to 137 — put and agreed to.  
Clause 60, as amended — put and agreed to.

**Clause 61** — Ms Pulford moved her Amendment No. 138 — put and agreed to.  
Clause 61, as amended — put and agreed to.

**Clause 62** — Ms Pulford moved her Amendment Nos. 139 to 142 — put and agreed to.  
Clause 62, as amended — put and agreed to.

**Clause 63** — Ms Pulford moved her Amendment Nos. 143 to 146 — put and agreed to.  
Clause 63, as amended — put and agreed to.

**Part Heading preceding Clause 64** — put and negatived

**Clauses 64 to 68** — put and negatived

**Part Heading preceding Clause 69** — Ms Pulford moved her Amendment No. 149 — put and agreed to.  
Part Heading preceding Clause 69, as amended — put and agreed to.

**Clause 69** — Ms Pulford moved her Amendment Nos. 150 to 152 — put and agreed to.  
Clause 69, as amended — put and agreed to.

**Clause 70** — Ms Wooldridge moved her Amendment Nos. 1 and 2 — put and agreed to.  
Clause 70, as amended — put and agreed to.

**Clause 71** — put and agreed to.

**Clause 72** — Ms Pulford moved her Amendment Nos. 153 to 155 — put and agreed to.  
Clause 72, as amended — put and agreed to.

**Clauses 73 and 74** — put and agreed to.

**Clause 75** — Ms Pulford moved her Amendment Nos. 156 to 158 — put and agreed to.  
Clause 75, as amended — put and agreed to.

**Part Heading preceding Clause 76** — Ms Pulford moved her Amendment No. 159 — put and agreed to.  
Part Heading preceding Clause 76, as amended — put and agreed to.

**Clause 76** — put and agreed to.

**Clause 77** — Ms Pulford moved her Amendment No. 160 — put and agreed to.  
Clause 77, as amended — put and agreed to.

**Clauses 78 to 80** — put and agreed to.

**Clause 81** — Ms Pulford moved her Amendment Nos. 161 and 162 — put and agreed to.  
Clause 81, as amended — put and agreed to.

**Clauses 82 to 85** — put and agreed to.

**Part Heading preceding Clause 86** — Ms Pulford moved her Amendment No. 163 — put and agreed to.

Part Heading preceding Clause 86, as amended — put and agreed to.

**Clauses 86 and 87** — put and agreed to.

**Clause 88** — Ms Pulford moved her Amendment No. 164 — put and agreed to.  
Clause 88, as amended — put and agreed to.

**Clause 89** — Ms Pulford moved her Amendment No. 165 — put and agreed to.  
Clause 89, as amended — put and agreed to.

**Clause 90** — put and agreed to.

**Part Heading preceding Clause 91** — Ms Pulford moved her Amendment No. 166 — put and agreed to.

Part Heading preceding Clause 91, as amended — put and agreed to.

**Clause 91** — Ms Pulford moved her Amendment Nos. 167 to 170 — put and agreed to.  
Clause 91, as amended — put and agreed to.

**Clause 92** — Ms Pulford moved her Amendment Nos. 171 to 175 — put and agreed to.  
Clause 92, as amended — put and agreed to.

**Clause 93** — Ms Pulford moved her Amendment Nos. 176 and 177 — put and agreed to.  
Clause 93, as amended — put and agreed to.

**Clause 94** — Ms Pulford moved her Amendment Nos. 178 to 181 — put and agreed to.  
Clause 94, as amended — put and agreed to.

**Clause 95** — Ms Pulford moved her Amendment Nos. 182 to 186 — put and agreed to.  
Clause 95, as amended — put and agreed to.

**Clause 96** — Ms Pulford moved her Amendment Nos. 187 to 194 — put and agreed to.  
Clause 96, as amended — put and agreed to.

**Part Heading preceding Clause 97** — Ms Pulford moved her Amendment No. 195 — put and agreed to.

Part Heading preceding Clause 97, as amended — put and agreed to.

**Clause 97** — put and negatived.

**Clause 98** — Ms Pulford moved her Amendment No. 197 — put and agreed to.  
Clause 98, as amended — put and agreed to.

**Clause 99** — Ms Pulford moved her Amendment Nos. 198 to 205 — put and agreed to.  
Clause 99, as amended — put and agreed to.

**Heading to Clause 100** — Ms Pulford moved her Amendment No. 206 — put and agreed to.  
Heading to Clause 100, as amended — put and agreed to.

**Clause 100** — Ms Pulford moved her Amendment No. 207 — put and agreed to.  
Clause 100, as amended — put and agreed to.

**Heading to Clause 101** — Ms Pulford moved her Amendment No. 208 — put and agreed to.  
Heading to Clause 101, as amended — put and agreed to.

**Clause 101** — Ms Pulford moved her Amendment Nos. 209 to 211 — put and agreed to.  
Clause 101, as amended — put and agreed to.

**Heading to Clause 102** — Ms Pulford moved her Amendment No. 212 — put and agreed to.  
Heading to Clause 102, as amended — put and agreed to.

**Clause 102** — Ms Pulford moved her Amendment Nos. 213 and 214 — put and agreed to.  
Clause 102, as amended — put and agreed to.

**Heading to Clause 103** — Ms Pulford moved her Amendment No. 215 — put and agreed to.  
Heading to Clause 103, as amended — put and agreed to.

**Clause 103** — Ms Pulford moved her Amendment Nos. 216 to 219 — put and agreed to.  
Clause 103, as amended — put and agreed to.

**Clause 104** — Ms Pulford moved her Amendment Nos. 220 to 222 — put and agreed to.  
Clause 104, as amended — put and agreed to.

**Heading to Clause 105** — Ms Pulford moved her Amendment No. 223 — put and agreed to.  
Heading to Clause 105, as amended — put and agreed to.

**Clause 105** — Ms Pulford moved her Amendment No. 224 — put and agreed to.  
Clause 105, as amended — put and agreed to.

**Heading to Clause 106** — Ms Pulford moved her Amendment No. 225 — put and agreed to.  
Heading to Clause 106, as amended — put and agreed to.

**Clause 106** — Ms Pulford moved her Amendment No. 226 — put and agreed to.  
Clause 106, as amended — put and agreed to.

**Heading to Clause 107** — Ms Pulford moved her Amendment No. 227 — put and agreed to.  
Heading to Clause 107, as amended — put and agreed to.

**Clause 107** — Ms Pulford moved her Amendment Nos. 228 to 235 — put and agreed to.  
Clause 107, as amended — put and agreed to.

**Heading to Clause 108** — Ms Pulford moved her Amendment No. 236 — put and agreed to.  
Heading to Clause 108, as amended — put and agreed to.

**Clause 108** — Ms Pulford moved her Amendment Nos. 237 to 247 — put and agreed to.  
Clause 108, as amended — put and agreed to.

**Heading to Clause 109** — Ms Pulford moved her Amendment No. 248 — put and agreed to.  
Heading to Clause 109, as amended — put and agreed to.

**Clause 109** — Ms Pulford moved her Amendment Nos. 249 and 250 — put and agreed to.  
Clause 109, as amended — put and agreed to.

**Clause 110** — Ms Pulford moved her Amendment Nos. 251 to 254 — put and agreed to.  
Clause 110, as amended — put and agreed to.

**Part Heading preceding Clause 111** — Ms Pulford moved her Amendment No. 255 — put and agreed to.

Part Heading preceding Clause 111, as amended — put and agreed to.

**Division Heading preceding Clause 111** — put and negatived.

**Clauses 111 to 113** — put and negatived.

*The Committee having granted leave to proceed as follows —*

**Clauses 114 to 122** — Ms Pulford moved, That —

(1) Amendment Nos. 258 to 318 be agreed to; and

(2) the —

(a) Headings and Clauses; and

(b) Division Headings, Headings to Clauses and Clauses, as amended —  
from Clause 114 to Clause 122, inclusive, stand part of the Bill.

Question — put and agreed to.

**Division Heading preceding Clause 123** — Ms Pulford moved her Amendment Nos. 319 and 320 — put and agreed to.

Division Heading preceding Clause 123, as amended — put and agreed to.

**Clause 123** — put and negatived.

*The Committee having granted leave to proceed as follows —*

**Clauses 124 to 130** — Ms Pulford moved, That —

(1) Amendment Nos. 322 to 362 be agreed to; and

(2) the —

(a) Headings and Clauses; and

(b) Part Heading and Clauses, as amended —

from Clause 124 to Clause 130, inclusive, stand part of the Bill.

Question — put and agreed to.

**Clause 131** — put and negatived.

*The Committee having granted leave to proceed as follows —*

**Clauses 132 to 188** — Ms Pulford moved, That —

(1) Amendment Nos. 364 to 423 be agreed to; and

(2) the —

(a) Headings and Clauses; and

(b) Part Headings and Clauses, as amended —

from Clause 132 to Clause 188, inclusive, stand part of the Bill.

Question — put and agreed to.

**Long Title** — Ms Pulford moved her Amendment No. 424 — put and agreed to.

Long Title, as amended — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**CROWN LAND LEGISLATION AMENDMENT (CANADIAN REGIONAL PARK AND OTHER MATTERS) BILL 2015**

*Committed Thursday, 14 April 2016*

*Amendments circulated: Mr Barber (see p 374)*

**Clauses 1 to 3** — put and agreed to.

**Clause 4** — Mr Barber moved his Amendment.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Springle)*

NOES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr Mulino)*

Question negatived.

Clause 4 — put and agreed to.

**Clauses 5 to 44** — put and agreed to.

**Bill reported without amendment.**



**AMENDMENTS CIRCULATED IN RELATION TO —****1. BUILDING LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2016*****Amendments circulated by Ms Dunn —***

1. Clause 30, page 107, lines 9 to 16, omit paragraph (e) and insert—
  - "(e) the applicant has not been issued with a building permit for the carrying out of domestic building work by the applicant as a builder on land owned by the applicant or a related body in the previous 5 years other than in relation to—
    - (i) the dwelling on the land to which the application relates; or
    - (ii) a Class 10 building that is ancillary to the dwelling on the land to which the application relates; and".
2. Clause 30, page 107, lines 17 to 25, omit paragraph (f) and insert—
  - "(f) if the applicant co-owns the land to which the application relates with another person, a building permit has not been issued to that person for the carrying out of domestic building work by that person as a builder on land owned by that person in the previous 5 years other than in relation to—
    - (i) the dwelling on the land to which the application relates; or
    - (ii) a Class 10 building that is ancillary to the dwelling on the land to which the application relates; and".

**2. ACCESS TO MEDICINAL CANNABIS BILL 2015*****Amendments circulated by Ms Pulford —***

1. Clause 1, page 2, lines 5 to 7, omit all words and expressions on these lines.
2. Clause 3, line 20, omit "10" and insert "11".
3. Clause 3, line 23, omit "70" and insert "40".
4. Clause 3, line 26, omit "71" and insert "41".
5. Clause 3, lines 31 and 32, omit all words and expressions on these lines and insert—

***"cannabis material*** means—

  - (a) cannabis within the meaning of the Narcotic Drugs Act 1967 of the Commonwealth; and
  - (b) cannabis resin within the meaning of that Act;

**Notes**

  - 1 In the Narcotic Drugs Act 1967 of the Commonwealth, *cannabis* means the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops) from which the resin has not been extracted, by whatever name they may be designated.
  - 2 In the Narcotic Drugs Act 1967 of the Commonwealth, *cannabis resin* means the separated resin, whether crude or purified, obtained from the cannabis plant."
  6. Clause 3, page 3, line 2, before "licence" insert "manufacture".
  7. Clause 3, page 3, line 2, omit "under" and insert "within the meaning of".
  8. Clause 3, page 3, line 3, omit "to manufacture" and insert "that authorises the manufacture of a drug that includes, or is from,".
  9. Clause 3, page 3, lines 5 to 19, omit all words and expressions on these lines.
  10. Clause 3, page 3, line 20, omit "means—" and insert "means a cannabis licence within the meaning of the Narcotic Drugs Act 1967 of the Commonwealth and includes an approval under section 25A of that Act made in respect of an agency of the State of Victoria;".

11. Clause 3, page 3, lines 21 to 24, omit all words and expressions on these lines.
12. Clause 3, page 4, line 10, omit "by—" and insert "by a licensed manufacturer;".
13. Clause 3, page 4, lines 11 to 16, omit all words and expressions on these lines.
14. Clause 3, page 4, line 18, omit "45" and insert "21".
15. Clause 3, page 4, after line 20 insert—
 

**"intermediate cannabis product** means a substance, compound, preparation or mixture that is manufactured from cannabis but that must be further manufactured before being suitable for human use or consumption;".
16. Clause 3, page 5, line 3, omit "means—" and insert "means the premises specified in a manufacturing licence;".
17. Clause 3, page 5, lines 4 to 9, omit all words and expressions on these lines.
18. Clause 3, page 5, line 12, omit "1981;" and insert "1981 but does not include production;".
19. Clause 3, page 5, line 13, omit "means the" and insert "means—".
20. Clause 3, page 5, line 14, omit all words and expressions on this line and insert—
 

"() in relation to the Health Secretary, the authorisation under section 17; or  
 () in relation to the Resources Secretary, the authorisation under section 14;".
21. Clause 3, page 5, line 17, omit "114" and insert "80".
22. Clause 3, page 5, line 25, omit "44" and insert "20".
23. Clause 3, page 5, line 26, omit "means cannabis cultivated or" and insert "means—".
24. Clause 3, page 5, lines 27 to 32, omit all words and expressions on these lines and insert—
 

"() cannabis cultivated in accordance with a cultivation licence or obtained in accordance with this Act; or  
 () cannabis material produced in accordance with a cultivation licence or obtained in accordance with this Act; or  
 () an intermediate cannabis product manufactured or obtained in accordance with this Act; or  
 () a medicinal cannabis product manufactured or obtained in accordance with this Act;".
25. Clause 3, page 6, lines 1 to 3, omit all words and expressions on these lines.
26. Clause 3, page 6, line 6, omit "cannabis" insert "cannabis, cannabis material or an intermediate cannabis product".
27. Clause 3, page 6, line 11, omit "11" and insert "12".
28. Clause 3, page 6, line 13, omit "86" and insert "56".
29. Clause 3, page 6, line 20, omit "9" and insert "7".
30. Clause 3, page 6, line 30, omit "78" and insert "48".
31. Clause 3, page 6, line 33, omit "80" and insert "50".
32. Clause 3, page 7, line 3, omit "79" and insert "49".
33. Clause 3, page 7, line 6, omit "83" and insert "53".
34. Clause 3, page 7, after line 6 insert—

**"production** has the same meaning as it has in the Narcotic Drugs Act 1967 of the Commonwealth;

**Note**

In the Narcotic Drugs Act 1967 of the Commonwealth, **production** relevantly means the separation of cannabis and cannabis resin from a cannabis plant."

35. Clause 3, page 7, lines 15 and 16, omit "cultivation licence or".
36. Clause 3, page 8, lines 4 and 5, omit all words and expressions on these lines.
37. Clause 3, page 8, line 9, omit "extract" and insert "material, an intermediate cannabis product".
38. Clause 3, page 8, line 11, omit "medicinal cannabis" and insert "manufacturing".
39. Clause 3, page 8, line 12, omit "119" and insert "85".
40. Clause 4, line 8, omit "medical cannabis licensee" and insert "licensed manufacturer".
41. Clause 4, line 14, omit "licensee" and insert "manufacturer".
42. Clause 4, line 26, omit "licensee's" and insert "manufacturer's".
43. Clause 4, page 10, line 19, omit "or" (where second occurring).
44. Clause 5, line 5, omit "cultivation licence or".
45. Clause 5, line 14, omit "Act," and insert "Act or".
46. Clause 5, lines 14 and 15, omit "or a cultivation licence".
47. Heading to clause 6, omit "**medicinal cannabis licensee**" and insert "**licensed manufacturer**".
48. Clause 6, line 29, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
49. Clause 6, line 33, omit "cultivation licence or".
50. Clause 6, line 34, omit "(as the case requires)".

NEW CLAUSE

51. Insert the following New Clause to follow clause 7—
 

**"AA Activities authorised by cultivation licence**

For the purposes of this Act, the **Drugs, Poisons and Controlled Substances Act 1981** and any other Act, if a person is authorised to undertake an activity by a cultivation licence, the person is taken to be authorised to undertake that activity by this Act."
52. Clause 9, line 14, omit "cultivation,".
53. Part heading preceding clause 13, omit "**Cultivation and manufacture**" and insert "**Manufacture**".
54. Division heading preceding clause 13, omit "**Cultivation**" and insert "**Manufacturing**".
55. Heading to clause 13, omit "**cultivate cannabis**" and insert "**manufacture intermediate cannabis product**".
56. Clause 13, line 12, omit "cannabis; and" and insert "or purchase cannabis and cannabis material from—".
57. Clause 13, after line 12 insert—
 

"(i) a licensed cultivator; or  
(ii) any other prescribed person or body; and".
58. Clause 13, lines 13 and 14, omit "cultivate cannabis and produce cannabis extract" and insert "use the cannabis or cannabis material (or cannabis or cannabis material that the Resources Secretary possesses by reason of being a licensed cultivator) to manufacture intermediate cannabis products".
59. Clause 13, line 16, omit "a" and insert "the Health Secretary's".
60. Clause 13, line 22, omit "cannabis and cannabis extract" and insert "cannabis, cannabis material and intermediate cannabis products".
61. Clause 13, lines 24 and 25, omit "cannabis and cannabis extract" and insert "cannabis, cannabis material and intermediate cannabis products".
62. Clause 13, lines 25 and 26, omit "in accordance with a registered contract".
63. Clause 13, line 28, omit "to—" and insert "to the manufacture of intermediate cannabis products; and".

64. Clause 13, lines 29 and 30, omit all words and expressions on these lines.
65. Clause 13, page 17, lines 1 and 2, omit "cannabis and cannabis extract" and insert "cannabis, cannabis material and intermediate cannabis products".
66. Clause 13, page 17, line 4, omit "cannabis and cannabis extract" and insert "cannabis, cannabis material and intermediate cannabis products".
67. Clause 13, page 17, lines 8 and 9, omit "cultivation of cannabis and the production of cannabis extract" and insert "the manufacture of intermediate cannabis products".
68. Heading to clause 14, omit "**cultivation**" and insert "**manufacturing**".
69. Clause 14, line 14, omit "13" and insert "14".
70. Heading to clause 15, omit "**14**" and insert "**15**".
71. Clause 15, line 21, omit "14" and insert "15".
72. Clauses 16 and 17, omit these clauses.
73. Clause 18, line 15, omit "cannabis and cannabis extract" and insert "cannabis, cannabis material and intermediate cannabis products".
74. Clause 18, line 17, after "cannabis" insert "and cannabis material".
75. Clause 18, lines 18 and 19, omit "in accordance with a registered contract".
76. Clause 18, after line 21 insert—  
     "(c) to obtain or purchase intermediate cannabis products from—  
         (i) a licensed manufacturer; or  
         (ii) any other prescribed person or body; and".
77. Clause 18, line 22, omit "cannabis and cannabis extract" and insert "cannabis, cannabis material and intermediate cannabis products".
78. Clause 18, line 25, omit "cannabis and cannabis extract" and insert "cannabis, cannabis material and intermediate cannabis products".
79. Clause 18, lines 31 and 32, omit all words and expressions on these lines.
80. Clause 18, page 19, lines 1 and 2, omit all words and expressions on these lines.
81. Clause 18, page 19, lines 3 and 4, omit "cannabis and cannabis extract" and insert "cannabis, cannabis material and intermediate cannabis products".
82. Clause 18, page 19, line 6, omit "extract" and insert "material, intermediate cannabis products".
83. Clause 18, page 19, line 10, after "manufacture" insert "of".
84. Clause 19, line 15, omit "18" and insert "17".
85. Heading to clause 20, omit "**19**" and insert "**18**".
86. Clause 20, line 22, omit "19" and insert "18".
87. Clauses 21 and 22, omit these clauses.
88. Part heading preceding clause 23, omit this heading.
89. Clauses 23 to 43, omit these clauses.
90. Part heading preceding clause 44, omit "**6**" and insert "**5**".
91. Clause 44, lines 8 and 9, omit "cannabis (other than cannabis seed) and cannabis extract" and insert "intermediate cannabis products".
92. Clause 44, lines 10 and 11, omit "in accordance with a registered contract".
93. Clause 44, lines 13 and 14, omit "from a licensed cultivator in accordance with a registered contract;" and insert "or cannabis material from—".
94. Clause 44, after line 14 insert—  
     "(i) a licensed cultivator; or

(ii) any other prescribed person or body;"

95. Clause 44, line 15, omit "cannabis and cannabis extract" and insert "cannabis, cannabis material or intermediate cannabis products (or cannabis or cannabis material that the licensed manufacturer possesses by reason of also being a licensed cultivator)".
96. Clause 44, line 16, after "manufacture" insert "intermediate cannabis products and".
97. Clause 44, line 22, omit "extract" and insert "material, intermediate cannabis products".
98. Clause 45, lines 30 and 31, omit "cannabis (other than cannabis seed) and cannabis extract" and insert "intermediate cannabis products".
99. Clause 45, lines 32 and 33, omit "in accordance with a registered contract".
100. Clause 45, page 40, lines 2 and 3, omit "from a licensed cultivator in accordance with a registered contract;" and insert "and cannabis material from—".
101. Clause 45, page 40, after line 3 insert—
  - (i) a licensed cultivator; or
  - (ii) any other prescribed person or body;"
102. Clause 45, page 40, line 4, omit "cannabis and cannabis extract" and insert "the cannabis, cannabis material and intermediate cannabis products (or cannabis and cannabis material that the manufacturer possesses by reason of also being a licensed cultivator)".
103. Clause 45, page 40, line 5, after "manufacture" insert "intermediate cannabis products and".
104. Clause 45, page 40, line 6, after "supply" insert "intermediate cannabis products and".
105. Clause 45, page 40, line 9, omit "extract" and insert "material, intermediate cannabis products".
106. Clause 46, line 18, omit "extract" and insert "material, intermediate cannabis products".
107. Clause 48, lines 2 to 4, omit "licence under the Narcotic Drugs Act 1967 of the Commonwealth to manufacture cannabis" and insert "Commonwealth licence to manufacture".
108. Clause 48, lines 20 to 22, omit "licence under the Narcotic Drugs Act 1967 of the Commonwealth to manufacture cannabis" and insert "Commonwealth licence to manufacture".
109. Clause 49, page 42, line 10, omit "48" and insert "24".
110. Heading to clause 50, omit "**and Resources Secretary**".
111. Clause 50, line 17, omit "to—" and insert "to the Chief Commissioner of Police."
112. Clause 50, lines 18 and 19, omit all words and expressions on these lines.
113. Clause 50, line 21, omit "49" and insert "25".
114. Clause 50, line 23, omit "to—" and insert "to the Chief Commissioner of Police."
115. Clause 50, lines 24 and 25, omit all words and expressions on these lines.
116. Clause 50, line 29, omit "Resources" and insert "Health".
117. Clause 51, line 9, omit "49" and insert "25".
118. Clause 51, line 12, omit "52" and insert "28".
119. Clause 51, line 28, omit "50" and insert "26".
120. Clause 52, line 18, omit "50" and insert "26".
121. Clause 52, line 21, omit "manufacturing licence" and insert "licence to manufacture".
122. Clause 52, line 23, omit "48" and insert "24".
123. Clause 53, line 33, omit "54(1)(d) and (e)" and insert "30(1)(d)".
124. Clause 53, page 47, line 6, omit "(e)" and insert "(d)".
125. Clause 54, line 18, omit "48" and insert "24".
126. Clause 54, lines 20 and 21, omit all words and expressions on these lines.

127. Clause 55, omit this clause.
128. Clause 56, line 26, omit "53" and insert "29".
129. Heading to clause 59, omit "**and Resources Secretary**".
130. Clause 59, line 32, omit "to—" and insert "to the Chief Commissioner of Police."
131. Clause 59, page 50, lines 1 and 2, omit all words and expressions on these lines.
132. Clause 59, page 50, line 4, omit "58" and insert "33".
133. Clause 59, page 50, line 6, omit "to—" and insert "to the Chief Commissioner of Police."
134. Clause 59, page 50, lines 7 and 8, omit all words and expressions on these lines.
135. Clause 60, line 23, omit "58" and insert "33".
136. Clause 60, line 26, omit "61" and insert "36".
137. Clause 60, page 52, line 8, omit "59" and insert "34".
138. Clause 61, line 31, omit "59" and insert "34".
139. Clause 62, page 54, line 4, omit "54(1)(e)" and insert "30(1)(d)".
140. Clause 62, page 54, line 6, omit "54" and insert "30".
141. Clause 62, page 54, line 8, omit "provision); or" and insert "provision).".
142. Clause 62, page 54, lines 9 to 14, omit all words and expressions on these lines.
143. Clause 63, page 56, lines 1 to 4, omit all words and expressions on these lines.
144. Clause 63, page 56, line 14, omit "following persons" and insert "Chief Commissioner of Police".
145. Clause 63, page 56, line 15, omit "cancellation—" and insert "cancellation."
146. Clause 63, page 56, lines 16 to 20, omit all words and expressions on these lines.
147. Part heading preceding clause 64, omit this heading.
148. Clauses 64 to 68, omit these clauses.
149. Part heading preceding clause 69, omit "8" and insert "6".
150. Clause 69, lines 9 and 10, omit "from a person who holds a general manufacturing licence; and" and insert "from—".
151. Clause 69, after line 10, insert—
  - (i) a person who holds a general manufacturing licence; or
  - (ii) any other prescribed person or body; and".
152. Clause 69, lines 14 and 15, omit "from a person who holds a general manufacturing licence" and insert "in accordance with paragraph (a)".
153. Clause 72, lines 11 to 13, omit "from a person who holds a general manufacturing licence" and insert "in accordance with section 39(a)".
154. Clause 72, line 16, after "to" insert "package and".
155. Clause 72, line 30, after "to" insert "package and".
156. Clause 75, lines 27 to 29, omit "from a person who holds a general manufacturing licence" and insert "in accordance with section 39(a)".
157. Clause 75, line 32, after "to" insert "package and".
158. Clause 75, page 63, line 15, omit "77" and insert "47".
159. Part heading preceding clause 76, omit "9" and insert "7".
160. Clause 77, page 65, line 5, after "to" insert "package and".
161. Clause 81, line 5, omit "78, 79" and insert "48, 49".
162. Clause 81, line 5, omit "80" and insert "50".

163. Part heading preceding clause 86, omit "**10**" and insert "**8**".
164. Clause 88, line 10, after "to" insert "package and".
165. Clause 89, line 29, after "to" insert "package and".
166. Part heading preceding clause 91, omit "**11**" and insert "**9**".
167. Clause 91, lines 5 and 6, omit "the following decisions" and insert "a decision of the Health Secretary".
168. Clause 91, lines 7 to 16, omit all words and expressions on these lines.
169. Clause 91, line 24, omit "person;" and insert "person."
170. Clause 91, lines 25 and 26, omit all words and expressions on these lines.
171. Clause 92, line 13, omit "cultivation licence or".
172. Clause 92, lines 15 and 16, omit "cultivation licence or".
173. Clause 92, lines 17 and 18, omit "Secretary who made the decision" and insert "Health Secretary".
174. Clause 92, line 23, omit "Resources Secretary or".
175. Clause 92, lines 23 and 24, omit "(as the case requires)".
176. Clause 93, lines 28 and 29, omit "Resources Secretary or".
177. Clause 93, page 78, line 16, omit "95" and insert "65".
178. Clause 94, line 2, omit "92" and insert "62".
179. Clause 94, lines 2 and 3, omit "the Resources Secretary or".
180. Clause 94, lines 29 and 30, omit "a cultivation licence or".
181. Clause 94, line 32, omit "cultivation licence or".
182. Clause 95, line 16, omit "94" and insert "64".
183. Clause 95, line 27, omit "cultivation licence or".
184. Clause 95, line 31, omit "94" and insert "64".
185. Clause 95, page 81, lines 13 and 14, omit "Resources Secretary or".
186. Clause 95, page 81, line 16, omit "cultivation licence or".
187. Clause 96, line 27, omit "94" and insert "64".
188. Clause 96, line 28, omit "95" and insert "65".
189. Clause 96, line 31, omit "94" and insert "64".
190. Clause 96, page 82, line 1, omit "Resources Secretary or".
191. Clause 96, page 82, lines 3 and 4, omit "cultivation licence or".
192. Clause 96, page 82, lines 4 and 5, omit "(as the case requires)".
193. Clause 96, page 82, line 10, omit "94" and insert "64".
194. Clause 96, page 82, line 10, omit "95" and insert "65".
195. Part heading preceding clause 97, omit "**12**" and insert "**10**".
196. Clause 97, omit this clause.
197. Clause 98, line 27, omit "manufacturing licence" and insert "licence to manufacture".
198. Heading to clause 99, omit "**Medicinal cannabis licensee**" and insert "**Licensed manufacturer**".
199. Clause 99, lines 3 to 6, omit all words and expressions on these lines.
200. Clause 99, line 8, omit "(3)" and insert "(2)".
201. Clause 99, line 11, omit "subsections (1) and (2)" and insert "subsection (1)".
202. Clause 99, lines 17 and 18, omit "medicinal cannabis licensee" and insert "licensed manufacturer".

203. Clause 99, line 22, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
204. Clause 99, line 23, omit "licensee" and insert "manufacturer".
205. Clause 99, line 27, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
206. Heading to clause 100, omit "**Medicinal cannabis licensee**" and insert "**Licensed manufacturer**".
207. Clause 100, lines 7 to 9, omit all words and expressions on these lines.
208. Heading to clause 101, omit "**Medicinal cannabis licensee**" and insert "**Licensed manufacturer**".
209. Clause 101, lines 15 to 21, omit all words and expressions on these lines.
210. Clause 101, line 25, omit "cultivation" and insert "manufacturing".
211. Clause 101, line 27, omit "62" and insert "37".
212. Heading to clause 102, omit "**Medicinal cannabis licensee**" and insert "**Licensed manufacturer**".
213. Clause 102, line 3, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
214. Clause 102, line 7, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
215. Heading to clause 103, omit "**Medicinal cannabis licensee**" and insert "**Licensed manufacturer**".
216. Clause 103, line 14, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
217. Clause 103, lines 23 to 28, omit all words and expressions on these lines.
218. Clause 103, line 29, omit "if the licensee is a licensed manufacturer,".
219. Clause 103, page 87, line 2, omit "(a), (b), (c), (d) or (e)" and insert "(a) or (b)".
220. Clause 104, lines 6 and 7, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
221. Clause 104, lines 12 and 13, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
222. Clause 104, lines 15 and 16, omit "medicinal cannabis" and insert "manufacturing".
223. Heading to clause 105, omit "**Medicinal cannabis licensee**" and insert "**Licensed manufacturer**".
224. Clause 105, line 20, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
225. Heading to clause 106, omit "**medicinal cannabis licensee**" and insert "**licensed manufacturer**".
226. Clause 106, lines 10 and 11, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
227. Heading to clause 107, omit "**Medicinal cannabis licensee**" and insert "**Licensed manufacturer**".
228. Clause 107, line 3, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
229. Clause 107, line 5, omit "licensee" and insert "manufacturer".
230. Clause 107, line 15, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
231. Clause 107, line 17, omit "licensee" and insert "manufacturer".
232. Clause 107, line 23, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
233. Clause 107, line 24, omit "licensee" and insert "manufacturer".
234. Clause 107, line 25, omit "licensee" and insert "manufacturer".
235. Clause 107, line 26, omit "licensee" and insert "manufacturer".
236. Heading to clause 108, omit "**medicinal cannabis licensee**" and insert "**licensed manufacturer**".
237. Clause 108, line 3, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
238. Clause 108, line 4, omit "licensee" and insert "manufacturer".
239. Clause 108, line 6, omit "licensee" and insert "manufacturer".
240. Clause 108, line 8, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
241. Clause 108, lines 12 and 13, omit "medicinal cannabis licensee" and insert "licensed manufacturer".



242. Clause 108, line 23, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
243. Clause 108, line 23, omit "licensee" (where second occurring) and insert "manufacturer".
244. Clause 108, line 26, omit "licensee" and insert "manufacturer".
245. Clause 108, line 28, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
246. Clause 108, line 31, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
247. Clause 108, line 33, omit "licensee" and insert "manufacturer".
248. Heading to clause 109, omit "**Medicinal cannabis**" and insert "**Manufacturing**".
249. Clause 109, line 4, omit "medicinal cannabis" and insert "manufacturing".
250. Clause 109, line 9, omit "medicinal cannabis" and insert "manufacturing".
251. Clause 110, lines 14 and 15, omit "medicinal cannabis,".
252. Clause 110, lines 20 and 21, omit "medicinal cannabis,".
253. Clause 110, lines 26 and 27, omit "medicinal cannabis,".
254. Clause 110, page 92, line 6, omit "medicinal cannabis,".
255. Part heading preceding clause 111, omit "**13—Medicinal cannabis**" and insert "**11—Manufacturing**".
256. Division heading preceding clause 111, omit this heading.
257. Clauses 111 to 113, omit these clauses.
258. Division heading preceding clause 114, omit "**2**" and insert "**1**".
259. Clause 116, line 14, omit "44" and insert "20".
260. Clause 116, line 14, omit "45" and insert "21".
261. Clause 116, lines 28 and 29, omit "cannabis or cannabis extract" and insert "cannabis, cannabis material, intermediate cannabis products or medicinal cannabis products".
262. Clause 116, page 98, line 13, omit "extract" and insert "material".
263. Clause 116, page 98, line 15, omit "extract" and insert "material".
264. Clause 116, page 98, line 17, after "of" insert "intermediate cannabis products and".
265. Clause 116, page 98, line 18, omit "medicinal cannabis".
266. Division heading preceding clause 117, omit "**3—Medicinal cannabis inspectors**" and insert "**2—Further**".
267. Division heading preceding clause 117, after "**procedures**" insert "**for manufacturing inspectors**".
268. Heading to clause 117, omit "**Medicinal cannabis**" and insert "**Manufacturing**".
269. Clause 117, line 18, omit "medicinal cannabis" and insert "manufacturing".
270. Clause 117, line 21, omit "113(2)(e)(iv) or 116" and insert "82".
271. Clause 117, lines 22 and 23, omit "113(2)(f) or 116" and insert "82".
272. Clause 117, lines 24 and 25, omit all words and expressions on these lines.
273. Clause 117, line 27, omit "119" and insert "85".
274. Clause 117, line 28, omit "medicinal cannabis" and insert "manufacturing".
275. Clause 117, page 100, line 1, omit "medicinal cannabis" and insert "manufacturing".
276. Clause 117, page 100, line 7, omit "medicinal cannabis" and insert "manufacturing".
277. Heading to clause 118, omit "**Medicinal cannabis**" and insert "**Manufacturing**".
278. Clause 118, line 25, omit "113(2)(a) or 116" and insert "82".
279. Clause 118, lines 25 and 26, omit "medicinal cannabis" and insert "manufacturing".

280. Clause 118, page 101, line 2, omit "cultivation licence or".
281. Clause 118, page 101, line 5, omit "medicinal cannabis" and insert "manufacturing".
282. Clause 118, page 101, line 9, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
283. Clause 118, page 101, line 10, omit "licensee's" and insert "manufacturer's".
284. Clause 118, page 101, line 12, omit "medicinal cannabis" and insert "manufacturing".
285. Clause 118, page 101, line 18, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
286. Clause 118, page 101, line 19, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
287. Clause 118, page 101, line 22, omit "medicinal cannabis" and insert "manufacturing".
288. Heading to clause 119, omit "**Medicinal cannabis**" and insert "**Manufacturing**".
289. Clause 119, line 29, omit "medicinal cannabis" and insert "manufacturing".
290. Clause 119, line 30, omit "extract" and insert "material, an intermediate cannabis product".
291. Clause 119, lines 32 to 34, omit "person who cultivated the cannabis, produced the cannabis extract, or manufactured the medicinal cannabis product" and insert "thing to be seized".
292. Clause 119, page 102, line 1, omit "has contravened" and insert "is possessed or was manufactured in contravention of".
293. Clause 119, page 102, after line 3 insert—  
     "() the **Drugs, Poisons and Controlled Substances Act 1981**; or  
     () the regulations under the **Drugs, Poisons and Controlled Substances Act 1981**; or "
294. Clause 119, page 102, line 4, omit "cultivation licence or".
295. Clause 119, page 102, line 5, omit "(as the case requires)".
296. Clause 119, page 102, line 6, omit "cultivation licence or".
297. Clause 119, page 102, line 6, after "(b)" insert "is possessed or manufactured by a person who".
298. Clause 119, page 102, line 9, omit "medicinal cannabis" and insert "manufacturing".
299. Clause 119, page 102, line 10, omit "117" and insert "83".
300. Clause 119, page 102, line 11, omit "to—" and insert "to the Health Secretary".
301. Clause 119, page 102, lines 12 to 15, omit all words and expressions on these lines.
302. Clause 119, page 102, line 16, omit "medicinal cannabis" and insert "manufacturing".
303. Clause 119, page 102, line 20, omit "medicinal cannabis" and insert "manufacturing".
304. Clause 119, page 102, line 22, omit "the—" and insert "the Health Secretary".
305. Clause 119, page 102, lines 23 to 26, omit all words and expressions on these lines.
306. Heading to clause 120, omit "**Medicinal cannabis**" and insert "**Manufacturing**".
307. Clause 120, line 4, omit "medicinal cannabis" and insert "manufacturing".
308. Clause 120, line 11, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
309. Clause 120, line 12, omit "cultivation licence or".
310. Clause 120, line 18, omit "medicinal cannabis licensee" and insert "licensed manufacturer".
311. Clause 120, line 19, omit "cultivation licence or".
312. Clause 120, line 21, omit "medicinal cannabis" and insert "manufacturing".
313. Clause 120, line 24, omit "medicinal cannabis" and insert "manufacturing".
314. Heading to clause 121, omit "**Medicinal cannabis**" and insert "**Manufacturing**".

315. Clause 121, line 29, omit "medicinal cannabis" and insert "manufacturing".
316. Heading to clause 122, omit "**Medicinal cannabis**" and insert "**Manufacturing**".
317. Clause 122, line 10, omit "medicinal cannabis" and insert "manufacturing".
318. Clause 122, line 12, omit "extract" and insert "material, intermediate cannabis products".
319. Division heading preceding clause 123, omit "**4**" and insert "**3**".
320. Division heading preceding clause 123, omit "**Secretaries**" and insert "**Health Secretary**".
321. Clause 123, omit this clause.
322. Clause 124, line 10, omit "extract" and insert "material, an intermediate cannabis product".
323. Clause 124, line 18, omit "regulations" and insert "regulations, the **Drugs, Poisons and Controlled Substances Act 1981**, the regulations made under that Act".
324. Clause 124, line 28, omit "125" and insert "90".
325. Clause 124, page 107, line 18, omit "129" and insert "94".
326. Clause 124, page 107, line 21, omit "129" and insert "94".
327. Clause 125, line 25, omit "if—" and insert "if the Health Secretary is retaining seized cannabis for evidence in a proceeding under section 89(1)(b).".
328. Clause 125, lines 26 to 31, omit all words and expressions on these lines.
329. Clause 125, page 108, line 4, omit "126" and insert "91".
330. Clause 125, page 108, line 12, omit "123(2) or 124" and insert "89".
331. Clause 125, page 108, lines 12 and 13, omit "(as the case requires)".
332. Clause 125, page 108, line 15, omit "the Resources Secretary or".
333. Clause 125, page 108, line 16, omit "(as the case requires)".
334. Clause 126, line 18, omit "if—" and insert "if the Health Secretary is retaining seized cannabis for evidence in a proceeding under section 89(1)(b).".
335. Clause 126, lines 19 to 24, omit all words and expressions on these lines.
336. Clause 126, line 25, omit "Resources Secretary or".
337. Clause 126, line 26, omit "(as the case requires)".
338. Clause 127, line 22, omit "if—" and insert "the Health Secretary is retaining seized cannabis for evidence in a proceeding under section 89(1)(b).".
339. Clause 127, lines 23 to 28, omit all words and expressions on these lines.
340. Clause 127, line 29, omit "Resources Secretary or".
341. Clause 127, line 30, omit "(as the case requires)".
342. Clause 127, page 110, line 4, omit "a cultivation licence," and insert "the **Drugs, Poisons and Controlled Substances Act 1981**, the regulations made under that Act".
343. Clause 127, page 110, line 7, omit "cultivation licence or".
344. Clause 127, page 110, line 8, omit "(as the case requires)".
345. Clause 127, page 110, lines 24 and 25, omit "Resources Secretary or".
346. Clause 127, page 110, lines 25 and 26, omit "(as the case requires)".
347. Clause 127, page 110, line 28, omit "Resources Secretary or".
348. Clause 127, page 110, line 29, omit "(as the case requires)".
349. Clause 128, line 2, omit "the Resources Secretary or".
350. Clause 128, line 4, omit "127" and insert "92".
351. Part heading preceding clause 129, omit "**14**" and insert "**12**".

352. Clause 129, lines 4 and 5, omit "and the Resources Secretary are each authorised" and insert "is authorised".
353. Clause 129, line 7, omit "extract" and insert "material, an intermediate cannabis product".
354. Clause 129, line 10, omit "extract" and insert "material, an intermediate cannabis product".
355. Clause 129, line 17, omit "extract" and insert "material, an intermediate cannabis product".
356. Clause 129, line 20, omit "extract" and insert "material, intermediate cannabis product".
357. Clause 129, line 23, omit "extract" and insert "material, intermediate cannabis product".
358. Clause 129, line 27, omit "extract" and insert "material, an intermediate cannabis product".
359. Clause 130, line 3, omit "extract" and insert "material, an intermediate cannabis product".
360. Clause 130, line 8, omit "extract" and insert "material, intermediate cannabis product".
361. Clause 130, line 12, omit "extract" and insert "material, intermediate cannabis product".
362. Clause 130, line 15, omit "cannabis" and insert "cannabis, cannabis material, intermediate cannabis product or medicinal cannabis product".
363. Clause 131, omit this clause.
364. Clause 133, line 17, omit all words and expressions on this line.
365. Clause 133, line 19, omit "an" and insert "a manufacturing".
366. Clause 134, line 26, omit "cultivation licence or".
367. Clause 134, line 29, omit "cultivation licence or".
368. Clause 134, lines 31 to 33, omit all words and expressions on these lines.
369. Clause 134, page 115, line 5, omit "to—" and insert "to a Health Secretary agreement".
370. Clause 134, page 115, lines 6 and 7, omit all words and expressions on these lines.
371. Clause 134, page 115, line 18, omit "cannabis or cannabis extract" and insert "cannabis, cannabis material or intermediate cannabis products".
372. Clause 134, page 115, line 19, omit "18" and insert "17".
373. Clause 134, page 115, line 20, after "cannabis" insert "or cannabis material".
374. Clause 134, page 115, line 21, omit "18(ab)" and insert "17(b)".
375. Clause 134, page 115, line 24, omit "69" and insert "39".
376. Clause 134, page 115, line 27, omit "72" and insert "42".
377. Clause 134, page 115, line 30, omit "75(1)(a);" and insert "45(1)(a)".
378. Clause 134, page 115, lines 31 to 33, omit all words and expressions on these lines.
379. Clause 134, page 116, lines 1 to 6, omit all words and expressions on these lines.
380. Clause 136, line 16, omit all words and expressions on this line.
381. Clause 136, line 17, after "manufacture of" insert "intermediate cannabis products and".
382. Clause 136, lines 20 and 21, omit "cultivation licences or".
383. Clause 136, lines 30 and 31, omit "a cultivation licence or".
384. Clause 136, page 117, line 4, omit "cultivation,".
385. Clause 136, page 117, line 5, omit "cannabis, medicinal cannabis and".
386. Clause 136, page 117, line 8, omit "cannabis, medicinal cannabis and".
387. Clause 136, page 117, lines 12 and 13, omit "cannabis, medicinal cannabis and".
388. Clause 136, page 117, lines 15 to 18, omit all words and expressions on these lines.
389. Clause 136, page 117, lines 21 and 22, omit "medicinal cannabis and".
390. Clause 136, page 117, line 25, omit "cannabis, medicinal cannabis and".

391. Clause 136, page 117, line 31, omit "with—" and insert "with the manufacture of medicinal cannabis products;".
392. Clause 136, page 117, lines 32 to 35, omit all words and expressions on these lines.
393. Clause 136, page 118, line 4, omit "to—" and insert "to medicinal cannabis products;".
394. Clause 136, page 118, lines 5 to 8, omit all words and expressions on these lines.
395. Clause 136, page 118, line 10, omit "medicinal cannabis and".
396. Clause 136, page 118, lines 26 and 27, omit "medicinal cannabis and".
397. Clause 136, page 118, lines 28 and 29, omit "medicinal cannabis and".
398. Clause 136, page 119, line 6, omit "cultivation,".
399. Clause 136, page 119, line 9, omit "medicinal cannabis and".
400. Clause 136, page 119, line 14, omit "medicinal cannabis and".
401. Clause 136, page 119, lines 19 and 20, omit "medicinal cannabis and".
402. Clause 136, page 119, line 29, omit "medicinal cannabis and".
403. Clause 136, page 119, line 32, omit "medicinal cannabis and".
404. Clause 136, page 120, line 4, omit "containing any medicinal cannabis".
405. Clause 136, page 120, line 8, omit "medicinal cannabis" and insert "cannabinoids".
406. Clause 136, page 120, line 34, omit "medicinal cannabis and".
407. Clause 136, page 121, line 24, omit "the Resources Secretary,".
408. Clause 136, page 121, line 25, omit "medicinal cannabis" and insert "manufacturing".
409. Clause 136, page 122, lines 2 and 3, omit "the Resources Secretary or".
410. Part heading preceding clause 137, omit "**15**" and insert "**13**".
411. Clause 137, page 124, after line 3 insert—  
( ) in the definition of *Schedule 8 poison*, after "Standard" insert "other than medicinal cannabis";'.
412. Clause 151, lines 23 and 24, omit "a medicinal cannabis cultivation licence or".
413. Clause 152, line 6, omit "13" and insert "11".
414. Clause 176, lines 20 and 21, omit "medicinal cannabis cultivation licences,".
415. Clause 178, line 13, omit "medicinal cannabis" and insert "intermediate cannabis products".
416. Clause 178, line 16, omit "medicinal cannabis" and insert "intermediate cannabis products".
417. Clause 178, line 34, omit "medicinal cannabis" and insert "intermediate cannabis products".
418. Clause 178, page 135, line 10, omit "medicinal cannabis" and insert "intermediate cannabis products".
419. Clause 178, page 135, line 16, omit "medicinal cannabis" and insert "intermediate cannabis products".
420. Clause 178, page 135, line 24, omit "medicinal cannabis" and insert "intermediate cannabis products".
421. Clause 178, page 135, line 31, omit "medicinal cannabis" and insert "intermediate cannabis products".
422. Part heading preceding clause 179, omit "**16**" and insert "**14**".
423. Clause 188, line 10, omit "15" and insert "13".

## AMENDMENT OF LONG TITLE

424. Long title, omit "the lawful cultivation of cannabis for those products,".

**Amendments circulated by Ms Wooldridge —**

1. Clause 70, line 18, before "The" insert "(1)".
2. Clause 70, after line 21 insert—
  - "( ) The Health Secretary must not approve under subsection (1) a medicinal cannabis product that is designed to be administered by smoking.
  - ( ) For the purposes of subsection (2), *smoking* does not include vaporising."

**Amendments circulated by Ms Patten —**

1. Clause 3, line 18, before "In" insert "(1)".
2. Clause 3, page 3, lines 26 to 33, omit all words and expressions on these lines and insert—
  - "(a) a patient who suffers from severe pain, severe nausea, severe vomiting or severe wasting, resulting from—
    - (i) cancer; or
    - (ii) HIV within the meaning of the **Public Health and Wellbeing Act 2008**; or
  - (b) a patient who suffers from severe muscle spasms, or severe pain, resulting from multiple sclerosis; or
  - (c) a patient who suffers from an epileptic condition in respect of which other treatment options have not proved effective or have generated intolerable side effects; or
  - (d) a patient—
    - (i) who suffers from chronic pain; and
    - (ii) who 2 specialist medical practitioners have certified in writing may be afforded better pain management by medicinal cannabis than the patient would be afforded by other treatment options; or
  - (e) a patient who suffers from a symptom or medical condition declared by the Minister under subsection (2);"
3. Clause 3, page 4, lines 1 to 8, omit all words and expressions on these lines.
4. Clause 3, page 9, after line 5 insert—
  - "( ) The Minister, on the recommendation of the Independent Medical Advisory Committee established under section 12(1), may declare a symptom or medical condition for the purposes of paragraph (e) of the definition of *eligible patient* in subsection (1)."
5. Clause 12, lines 28 and 29, omit "the regulations made for the purposes of the definition of *eligible patient*" and insert "declarations under section 3(2)".

**3. CROWN LAND LEGISLATION AMENDMENT (CANADIAN REGIONAL PARK AND OTHER MATTES BILL 2015****Amendment circulated by Mr Barber —**

Clause 4, page 11, lines 1 to 5, omit all words and expressions on those lines and insert—

- "(3) The Governor in Council must not make an Order under section 15(2) of the **Wildlife Act 1975** to further classify the Kerang State Wildlife Reserve as a State Game Reserve."



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 65, 66 and 67

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#### No. 65 — Tuesday, 12 April 2016

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 5 April 2016, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Aboriginal Heritage Amendment Act 2016*

*Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016*

*Land (Revocation of Reservations) Act 2016.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Family Violence Royal Commission – cost of implementation** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 13 April 2016.
- **Parkville Youth Justice Centre – identification of perpetrators** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 13 April 2016.
- **Child death review** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 13 April 2016.
- **Closure of Abbots Road** — substantive and supplementary questions asked by Mrs Peulich — response from Mr Jennings due Thursday, 14 April 2016.

- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 5 **PETITIONS** —

**CHRISTMAS CAROL BAN** — Ms Lovell presented a Petition bearing 264 signatures from certain citizens of Victoria requesting that the Legislative Council ensures that the Andrews Labor Government reverse the ban on singing traditional Christmas carols in Victorian Government schools.

Ordered to lie on the Table.

\* \* \* \* \*

**SKY RAIL** — Mr Davis presented a Petition bearing 924 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its Sky Rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

Ordered to lie on the Table.

\* \* \* \* \*

**SKY RAIL** — Mr Davis presented a Petition bearing 126 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to hold off announcing a preferred tenderer for Sky Rail until community consultation has been taken into account.

Ordered to lie on the Table.

## 6 PAPERS —

**INDEPENDENT COMMISSION OF INQUIRY INTO GREATER GEELONG CITY COUNCIL** — Mr Dalidakis moved, by leave, That there be laid before this House a copy of the Independent Commission of Inquiry into Greater Geelong City Council, March 2016.

Question — put and agreed to.

The Report was presented by Mr Dalidakis and ordered to lie on the Table and to be published.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 5 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 30 July 2015 giving approval to the granting of a lease and licences at Victoria Royal Park Reserve.

Minister's Order of 11 March 2016 giving approval to the granting of a lease at Mordialloc – Mentone Beach.

Minister's Order of 31 March 2016 giving approval to the granting of a licence at Lakeside Stadium Reserve.

Gambling Regulation Act 2003 — Amendment of the Category 1 Public Lottery Licence, 17 March 2016.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ararat Planning Scheme — Amendment C32.

Bass Coast Planning Scheme — Amendment C134.

Boroondara Planning Scheme — Amendments C178, C235 and C237.

Brimbank Planning Scheme — Amendments C161 and C162.

Colac Otway Planning Scheme — Amendment C89.

Corangamite Planning Scheme — Amendments C39 and C42.

East Gippsland Planning Scheme — Amendments C121 and C127.

Glen Eira Planning Scheme — Amendments C139 and C140.

Glenelg Planning Scheme — Amendment C57.

Greater Bendigo Planning Scheme — Amendments C193, C214, C216 and C218.

Greater Geelong Planning Scheme — Amendment C280.

Latrobe Planning Scheme — Amendment C94.

Mansfield Planning Scheme — Amendment C38.

Mildura Planning Scheme — Amendment C85.

Moira Planning Scheme — Amendment C83.

Moyne Planning Scheme — Amendment C55.

Stonnington Planning Scheme — Amendments C224, C226 and C228.

Wellington Planning Scheme — Amendments C85 and C88.

Whittlesea Planning Scheme — Amendment C194.

Yarra Planning Scheme — Amendment C213.

Statutory Rules under the following Acts of Parliament —

Geothermal Energy Resources Act 2005 — No. 15.

Magistrates' Court Act 1989 — No. 17.

Supreme Court Act 1986 — No. 14.



Victorian Energy Efficiency Target Act 2007 — No. 16.  
 Subordinate Legislation Act 1994 —  
 Documents under section 15 in respect of Statutory Rules Nos. 11, 12, 15, 16 and 17.  
 Legislative Instrument and related documents under section 16B in respect of the  
 Domestic Animals Act 1994 — Order exempting holders of certain scientific licences  
 from various provisions of the Domestic Animals Act 1994, dated 22 March 2016.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016 — Parts 1 to 7 — 5 April 2016 (*Gazette No. S86, 5 April 2016*).  
 Justice Legislation Amendment Act 2015 — Part 7 — 6 April 2016 (*Gazette No. S186, 5 April 2016*).

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**ROYAL COMMISSION INTO FAMILY VIOLENCE** — Pursuant to section 37 of the *Inquiries Act 2014*, the Clerk laid on the Table a copy of the Royal Commission into Family Violence Report, March 2016.

\* \* \* \* \*

**ACCOUNTABILITY AND OVERSIGHT COMMITTEE — VICTORIAN INTEGRITY AGENCIES 2013-14 AND 2014-15** — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Accountability and Oversight Committee's Reports on Victorian integrity agencies for 2013-14 and 2014-15.

**7 PRODUCTION OF DOCUMENTS — ADVANCED LIGNITE DEMONSTRATION PROGRAM** — The Clerk laid on the Table three documents received in response to the resolution of the Council of 10 June 2015 relating to the Advanced Lignite Demonstration Program.

The Clerk also laid on the Table a letter from the Attorney-General dated 12 April 2016 —

- referring to his letter of 14 April 2015, noting the limits on the Council's power to call for documents, and to his letter of 10 September 2015, indicating the Government had assessed the agreements and produced them to the Council with certain redactions made on the basis of executive privilege;
- advising the Government has further assessed the agreements and produced them by way of a further response to the Council's order, inclusive of the Agreed Terms and Schedule 2;
- stating that the Government continues to claim executive privilege in relation to the material in Schedules 3 and 4;
- stating that certain names and contact details of individuals contained in the agreements had been excluded to protect personal privacy.

On the motion of Ms Pennicuik (for Mr Barber), the Attorney-General's letter was ordered to be taken into consideration on the next day of meeting.

**8 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 13 April 2016:

- (1) Order of the Day No. 8, second reading of the Infant Viability Bill 2015;
- (2) Order of the Day No. 29, resumption of debate on motion relating to the continuing failure of the Government to comply with certain orders for the production of documents;
- (3) Notice of Motion No. 225 standing in the name of Ms Lovell relating to funding for the redevelopment and expansion of Shepparton Hospital; and
- (4) Order of the Day No. 1, resumption of debate on the Corrections Amendment (No Body, No Parole) Bill 2016.

Question — put and agreed to.

**9 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATE** — Ms Wooldridge moved, by leave, That the Resolution of the Council of 6 May 2015 requiring the Family and Community Development Committee to inquire into and report by 31

May 2016 on services for people with autism spectrum disorder, be amended so as to now require the Committee to present its report by 30 June 2017.

Question — put and agreed to.

- 10 ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATE** — Ms Wooldridge moved, by leave, That the resolution of the Council of 6 May 2015 requiring the Environment, Natural Resources and Regional Development Committee to inquire into and report by 31 March 2016 on the sustainability and operational challenges of Victoria's rural and regional councils, be amended so as to now require the Committee to present its report by 31 March 2017.

Question — put and agreed to.

- 11 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATE** — Dr Carling-Jenkins moved, by leave, That the resolution of the Council of 16 September 2015 requiring the Family and Community Development Committee to inquire into and report by 30 June 2016 on perinatal services, be amended so as to now require the Committee to present its report by 8 December 2017.

Question — put and agreed to.

- 12 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 234 be postponed until later this day.

- 14 VICTORIA POLICE AMENDMENT (MERIT-BASED TRANSFER) BILL 2016** — 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 ordered to be committed to a Committee of the whole later this day.

- 15 LOCAL GOVERNMENT (GREATER GEELONG CITY COUNCIL) BILL 2016** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to dismiss the Greater Geelong City Council and provide for a general election for that Council, to make related amendments to the City of Greater Geelong Act 1993 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Dalidakis), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 16 BUILDING LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2015** — The Deputy President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 17 VICTORIA POLICE AMENDMENT (MERIT-BASED TRANSFER) BILL 2016** — Bill committed to the 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.

- 18 TRANSPORT ACCIDENT AMENDMENT BILL 2015** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

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Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in 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.

**19 ACCESS TO MEDICINAL CANNABIS BILL 2015** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**20 RACING AND OTHER ACTS AMENDMENT (GREYHOUND RACING AND WELFARE REFORM) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Pulford declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Debate continued.

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.

**21 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued.

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 13 APRIL 2016

Debate continued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 12.11 a.m., adjourned until later this day.

ANDREW YOUNG

*Clerk of the Legislative Council*

## **No. 66 — Wednesday, 13 April 2016**

1 The President took the Chair and read the Prayer.

**2 PETITION — INFANT VIABILITY BILL 2015** — Mr Finn presented a Petition bearing 1,960 signatures from certain citizens of Victoria requesting that Legislative Council support the Infant Viability Bill 2015 introduced by Dr Rachel Carling-Jenkins which will rectify the problems with current abortion legislation.

Ordered to lie on the Table.

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

**3 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crimes (Assumed Identities) Act 2004 — Report pursuant to section 31 by the Independent Broad-based Anti-corruption Commission for 2014-15.

Melbourne City Link Act 1995 — Chubb Properties Pty Ltd Sub-lease pursuant to section 60(11) of the Act.

Statutory Rule under the Local Government Act 1989 — No. 18.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Amendment Notice Gazetted 4 April 2016.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**5 INFANT VIABILITY BILL 2015** — Dr Carling-Jenkins laid on the Table a statement in relation to section 28 of the *Charter of Human Rights and Responsibilities Act 2006* stating that a statement of compatibility is not required.

Dr Carling-Jenkins moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Jennings, the debate was adjourned for one week.

**6 PRODUCTION OF DOCUMENTS — SUSPENSION OF LEADER OF THE GOVERNMENT** — Debate resumed on the question, That this House —

- (1) notes the continuing failure of the Leader of the Government, on behalf of the Government, to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —
  - (a) 11 February 2015 in respect of port of Melbourne documents;
  - (b) 25 February 2015 in respect of West Gate distributor documents;
  - (c) 25 February 2015 in respect of Australian Formula One Grand Prix documents;
  - (d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;
  - (e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and
  - (f) 5 August 2015 in respect of Peter Mac Private Hospital documents;
- (2) notes the failure of the Government to comply with the further resolution of the Council of 19 August 2015 reaffirming the requirement for the Leader of the Government to table in the Council the documents outlined in (1)(a) to (f);
- (3) notes that the Government's continuing failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;
- (4) reaffirms the privileges, immunities and powers conferred on it by section 19 of the *Constitution Act 1975*, which includes the right to require the production of documents, and the power to make Standing Orders under section 43 of that Act;
- (5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise Executive behaviour;
- (6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;
- (7) condemns the Government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria;
- (8) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure, on behalf of the Government, to comply, to the satisfaction of the Council, with the resolutions of the Council outlined in (1)(a) to (f) and further resolution of 19 August 2015;
- (9) suspends the Leader of the Government from the service of the Council from 12 noon on the next Tuesday the Council sits following the adoption of this resolution;
- (10) in the event that the documents specified in the resolutions of the Council outlined in (1)(a) to (f) are subsequently lodged with the Clerk, a Member may move at any time, providing there is no question before the Chair, 'That the suspension of the Leader of the Government be lifted';
- (11) for the purposes of a motion moved in accordance with (10), Standing Orders are suspended to the extent necessary so as to provide for the motion —
  - (a) to be a procedural motion for the purposes of Standing Order 5.03;
  - (b) to take precedence over all other business;

- (c) to be put without amendment; and
  - (d) in the event that it is negated, to be put again on a subsequent sitting day;
- (12) notwithstanding the terms of this resolution, a suspension of the Leader of the Government in accordance with (9) ceases to have effect on the day that is six months after the day such a suspension came into effect.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 7 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Truck owner/drivers pay rates** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Dalidakis due Tuesday, 3 May 2016.
- **Back to Work Scheme – small business support** — supplementary question asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 3 May 2016.
- **Sensis Small Business Index rating** — substantive question asked by Ms Wooldridge — response from Mr Dalidakis due Thursday, 14 April 2016.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Parkville Youth Justice Centre – identification of perpetrators** — substantive question asked by Ms Crozier on Tuesday 12 April 2016 — further response from Ms Mikakos due Thursday, 14 April 2016.

- 8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 9 PRODUCTION OF DOCUMENTS — SUSPENSION OF LEADER OF THE GOVERNMENT** — Debate continued on the question, That this House —

- (1) notes the continuing failure of the Leader of the Government, on behalf of the Government, to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —
  - (a) 11 February 2015 in respect of port of Melbourne documents;
  - (b) 25 February 2015 in respect of West Gate distributor documents;
  - (c) 25 February 2015 in respect of Australian Formula One Grand Prix documents;
  - (d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;
  - (e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and
  - (f) 5 August 2015 in respect of Peter Mac Private Hospital documents;
- (2) notes the failure of the Government to comply with the further resolution of the Council of 19 August 2015 reaffirming the requirement for the Leader of the Government to table in the Council the documents outlined in (1)(a) to (f);
- (3) notes that the Government's continuing failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;
- (4) reaffirms the privileges, immunities and powers conferred on it by section 19 of the *Constitution Act 1975*, which includes the right to require the production of documents, and the power to make Standing Orders under section 43 of that Act;
- (5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise Executive behaviour;

- (6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;
- (7) condemns the Government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria;
- (8) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure, on behalf of the Government, to comply, to the satisfaction of the Council, with the resolutions of the Council outlined in (1)(a) to (f) and further resolution of 19 August 2015;
- (9) suspends the Leader of the Government from the service of the Council from 12 noon on the next Tuesday the Council sits following the adoption of this resolution;
- (10) in the event that the documents specified in the resolutions of the Council outlined in (1)(a) to (f) are subsequently lodged with the Clerk, a Member may move at any time, providing there is no question before the Chair, 'That the suspension of the Leader of the Government be lifted';
- (11) for the purposes of a motion moved in accordance with (10), Standing Orders are suspended to the extent necessary so as to provide for the motion —
  - (a) to be a procedural motion for the purposes of Standing Order 5.03;
  - (b) to take precedence over all other business;
  - (c) to be put without amendment; and
  - (d) in the event that it is negatived, to be put again on a subsequent sitting day;
- (12) notwithstanding the terms of this resolution, a suspension of the Leader of the Government in accordance with (9) ceases to have effect on the day that is six months after the day such a suspension came into effect.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, debate stood adjourned in the name of Mr Dalidakis.*

**10 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**11 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.24 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 67 — Thursday, 14 April 2016

1 The President took the Chair and read the Prayer.

2 **PETITION — SAFE SCHOOLS COALITION VICTORIA** — Mrs Peulich presented a Petition bearing 541 signatures from certain citizens of Victoria requesting that the Safe Schools Coalition Victoria be withdrawn from Victorian schools and funding be redirected to a balanced anti-bullying program that addresses all forms of bullying.

Ordered to lie on the Table.

3 **PAPERS** —

**MAGISTRATES' COURT OF VICTORIA** — Mr Herbert presented, by command of the Governor, the Report of the Magistrates' Court of Victoria for the year 2014-15.

The Report was presented by Mr Herbert and ordered to lie on the Table.

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**UNIVERSITY OF DIVINITY** — Mr Herbert moved, by leave, That there be laid before this House a copy of the University of Divinity Report, 2015.

Question — put and agreed to.

The Report was presented by Mr Herbert and ordered to lie on the Table.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

- Bendigo Kangan Institute — Report, 2015.
- Box Hill Institute — Report, 2015.
- Centre for Adult Education — Report, 2015.
- Chisholm Institute — Report, 2015.
- Deakin University — Report, 2015.
- Driver Education Centre of Australia Limited — Report, 2015.
- Federation University Australia — Report, 2015.
- Gotec Limited — Report, 2015.
- Goulburn Ovens Institute of Technical and Further Education — Report, 2015.
- Hazelwood Mine Fire Inquiry — Report, 2015-16, Volume 4 — Mine Rehabilitation, pursuant to section 77 of the Inquiries Act 2014 (*Ordered to be published*).
- Holmesglen Institute — Report, 2015.
- La Trobe University — Report, 2015.
- Melbourne Polytechnic — Report, 2015.
- Monash University — Report, 2015.
- Royal Melbourne Institute of Technology — Report, 2015.
- South West Institute of TAFE — Report, 2015.
- Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 21.
- Sunraysia Institute of Technical and Further Education — Report, 2015.
- Swinburne University of Technology — Report, 2015.
- University of Melbourne — Report, 2015.
- Victoria University — Report, 2015.
- Wodonga Institute of TAFE — Report, 2015.

**4 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 3 May 2016.

Question — put and agreed to.

**5 COMMITTEES MEMBERSHIP** — Mr Jennings moved, by leave, That, effective as at 2 May 2016 —

(1) Mr Leane be —

- (a) discharged from the Standing Committee on the Environment and Planning;
- (b) appointed to the Standing Committee on the Economy and Infrastructure; and

(2) Ms Tierney be —

- (a) discharged from the Standing Committee on the Economy and Infrastructure; and
- (b) appointed to the Standing Committee on the Environment and Planning.

Question — put and agreed to.

**6 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 BUSINESS POSTPONED** — Ordered — That consideration of Government Business, Notices of Motion, Nos. 25 to 234 and Order of the Day No.1 be postponed until later this day.

**9 JUDICIAL COMMISSION OF VICTORIA BILL 2015** — 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 with the concurrence of an absolute majority and a special majority of the whole number of the Members of the Legislative Council and passed.

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

**10 LOCAL GOVERNMENT (GREATER GEELONG CITY COUNCIL) BILL 2016** — Mr Dalidakis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time and, by leave, debated forthwith. Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders* —

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Liquor licence fees** — substantive question asked by Mr O'Donohue — response from Mr Jennings due Wednesday, 4 May 2016.
- **Training data 2015** — supplementary question asked by Mr Finn — response from Mr Herbert due Tuesday, 3 May 2016.
- **RSPCA advice regarding Bulla incident** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Tuesday, 3 May 2016.
- **Sky Rail drilling works** — substantive question asked by Mr Davis — response from Mr Jennings due Wednesday, 4 May 2016.
- **Ormond level-crossing removal – business assistance packages** — substantive question asked by Ms Crozier — response from Mr Dalidakis due Wednesday, 4 May 2016.
- **Murray Basin Rail Project** — substantive question asked by Mr Barber — response from Ms Pulford due Wednesday, 4 May 2016.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Sensis Small Business Index Rating** — substantive question asked by Ms Wooldridge on Wednesday, 13 April 2016 — further response from Mr Dalidakis due Tuesday, 3 May 2016.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 LOCAL GOVERNMENT (GREATER GEELONG CITY COUNCIL) BILL 2016** — Debate continued on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

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

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

**14 SEX OFFENDERS REGISTRATION AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put and agreed to.



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

- 15 CONFISCATION AND OTHER MATTERS AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Confiscation Act 1997 to improve the operation of that Act as it applies to serious and organised crime, to amend the Criminal Organisations Control Act 2012 to remove the distinction between different types of declarations made in respect of organisations, to make miscellaneous amendments to the Surveillance Devices Act 1999, the Open Courts Act 2013, the Criminal Procedure Act 2009, the Sentencing Act 1991 and the Family Violence Protection Amendment Act 2014 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 16 EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mrs Peulich), the debate was adjourned for one week.

- 17 GENE TECHNOLOGY AMENDMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Gene Technology Act 2001 following the enactment of the Gene Technology Amendment Act 2015 of the Commonwealth and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Herbert (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

- 18 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (COMMUNITY SAFETY) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Serious Sex Offenders (Detention and Supervision) Act 2009, the Sentencing Act 1991, the Sex Offenders Registration Act 2004, the Corrections Act 1986 and other Acts to further protect the community from sexual offending and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

**19 TRANSPARENCY IN GOVERNMENT BILL 2015** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to facilitate regular public reporting of performance related data in relation to certain emergency and health services and to ensure transparency in relation to the delivery of those services and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Herbert (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**20 LOCAL GOVERNMENT (GREATER GEELONG CITY COUNCIL) BILL 2016** — The Deputy President read a Message from the Assembly informing the Council that they have agreed to the amendments made by the Council in this Bill.

**21 SEX OFFENDERS REGISTRATION AMENDMENT BILL 2016** — Bill 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.

**22 HEALTH COMPLAINTS BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Wooldridge were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders* —

Ms Mikakos declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in 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.

**23 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.54 p.m., adjourned until Tuesday, 3 May 2016.

ANDREW YOUNG  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 65, 66 and 67

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### **VICTORIA POLICE AMENDMENT (MERIT-BASED TRANSFER) BILL 2016**

*Committed Tuesday, 12 April 2016*

**Clauses 1 to 7** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### **TRANSPORT ACCIDENT AMENDMENT BILL 2015**

*Committed Tuesday, 12 April 2016*

**Clauses 1 to 8** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### **LOCAL GOVERNMENT (GREATER GEELONG CITY COUNCIL) BILL 2016**

*Committed Thursday, 14 April 2016*

*Amendments circulated: Mr Dalidakis, Mr Davis and Ms Dunn (see pp 389–90)*

**Clauses 1 to 9** — put and agreed to.

**Clause 10** — Mr Davis moved his Amendment No. 2 — put and agreed to.

Clause 10, as amended — put and agreed to.

**Clause 11** — put and agreed to.

**New Clause** — Mr Davis moved his Amendment No. 3.

Question — That the new clause stands part of the Bill — put and agreed to.

**Clauses 12 to 15** — put and negated.

**Clause 16** — Mr Dalidakis moved his Amendment No 6 — put and agreed to.

Clause 16, as amended — put and agreed to.

**Clauses 17 to 22** — put and negated.

**Clause 23** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

### **SEX OFFENDERS REGISTRATION AMENDMENT BILL 2016**

*Committed Thursday, 14 April 2016*

*Amendments circulated: Ms Pennicuik (see pp 390–1)*

**Clauses 1 to 7** — put and agreed to.

**Clause 8** — Ms Pennicuik moved her Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(*Tellers: Ms Dunn and Ms Springle*)

NOES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Mr Elasmarr and Mr Ramsay*)

Question negated.

Ms Pennicuik moved her Amendment No. 2 — put and negated.

Ms Pennicuik moved her Amendment Nos. 3 and 4 — put and negated.

Clause 8 — put and agreed to.

**Clauses 9 to 24** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

## **HEALTH COMPLAINTS BILL 2016**

*Committed Thursday, 14 April 2016*

*Amendments circulated: Ms Wooldridge (see p 391)*

**Clauses 1 to 138** — put and agreed to.

**Clause 139** — Ms Wooldridge moved her Amendment Nos. 1 and 2 — put and agreed to.

Clause 139, as amended — put and agreed to.

**Clauses 140 to 254** — put and agreed to.

**Schedules 1 and 2** — put and agreed to.

**Bill reported with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. LOCAL GOVERNMENT (GREATER GEELONG CITY COUNCIL) BILL 2016*****Amendments circulated by Mr Dalidakis —***

## NEW CLAUSES

1. Insert the following New Clauses to follow clause 11—

**'AA Amendments relating to general election to be held in 2020**

In the **City of Greater Geelong Act 1993**—

- (a) in the heading to section 8, for "2016" substitute "October 2020";
- (b) in section 8(1), for "2016" substitute "2020";
- (c) in section 9, for "2016" substitute "October 2020" !.

**BB Repeal of section 16**

Section 16 of the **City of Greater Geelong Act 1993** is repealed.!

2. Clause 12, omit this clause.
3. Clause 13, omit this clause.
4. Clause 14, omit this clause.
5. Clause 15, omit this clause.
6. Clause 16, lines 16 to 24, omit subclauses (1), (2) and (3).
7. Clause 17, omit this clause.
8. Clause 18, omit this clause.
9. Clause 19, omit this clause.
10. Clause 20, omit this clause.
11. Clause 21, omit this clause.
12. Clause 22, omit this clause.

***Amendments circulated by Mr Davis —***

1. Clause 6, line 27, after this line insert—

"(2) Despite subsection (1), the Minister must not recommend that the Governor in Council make an Order in Council specifying that a panel of administrators be appointed unless the Minister has consulted with the Leaders of each recognized political party which has representatives in the Parliament as to the persons to be appointed to the panel of administrators."

2. Clause 10, line 6, omit "2020" and insert "2017".

## NEW CLAUSE

3. Insert the following New Clause to follow clause 11—

**'A Amendments relating to general election to be held in 2017**

In the **City of Greater Geelong Act 1993**—

- (a) in the heading to section 8, for "2016" substitute "October 2017";
- (b) in section 8(1), for "2016" substitute "October 2017";
- (c) in section 9, for "2016" substitute "October 2017";
- (d) in section 16, for "2016" substitute ""October 2017" !.

4. Clause 12, omit this clause.
5. Clause 13, omit this clause.

6. Clause 14, omit this clause.
7. Clause 15, omit this clause.
8. Clause 16, lines 16 to 24, omit subclauses (1), (2) and (3).
9. Clause 17, omit this clause.
10. Clause 18, omit this clause.
11. Clause 19, omit this clause.
12. Clause 20, omit this clause.
13. Clause 21, omit this clause.
14. Clause 22, omit this clause.

***Amendments circulated by Ms Dunn —***

1. Clause 10, line 6, omit "2020" and insert "2017".

NEW CLAUSE

2. Insert the following New Clause to follow clause 11—

**'A Amendments relating to general election to be held in 2017**

**In the City of Greater Geelong Act 1993—**

- (a) in the heading to section 8, for "2016" substitute "October 2017";
- (b) in section 8(1), for "2016" substitute "October 2017";
- (c) in section 9, for "2016" substitute "October 2017";
- (d) in section 16, for "2016" substitute ""October 2017" !.

3. Clause 12, omit this clause.
4. Clause 13, omit this clause.
5. Clause 14, omit this clause.
6. Clause 15, omit this clause.
7. Clause 16, lines 16 to 24, omit subclauses (1), (2) and (3).
8. Clause 17, omit this clause.
9. Clause 18, omit this clause.
10. Clause 19, omit this clause.
11. Clause 20, omit this clause.
12. Clause 21, omit this clause.
13. Clause 22, omit this clause.

**2. SEX OFFENDERS REGISTRATION AMENDMENT BILL 2016**

***Amendments circulated by Ms Pennicuik —***

1. Clause 8, page 12, after line 14 insert—

"() If the Children's Court makes a final prohibition order in respect of a registrable offender who is a child, the court must provide its reasons for making that order and—

- (a) if the registrable offender is before the court, cause a copy of those reasons to be given to the registrable offender with the copy of the final prohibition order; or
- (b) if the registrable offender is not before the court, cause a copy of the reasons to be served on the registrable offender with the copy of the final prohibition order."

2. Clause 8, page 17, lines 21 and 22, omit "or desirable".

3. Clause 8, page 59, line 4, omit 'section.'" and insert "section."
4. Clause 8, page 59, after line 4 insert—

**'66ZZDE Review of operation of Part 4A**

- (1) The Minister must cause an independent review of the operation of this Part to be undertaken as soon as possible after the second anniversary of the commencement of this Part to determine—
  - (a) the effectiveness of the regime of protection orders; and
  - (b) whether the policy objectives of the Part remain valid and the provisions of this Part remain appropriate for achieving those objectives.
- (2) A person who undertakes a review under subsection (1) must give the Minister a written report of the review.
- (3) The Minister must cause a copy of the report of the review to be laid before each House of the Parliament within 6 months after the second anniversary of the commencement of this Part.".

### **3. HEALTH COMPLAINTS BILL 2016**

***Amendments circulated by Ms Wooldridge —***

1. Clause 139, line 2, omit "The" and insert "As soon as practicable after the end of each financial year but not later than 30 November, the".
2. Clause 139, lines 4 to 5, omit "within 12 months of the end of the financial year to which the report applies".







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 68, 69 and 70

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#### No. 68 — Tuesday, 3 May 2016

- 1 The President took the Chair and read the Prayer.
- 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 15 April 2016 —  
*Local Government (Greater Geelong City Council) Act 2016.*
  - On 19 April 2016 —  
*Building Legislation Amendment (Consumer Protection) Act 2016*  
*Judicial Commission of Victoria Act 2016*  
*Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Act 2016*  
*Transport Accident Amendment Act 2016*  
*Victoria Police Amendment (Merit-based Transfer) Act 2016.*
  - On 26 April —  
*Access to Medicinal Cannabis Act 2016*  
*Sex Offenders Registration Amendment Act 2016.*
  - On 3 May 2016 —  
*Health Complaints Act 2016.*
- 3 **HEALTH COMPLAINTS BILL 2016** — 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.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Back to Work scheme payments** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Jennings due Thursday, 5 May 2016.
- **Production of documents executive privilege claims** — supplementary question asked by Mr Rich-Phillips — response from Mr Jennings due Thursday, 5 May 2016.
- **Children in residential care** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 4 May 2016.
- **Safe Access Zones enforcement** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Mr Dalidakis due Thursday, 5 May 2016.
- **Fire Services Review** — substantive and supplementary questions asked by Ms Hartland — response from Mr Dalidakis due Thursday, 5 May 2016.

**5 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**6 ENVIRONMENT AND PLANNING COMMITTEE — SELF REFERRAL** — The President read a letter from the Chair of the Environment and Planning Standing Committee advising that the Committee, pursuant to Sessional Order 6, commenced a self-referenced inquiry on 3 May 2016 into the Preparation and Planning for Fire Seasons.

**7 PETITIONS** —

**ABBOTTS ROAD CLOSURE** — Mrs Peulich presented a Petition bearing 240 signatures from certain citizens of Victoria requesting that the Andrews Labor Government immediately rule out a permanent closure of Abbots Road in Dandenong South.

Ordered to lie on the Table.

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

\* \* \* \* \*

**SKY RAIL** — Mrs Peulich presented a Petition bearing 307 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to rule out a Sky Rail design for Cheltenham, Edithvale, Bonbeach, Carrum, Seaford and Frankston and ensure that local level crossings be undergrounded as at Springvale.

Ordered to lie on the Table.

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

\* \* \* \* \*

**INFANT VIABILITY BILL 2015** — Ms Bath presented a Petition bearing 2,986 signatures from certain citizens of Victoria requesting that the Legislative Council support the Infant Viability Bill 2015, introduced by Dr Rachel Carling-Jenkins, which they believe will rectify the problems with current abortion legislation.

Ordered to lie on the Table.

\* \* \* \* \*

**INFANT VIABILITY BILL 2015** — Mr Finn presented a Petition bearing 862 signatures from certain citizens of Victoria requesting that Legislative Council support the Infant Viability Bill 2015, introduced by Dr Rachel Carling-Jenkins, which they believe will rectify the problems with current abortion legislation.

Ordered to lie on the Table.

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

\* \* \* \* \*

**INFANT VIABILITY BILL 2015** — Dr Carling-Jenkins presented a Petition bearing 2,426 signatures from certain citizens of Victoria requesting that Legislative Council support the Infant Viability Bill 2015, introduced by Dr Rachel Carling-Jenkins, which they believe will rectify the problems with current abortion legislation.

Ordered to lie on the Table.

\* \* \* \* \*

**INFANT VIABILITY BILL 2015** — Mr Ondarchie presented a Petition bearing 1,965 signatures from certain citizens of Victoria requesting that Legislative Council support the Infant Viability Bill 2015, introduced by Dr Rachel Carling-Jenkins, which they believe will rectify the problems with current abortion legislation.

Ordered to lie on the Table.

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**CHRISTMAS CAROL BAN** — Ms Lovell presented a Petition bearing 314 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria ensures that the Andrews Government reverse the ban on singing traditional Christmas carols in Victorian Government schools.

Ordered to lie on the Table.

**8 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —** Mr Dalla-Riva presented Alert Digest No. 6 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**ELECTORAL MATTERS COMMITTEE — CONDUCT OF THE 2014 VICTORIAN STATE ELECTION —** Mr Somyurek presented a Report from the Electoral Matters Committee on the Inquiry into the conduct of the 2014 Victorian state election (including Appendices, an Extract of Proceedings and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Somyurek moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**BUDGET PAPERS, 2016-17 —**

Pursuant to section 27E of the *Financial Management Act 1994*, Mr Jennings laid on the Table a copy of —

- (1) Budget Paper No. 2: Strategy and Outlook;
- (2) Budget Paper No. 3: Service Delivery; and
- (3) Budget Paper No. 5: Statement of Finances (incorporating Quarterly Financial Report No. 3).

Mr Jennings moved, by leave, That there be laid before this House a copy of —

- (1) Budget Paper No. 1: Treasurer's Speech;
- (2) Budget Paper No. 4: State Capital Program;
- (3) the Victorian Budget 2016-17 Overview; and
- (4) the Rural and Regional Budget Information Paper.

Question put and agreed to.

The papers were presented by Mr Jennings and ordered to lie on the Table.

On the motion of Mr Jennings, the Budget Papers 2016-17 were ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE —** The following Papers, pursuant to the direction of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 4 February 2016 giving approval to the granting of a lease at Hanlon Park Reserve, Portland.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32 in relation to Statutory Rules Nos. 16 and 31.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

- Benalla Planning Scheme — Amendment C29.
- Boroondara Planning Scheme — Amendment C214.
- Brimbank Planning Scheme — Amendment C179 (Part 1).
- Casey Planning Scheme — Amendment C205.
- Colac Otway Planning Scheme — Amendment C84.
- Hindmarsh Planning Scheme — Amendment C7.
- Loddon Planning Scheme — Amendment C36.
- Melbourne Planning Scheme — Amendment C186 (Part 2).
- Moonee Valley Planning Scheme — Amendment C161.
- Stonnington Planning Scheme — Amendments C185 (Part 1) and C185 (Part 2).
- Wangaratta Planning Scheme — Amendment C48.
- Whitehorse Planning Scheme — Amendment C172 (Part 1).

## Professional Standards Act 2003 —

Australian Computer Society and the Royal Institute of Chartered Surveyors Valuers Ltd Professional Standards Schemes, Gazetted 24 December 2015.

Australian Property Institute Valuers Limited and the Law Institute of Victoria Limited Professional Standards Schemes, Gazetted 21 April 2016.

## Statutory Rules under the following Acts of Parliament —

Bail Act 1977 — No. 26.

Building Act 1993 — Nos. 21 and 31.

Children, Youth and Families Act 2005 — Nos. 19 and 27.

Drugs, Poisons and Controlled Substances Act 1981 — No. 20.

Heavy Vehicle National Law Application Act 2013 — No. 25.

Marine (Drug, Alcohol and Pollution Control) Act 1988 — No. 22.

Non-Emergency Patient Transport Act 2003 — No. 28.

Rail Safety (Local Operations) Act 2006 — No. 23.

Road Safety Act 1986 — No. 24.

Subdivision Act 1988 and Transfer of Land Act 1958 — No. 30.

Transfer of Land Act 1958 — No. 29.

## Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 18 to 20, 22 to 25, 28 to 31, 33 and 34.

Legislative Instrument and related documents under section 16B in respect of Environment Protection Act 1970 — Industrial Waste — Classification for Architectural and Decorative Paint, Gazetted 7 April 2016.

## Wildlife (Prohibition of Game Hunting) Notices —

Notice Gazetted 13 April 2016.

Notice Gazetted 17 April 2016.

Amendment Notice Gazetted 24 April 2016.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Bail Amendment Act 2016 — remaining provisions — 2 May 2016 (*Gazette No. S103, 19 April 2016*).

Justice Legislation Further Amendment Act 2016 — Whole Act (except sections 4, 5, 6, and 8 and Part 5) — 1 May 2016 (*Gazette No. S114, 26 April 2016*).

Public Health and Wellbeing Amendment (Safe Access Zones) Act 2015 — 2 May 2016 (*Gazette No. S114, 26 April 2016*).

Road Legislation Amendment Act 2016 — remaining provisions — 15 April 2016 (*Gazette No. S103, 12 April 2016*).

\* \* \* \* \*

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION — SPECIAL REPORT CONCERNING OPERATION ORD: AN INVESTIGATION INTO THE CONDUCT OF OFFICERS AT THE DEPARTMENT OF EDUCATION AND TRAINING, IN CONNECTION WITH THE USE OF ‘BANKER SCHOOLS’ AND RELATED ACTIVITIES, APRIL 2016** —

Pursuant to section 162 of the *Independent Broad-based Anti-corruption Commission Act 2011*, the Clerk laid on the Table a copy of the Special report concerning Operation Ord: An investigation into the conduct of officers at the Department of Education and Training, in connection with the use of ‘banker schools’ and related activities (*Ordered to be published*).

**9 PRODUCTION OF DOCUMENTS** —

**PUNT ROAD** — The Clerk laid on the Table 303 documents received in response to the resolution of the Council of 9 December 2015 relating to traffic flows, projections and plans concerning Punt Road.

The Clerk also laid on the Table a letter from the Attorney-General dated 29 April 2016 —

- stating that certain names and contact details of individuals contained in the agreements had been excluded to protect personal privacy; and
- advising that the Government will continue to identify, collate, review and assess material that is relevant to the Council order and provide a further response as soon as possible.

**CITY OF PORT PHILLIP DRAFT PLANNING SCHEME AMENDMENT C107** — The Clerk laid on the Table a letter from the Attorney-General dated 29 April 2016 in response to the resolution of the Council of 7 October 2015 seeking the production of documents relating to the City of Port Phillip Draft Planning Scheme Amendment C107 —

- referring to his letter of 9 February 2016, which enclosed 59 documents in response to paragraphs (1) and (2) of the Council's resolution;
- referring to his letter of 14 April 2015, noting the limits of the Council's power to call for documents, and restating the limit of the Council's power in relation to executive privilege under section 19(1) of the *Constitution Act 1975*; and
- stating that executive privilege was claimed in relation to the document identified in paragraph (3) of the resolution and that, therefore, this document will not be provided.

**10 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 4 May 2016:

- (1) Order of the Day No. 25, resumption of debate on motion relating to the continuing failure of the Government to comply with certain orders for the production of documents;
- (2) Notice of Motion given this day by Ms Hartland calling for the production of certain documents prepared by Crown Casino;
- (3) Notice of Motion given this day by Mr O'Donohue in relation to the Country Fire Authority;
- (4) Notice of Motion No. 237 standing in the name of Mr O'Donohue relating to the Melbourne CBD riot;
- (5) Notice of Motion No. 239 standing in the name of Mr Morris requesting the Legislative Assembly grant leave for the Treasurer to appear before the Economy and Infrastructure Committee; and
- (6) Notice of Motion No. 240 standing in the name of Mr Davis requesting the Legislative Assembly grant leave for the Minister for Local Government to appear before the Planning and Environment Committee.

Question — put and agreed to.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 234 be postponed until later this day.

**13 INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (A STRONGER SYSTEM) BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

An amendment proposed to be moved in Committee by Mr Jennings was circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

Mr Rich-Phillips moved, That the Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015 be referred to the Standing Committee on Legal and Social Issues for inquiry, consideration and report by 16 August 2016 and, in conducting its inquiry, the Committee should limit its consideration to special reports of the NSW Office of the Inspector of the Independent Commission Against Corruption and the desirability of improved safe guards and oversight of Independent Broad-based Anti-corruption Commission operations in light of the New South Wales experience.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

## AYES, 15

Mr Atkinson; Ms Crozier; Ms Bath; Mr Dalla-Riva; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Finn and Ms Fitzherbert)*

## NOES, 23

Mr Barber; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Bourman and Mr Melhem)*

Question negatived.

Bill ordered to be committed to a Committee of the whole on the next day of meeting.

- 14 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 7 be postponed until later this day.

- 15 OCCUPATIONAL LICENSING NATIONAL LAW REPEAL BILL 2015** — 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.

- 16 CONSUMER ACTS AND OTHER ACTS AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Springle were circulated.

Debate continued.

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.

Mr Dalidakis moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

## AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Lovell and Mr Mulino)*

## NOES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Hartland)*

Question agreed to.

Bill read a third time.

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

- 17 NATIONAL ELECTRICITY (VICTORIA) FURTHER AMENDMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Ms Mikakos declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

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.

**18 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.55 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 69 — Wednesday, 4 May 2016

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**SKY RAIL** — Mr Davis presented a Petition bearing 22 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to hold off announcing a preferred tenderer for Sky Rail until community consultation has been taken into account.

Ordered to lie on the Table.

\* \* \* \* \*

**SKY RAIL** — Mr Davis presented a Petition bearing 847 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its Sky Rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

Ordered to lie on the Table.

\* \* \* \* \*

**INFANT VIABILITY BILL 2015** — Mr Young presented a Petition bearing 1,029 signatures from certain citizens of Victoria requesting that the Legislative Council support the Infant Viability Bill 2015, introduced by Dr Rachel Carling-Jenkins, which they believe will rectify the problems with current abortion legislation.

Ordered to lie on the Table.

\* \* \* \* \*

**INFANT VIABILITY BILL 2015** — Mr Finn presented a Petition bearing 1,588 signatures from certain citizens of Victoria requesting that the Legislative Council support the Infant Viability Bill 2015, introduced by Dr Rachel Carling-Jenkins, which they believe will rectify the problems with current abortion legislation.

Ordered to lie on the Table.

\* \* \* \* \*

**INFANT VIABILITY BILL 2015** — Mr Bourman presented a Petition bearing 1,893 signatures from certain citizens of Victoria requesting that the Legislative Council support the Infant Viability Bill 2015, introduced by Dr Rachel Carling-Jenkins, which they believe will rectify the problems with current abortion legislation.

Ordered to lie on the Table.

\* \* \* \* \*

**INFANT VIABILITY BILL 2015** — Mr Dalla-Riva presented a Petition bearing 6,635 signatures from certain citizens of Victoria requesting that the Legislative Council support the Infant Viability Bill 2015, introduced by Dr Rachel Carling-Jenkins, which they believe will rectify the problems with current abortion legislation.

Ordered to lie on the Table.

**INFANT VIABILITY BILL 2015** — Mr Morris presented a Petition bearing 2,608 signatures from certain citizens of Victoria requesting that the Legislative Council support the Infant Viability Bill 2015, introduced by Dr Rachel Carling-Jenkins, which they believe will rectify the problems with current abortion legislation.

Ordered to lie on the Table.

### 3 PAPERS —

**GOVERNMENT RESPONSE TO THE COMMUNITY VISITORS REPORT, 2014-15** — Ms Mikakos moved, by leave, That there be laid before this House a copy of the Government Response to the Community Visitors Report, 2014-15.

Question — put and agreed to.

The Report was presented by Ms Mikakos and ordered to lie on the Table.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REPORT ON THE 2013-14 AND 2014-15 FINANCIAL AND PERFORMANCE OUTCOMES** — Ms Shing presented a Report from the Public Accounts and Estimates Committee on the 2013-14 and 2014-15 Financial and Performance Outcomes (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Shing moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor General's Report on Managing and Reporting on the Performance and Cost of Capital Projects, May 2016 (*Ordered to be published*).

Drugs, Poisons and Controlled Substances Act 1981 — Report, 2015 pursuant to section 96 by Victoria Police for 2015.

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's report on the 2015-16 Budget Estimates.

Statutory Rules under the following Acts of Parliament —  
Building Act 1993 — No. 33.

EastLink Project Act 2004 — No. 36.

Electricity Safety Act 1998 — No. 32.

Residential Tenancies Act 1997 — No. 34.

Transport (Compliance and Miscellaneous) Act 1983 — No. 35.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 32.

**4 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 1 be postponed until later this day.

**7 PRODUCTION OF DOCUMENTS — CROWN CASINO ANALYSIS OF PLAYER GAMBLING DATA** — Ms Hartland moved, That, in accordance with Standing Order 11.01, there be tabled in the Council by 12 noon on Wednesday, 8 June 2016, a copy of the document prepared by Crown Casino for the Victorian Commission for Gambling and Liquor Regulation in late 2015, which outlines the finding of analysis of player data, including as an indicator for punters who may have a problem with their gambling.

Debate ensued.

Question — put and agreed to.



**8 COUNTRY FIRE AUTHORITY** — Mr O'Donohue moved, That this House —

- (1) acknowledges the selfless and courageous work of the brave men and women of the Victorian CFA, one of the most remarkable volunteer organisations in the world; and
- (2) calls on the Government to reject any United Firefighters Union (UFU) EBA claim that —
  - (a) allows the UFU to direct or impede CFA activities;
  - (b) undermines the autonomy of CFA volunteer firefighters;
  - (c) impacts upon the rights of CFA volunteer firefighters, including through the Volunteers Charter; and
  - (d) leads to a reduction in surge capacity of the CFA to respond to major events.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **PSOs use of force** — substantive and supplementary questions asked by Ms Patten — response from Mr Herbert due Tuesday, 24 May 2016.
- **WorkCover claims in Parkville Youth Justice Centre** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 5 May 2016.

\* \* \* \* \*

**CHILDREN IN RESIDENTIAL CARE** — Ms Mikakos having provided a written response, in accordance with Sessional Order 5, to a question asked by Ms Crozier on Tuesday, 3 May 2016 on children in residential care —

Ms Crozier moved, by leave, That the Minister's written response be taken into consideration on the next day of meeting.

Question — put and agreed to.

**10 MESSAGE FROM THE ASSEMBLY — INVITATION TO COUNCIL MEMBERS** — The President read a Message from the Assembly inviting Members of the Legislative Council to attend a sitting of the Assembly in the Legislative Assembly Chamber on Tuesday, 24 May 2016 at 2.00 p.m. for the consideration of the motion for a parliamentary apology for laws criminalising homosexuality and the harms caused.**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.**12 COUNTRY FIRE AUTHORITY** — Debate continued on the question, That this House —

- (1) acknowledges the selfless and courageous work of the brave men and women of the Victorian CFA, one of the most remarkable volunteer organisations in the world; and
- (2) calls on the Government to reject any United Firefighters Union (UFU) EBA claim that —
  - (a) allows the UFU to direct or impede CFA activities;
  - (b) undermines the autonomy of CFA volunteer firefighters;
  - (c) impacts upon the rights of CFA volunteer firefighters, including through the Volunteers Charter; and
  - (d) leads to a reduction in surge capacity of the CFA to respond to major events.

Question — put and agreed to.

**13 MOOMBA RIOT IN MELBOURNE CBD** — Mr O'Donohue moved, That this House expresses its concern following the Moomba riot in the Melbourne CBD on the evening of Saturday, 12 March 2016 noting —

- (1) the thuggish, violent and inexcusable behaviour by many of those involved in the riot;
- (2) the injury, property damage and distress caused to the many families, tourists, workers and community members who were in the CBD at the time to enjoy Moomba;
- (3) the damage to Melbourne's reputation as a safe and welcoming place to visit;

- (4) the lack of leadership shown by Premier Daniel Andrews by not speaking to the media for the 36 hours following the riot;
- (5) the resources Victoria Police has at its disposal, given the cuts to the number of police per capita by the Andrews Labor Government;
- and calls on Andrews Labor Government to provide Victoria Police with the resources it needs to ensure those involved in the Moomba riot are brought to justice and that such a riot is not repeated.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr O'Donohue.*

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.23 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 70 — Thursday, 5 May 2016

1 The President took the Chair and read the Prayer.

**2 TREASURY AND FINANCE LEGISLATION AMENDMENT BILL 2016** — The President read a Message from the Assembly presenting *A Bill for and Act to amend the Workplace Injury Rehabilitation and Compensation Act 2013, the Accident Compensation Act 1985 and the Occupational Health and Safety Act 2004 to further improve the operation of those Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, the second reading was made an Order of the Day later this day.

**3 HOUSE CONTRACTS GUARANTEE REPEAL BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act to repeal the House Contracts Guarantee Act 1987 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, the second reading was made an Order of the Day later this day.

**4 LAND (REVOCAION OF RESERVATIONS – METROPOLITAN LAND) BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act to revoke permanent reservations of certain land at Cranbourne, Fitzroy and Springvale, to provide for the reservation of certain land for specified purposes and to save certain leases and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time and, by leave, the second reading was made an Order of the Day later this day.

**5 PETITION — INFANT VIABILITY BILL 2015** — Mr Finn presented a Petition bearing 922 signatures from certain citizens of Victoria requesting that the Legislative Council support the Infant Viability Bill 2015, introduced by Dr Rachel Carling-Jenkins, which they believe will rectify the problems with current abortion legislation.

Ordered to lie on the Table.

**6 PAPER — LEGAL AND SOCIAL ISSUES COMMITTEE — MACHINERY OF GOVERNMENT CHANGES** — Mr O'Donohue presented a Report from the Legal and Social Issues Committee on Machinery of Government Changes (including Appendices).

Ordered to lie on the Table and to be published.

Mr O'Donohue moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

- 7 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 24 May 2016.

Question — put and agreed to.

- 8 SITTING OF THE COUNCIL** — Mr Jennings moved, by leave, That Standing Order 4.01 be suspended to the extent necessary so as to provide that the day and hour of meeting of the Council on Tuesday, 24 May 2016 will commence five minutes after the conclusion of the Legislative Assembly motion for the parliamentary apology for laws criminalising homosexuality and the harms caused and the order of business thereafter will be in accordance with Standing Order 5.02(1).

Question — put and agreed to.

- 9 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

- 10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 11 BUSINESS POSTPONED** — Ordered — That Government Business, Notices of Motion, Nos. 25 to 234 be postponed until later this day.

- 12 FINES REFORM AND INFRINGEMENTS ACTS AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

- 13 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**PROPOSED EARLY LEARNING FACILITY IN BALLARAT** — Ms Mikakos having given answers to a question without notice and supplementary question relating to a proposed early learning facility in Ballarat —

On the motion of Mr Morris, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Drought assistance packages** — substantive question asked by Mr Drum — response from Ms Pulford due Tuesday, 24 May 2016.
- **Toxic Tide Report recommendations** — substantive and supplementary questions asked by Ms Springle — response from Mr Jennings due Wednesday, 25 May 2016.
- **Seymour College campus funding** — substantive and supplementary questions asked by Mr Young — response from Mr Herbert due Wednesday, 25 May 2016.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **WorkCover claims in Parkville Youth Justice Centre** — substantive and supplementary questions asked by Ms Crozier on Wednesday, 4 May 2016 — further response from Ms Mikakos due Tuesday, 24 May 2016.

**14 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**15 HOUSE CONTRACTS GUARANTEE REPEAL BILL 2016** — Mr Herbert laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**16 LAND (REVOCAION OF RESERVATIONS – METROPOLITAN LAND) BILL 2016** — Mr Herbert laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**17 TREASURY AND FINANCE LEGISLATION AMENDMENT BILL 2016** — Mr Herbert laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**18 FINES REFORM AND INFRINGEMENTS ACTS AMENDMENT BILL 2016** — Bill further considered in Committee of the whole.

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.

**19 ROOMING HOUSE OPERATORS BILL 2015** — 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.

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.

**20 INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (A STRONGER SYSTEM) BILL 2015** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Pulford declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in 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.

**21 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 11.59 p.m., adjourned until Tuesday, 24 May 2016.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 68, 69 and 70

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### CONSUMER ACTS AND OTHER ACTS AMENDMENT BILL 2015

*Committed Tuesday, 3 May 2016*

*Amendments circulated: Ms Springle (see p 413)*

**Clauses 1 to 23** — put and agreed to.

**Clause 24** — Ms Springle moved her Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Hartland)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Dalidakis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Mikakos and Mr Young)*

Question negatived.

Clause 24 — put and agreed to.

**Clauses 25 to 46** — put and agreed to.

**Bill reported without amendment.**

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### FINES REFORM AND INFRINGEMENTS ACTS AMENDMENT BILL 2016

*Committed Thursday, 5 May 2016*

*Amendments circulated: Mr Rich-Phillips and Ms Pennicuik (see pp 413–15)*

**Clause 1** — Mr Rich-Phillips moved his Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Mr Finn)*

NOES, 18

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Herbert; Ms Hartland; Mr Jennings; Mr Leane; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Barber and Mr Leane)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 and 3** — put and agreed to.

**Clause 4** — Ms Pennicuik moved her Amendment Nos. 1 and 2 — put and agreed to.  
 Clause 4, as amended — put and agreed to.

**Clause 5** — put and agreed to.

**Clause 6** — Ms Pennicuik moved her Amendment Nos. 3 to 5 — put and agreed to.  
 Ms Pennicuik moved her Amendment Nos. 6 to 8 — put and agreed to.  
 Clause 6, as amended — put and agreed to.

**Clauses 7 to 36** — put and agreed to.

**Progress reported.**

*Progress having been reported, Bill further considered in Committee of the whole.*

**Clauses 37 and 41** — put and agreed to.

**Clause 42** —

Question — That the clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Herbert; Ms Hartland;  
 Mr Jennings; Mr Leane; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik;  
 Ms Pulford; Ms Shing; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Elasmarr and Ms Hartland)*

NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva;  
 Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mrs Peulich;  
 Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young

*(Tellers: Mr Ramsay and Ms Fitzherbert)*

Question agreed to.

**Clauses 43 to 60** — put and agreed to.

**Clause 61** — Ms Pennicuik moved her Amendment Nos. 9 and 10 — put and agreed to.

Ms Pennicuik moved her Amendment No. 11.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Patten)*

NOES, 30

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis;  
 Mr Dalla-Riva; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert;  
 Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue;  
 Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing;  
 Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Mulino and Mr Ramsay)*

Question negatived.

Ms Pennicuik moved her Further Amendment — put and agreed to.

Clause 61, as amended — put and agreed to.

**Clause 62 to 66** — put and agreed to.

**Clause 67** — Ms Pennicuik moved her Amendment Nos. 12 to 14 — put and agreed to.

Ms Pennicuik moved her Amendment Nos. 15 to 17 — put and agreed to.

Clause 67, as amended — put and agreed to.



**Clauses 69 to 88** — put and agreed to.

**Clause 89** —

Question — That the clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Herbert; Ms Hartland; Mr Jennings; Mr Leane; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Ms Springle; Ms Symes; Ms Tierney.

(*Tellers: Ms Springle and Ms Symes*)

NOES, 17

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young

(*Tellers: Dr Carling-Jenkins and Mr Finn*)

Question agreed to.

**Clauses 90 to 112** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

## **ROOMING HOUSE OPERATORS BILL 2015**

*Committed Thursday, 5 May 2016*

*Amendments circulated: Ms Patten (see p 416)*

**Clauses 1 to 16** — put and agreed to.

**Clause 17** — Ms Patten moved her Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(*Tellers: Mr Barber and Ms Pennicuik*)

NOES, 30

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Ms Bath and Mr Rich-Phillips*)

Question negatived.

Clause 17 — put and agreed to.

**Clauses 18 to 93** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

## **INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (A STRONGER SYSTEM) BILL 2015**

*Committed Thursday, 5 May 2016*

*Amendments circulated: Ms Pennicuik, Mr Rich-Phillips and Mr Jennings (see pp 416–19)*

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Ms Pennicuik moved her Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Springle)*

NOES, 30

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Ms Symes)*

Question negatived.

Mr Rich-Phillips moved his Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Ondarchie and Mr Young)*

NOES, 18

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Herbert; Ms Hartland; Mr Jennings; Mr Leane; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Ms Springle; Ms Symes; Ms Tierney

*(Tellers: Mr Dalidakis and Ms Mikakos)*

Question negatived.

Clause 3 — put and agreed to.

**Clauses 4 to 21** — put and agreed to.

**Clause 22** — Ms Pennicuik moved her Amendment Nos. 3 to 7 — put and negatived.

Clause 22 — put and agreed to.

**Clause 23** — Ms Pennicuik moved her Amendment No. 8.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Springle)*

NOES, 30

Mr Atkinson; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Edideh and Mrs Peulich)*

Question negatived.

Clause 23 — put and agreed to.

**Clauses 24 to 53** — put and agreed to.

**Clause 54** — Mr Jennings moved his Amendment No. 1 — put and agreed to.

Clause 54, as amended — put and agreed to.

**Clauses 55 to 91** — put and agreed to.

**Clause 92** — Ms Pennicuik moved her Amendment No. 9.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(*Tellers: Ms Patten and Mr Barber*)

NOES, 28

Mr Atkinson; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmar; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Ms Symes; Ms Tierney; Ms Wooldridge.

(*Tellers: Mr Leane and Ms Lovell*)

Question negated.

Ms Pennicuik moved her Amendment No. 10.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(*Tellers: Ms Dunn and Ms Hartland*)

NOES, 28

Mr Atkinson; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmar; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Ms Symes; Ms Tierney; Ms Wooldridge.

(*Tellers: Ms Crozier and Mr Herbert*)

Question negated.

Clause 92 — put and agreed to.

**Clause 93** — put and agreed to.

**Clause 94** — Mr Rich-Phillips moved his Amendment No. 2 — put and negated.

Clause 94 — put and agreed to.

**Clauses 95 and 96** — put and agreed to.

**New Clause** — Ms Pennicuik moved her Amendment No. 12.

Question — That the new clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(*Tellers: Ms Patten and Mr Barber*)

NOES, 28

Mr Atkinson; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmar; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Ms Symes; Ms Tierney; Ms Wooldridge.

(*Tellers: Mr Davis and Ms Pulford*)

Question negated.

**Clause 97** — Mr Rich-Phillips moved his Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 16

Mr Atkinson; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Ondarchie and Ms Wooldridge)*

## NOES, 18

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Herbert; Ms Hartland; Mr Jennings; Mr Leane; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Dunn and Mr Mulino)*

Question negatived.

Mr Rich-Phillips moved his Amendment No. 4 — put and negatived.

Clause 97 — put and agreed to.

**Clause 98** — Mr Jennings moved his Amendment No. 2 — put and agreed to.

Clause 98, as amended — put and agreed to.

**Clauses 99 to 102** — put and agreed to.

**Bill reported with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. CONSUMER ACTS AND OTHER ACTS AMENDMENT BILL 2015*****Amendments circulated by Ms Springle —***

1. Clause 24, lines 24 to 26, omit all words and expressions on these lines and insert—
  - "(da) by electronic communication in accordance with the **Electronic Transactions (Victoria) Act 2000**, subject to the following conditions—
    - (i) the person has given informed consent in writing to the serving or giving of the notice or other document by electronic communication; and
    - (ii) the consent has not been given under a term, or part of a term, in the tenancy agreement to which the notice or other document relates and has not in any other way been made a condition of entering into that tenancy agreement; and
    - (iii) the notice or other document is sent to the email address or other electronic address nominated by the person in the written consent; or".
2. Clause 24, after line 26 insert—
  - '() After section 506(1) of the **Residential Tenancies Act 1997** insert—
    - "(1A) A person may withdraw consent to receiving a notice or other document by electronic communication at any time by giving notice of the withdrawal of that consent to the person to whom it was given.".'
3. Clause 24, lines 27 to 31, omit subclause (2).
4. Clause 24, after line 31 insert—
  - '() In section 506(3)(c) of the **Residential Tenancies Act 1997**, before "in the manner" insert "subject to subsection (3B),".'
5. Clause 24, page 18, after line 2 insert—
  - '() After section 506(3) of the **Residential Tenancies Act 1997** insert—
    - "(3A) Despite any provision in the **Electronic Transactions (Victoria) Act 2000**, a notice to vacate given under Part 6 must not be given by electronic communication.
    - (3B) The Tribunal must not order a notice to vacate given under Part 6 to be given by electronic communication.".'

**2. FINES REFORM AND INFRINGEMENTS ACTS AMENDMENT BILL 2016*****Amendments circulated by Mr Rich-Phillips —***

1. Clause 1, page 2, lines 1 to 10, omit all words and expressions on these lines.
2. Clause 2, line 12, omit "107(2), 109(2)" and insert "99(2), 101(2)".
3. Clause 2, line 15, omit "107(2) or 109(2)" and insert "99(2) or 101(2)".
4. Clause 4, page 5, lines 1 to 8, omit all words and expressions on these lines.
5. Clause 4, page 5, lines 13 to 16, omit all words and expressions on these lines.
6. Clause 4, page 5, lines 26 and 27, omit all words and expressions on these lines.
7. Clause 4, page 6, lines 28 and 29, omit ", 165A(1)(a), 171C(4)(b) or 171D(1)(a)" and insert "or 165A(1)(a)".
8. Clause 4, page 7, lines 8 and 9, omit ", 165A(2)(b), 171C(4)(c), 171D(1)(b) or 171D(2)(b)" and insert "or 165A(2)(b)".
9. Clause 37, omit this clause.

10. Clause 38, omit this clause.
11. Clause 42, omit this clause.
12. Clause 43, omit this clause.
13. Clause 44, page 46, line 6, omit "1991; or" and insert "1991."
14. Clause 44, page 46, line 11, omit "court." and insert 'court.'.
15. Clause 44, page 46, lines 12 to 14, omit all words and expressions on these lines.
16. Clause 49, omit this clause.
17. Clause 52, omit this clause.
18. Clause 83, page 85, line 7, omit "83" and insert "77".
19. Clause 83, page 86, line 18, omit "amendment." and insert 'amendment.'.
20. Clause 83, page 86, lines 19 to 35 and page 87, lines 1 and 2, omit all the words and expressions on these lines.
21. Clause 84, page 87, lines 12 to 14, omit ", 160AA(2)(b), 161C(4)(c), 161D(1)(b) or 161D(2)(b)" and insert " or 160AA(2)(b)".
22. Clause 84, page 87, lines 19 and 20, omit ", 160AA(1)(a), 161C(4)(b) or 161D(1)(a)" and insert "or 160AA(1)(a)".
23. Clause 84, page 87, lines 21 to 30 and page 88, lines 1 to 6, omit all words and expressions on these lines.
24. Clause 88, omit this clause.
25. Clause 89, omit this clause.
26. Clause 90, page 104, lines 16 and 17, omit "*fine related sentence*,".
27. Clause 90, page 104, line 18, omit "*non-fine related sentence*,".
28. Clause 90, page 104, line 20, omit "*time served order*,".

**Amendments circulated by Ms Pennicuik —**

1. Clause 4, line 23, after "hardship;" insert "or".
2. Clause 4, after line 23 insert—
  - "(v) is the victim of family violence within the meaning of section 5 of the **Family Violence Protection Act 2008**;".
3. Clause 6, page 9, after line 18 insert—
  - "(3) An application may be made under subsection (1) despite an eligible person having been the subject of one or more work and development permits cancelled under section 10E."
4. Clause 6, page 9, line 19, omit "(3)" and insert "(4)".
5. Clause 6, page 10, line 7, omit "(4)" and insert "(5)".
6. Clause 6, page 11, after line 25 insert—
  - "(5) Despite subsections (3) and (4), if a work and development permit is varied by suspension for a period under section 10E, for the period of that suspension, action under the **Infringements Act 2006** or enforcement action under this Act, must not be taken."
7. Clause 6, page 11, line 28, after "vary" insert "(including by suspension)".
8. Clause 6, page 12, after line 8 insert—
  - "(3) The Director may vary a work and development permit under subsection (1) by suspending it for a specified period if—
    - (a) the person who is subject to the work and development permit is ill; or

- (b) other exceptional circumstances exist."
9. Clause 61, page 59, line 2, after "hardship;" insert "or".
10. Clause 61, page 59, after line 2 insert—  
 "(v) is the victim of family violence within the meaning of section 5 of the **Family Violence Protection Act 2008**;"
11. Clause 61, page 59, after line 29 insert—  
 '( ) In section 3(1) of the **Infringements Act 2006**, in the definition of *special circumstances*—  
 (a) for "results in" (where three times occurring) **substitute** "contributes to";  
 (b) in paragraph (c), for "offence;" **substitute** "offence; or";  
 (c) after paragraph (c) **insert**—  
 "(d) family violence within the meaning of section 5 of the **Family Violence Protection Act 2008** where the person is a victim of family violence and the family violence contributes to the person being unable to control conduct which constitutes an offence;"'.  
 12. Clause 67, page 66, after line 15 insert—  
 "(3) An application may be made under subsection (1) despite an eligible person having been the subject of one or more work and development permits cancelled under section 27E."  
 13. Clause 67, page 66, line 16, omit "(3)" and insert "(4)".  
 14. Clause 67, page 67, line 3, omit "(4)" and insert "(5)".  
 15. Clause 67, page 68, after line 25 insert—  
 "(5) Despite subsections (3) and (4), if a work and development permit is varied by suspension for a period under section 27E, for the period of that suspension, action under this Act must not be taken."  
 16. Clause 67, page 68, line 28, after "vary" insert "(including by suspension)".  
 17. Clause 67, page 69, after line 8 insert—  
 "(3) The Secretary may vary a work and development permit under subsection (1) by suspending it for a specified period if—  
 (a) the person who is subject to the work and development permit is ill; or  
 (b) other exceptional circumstances exist."

**Further Amendment circulated by Ms Pennicuik —**

Clause 61, page 59, after line 29 insert—

- '( ) In section 3(1) of the **Infringements Act 2006**, in the definition of *special circumstances*—  
 (a) in paragraph (c), for "offence;" **substitute** "offence; or";  
 (b) after paragraph (c) **insert**—  
 "(d) family violence within the meaning of section 5 of the **Family Violence Protection Act 2008** where the person is a victim of family violence and the family violence results in the person being unable to control conduct which constitutes an offence;"'.

### 3. ROOMING HOUSE OPERATORS BILL 2015

#### **Amendments circulated by Ms Patten —**

1. Clause 17, page 20, lines 1 to 12, omit all words and expressions on these lines and insert—
  - "(i) an offence involving fraud; or
  - (ii) an offence involving dishonesty, drug cultivation or trafficking, sexual slavery or servitude, child pornography or violence, a sexual offence or an offence against section 5(1), 6(1), 7(1), 8(1) or 9(1), 11(1) of the **Sex Work Act 1994**, for which the person was sentenced to a term of imprisonment of 3 months or more; or".
2. Clause 17, page 20, line 15, after "(i)" insert "or (ii)".
3. Clause 18, lines 16 to 24, omit all words and expressions on these lines and insert—
  - "(i) an offence involving fraud; or
  - (ii) an offence involving dishonesty, drug cultivation or trafficking, sexual slavery or servitude, child pornography or violence, a sexual offence or an offence against section 5(1), 6(1), 7(1), 8(1) or 9(1), 11(1) of the **Sex Work Act 1994**, for which the person was sentenced to a term of imprisonment of 3 months or more; or".
4. Clause 18, line 27, after "(i)" insert "or (ii)".

### 4. INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (A STRONGER SYSTEM) BILL 2015

#### **Amendments circulated by Mr Jennings —**

1. Clause 54, lines 21 to 22, omit subclause (1).
2. Clause 98, page 90, lines 9 and 10, omit all words and expressions on these lines and insert—
 

responsible, must—

  - (a) only direct any recommendation to that authority; and
  - (b) not express an opinion about the associated entity that is not directly related to the Auditor-General's determination of the matters set out in section 15(1)".'

#### **Amendments circulated by Mr Rich-Phillips —**

1. Clause 3, page 5, after line 8 insert—
  - (2) After section 3(4) of the **Independent Broad-based Anti-corruption Commission Act 2011** insert—
    - (5) For the purposes of the definition of *relevant offence* in subsection (1)—
 

*misconduct in public office* means conduct of a public official in the course of, or connected to, their public office which constitutes wilful misconduct without reasonable excuse and justification that is serious misconduct having regard to—

      - (a) the responsibilities of the public office and the public official; and
      - (b) the importance of the public objects that the public office and the public official serve; and
      - (c) the nature and extent of the departure by the public official from those public objects.".'
2. Clause 94, lines 10 to 17, omit all words and expressions on these lines and insert "'.
3. Clause 97, page 87, lines 3 to 18, omit all words and expressions on these lines and insert "a performance audit."



4. Clause 97, page 87, line 19, after "Committee" insert "does not respond to a request from the Auditor-General for comment on a draft specification for an audit within 9 sitting days of receiving the request".

**Amendments circulated by Ms Pennicuik —**

1. Clause 3, page 4, after line 29 insert—  
'(f) in the definition of *relevant offence*, for paragraph (a) **substitute**—  
" (a) a criminal offence against any Act or any other law relevant to the conduct in question; or  
 (aa) a disciplinary offence; or";'
2. Clause 3, page 5, after line 8 insert—  
'(2) After section 3(4) of the **Independent Broad-based Ant-corruption Commission Act 2011** insert—  
'(5) For the purposes of the definition of *relevant offence* in subsection (1)—  
 *disciplinary offence* includes any misconduct, irregularity, neglect of duty, breach of discipline or other matter that constitutes or may constitute grounds for disciplinary action under any law.".'
3. Clause 22, page 21, line 31, after "body" insert "or the relevant Minister".
4. Clause 22, page 22, line 1, after "officer" insert "or relevant Minister".
5. Clause 22, page 22, line 8, after "officer" insert "or relevant Minister".
6. Clause 22, page 22, line 11, after "officer" insert "or a relevant Minister".
7. Clause 22, page 22, line 14, after "officer" insert "or a relevant Minister".
8. Clause 23, lines 6 to 12, omit this subclause and insert—  
'(1) Section 60(2) of the **Independent Broad-based Anti-corruption Commission Act 2011** is repealed.".'
9. Clause 92, line 22, omit 'sector;'' and insert—  
'sector;  
 (iv) there are any environmental issues in the performance of Victorian public sector operations and activities having regard to the principles of environment protection as set out in sections 1B to 1L of the **Environment Protection Act 1970**;'.'
10. Clause 92, line 26, after "when" insert "auditing an authority's financial statements under section 8(1) or".

NEW CLAUSES

11. Insert the following New Clauses to follow clause 94—  
'**A. Amendment of section 8—Audit of authorities**  
 After section 8(1) of the **Audit Act 1994** insert—  
 "(1A) In the course of conducting an audit under subsection (1), the Auditor-General may consider the effectiveness, economy and efficiency of services provided or functions performed by an associated entity for, or on behalf of, an authority, or on behalf of the State, for which an authority is responsible.  
 (1B) An audit having regard to information called for from an associated entity of an authority under this Act is limited to any matter relating to the use of public funds that are, or were, held or received by the authority and given to any associated entity.  
 (1C) The following provisions apply to an audit which involves information called for from an associated entity referred to in subsection (1B) and apply (where

appropriate) as if any references in those provisions to an authority were references to an associated entity—

- (a) section 3A (objectives);
- (b) section 3B (extra-territorial operation of Part 3);
- (c) section 11 (power to call for persons or documents);
- (d) section 11A (Auditor-General to report to Victorian Inspectorate on calling for persons or documents);
- (e) section 11B (requirement given to person under 16 years);
- (f) section 11C (legal advice and representation);
- (g) section 11D (advance notice of performance audits);
- (h) section 11E (further provisions relating to appearances);
- (i) section 11F (audio or video recording of compulsory appearances);
- (j) section 11G (protection of legal practitioners and witnesses at compulsory appearances);
- (k) section 12 (access to information);
- (ka) section 12A (access to accounts, information, money and property);
- (l) section 13 (auditing standards);
- (m) section 14 (offences);
- (n) section 16 (audit reports to Parliament);
- (o) section 16F (information to public officials during the course of an audit);
- (p) section 20 (content of reports);
- (q) section 20A (improper use of information).".'

**B. Amendment of section 9—Audit opinion on financial statements**

After section 9(3) of the **Audit Act 1994** insert—

"(4) An audit opinion that includes information called for from an associated entity about services provided, or functions performed by, an associated entity for, or on behalf of, an authority, or on behalf of the State, for which an authority is responsible, must only direct any opinion to that authority.".'.)

12. Insert the following New Clause to follow clause 96—

**'C. New section 10A inserted—Access to accounts, information, money and property**

After section 12 of the **Audit Act 1994** insert—

**"12A Access to accounts, information, money and property**

- (1) In this section—

*authorised person* means a person who has written authority to exercise powers under this section;

*premises* means any land or place;

*written authority* means a written notice signed by the Auditor-General.

- (2) For the purposes of an audit the Auditor-General or an authorised person, is entitled to full and free access at all reasonable times to—
- (a) all accounts, information, documents, systems and records that the Auditor-General considers to be relevant to the audit; or
  - (b) public money, other money or statutory authority money; or
  - (c) public property or other property—

that is or are in the possession of any person and the Auditor-General, or any authorised person, may make copies of or take extracts from any of the accounts, information, documents and records.

- (3) For the purposes of subsection (2), the Auditor-General may cause a search to be made in, and extracts to be taken from, anything in the custody of the Treasurer or in any office of an authority, without paying any fee for doing so.
- (4) Subject to subsection (6), the Auditor-General or an authorised person may, at all reasonable times, enter and remain on any premises in order to exercise powers under this section.
- (5) If an authorised person, enters, or proposes to enter, premises under this section, the occupier must provide the authorised person with all reasonable facilities for the effective exercise of powers under this section.

Penalty: 50 penalty units, in the case of a natural person;  
250 penalty units, in the case of a body corporate.

- (6) An authorised person is not entitled to enter or remain on premises if the authorised person fails to produce a written authority on being asked by the occupier to produce proof that the entry is authorised.
- (7) This section extends and applies to an associated entity and to persons employed by the associated entity."!

13. Clause 97, page 88, after line 24 insert—

"(ka) section 12A (access to accounts, information, money and property):".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 71, 72 and 73

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#### No. 71 — Tuesday, 24 May 2016

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 10 May 2016, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Consumer Acts and Other Acts Amendment Act 2016*  
*National Electricity (Victoria) Further Amendment Act 2016*  
*Occupational Licensing National Law Repeal Act 2016*  
*Rooming House Operators Act 2016.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Contravention of prisoner court orders** — supplementary question asked by Mr O'Donohue — response from Mr Herbert due Wednesday, 25 May 2016.
- **Management of community corrective orders** — supplementary question asked by Mr O'Donohue — response from Mr Herbert due Wednesday, 25 May 2016.
- **Prison riots – repair costs** — supplementary and substantive questions asked by Mr O'Donohue — response from Mr Herbert due Wednesday, 25 May 2016.
- **Dairy Industry Review** — supplementary question asked by Mr Purcell — response from Ms Pulford due Wednesday, 25 May 2016.
- **Transparency in Government Bill** — supplementary question asked by Ms Hartland — response from Mr Jennings due Wednesday, 25 May 2016.

- 4 **ECONOMY AND INFRASTRUCTURE COMMITTEE — SELF REFERRAL** — The President read a letter from the Chair of the Economy and Infrastructure Standing Committee advising that the Committee, pursuant to Sessional Order 6, commenced a self-referenced inquiry on 24 May 2016 into the need for, and appropriate structure of, regulation of ride sourcing services such as Uber.

- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 6 **PETITIONS** —

**INFANT VIABILITY BILL 2015** — Dr Carling-Jenkins presented a Petition bearing 650 signatures from certain citizens of Victoria requesting that the Legislative Council support the Infant Viability Bill 2015, introduced by Dr Rachel Carling-Jenkins, which they believe will rectify the problems with current abortion legislation.

Ordered to lie on the Table.

\* \* \* \* \*

**INFANT VIABILITY BILL 2015** — Mr Drum presented a Petition bearing 17 signatures from certain citizens of Victoria requesting that the Legislative Council support the Infant Viability Bill 2015 introduced by Dr Rachel Carling-Jenkins which will rectify the problems with current abortion legislation.

Ordered to lie on the Table.

\* \* \* \* \*

**REVERSE CHRISTMAS CAROL BAN** — Ms Lovell presented a Petition bearing 71 signatures from certain citizens of Victoria requesting that the Legislative Council ensures that the Andrews Government reverse the ban on singing traditional Christmas carols in Victorian Government schools.

Ordered to lie on the Table.

## 7 PAPERS —

**ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE — INQUIRY INTO THE CFA TRAINING COLLEGE AT FISKVILLE** — Mr Ramsay presented a Report from the Environment, Natural Resources and Regional Development Committee on the CFA Training College at Fiskville (including Appendices and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Ramsay moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 7 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of several Acts of Parliament, were laid on the Table by the Clerk:

Education and Training Reform Act 2006 — Orders in Council of 3 May 2016 pursuant to section 3.1.11 of the Act in respect of the —

Constitution of the Bendigo Kangan Institute.

Constitution of the Box Hill Institute and the Centre for Adult Education.

Constitution of the Chisholm Institute.

Constitution of Federation Training.

Constitution of the Gordon Institute of Technical and Further Education.

Constitution of the Goulburn Ovens Institute of Technical and Further Education.

Constitution of the Holmesglen Institute.

Constitution of Melbourne Polytechnic Institute.

Constitution of the South West Institute of Technical and Further Education.

Constitution of the Sunraysia Institute of Technical and Further Education.

Constitution of the William Angliss Institute of Technical and Further Education.

Constitution of the Wodonga Institute of Technical and Further Education.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32 in relation to Statutory Rules Nos. 33 and 34.

Land Acquisition and Compensation Act 1986 — Minister's Certificate of 16 May 2016 pursuant to section 7(1)(c) of the Act.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C191.

Bass Coast Planning Scheme — Amendment C142.

Boroondara Planning Scheme — Amendment C208.

Cardinia Planning Scheme — Amendments C198 and C210.

- Darebin Planning Scheme — Amendment C148.  
 French Island and Sandstone Island Planning Scheme — Amendment C5.  
 Greater Bendigo Planning Scheme — Amendment C201.  
 Greater Geelong Planning Scheme — Amendment C330.  
 Greater Shepparton Planning Scheme — Amendment C184.  
 Melbourne and Port Phillip Planning Scheme — Amendment GC44.  
 Melton Planning Scheme — Amendment C100.  
 Mitchell Planning Scheme — Amendment C108.  
 Moreland Planning Scheme — Amendment C162.  
 Mount Alexander Planning Scheme — Amendment C61.  
 Nillumbik Planning Scheme — Amendment C103.  
 Northern Grampians Planning Scheme — Amendment C47.  
 Port Phillip Planning Scheme — Amendment C111.  
 Surf Coast Planning Scheme — Amendment C97.  
 Victoria Planning Provisions — Amendment VC129.  
 Wellington Planning Scheme — Amendments C80 and C87.  
 Whitehorse Planning Scheme — Amendment C153.
- Road Management Act 2004 — Code of Practice for Management of Infrastructure in Road Reserves, (*Gazette No. S117, 28 April 2016*).
- Statutory Rules under the following Acts of Parliament —  
 County Court Act 1958 — No. 43.  
 Magistrates' Court Act 1989 — No. 41.  
 Second-Hand Dealers and Pawnbrokers Act 1989 — No. 44.  
 Sentencing Act 1991 — No. 38.  
 Subordinate Legislation Act 1994 — Nos. 39 and 42.  
 Tobacco Act 1987 — No. 40.  
 Wrongs Act 1958 — No. 37.
- Subordinate Legislation Act 1994 —  
 Documents under section 15 in respect of Statutory Rules Nos. 26, 27, 35, 36, 37, 38, 39, 41, 42, 43 and 45.  
 Legislative Instruments and related documents under section 16B in respect of —  
 Cemeteries and Crematoria Act 2003 — Greater Metropolitan Cemeteries Trust's Scale of Fees, effect as of 10 March 2016.  
 Conveyancers Act 2006 — Professional Indemnity Insurance Order, 2 May 2016.
- Victorian Electoral Commission —  
 Report on the Polwarth District By-election held on 31 October 2015, May 2016.  
 Report on the South-West Coast District By-election held on 31 October 2015, May 2016.
- Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Revocation Notice, Gazetted 11 May 2016.
- William Angliss Institute of TAFE — Report, 2015.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Assisted Reproductive Treatment Amendment Act 2016 — Part 1 and sections 4(2) and 37 — 18 May 2016 (*Gazette No. S153, 17 May 2016*).
- Education and Training Reform Amendment (Victorian Institute of Teaching) Act 2016 — Part 3 — 1 June 2016 (*Gazette No. S153, 17 May 2016*).
- Occupational Licensing National Law Repeal Act 2016 — 11 May 2016 (*Gazette No. S139, 10 May 2016*).
- Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Act 2016 — Whole Act except sections 10(2), 15 and 16 — 4 May 2016 (*Gazette S131, 3 May 2016*).

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION — SPECIAL REPORT CONCERNING OPERATION DARBY: AN INVESTIGATION OF MR NASSIR BARE'S COMPLAINTS AGAINST VICTORIA POLICE, MAY 2016** — Pursuant to section 162 of the *Independent Broad-based Anti-corruption Commission Act 2011*, the Clerk laid on the Table a copy of the Special Report concerning Operation Darby: An investigation of Mr Nassir Bare's complaint against Victoria Police, May 2016 (*in lieu of that circulated pursuant to section 162(11) of the Independent Broad-Based Anti-corruption Commission Act 2011 on 18 May 2016*).

**8 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 25 May 2016:

- (1) Order of the Day No. 20, resumption of debate on motion relating to the continuing failure of the Government to comply with certain orders for the production of documents;
- (2) Order of the Day No. 1, resumption of debate on the Infant Viability Bill 2015;
- (3) Notice of Motion given this day by Mr Rich-Phillips referring a matter to the Legal and Social Issues Committee in relation to Freedom of Information; and
- (4) Order of the Day No. 25, resumption of debate on motion relating to the Moomba riots in the Melbourne CBD.

Debate ensued.

Question — put and agreed to.

**9 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 234 be postponed until later this day.

**12 CRIMES LEGISLATION AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

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.

**13 PARLIAMENTARY BUDGET OFFICER BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Ms Mikakos declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

Question — put and agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole later this day.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 to 5 be postponed until later this day.



**15 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (COMMUNITY SAFETY) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Mr Herbert declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Debate continued.

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.

**16 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued.

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 25 MAY 2016

Debate continued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 12:31 a.m., adjourned until later this day.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 72 — Wednesday, 25 May 2016

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**INFANT VIABILITY BILL 2015** — Dr Carling-Jenkins presented a Petition bearing 498 signatures from certain citizens of Victoria requesting that the Legislative Council support the Infant Viability Bill 2015, introduced by Dr Rachel Carling-Jenkins, which they believe will rectify the problems with current abortion legislation.

Ordered to lie on the Table.

\* \* \* \* \*

**SKY RAIL** — Mr Davis presented a Petition bearing 717 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its Sky Rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

Ordered to lie on the Table.

\* \* \* \* \*

**SANDRINGHAM HOSPITAL EMERGENCY DEPARTMENT SERVICES** — Ms Crozier presented a Petition bearing 79 signatures from certain citizens of Victoria requesting that Legislative Council calls on the Victorian Government to maintain the 24 hour Emergency Department Services at Sandringham Hospital to meet the health needs of the local community and the Southern Region of Melbourne.

Ordered to lie on the Table.

**MURRINDINDI SHIRE RATES** — Ms Lovell presented a Petition bearing 835 signatures from certain citizens of Victoria requesting that the Legislative Council ensures that Murrindindi Shire Rates are not increased above the CPI.

Ordered to lie on the Table.

- 3 ENVIRONMENT PROTECTION AMENDMENT (BANNING PLASTIC BAGS, PACKAGING AND MICROBEADS) BILL 2016** — Ms Springle introduced *A Bill for an Act to amend the Environment Protection Act 1970 to restrict the supply and sale of plastic bags and plastic and polystyrene packaging and to prohibit the supply and sale of plastic microbeads and for other purposes.*

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

- 4 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Monitoring Victoria's Water Resources, May 2016 (*Ordered to be published*).

Reducing the Burden of Red Tape, May 2016 (*Ordered to be published*).

Professional Standards Act 2003 — Queensland Law Society Professional Standards Scheme (*Gazette No. S134, 5 May 2016*).

Statutory Rules under the following Acts of Parliament —

Magistrates' Court Act 1989 — No. 45.

Victims of Crime Assistance Act 1996 — No. 46.

Victorian Law Reform Commission — Use of Regulatory Regimes in Preventing the Infiltration of Organised Crime into Lawful Occupations and Industries, February 2016 (*Ordered to be published*).

- 5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 7 PRODUCTION OF DOCUMENTS — SUSPENSION OF LEADER OF THE GOVERNMENT** — Debate resumed on the question, That this House —

(1) notes the continuing failure of the Leader of the Government, on behalf of the Government, to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —

(a) 11 February 2015 in respect of port of Melbourne documents;

(b) 25 February 2015 in respect of West Gate distributor documents;

(c) 25 February 2015 in respect of Australian Formula One Grand Prix documents;

(d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;

(e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and

(f) 5 August 2015 in respect of Peter Mac Private Hospital documents;

(2) notes the failure of the Government to comply with the further resolution of the Council of 19 August 2015 reaffirming the requirement for the Leader of the Government to table in the Council the documents outlined in (1)(a) to (f);

(3) notes that the Government's continuing failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;

(4) reaffirms the privileges, immunities and powers conferred on it by section 19 of the *Constitution Act 1975*, which includes the right to require the production of documents, and the power to make Standing Orders under section 43 of that Act;

- (5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise Executive behaviour;
- (6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;
- (7) condemns the Government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria;
- (8) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure, on behalf of the Government, to comply, to the satisfaction of the Council, with the resolutions of the Council outlined in (1)(a) to (f) and further resolution of 19 August 2015;
- (9) suspends the Leader of the Government from the service of the Council from 12 noon on the next Tuesday the Council sits following the adoption of this resolution;
- (10) in the event that the documents specified in the resolutions of the Council outlined in (1)(a) to (f) are subsequently lodged with the Clerk, a Member may move at any time, providing there is no question before the Chair, 'That the suspension of the Leader of the Government be lifted';
- (11) for the purposes of a motion moved in accordance with (10), Standing Orders are suspended to the extent necessary so as to provide for the motion —
  - (a) to be a procedural motion for the purposes of Standing Order 5.03;
  - (b) to take precedence over all other business;
  - (c) to be put without amendment; and
  - (d) in the event that it is negatived, to be put again on a subsequent sitting day;
- (12) notwithstanding the terms of this resolution, a suspension of the Leader of the Government in accordance with (9) ceases to have effect on the day that is six months after the day such a suspension came into effect.

Ms Wooldridge moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

*(Tellers: Mr Barber and Mr Rich-Phillips)*

NOES, 17

Mr Bourman; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Dalidakis and Ms Symes)*

Question agreed to.

Question — That this House —

- (1) notes the continuing failure of the Leader of the Government, on behalf of the Government, to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —
  - (a) 11 February 2015 in respect of port of Melbourne documents;
  - (b) 25 February 2015 in respect of West Gate distributor documents;
  - (c) 25 February 2015 in respect of Australian Formula One Grand Prix documents;
  - (d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;

- (e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and
- (f) 5 August 2015 in respect of Peter Mac Private Hospital documents;
- (2) notes the failure of the Government to comply with the further resolution of the Council of 19 August 2015 reaffirming the requirement for the Leader of the Government to table in the Council the documents outlined in (1)(a) to (f);
- (3) notes that the Government's continuing failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;
- (4) reaffirms the privileges, immunities and powers conferred on it by section 19 of the *Constitution Act 1975*, which includes the right to require the production of documents, and the power to make Standing Orders under section 43 of that Act;
- (5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise Executive behaviour;
- (6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;
- (7) condemns the Government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria;
- (8) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure, on behalf of the Government, to comply, to the satisfaction of the Council, with the resolutions of the Council outlined in (1)(a) to (f) and further resolution of 19 August 2015;
- (9) suspends the Leader of the Government from the service of the Council from 12 noon on the next Tuesday the Council sits following the adoption of this resolution;
- (10) in the event that the documents specified in the resolutions of the Council outlined in (1)(a) to (f) are subsequently lodged with the Clerk, a Member may move at any time, providing there is no question before the Chair, 'That the suspension of the Leader of the Government be lifted';
- (11) for the purposes of a motion moved in accordance with (10), Standing Orders are suspended to the extent necessary so as to provide for the motion —
  - (a) to be a procedural motion for the purposes of Standing Order 5.03;
  - (b) to take precedence over all other business;
  - (c) to be put without amendment; and
  - (d) in the event that it is negatived, to be put again on a subsequent sitting day;
- (12) notwithstanding the terms of this resolution, a suspension of the Leader of the Government in accordance with (9) ceases to have effect on the day that is six months after the day such a suspension came into effect — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Drum; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

(Tellers: Ms Hartland and Ms Lovell)

NOES, 18

Mr Bourman; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.

(Tellers: Mr Leane and Ms Mikakos)

Question agreed to.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Long range acoustic devices – use by Victoria Police** — substantive and supplementary questions asked by Ms Patten — response from Mr Herbert due Tuesday, 7 June 2016.
- **Ignite Energy – use of native forest timber** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Tuesday, 7 June 2016.
- **Onselling of timber to Ignite Energy** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Tuesday, 7 June 2016.
- **Impact of Land Tax increase on Dairy Industry** — substantive and supplementary questions asked by Ms Lovell — response from Ms Pulford due Tuesday, 7 June 2016.
- **Fawkner Park – Melbourne Metro works** — substantive and supplementary questions asked by Mr Davis — response from Mr Jennings due Tuesday, 7 June 2016.
- **Fulham Correctional Facility – prisoner escape** — supplementary question asked by Mr O'Donohue — response from Mr Herbert due Thursday, 26 May 2016.
- **Melbourne Correctional Centre – staff sick leave** — substantive question asked by Mr O'Donohue — response from Mr Herbert due Thursday, 26 May 2016.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 10 INFANT VIABILITY BILL 2015** — 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, 11

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Drum; Mr Elasmarr; Mr Finn; Mr Mulino; Mr Rich-Phillips; Mr Somyurek; Mr Young.

(Tellers: Mr Somyurek and Mr Young)

NOES, 27

Mr Atkinson; Mr Barber; Ms Crozier; Mr Dalidakis; Mr Davis; Ms Dunn; Mr Eideh; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

(Tellers: Ms Dunn and Mr Morris)

Question negatived.

- 11 INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (A STRONGER SYSTEM) BILL 2015** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 12 FINES REFORM AND INFRINGEMENTS ACTS AMENDMENT BILL 2016** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

*Business having been interrupted at 5.17 p.m. pursuant to Standing Orders —*

- 13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**14 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.08 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 73 — Thursday, 26 May 2016

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — ABUSE IN DISABILITY SERVICES** — Mr Finn presented a Report from the Family and Community Development Committee on Abuse in Disability Services (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Finn moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Technical and Further Education Institutes: 2015 Audit Snapshot, May 2016 (*Ordered to be published*).

Universities: 2015 Audit Snapshot, May 2016 (*Ordered to be published*).

Crown Land (Reserves) Act 1978 — Minister's Order of 3 July 2015 giving approval to the granting of a licence at Lower Reserve.

Ombudsman — Investigation into public transport fare evasion enforcement, May 2016 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 44.

3 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 7 June 2016.

Question — put and agreed to.

4 **PRIVILEGES COMMITTEE MEMBERSHIP** — Ms Wooldridge moved, by leave, That —

(1) Mr Drum be discharged from the Privileges Committee; and

(2) Mr O'Donohue be a member of the Privileges Committee.

Question — put and agreed to.

5 **ENVIRONMENT AND PLANNING COMMITTEE MEMBERSHIP** — Ms Pennicuik moved, by leave, That Mr Barber be a participating member of the Environment and Planning Committee.

Question — put and agreed to.

6 **MINISTER'S STATEMENTS** — Statements were made by a Minister pursuant to Sessional Order 2.

7 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

8 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 234 be postponed until later this day.

**9 BUDGET PAPERS, 2016-17** — Mr Rich-Phillips moved, That the Council take note of the Budget Papers, 2016-17.

Debate ensued.

Debate stood adjourned in the name of Mr Mulino.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 and 3 be postponed until later this day.

**11 CONFISCATION AND OTHER MATTERS AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**12 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**SECURITY OF INTERNATIONAL STUDENTS** — Mr Herbert having given answers to a question without notice and supplementary question relating to security of international students —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Dhurringile Prison Review** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Herbert due Tuesday, 7 June 2016.
- **Security of international students** — substantive and supplementary questions asked by Mr Davis — response from Mr Herbert due Tuesday, 7 June 2016.
- **Expansion of business network** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 7 June 2016.
- **International business headquarters in Melbourne** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Dalidakis due Tuesday, 7 June 2016.
- **Minister's responsibilities on export and trade** — substantive question asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 7 June 2016.
- **Hazlewood power station** — substantive and supplementary questions asked by Mr Barber — response from Mr Jennings due Wednesday, 8 June 2016.
- **Family Violence Steering Committee membership** — substantive and supplementary questions asked by Ms Springle — response from Mr Jennings due Wednesday, 8 June 2016.
- **RSPCA funding from Government** — substantive and supplementary questions asked by Mr Young — response from Ms Pulford due Tuesday, 7 June 2016.
- **E-cigarettes restrictions** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Wednesday, 8 June 2016.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**14 CONFISCATION AND OTHER MATTERS AMENDMENT BILL 2016** — Debate continued on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

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.

- 15 LAND (REVOCATION OF RESERVATIONS – METROPOLITAN LAND) BILL 2016** — 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.

- 16 STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the Fire Services Property Levy Act 2012, the First Home Owner Grant Act 2000, the Land Tax Act 2005, the Mineral Resources (Sustainable Development) Act 1990, the Payroll Tax Act 2007, the Planning and Environment Act 1987, the State Taxation Acts Further Amendment Act 2015 and the Taxation Administration Act 1997, and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 17 LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Livestock Disease Control Act 1994 to amend provisions enabling orders to be made, to provide further for vendor declarations when livestock are moved, to provide further for the feeding of certain materials to pigs and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

- 18 WITNESS PROTECTION AMENDMENT BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Witness Protection Act 1991 to extend its scope, improve the governance and administration of protection and assistance provided under that Act and promote community confidence in its operation and to make consequential amendments to other Acts, to amend the Crimes Act 1958 to create a new offence relating to intimidation towards, and reprisals against, witnesses, and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 19 APPROPRIATION (PARLIAMENT 2016-2017) BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2016/2017 and for other purposes* and requesting the agreement of the Council.



On the motion of Ms Pulford (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**20 APPROPRIATION (2016-2017) BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary services of the Government for the financial year 2016/2017 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**21 RESIGNATION OF MEMBER** — The Acting President announced that the President had received the following communication:

25 May 2016

The Hon Bruce Atkinson MLC  
President  
Legislative Council  
Parliament House  
MELBOURNE VIC 3002

Dear President

I write to advise I have received the resignation of the Honourable Damian Drum MP, Member for Northern Victoria Region in the Legislative Council.

Accordingly, I enclose the relevant Message to you as President of the Legislative Council.

I have written to the Speaker of the Legislative Assembly in like terms and have also advised the Premier accordingly.

Yours sincerely

Linda Dessau AM  
Governor of Victoria

\* \* \* \* \*

25 May 2016

The Honourable Linda Dessau AM  
Governor of Victoria  
Government House  
MELBOURNE VIC 3004

Your Excellency

I hereby inform you that I wish to tender my resignation from the Victorian Parliament's Legislative Council effective close of business, Friday 27<sup>th</sup> May, 2016.

I have been privileged and honoured to have represented and served the people of North West Provenance and then Northern Victoria region, since 2002.

It is now time for further challenges, and in an attempt to serve others in the Federal Parliament, I need to vacate my current position.

Thank you for the work you are doing in your role as Governor of Victoria, Tony and yourself make a great team.

I look forward to future meetings, and wish you well in your role as Governor of Victoria.

Yours sincerely,

THE HONOURABLE DAMIAN DRUM  
MEMBER FOR NORTHERN VICTORIA REGION

**22 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.42 p.m., adjourned until Tuesday, 7 June 2016.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 71, 72 and 73

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### CRIMES LEGISLATION AMENDMENT BILL 2016

*Committed Tuesday, 24 May 2016*

*Amendments circulated: Ms Pennicuik (see p 437)*

**Clause 1** — Ms Pennicuik moved her Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Hartland and Ms Patten)*

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Young)*

Question negated.

Clause 1 — put and agreed to.

**Clauses 2 to 14** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (COMMUNITY SAFETY) BILL 2016

*Committed Tuesday, 24 May 2016*

*Amendments circulated: Ms Pennicuik (see pp 437–8)*

**Clauses 1 to 16** — put and agreed to.

**New Clause** — Ms Pennicuik moved her Amendment No. 1.

Question — That the new clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Springle)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Elasmarr and Mr Ramsay)*

Question negated.

**Clauses 17 to 50** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**CONFISCATION AND OTHER MATTERS AMENDMENT BILL 2016**

*Committed Thursday, 26 May 2016*

*Amendments circulated: Ms Pennicuik (see p 438)*

**Clause 1** — Ms Pennicuik moved her Amendment Nos.1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Dunn)*

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Drum; Mr Eideh; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Ms Mikakos)*

Question negatived

Clause 1 — put and agreed to.

**Clauses 2 to 49** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. CRIMES LEGISLATION AMENDMENT BILL 2016*****Amendments circulated by Ms Pennicuik —***

1. Clause 1, lines 4 to 6, omit all words and expressions on these lines.
2. Clause 1, page 2, lines 1 to 5, omit all words and expressions on these lines.
3. Clause 2, line 25, omit "Part 4 and Parts 5 and 6" and insert "Part 3 and Parts 4 and 5".
4. Omit the Part heading preceding clause 3.
5. Clause 3, omit this clause.
6. Clause 4, omit this clause.
7. Clause 5, omit this clause.
8. Clause 6, omit this clause.

**AMENDMENT OF LONG TITLE**

9. Long title, omit "the **Sentencing Act 1991**".

**2. SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (COMMUNITY SAFETY) BILL 2016*****Amendments circulated by Ms Pennicuik —***

1. After clause 16, insert the following new clause—

**'A New section 198A inserted**

After section 198 of the Principal Act **insert—**

**"198A Review of operation of Act as amended by the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016**

- (1) The Minister must cause an independent review of the operation of this Act as amended by the **Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016** to be undertaken as soon as possible after the fifth anniversary of the first day on which all of the provisions of that Act are in operation to determine—
  - (a) the effectiveness of the operation of this Act as amended by that Act; and
  - (b) whether the policy objectives of amendments to this Act made by that Act remain valid and the provisions of this Act, as so amended, remain appropriate for achieving those objectives.
- (2) A person who undertakes a review under subsection (1) must give the Minister a written report of the review.
- (3) The Minister must cause a copy of the report of the review to be laid before each House of the Parliament within 6 months after the fifth anniversary of the first day on which all of the provisions of the **Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016** are in operation."!

2. After clause 41, insert the following new clause—

**'B New section 115F inserted**

After section 115E of the **Sentencing Act 1991** **insert—**

**"115F Review of operation of Act as amended by the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016**

- (1) The Minister must cause an independent review of the operation of this Act as amended by the **Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016** to be undertaken as soon as possible after the fifth

anniversary of the first day on which all of the provisions of that Act are in operation to determine—

- (a) the effectiveness of the operation of this Act as amended by that Act; and
  - (b) whether the policy objectives of amendments to this Act made by that Act remain valid and the provisions of this Act, as so amended, remain appropriate for achieving those objectives.
- (2) A person who undertakes a review under subsection (1) must give the Minister a written report of the review.
- (3) The Minister must cause a copy of the report of the review to be laid before each House of the Parliament within 6 months after the fifth anniversary of the first day on which all of the provisions of the **Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016** are in operation."!

3. After clause 44 insert the following new clause—

**'C New section 74A inserted**

After section 74 of the **Sex Offenders Registration Act 2004** insert—

**"74A Review of operation of Act as amended by the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016**

- (1) The Minister must cause an independent review of the operation of this Act as amended by the **Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016** to be undertaken as soon as possible after the fifth anniversary of the first day on which all of the provisions of that Act are in operation to determine—
- (a) the effectiveness of the operation of this Act as amended by that Act; and
  - (b) whether the policy objectives of amendments to this Act made by that Act remain valid and the provisions of this Act, as so amended, remain appropriate for achieving those objectives.
- (2) A person who undertakes a review under subsection (1) must give the Minister a written report of the review.
- (3) The Minister must cause a copy of the report of the review to be laid before each House of the Parliament within 6 months after the fifth anniversary of the first day on which all of the provisions of the **Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016** are in operation."!

### 3. CONFISCATION AND OTHER MATTERS AMENDMENT BILL 2016

**Amendments circulated by Ms Pennicuik —**

1. Clause 1, page 2, lines 1 to 4, omit all words and expressions on these lines.
2. Clause 1, page 2, line 6, after "to" insert "the **Criminal Organisations Control Act 2012**,".
3. Clause 2, line 13, omit "42 and 43" and insert "30 and 31".
4. Clauses 27 to 34, omit these clauses.
5. Clauses 36 to 39, omit these clauses.
6. Clause 43, line 11, omit "42" and insert "30".

AMENDMENT OF LONG TITLE

7. Long title, omit "crime, to amend the **Criminal Organisations Control Act 2012** to remove the distinction between different types of declarations made in respect of organisations," and insert "crime and".
8. Long title, after "miscellaneous amendments to" insert "the **Criminal Organisations Control Act 2012**,".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 74, 75 and 76

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#### No. 74 — Tuesday, 7 June 2016

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 31 May 2016, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Confiscation and Other Matters Amendment Act 2016*
  - Crimes Legislation Amendment Act 2016*
  - Fines Reform and Infringements Acts Amendment Act 2016*
  - Integrity and Accountability Legislation Amendment (A Stronger System) Act 2016*
  - Land (Revocation of Reservations – Metropolitan Land) Act 2016*
  - Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016.*
- 3 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The President read a letter from Dr Carling-Jenkins resigning from the Public Accounts and Estimates Committee, effective from 7 June 2016.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Impact of UFU agreement on farming communities** — substantive and supplementary questions asked by Ms Wooldridge — response from Ms Pulford due Wednesday, 8 June 2016.
- **Deaths in custody** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Herbert due Wednesday, 8 June 2016.
- **Parkville Youth Justice Centre – security services** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 8 June 2016.
- **Victorian Comprehensive Cancer Centre – bed capacity** — substantive and supplementary questions asked by Ms Wooldridge — response from Ms Mikakos due Thursday, 9 June 2016.
- **SE Asian small business trade mission** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Dalidakis due Wednesday, 8 June 2016.
- **Sports betting advertising at AFL matches** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Mr Dalidakis due Thursday, 9 June 2016.

- **Fire services levy** — substantive and supplementary questions asked by Mr Purcell — response from Mr Dalidakis due Thursday, 9 June 2016.
- **Impact of Western Distributor on Melbourne** — substantive and supplementary questions asked by Ms Hartland — response from Ms Pulford due Thursday, 9 June 2016.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Minister's responsibilities on export and trade** — substantive and supplementary questions asked by Mr Ondarchie on Thursday, 26 May 2016 — further response from Mr Dalidakis due Wednesday, 8 June 2016.

**5 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**6 PETITIONS** —

**COUNTRY FIRE AUTHORITY CONTROL** — Ms Lovell presented a Petition bearing 64 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria ensures that the Premier does not hand control of the Country Fire Authority to the United Firefighters Union.

Ordered to lie on the Table.

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

\* \* \* \* \*

**REVERSE CHRISTMAS CAROL BAN** — Ms Lovell presented a Petition bearing 19 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria ensures that the Andrews Government reverse the ban on singing traditional Christmas carols in Victorian Government schools.

Ordered to lie on the Table.

**7 RIDESHARING BILL 2016** — Ms Patten introduced *A Bill for an Act to impose duties on facilitators of ridesharing, to amend the Transport (Compliance and Miscellaneous) Act 1983 to exempt ridesharing from the provisions of that Act relating to commercial passenger vehicles and to amend the Transport Integration Act 2010 to recognise the undertaking of rideshare journeys as a transport service and for other purposes.*

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

**8 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 8 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**ENVIRONMENT AND PLANNING COMMITTEE — RATE CAPPING POLICY** — Mr Davis presented a Report from the Environment and Planning Committee on Rate Capping Policy (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

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

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crimes Act 1958 — Chief Commissioner of Police's forensic sampling authorisations pursuant to section 464Z(2) of the Act.



Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals in relation to —

Footscray Park granting a licence, dated 31 March 2016.

Sandringham Beach Park granting a licence, dated 4 April 2016.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Campaspe Planning Scheme — Amendment C106.

Cardinia, Casey, Glen Eira, Greater Dandenong, Kingston, Melbourne, Monash, Stonnington and Yarra Planning Schemes — Amendment GC37.

Casey Planning Scheme — Amendment C218.

Mansfield Planning Scheme — Amendment C33.

Melbourne Planning Scheme — Amendments C287 and C292.

Mildura Planning Scheme — Amendment C79.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 49.

Essential Services Commission Act 2001 — No. 48.

Road Safety Act 1986 — No. 50.

Sex Work Act 1994 — No. 47.

Supreme Court Act 1986 — Nos. 51 and 52.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 40, 46 to 52 and 55.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Consumer Acts and Other Acts Amendment Act 2016 — whole Act (except sections 23, 24, 30(1) and 31) — 1 June 2016 (*Gazette No. S162, Tuesday 24 May 2016*).

- 9 PRODUCTION OF DOCUMENTS — CROWN CASINO ANALYSIS OF PLAYER GAMBLING DATA** — The Clerk laid on the Table a letter from the Attorney-General dated 6 June 2016 in response to the Resolution of the Council of 4 May 2016 seeking the production of documents relating to Crown Casino analysis of player gambling data, advising that the Council's deadline of 8 June 2016 does not allow sufficient time to respond and indicating that the Government would respond to the Council's resolution as soon as possible.

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

- 10 ORDER OF THE DAY DISCHARGED** — Ms Patten moved, by leave, That Order of the Day, General Business, No. 10, Regulation of Ridesharing Bill 2016 be read and discharged and the Bill be withdrawn.

Question — put and agreed to.

- 11 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 8 June 2016:

- (1) Order of the Day for the second reading of the Ridesharing Bill 2016 introduced by Ms Patten this day;
- (2) Notice of motion given this day by Mr O'Donohue relating to the Country Fire Authority and the current United Firefighters Union EBA crisis;
- (3) Notice of Motion given this day by Ms Patten relating to e-petitions;
- (4) Notice of Motion No. 257 referring a matter to the Legal and Social Issues Committee in relation to Freedom of Information;
- (5) Order of the Day No. 2, resumption of debate on the Corrections Amendment (No Body, No Parole) Bill 2016; and
- (6) Order of the Day No. 26, consideration of Minister's answers to a question without notice and supplementary question on the proposed early learning facility in Ballarat.

Question — put and agreed to.

**12 COGNATE DEBATE** — Ms Pulford moved, by leave, That this House authorises the President to permit the second reading debate on the Appropriation (2016-2017) Bill 2016 to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2016-2017.  
Question — put and agreed to.

**13 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**14 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 234 be postponed until later this day.

**16 RESCISSION MOTION — PRODUCTION OF DOCUMENTS — SUSPENSION OF THE LEADER OF THE GOVERNMENT** — Ms Pulford moved, That the resolution of the Council of 25 May 2016 'Production of Documents — Suspension of the Leader of the Government' be read and rescinded pursuant to Standing Order 7.07 to allow debate on the Transparency in Government Bill 2015.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.  
(*Tellers: Mr Somyurek and Mr Young*)

NOES, 20

Mr Atkinson; Ms Crozier; Mr Barber; Ms Bath; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.  
(*Tellers: Mr Morris and Ms Springle*)

Question negatived.

**17 APPROPRIATION (2016-2017) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2016-17** having been authorised to be debated concurrently pursuant to an Order of the Council on 7 June 2016].  
On the motion of Ms Pulford, the debate was adjourned until later this day.

**18 TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (PUBLIC SAFETY) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to repeal section 159 of the Transport (Compliance and Miscellaneous) Act 1983 and for other purposes* and requesting the agreement of the Council.

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

**19 APPROPRIATION (PARLIAMENT 2016-2017) BILL 2016** — 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 ordered to be committed to a Committee of the whole on the next day of meeting.

**20 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.31 p.m., adjourned until tomorrow.

## No. 75 — Wednesday, 8 June 2016

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

**NORTH ROAD, ORMOND LEVEL CROSSING** — Ms Crozier presented a Petition bearing 189 signatures from certain citizens of Victoria calling on the Andrews Government to adequately compensate for the losses experienced by small businesses due to changes to the schedule of planned works for the removal of the level crossing at North Road, Ormond without proper consultation of those affected.

Ordered to lie on the Table.

\* \* \* \* \*

**SKY RAIL** — Mr Davis presented a Petition bearing 241 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its Sky Rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

Ordered to lie on the Table.

3 **PAPERS —**

**ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE — PORTABILITY OF LONG SERVICE LEAVE ENTITLEMENTS** — Mr Elasmr presented a Report from the Economic, Education, Jobs and Skills Committee on the Portability of Long Service Leave Entitlements (including Appendices, Extracts from Proceedings and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Elasmr moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ENVIRONMENT AND PLANNING COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO RATE CAPPING POLICY, FIRST REPORT** — Pursuant to Standing Order 23.30, Mr Dalidakis laid on the Table a copy of the Government Response to the Environment and Planning Committee's Inquiry into Rate Capping Policy, First Report.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Follow up of Asset Confiscation Scheme, June 2016 (*Ordered to be published*).

Follow up of Recreational Maritime Safety, June 2016 (*Ordered to be published*).

Follow up of Residential Care Services for Children, June 2016 (*Ordered to be published*).

Managing and Reporting on the Performance and Cost of Capital Projects, June 2016 (*in lieu of that tabled 4 May 2016*) (*Ordered to be published*).

Auditor-General's Office — Annual Plan, 2016-17.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C197.

Bass Coast Planning Scheme — Amendment C82.

Boroondara Planning Scheme — Amendment C255.

Mansfield Planning Scheme — Amendment C31.

Mornington Peninsula Planning Scheme — Amendment C225.

Port Phillip Planning Scheme — Amendment C107.

Southern Grampians Planning Scheme — Amendment C33.

Yarra Planning Scheme — Amendment C215.

Statutory Rules under the following Acts of Parliament —

Australian Consumer Law and Fair Trading Act 2012 — No. 54.

Parliamentary Salaries and Superannuation Act 1968 — No. 55.

Plant Biosecurity Act 2010 — No. 53.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 53.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**5 RIDESHARING BILL 2016** — Ms Patten laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Patten moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Ms Pulford, the debate was adjourned for one week.

**6 CFA ENTERPRISE BARGAINING** — Mr O'Donohue moved, That this House supports Country Fire Authority volunteers in their call to keep the CFA's operations under the full authority of the CFA Chief Executive Officer (CEO) and Chief Fire Officer (CFO), and notes —

- (1) the support of 60,000 volunteers asking the Premier to refuse to agree to the Enterprise Bargaining Agreement sought by the United Firefighters Union;
- (2) the review by the Victorian Equal Opportunity and Human Rights Commission finding the proposed EBA discriminates against women and people with a disability;
- (3) the comments of the CFA Board that the proposed EBA would be unworkable and would remove authority from the CEO and CFO; and
- (4) the comments of the Minister for Emergency Services that Clause 21 of the proposed EBA, giving veto powers to the UFU, has been a disaster for the Metropolitan Fire Brigade and expressing her concern over the proposal to require a minimum of seven paid firefighters on a fire ground.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Medicinal cannabis trials** — substantive and supplementary questions asked by Ms Patten — response from Ms Pulford due Thursday, 9 June 2016.
- **Recreational fishing** — substantive and supplementary questions asked by Mr Bourman — response from Ms Pulford due Thursday, 9 June 2016.
- **VicForest logging** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Thursday, 9 June 2016.
- **Leadbeaters possums** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Thursday, 9 June 2016.
- **Impact of increase in fire services levy on primary producers** — substantive question asked by Ms Lovell — response from Ms Pulford due Thursday, 9 June 2016.
- **CFA junior volunteer program** — supplementary question asked by Mr Morris — response from Ms Mikakos due Thursday, 9 June 2016.
- **Prisoner court order contraventions** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Herbert due Thursday, 9 June 2016.
- **Code Club Australia** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Thursday, 9 June 2016.
- **Minister for Agriculture media statements** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Thursday, 9 June 2016.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**9 CFA ENTERPRISE BARGAINING** — Debate continued on the question, That this House supports Country Fire Authority volunteers in their call to keep the CFA's operations under the full authority of the CFA Chief Executive Officer (CEO) and Chief Fire Officer (CFO), and notes —

- (1) the support of 60,000 volunteers asking the Premier to refuse to agree to the Enterprise Bargaining Agreement sought by the United Firefighters Union;
- (2) the review by the Victorian Equal Opportunity and Human Rights Commission finding the proposed EBA discriminates against women and people with a disability;
- (3) the comments of the CFA Board that the proposed EBA would be unworkable and would remove authority from the CEO and CFO; and
- (4) the comments of the Minister for Emergency Services that Clause 21 of the proposed EBA, giving veto powers to the UFU, has been a disaster for the Metropolitan Fire Brigade and expressing her concern over the proposal to require a minimum of seven paid firefighters on a fire ground.

Ms Pulford moved, That debate be adjourned until later this day.

Question — put and agreed to.

**10 E-PETITIONS** — Ms Patten moved, That this House —

- (1) notes that the Victorian Parliament has failed to keep up to speed with technology and electronic petitions (e-petitions), which are common throughout Australia and in everyday use in the Queensland, ACT and Federal Parliaments, and should be an accepted practice in Victoria;
- (2) notes that in 2009 the Legislative Assembly Standing Orders Committee recommended that the Assembly adopt such a practice, but as yet neither House of Parliament has done so;
- (3) notes that provision for e-petitions would allow more Victorians to have their say in the democratic process of the Victorian Parliament and will, therefore, improve the community's political engagement;
- (4) requires e-petitions to be permitted in the Legislative Council in addition to paper petitions;
- (5) introduces the necessary Sessional Orders and/or Standing Orders to provide for e-petitions, including appropriate procedures;
- (6) refers the required amendments to Standing Orders to the Procedure Committee to report to the House by 25 October 2016; and
- (7) implements e-petitions in the Legislative Council no later than 31 January 2017.

Debate ensued.

Question — put and agreed to.

**11 CFA ENTERPRISE BARGAINING** — Debate resumed on the question, That this House supports Country Fire Authority volunteers in their call to keep the CFA's operations under the full authority of the CFA Chief Executive Officer (CEO) and Chief Fire Officer (CFO), and notes —

- (1) the support of 60,000 volunteers asking the Premier to refuse to agree to the Enterprise Bargaining Agreement sought by the United Firefighters Union;
- (2) the review by the Victorian Equal Opportunity and Human Rights Commission finding the proposed EBA discriminates against women and people with a disability;
- (3) the comments of the CFA Board that the proposed EBA would be unworkable and would remove authority from the CEO and CFO; and
- (4) the comments of the Minister for Emergency Services that Clause 21 of the proposed EBA, giving veto powers to the UFU, has been a disaster for the Metropolitan Fire Brigade and expressing her concern over the proposal to require a minimum of seven paid firefighters on a fire ground.

Question — put and agreed to.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 257 and Order of the Day, General Business, No. 2 be postponed until later this day.

- 13 PROPOSED EARLY LEARNING FACILITY IN BALLARAT — MINISTER'S ANSWERS TO A QUESTION WITHOUT NOTICE AND SUPPLEMENTARY QUESTION, 5 MAY 2016** — Mr Morris moved, That the Council take note of the Minister's answers to a question without notice and a supplementary question on 5 May 2016 in relation to a proposed early learning facility in Ballarat.  
Debate ensued.  
*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Morris.*
- 14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 15 TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (PUBLIC SAFETY) BILL 2016** — Mr Dalidakis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.  
Mr Dalidakis moved, That the Bill be now read a second time.  
On the motion of Mr Ramsay (for Mr Ondarchie), the debate was adjourned until the next day of meeting.
- 16 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.  
Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.  
And then the Council, at 6.39 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 76 — Thursday, 9 June 2016

- 1 The President took the Chair and read the Prayer.
- 2 **PETITIONS** —
- SKY RAIL** — Mr Davis presented a Petition bearing 207 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its Sky Rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.  
Ordered to lie on the Table.
- \* \* \* \* \*
- NORTH ROAD, ORMOND LEVEL CROSSING** — Ms Crozier presented a Petition bearing 85 signatures from certain citizens of Victoria calling on the Andrews Government to adequately compensate for the losses experienced by small businesses due to changes to the schedule of planned works for the removal of the level crossing at North Road, Ormond without proper consultation of those affected.  
Ordered to lie on the Table.
- 3 **PAPERS** —
- LEGAL AND SOCIAL ISSUES COMMITTEE — END OF LIFE CHOICES** — Mr O'Donohue presented a Report from the Legal and Social Issues Committee on End of Life Choices (including Appendices, Extracts from the Proceedings and Minority Reports), together with a Summary Booklet and Transcripts of Evidence.  
Ordered to lie on the Table and the Report to be published.  
Mr O'Donohue moved, by leave, That Standing Order 5.03 be suspended to the extent necessary so as to allow the Council to take note of the Report and —
- (a) the mover of the motion to speak for 10 minutes;
  - (b) other members of the Legal and Social Issues Committee to speak for 5 minutes each;
- and

(c) other Members to speak for 2 minutes each.

Question — put and agreed to.

Mr O'Donohue moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — RECOMMENDATION ON THE APPOINTMENT OF A PERSON TO CONDUCT THE PERFORMANCE AUDIT OF THE AUDITOR-GENERAL AND VICTORIAN AUDITOR-GENERAL'S OFFICE** — Ms Shing presented a Report from the Public Accounts and Estimates Committee on the Recommendation of the appointment of a person to conduct the Performance Audit of the Auditor-General and Victorian Auditor-General's Office.

Ordered to lie on the Table and to be published.

Ms Shing moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — RECOMMENDATION ON THE APPOINTMENT OF A PERSON TO CONDUCT THE FINANCIAL AUDIT OF THE AUDITOR-GENERAL AND VICTORIAN AUDITOR-GENERAL'S OFFICE** — Ms Pennicuik presented a Report from the Public Accounts and Estimates Committee on Recommendation of the appointment of a person to conduct the Financial Audit of the Auditor-General and Victorian Auditor-General's Office (including Appendices).

Ordered to lie on the Table and to be published.

Ms Pennicuik moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Ombudsman — A report on misuse of council resources, June 2016 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 54.

**4 SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 21 June 2016.

Question — put and agreed to.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 277 be postponed until later this day.

**7 STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Suggested amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders* —

**8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Government approach to question time** — supplementary question asked by Ms Wooldridge — response from Ms Pulford due Tuesday, 21 June 2016.
- **Special Minister of State meetings with UFU** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Ms Pulford due Tuesday, 21 June 2016.
- **Crimes by children in residential care** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Tuesday, 21 June 2016.
- **Trade mission to the United States** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 21 June 2016.
- **Campervan signage** — substantive and supplementary questions asked by Ms Springle — response from Ms Mikakos due Wednesday, 22 June 2016.
- **RSPCA raids** — substantive and supplementary questions asked by Ms Pennicuik — response from Ms Pulford due Tuesday, 21 June 2016.
- **Electro convulsive therapy** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Mikakos due Wednesday, 22 June 2016.
- **Game Management Authority** — substantive and supplementary questions asked by Mr Young — response from Ms Pulford due Tuesday, 21 June 2016.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2016** — Debate continued on the question, That the Bill be now read a second time.

Suggested amendments proposed to be moved in Committee by Ms Pulford were circulated. Debate continued.

Question — put and agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole later this day.

**11 TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (PUBLIC SAFETY) BILL 2016** — 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, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmir; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Finn and Mr Young*)

NOES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.  
(*Tellers: Mr Barber and Ms Dunn*)

Question 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 WITNESS PROTECTION AMENDMENT BILL 2016** — 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.

- 13 APPROPRIATION (2016-2017) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2016-17** having been authorised to be debated concurrently pursuant to an Order of the Council on 7 June 2016].

Ms Lovell moved, That the debate be adjourned until the next day of meeting.

- 14 ROAD MANAGEMENT AMENDMENT (BUS STOP DELIVERY POWERS) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Management Act 2004 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalidakis (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 15 JUSTICE LEGISLATION (EVIDENCE AND OTHER ACTS) AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Evidence (Miscellaneous Provisions) Act 1958 in relation to the use of audio visual links, to amend the Legal Aid Act 1978 in relation to the board of directors of Victoria Legal Aid, to make minor and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalidakis (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 16 RURAL ASSISTANCE SCHEMES BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to improve the administration of rural assistance schemes by establishing the Rural Assistance Commissioner as successor to the Rural Finance Corporation of Victoria and repealing the Rural Finance Act 1988 and the Young Farmers' Finance Council Act 1979 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Dalidakis (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 17 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.04 p.m., adjourned until Tuesday, 21 June 2016.

ANDREW YOUNG  
Clerk of the Legislative Council



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 74, 75 and 76

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**TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (PUBLIC SAFETY) BILL  
2016**

*Committed Thursday, 9 June 2016*

**Clauses 1 to 4** — put and agreed to.

**Bill reported without amendment.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 77, 78 and 79

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#### No. 77 — Tuesday, 21 June 2016

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Administrator of Victoria informing the Council that he had, on 15 June 2016, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:  
*Transport (Compliance and Miscellaneous) Amendment (Public Safety) Act 2016*  
*Witness Protection Amendment Act 2016.*
- 3 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — The President read a letter from Ms Sheed resigning from the Family and Community Development Committee, effective from today.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **CFA Board meeting** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Dalidakis due Thursday, 23 June 2016.
- **CFA Chief Executive Officer interviews** — substantive and supplementary questions asked by Mr Ramsay — response from Mr Dalidakis due Thursday, 23 June 2016.
- **CFA Chief Executive Officer appointment** — substantive and supplementary questions asked by Mr Finn — response from Mr Dalidakis due Thursday, 23 June 2016.
- **Dairy farmer assistance** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Wednesday, 22 June 2016.
- **Early childhood educators** — substantive and supplementary questions asked by Mr Morris — response from Ms Mikakos due Wednesday, 22 June 2016.
- **Welfare of sex workers** — substantive and supplementary questions asked by Ms Patten — response from Mr Dalidakis due Thursday, 23 June 2016.
- **Adler lever action firearm** — substantive and supplementary questions asked by Ms Pennicuik — response from Mr Herbert due Thursday, 23 June 2016.
- **Westgate Freeway ramps** — substantive question asked by Ms Hartland — response from Ms Pulford due Thursday, 23 June 2016.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Victorian Comprehensive Cancer Centre – bed capacity** — supplementary question asked by Ms Wooldridge on Tuesday, 7 June 2016 — further response from Ms Mikakos due Thursday, 24 June 2016.

**5 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**6 PETITIONS** —

**SKY RAIL** — Mr Rich-Phillips presented a Petition bearing 1,003 signatures from certain citizens of Victoria requesting that the Legislative Council calls on the Andrews Labor Government to rule out a Sky Rail design for the Frankston Line and ensure that level crossings at Cheltenham, Mentone, Edithvale, Bonbeach, Carrum, Seaford and Frankston are placed underground and to ensure that the community is properly consulted regarding potential upgrades to infrastructure at stations where level crossings are not being removed, such as Parkdale and Mordialloc.

Ordered to lie on the Table.

On the motion of Mr Rich-Phillips, the petition was ordered to be taken into consideration on the next day of meeting.

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**REVERSE CHRISTMAS CAROL BAN** — Ms Lovell presented a Petition bearing 8 signatures from certain citizens of Victoria requesting that the Legislative Council ensures that the Andrews Government reverse the ban on singing traditional Christmas carols in Victorian Government schools.

Ordered to lie on the Table.

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**COUNTRY FIRE AUTHORITY CONTROL** — Ms Lovell presented a Petition bearing 58 signatures from certain citizens of Victoria requesting that the Legislative Council ensures that the Premier does not hand control of the Country Fire Authority to the United Firefighters Union.

Ordered to lie on the Table.

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

**7 EQUAL OPPORTUNITY AMENDMENT (EQUALITY FOR STUDENTS) BILL 2016** — Ms Pennicuik introduced *A Bill for an Act to amend the Equal Opportunity Act 2010 to provide that religious schools cannot discriminate against students on the basis of sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity.*

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

**8 PAPERS** —

**HAZELWOOD MINE FIRE INQUIRY: VICTORIAN GOVERNMENT IMPLEMENTATION PLAN** — Ms Pulford moved, by leave, That there be laid before this House a copy of the Hazelwood Mine Fire Inquiry: Victorian Government Implementation Plan, June 2016.

Question — put and agreed to.

The Report was presented by Ms Pulford and ordered to lie on the Table and to be published.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 9 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REVIEW 2015 REGULATIONS AND LEGISLATIVE INSTRUMENTS** — Mr Dalla-Riva presented the Annual Review 2015 from the Scrutiny of Acts and Regulations Committee on Regulations and Legislative Instruments (including Appendices).

Ordered to lie on the Table and to be published.

Mr Dalla-Riva moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Alpine Planning Scheme — Amendments C39 and C52.

Glenelg Planning Scheme — Amendments C76 (Part 2) and C88.

Greater Geelong Planning Scheme — Amendment C334.

Greater Shepparton Planning Scheme — Amendment C191.

Latrobe Planning Scheme — Amendment C89.

Macedon Ranges Planning Scheme — Amendment C107.

Moonee Valley Planning Scheme — Amendment C166.

Port Phillip Planning Scheme — Amendment C119.

South Gippsland Planning Scheme — Amendment C97.

Wellington Planning Scheme — Amendment C95.

Statutory Rule under the Infringements Act 2006 — No. 56.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 56.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Access to Medicinal Cannabis Act 2016 — Part 1, Part 3, sections 100, 123, 126, 129 to 131, 133 and 135 — 8 June 2016 (*Gazette No. S177, 7 June 2016*).

Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016 — Sections 94(1) (other than paragraph (a)) and (2), 95 to 98, 103 to 122, 131 to 153, 155 to 157 and Divisions 3 to 7 of Part 8 — 7 June 2016; remaining provisions of Division 2 of Part 8 — 1 July 2016 (*Gazette No. S177, 7 June 2016*).

Relationships Amendment Act 2016 — Whole Act (except section 6) — 1 July 2016 (*Gazette No. S177, 7 June 2016*).

## 9 PRODUCTION OF DOCUMENTS —

**PUNT ROAD** — The Clerk laid on the Table 23 full and five partial documents in accordance with the Resolution of the Council of 9 December 2015 relating to traffic flows, projections and plans concerning Punt Road.

The Clerk also laid on the Table a letter from the Attorney-General dated 20 June 2016 —

- referring to a previous letter provided to the House and the related production of 303 documents which fell within the scope of the Council's order;
- referring to previous letters on 14 April 2015 and 29 April 2016 which referred to the Government's process for assessing documents for potential Executive privilege; and
- stating that Executive privilege was claimed in relation to certain documents referred to and other documents which contain the personal information of individuals and that, therefore, those documents have not been provided.

\* \* \* \* \*

**CROWN CASINO** — The Clerk laid on the Table a letter from the Attorney-General dated 20 June 2016, together with the document prepared by Crown Casino for the Victorian Commission for Gambling and Liquor Regulation in late 2015, which outlines the finding of analysis of player data in accordance with the Resolution of the Council of 4 May 2016.

**LEVEL CROSSING REMOVAL PROJECT (SKY RAIL)** — The Clerk laid on the Table a letter from the Attorney-General dated 20 June 2016 in response to the Resolution of the Council of 24 February 2016 seeking the production of documents relating to the Level Crossing Removal Project – Caulfield to Dandenong Project Proposal (Sky Rail) —

- inviting Members of the Council to view the electronic presentation of the 3D modelling requested in the resolution at a briefing on Monday 27 June; and
- advising that the Government will continue to identify, collate, review and assess the documents and relevant material; and provide a further response to the Council's order as soon as possible.

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

**10 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 22 June 2016:

- (1) Order of the Day No. 3, second reading of the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016;
- (2) Order of the Day made this day, second reading of the Equal Opportunity Amendment (Equality for Students) Bill 2016;
- (3) Notice of motion given this day by Mr Davis to revoke Amendment GC37 to the Cardinia, Casey, Glen Eira, Greater Dandenong, Kingston, Melbourne, Monash, Stonnington, and Yarra Planning Schemes;
- (4) Notice of motion given this day by Ms Hartland relating to a production of documents order for Crown Casino; and
- (5) Order of the Day No. 1, resumption of debate on the Ridesharing Bill 2016.

Question — put and agreed to.

**11 ECONOMY AND INFRASTRUCTURE COMMITTEE** — Dr Carling-Jenkins moved, by leave, That Mr Bourman be a member of the Economy and Infrastructure Committee.

Question — put and agreed to.

**12 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**13 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**14 AUDITOR-GENERAL'S OFFICE PERFORMANCE AUDIT** — The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the following resolution:

Under section 19 of the *Audit Act 1994*, Ms Elma von Wielligh-Louw, Partner, Deloitte Touche Tomatsu, be appointed to conduct the performance audit of the Victorian Auditor-General's Office for the period July 2013 to July 2016 —

- (a) in accordance with the terms, conditions and specifications as set out in the Request for Tender issued on 18 December 2015; and
- (b) at a fixed fee of \$288,000 excluding GST.

Ordered — That the Message be taken into consideration forthwith.

Ms Pulford moved, by leave, That —

- (1) the Council concurs with the Assembly and resolves, That pursuant to section 19 of the *Audit Act 1994*, Ms Elma von Wielligh-Louw, Partner, Deloitte Touche Tomatsu, be appointed to conduct the performance audit of the Victorian Auditor-General's Office —
  - (a) for the period July 2013 to June 2016;
  - (b) in accordance with the terms, conditions and specifications as set out in the Request for Tender issued on 18 December 2015;
  - (c) at a fixed fee of \$288,000 excluding GST; and
- (2) a Message be sent to the Assembly acquainting them that the Council have concurred with the Assembly's Resolution.



Question — put and agreed to.

Message sent to the Assembly acquainting them accordingly.

- 15 AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT** — The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the following resolution:

Under section 17 of the *Audit Act 1994*, Mr Geoff Parker be appointed for a period of three years —

- (a) to conduct the financial audit of the Victorian Auditor-General's Office for the financial years ending 30 June 2016, 30 June 2017 and 30 June 2018;
- (b) in accordance with the terms and conditions and remuneration of a person appointed by the Parliament of Victoria pursuant to section 17 of the of the *Audit Act 1994*, and the terms of reference as specified in Appendix One of the Public Accounts and Estimates Committee's Report on the Recommendation of the Appointment of a Person to Conduct the Financial Audit of the Victorian Auditor-General's Office (Parliamentary Paper No 175, Session 2014–16); and
- (c) at the following maximum fixed fee levels of remuneration —
  - (i) \$33,000 plus GST for audit services for the year ended 30 June 2016;
  - (ii) \$33,000 plus GST for audit services for the year ended 30 June 2017; and
  - (iii) \$33,000 plus GST for audit services for the year ended 30 June 2018.

Ordered — That the Message be taken into consideration forthwith.

Ms Pulford moved, by leave, That —

- (1) the Council concurs with the Assembly and resolves, That pursuant to section 17 of the *Audit Act 1994*, Mr Geoff Parker be appointed for a period of three years —
  - (a) to conduct the financial audit of the Victorian Auditor-General's Office for the financial years ending 30 June 2016, 30 June 2017 and 30 June 2018;
  - (b) in accordance with the terms and conditions and remuneration of a person appointed by the Parliament of Victoria pursuant to section 17 of the of the *Audit Act 1994*, and the terms of reference as specified in Appendix One of the Public Accounts and Estimates Committee's Report on the Recommendation of the Appointment of a Person to Conduct the Financial Audit of the Victorian Auditor-General's Office (Parliamentary Paper No 175, Session 2014–16); and
  - (c) at the following maximum fixed fee levels of remuneration —
    - (i) \$33,000 plus GST for audit services for the year ended 30 June 2016;
    - (ii) \$33,000 plus GST for audit services for the year ended 30 June 2017;
    - (iii) \$33,000 plus GST for audit services for the year ended 30 June 2018; and
- (2) a Message be sent to the Assembly acquainting them that the Council have concurred with the Assembly's Resolution.

Question — put and agreed to.

Message sent to the Assembly acquainting them accordingly.

- 16 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 277 be postponed until later this day.

- 17 STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2016** — Bill committed to a Committee of the whole.

House in Committee.

The Deputy President reported progress that the Committee had suggested amendments for the consideration of the Assembly and asked leave to sit again.

Bill returned to the Assembly with a Message requesting they make the amendments suggested by the Council.

Bill to be again considered in Committee of the whole later this day.

- 18 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2 be postponed until later this day.

**19 APPROPRIATION (PARLIAMENT 2016-2017) BILL 2016** — Bill committed to a Committee of the whole.

House in Committee.

The Deputy President reported progress that the Committee had suggested amendments for the consideration of the Assembly and asked leave to sit again.

Bill returned to the Assembly with a Message requesting they make the amendments suggested by the Council.

Bill to be further considered in Committee of the whole later this day.

**20 APPROPRIATION (2016-2017) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2016-17** having been authorised to be debated concurrently pursuant to an Order of the Council on 7 June 2016].

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Ms Mikakos declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Mr Herbert declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

House in Committee.

The Deputy President reported progress and asked leave to sit again.

Bill to be further considered in Committee of the whole on the next day of meeting.

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 22 JUNE 2016

**21 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 12.44 a.m., adjourned until later this day.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 78 — Wednesday, 22 June 2016

1 The President took the Chair and read the Prayer.

2 **PETITION — SKY RAIL** — Mr Davis presented a Petition bearing 497 signatures from certain citizens of Victoria requesting the Legislative Council calls on the Andrews Labor Government abandon its Sky Rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

Ordered to lie on the Table.

3 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Gene Technology Act 2001 — Reports of the Office of the Gene Technology Regulator (Commonwealth) —  
pursuant to section 136 of the Act for 2005-06 to 2014-15.

pursuant to section 136(A) of the Act for the periods —

1 January to 31 March 2001-15.

1 April to 30 June 2001-15.

1 July to 30 September 2001-15.

1 October to 31 December 2001-14.

Ombudsman — Investigation into Casey City Council's Special Charge Scheme for Market Lane, June 2016 (*Ordered to be published*).

**4 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 ENVIRONMENT PROTECTION AMENDMENT (BANNING PLASTIC BAGS, PACKAGING AND MICROBEADS) BILL 2016** — Ms Springle laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Springle moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Leane, the debate was adjourned for one week.

**7 EQUAL OPPORTUNITY AMENDMENT (EQUALITY FOR STUDENTS) BILL 2016** —

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

Ms Pennicuik moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Ms Symes, the debate was adjourned for one week.

**8 REVOCATION OF PLANNING SCHEME AMENDMENT GC37** — Mr Davis moved, That, pursuant to section 38 of the *Planning and Environment Act 1987*, Amendment GC37 to the Cardinia, Casey, Glen Eira, Greater Dandenong, Kingston, Melbourne, Monash, Stonnington, and Yarra Planning Schemes be revoked.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Dame Phyllis Frost Centre – exposure to toxic fumes** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Mr Herbert due Thursday, 23 June 2016.
- **Recreational use of Yarra River** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Tuesday, 16 August 2016.
- **VicForests sustainable logging practices** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Thursday, 23 June 2016.
- **Economic value of logging in Central Highlands** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Thursday, 23 June 2016.
- **Drone incidents at Victorian correctional facilities** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Herbert due Thursday, 23 June 2016.
- **Margoneet and Kareenga Prisons – changes to prisoner population profile** — substantive and supplementary questions asked by Mr Ramsay — response from Mr Herbert due Thursday, 23 June 2016.
- **Smoking ban in Victorian prisons** — supplementary question asked by Mr Dalla-Riva — response from Mr Herbert due Thursday, 23 June 2016.

- **Appointment of directors at TAFE institutions** — substantive and supplementary questions asked by Ms Fitzherbert — response from Mr Herbert due Thursday, 23 June 2016.
- **TAFE board appointments** — substantive and supplementary questions asked by Mrs Peulich — response from Mr Herbert due Thursday, 23 June 2016.

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**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- Code Club Australia — supplementary question asked by Mr Ondarchie on Wednesday, 8 June 2016 — further response from Mr Dalidakis due Thursday, 23 June 2016.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 REVOCATION OF PLANNING SCHEME AMENDMENT GC37** — Debate continued on the question, That, pursuant to section 38 of the *Planning and Environment Act 1987*, Amendment GC37 to the Cardinia, Casey, Glen Eira, Greater Dandenong, Kingston, Melbourne, Monash, Stonnington, and Yarra Planning Schemes be revoked.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(*Tellers: Mr Finn and Mr O'Donohue*)

NOES, 22

Mr Barber; Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

(*Tellers: Ms Dunn and Mr Melhem*)

Question negatived.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 285 be postponed until later this day.

**13 RIDESHARING BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Ms Shing moved, That debate be adjourned until later this day.

Question — put and agreed to.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 232 to 288 and Orders of the Day, General Business, Nos. 4 to 15 be postponed until later this day.

**15 PROCEDURE COMMITTEE REFERENCE — DAILY PRAYER** — Debate resumed on the question, That this House requires the Procedure Committee to inquire into and report no later than 1 December 2016 on a suitable alternative to the daily prayer, including looking at options adopted by other Parliaments, and calls on the Committee to request submissions from the public and conduct public hearings in the completion of its inquiries.

Debate ensued.

Question — put and negatived.

**16 ECONOMY AND INFRASTRUCTURE COMMITTEE INQUIRY INTO INFRASTRUCTURE PROJECTS — MINISTER TO APPEAR BEFORE COMMITTEE** — Mr Morris moved, That this House requests that the Legislative Assembly grant leave to the Treasurer, the Hon. Tim Pallas, MP, to appear before the Legislative Council Standing Committee on the Economy and Infrastructure to give evidence and answer questions in relation to the Committee's inquiry into infrastructure projects.

Debate ensued.

Question — put and agreed to.

- 17 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 18 STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly informing the Council that they had made the suggested amendments made by the Council in this Bill.

Mr Dalidakis moved, That the Message be referred to the Committee of the whole on the Bill forthwith.

Question — put and agreed to.

Bill further considered in 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, including the amendments made by the Assembly on the suggestion of the Council, without amendment.

- 19 APPROPRIATION (PARLIAMENT 2016-2017) BILL 2016** — The Acting President read a Message from the Assembly informing the Council that they had not made the suggested amendments made by the Council in this Bill.

Mr Dalidakis moved, That the Message be referred to the Committee of the whole on the Bill on the next day of meeting.

Question — put and agreed to.

- 20 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.35 p.m., adjourned until later this day.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 79 — Thursday, 23 June 2016

- 1** The President took the Chair and read the Prayer.

- 2 PETITION — NORTH ROAD LEVEL CROSSING** — Ms Crozier presented a Petition bearing 65 signatures from certain citizens of Victoria calling on the Andrews Government to adequately compensate for the losses experienced by small businesses due to changes to the schedule of planned works for the removal of the level crossing at North Road, Ormond without proper consultation of those affected.

Ordered to lie on the Table.

- 3 CRIMES AMENDMENT (CARJACKING) BILL 2016** — Mr O'Donohue introduced *A Bill for an Act to amend the Crimes Act 1958 to provide for the new indictable offences of carjacking and aggravated carjacking and for other purposes.*

On the motion of Mr O'Donohue, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 4 PAPERS** —

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INFRASTRUCTURE PROJECTS SECOND REPORT** — Mr Morris presented the second Report from the Economy and Infrastructure Committee on Infrastructure Projects (including Appendices), together Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Morris moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — IMPACT ON VICTORIAN GOVERNMENT SERVICE DELIVERY OF CHANGES TO NATIONAL PARTNERSHIP AGREEMENTS** — Ms Shing presented a Report from the Public Accounts and Estimates Committee on Impact on Victorian Government Service Delivery of Changes to National Partnership Agreements (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Shing moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2015.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 10 February 2016 and 22 June 2016 (*Ordered to be published*).

Ombudsman — Report on recommendations, June 2016 (*Ordered to be published*).

Statutory Rules under the following Acts of Parliament —

Public Health and Wellbeing Act 2008 — No. 58.

Relationships Act 2008 — No. 57.

Subordinate Legislation Act 1994 in respect of various statutory rules —

Documents under section 15 in respect of Statutory Rule No. 57.

Legislative Instrument and related documents under section 16B in respect of Education and Training Reform Act 2006 — Victorian Institute of Teaching registration fees 2016-17, dated 20 June 2016.

Victorian Government Report on Multicultural Affairs — Whole of Government Report, 2014-15.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Building Legislation Amendment (Consumer Protection) Act 2016 — Part 1, sections 4, 14(1), 19, 34, 35, 36, 39 and 42 and Divisions 6, 7, 8, 9 and 12 of Part 3 (except sections 46, 52, 55 and 71) and Part 4 — 4 July 2016 (*Gazette No. S194, 21 June 2016*).

Integrity and Accountability Legislation Amendment (A Stronger System) Act 2016 — Part 2 (except sections 3(c), 19 and 20), Part 3 (except sections 51(1)), Part 4 (except section 63(1)), Parts 5, 6 and 7 (except sections 78(1), 79, 80(1), 86, 87(1) and 89(1)), Part 8 and Part 9 — 1 July 2016; remaining provisions — 1 December 2016 (*Gazette No. S194, 21 June 2016*).

National Electricity (Victoria) Further Amendment Act 2016 — 1 July 2016 (*Gazette No. S194, 21 June 2016*).

**5 SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 16 August 2016.

Question — put and agreed to.

**6 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 282 be postponed until later this day.

**9 APPROPRIATION (2016-2017) BILL 2016** — Bill further considered in Committee of the whole House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**PRODUCTION OF DOCUMENTS — SKY RAIL** — Ms Pulford having given answers to a question without notice and supplementary question relating to production of documents for Sky Rail —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Asbestos management in kindergartens** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Tuesday 16 August 2016.
- **Cancellation of Tarrangower facility extensions** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Herbert due Tuesday, 16 August 2016.
- **Production of Documents – Sky Rail** — substantive and supplementary questions asked by Mr Davis — response from Ms Pulford due Wednesday, 17 August 2016.
- **Sky Rail on Frankston line** — substantive and supplementary questions asked by Mrs Peulich — response from Ms Pulford due Wednesday, 17 August 2016.
- **Ballarat West employment zone** — substantive and supplementary questions asked by Mr Morris — response from Ms Pulford due Tuesday, 16 August 2016.
- **Fossil Fuel investments** — substantive and supplementary questions asked by Mr Barber — response from Ms Pulford due Wednesday, 17 August 2016.
- **Crown Casino's use of multi-player devices** — substantive and supplementary questions asked by Ms Hartland — response from Mr Dalidakis due Wednesday, 17 August 2016.
- **Walhalla Bush Festival support** — substantive and supplementary questions asked by Mr Bourman — response from Ms Pulford due Wednesday, 17 August 2016.
- **South West Victoria road upgrades** — substantive and supplementary questions asked by Mr Purcell — response from Ms Pulford due Wednesday, 17 August 2016.

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**VICTORIAN COMPREHENSIVE CANCER CENTRE – BED CAPACITY** — Ms Mikakos having provided a further written response, in accordance with Sessional Order 5, to a question asked by Ms Wooldridge on 7 June 2016 on bed capacity in the Victorian Comprehensive Cancer Centre —

Ms Wooldridge moved, by leave, That the Minister's further response be taken into consideration on the next day of meeting.

Question — put and agreed to.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Back to Work Scheme Payments** — substantive question asked by Ms Wooldridge on Tuesday, 3 May 2016 — further response from Mr Jennings due Wednesday, 17 August 2016.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**12 APPROPRIATION (2016-2017) BILL 2016** — Bill further considered in 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.

- 13 BUDGET PAPERS, 2016-2017** — The concurrent debate having concluded — Question — That the Council take note of the Budget Papers, 2016-2017 — put and agreed to.

- 14 APPROPRIATION (PARLIAMENT 2016-2017) BILL 2016** — Bill further considered in 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.

- 15 TREASURY AND FINANCE LEGISLATION AMENDMENT BILL 2016** — 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.

- 16 HOUSE CONTRACTS GUARANTEE REPEAL BILL 2016** — 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.

- 17 RURAL ASSISTANCE SCHEMES BILL 2016** — 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.

- 18 JUSTICE LEGISLATION (EVIDENCE AND OTHER ACTS) AMENDMENT BILL 2016** — 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.

- 19 CRIMES AMENDMENT (SEXUAL OFFENCES) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 in relation to sexual offences and certain other offences, to amend the Summary Offences Act 1966 in relation to sexual exposure and indecent, offensive and insulting behaviour, to amend the Jury Directions Act 2015 in relation to directions on consent, and reasonable belief in consent, in sexual offence cases, to make minor amendments to certain Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 20 LAND (REVOCATION OF RESERVATIONS – REGIONAL VICTORIA LAND) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to revoke*



*permanent reservations of certain land at Burke's Flat, Campbelltown, Lake Charm and Walpeup and to revoke a related Crown grant and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**21 NATIONAL PARKS AND VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL ACTS AMENDMENT BILL 2016** —

The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the National Parks Act 1975 in relation to the Greater Bendigo National Park and to amend the Victorian Environmental Assessment Council Act 2001 in relation to advice, assessments and recommendations and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**22 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2016** —

The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Domestic Animals Act 1994, the Prevention of Cruelty to Animals Act 1986, the Public Administration Act 2004, the Veterinary Practice Act 1997 and the Wildlife Act 1975 and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**23 TOBACCO AMENDMENT BILL 2016** —

The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Tobacco Act 1987 to prohibit smoking in outdoor dining areas, to regulate the sale, promotion and use of e-cigarette products and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

**24 VICTORIAN FUNDS MANAGEMENT CORPORATION AMENDMENT BILL 2016** —

The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Victorian Funds Management Act 1994 and the Borrowing and Investment Powers Act 1987 to make further provision as to the powers and procedures of the Victorian Funds Management Corporation and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Mr Herbert, the second reading speech was incorporated into Hansard.

Mr Herbert moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**25 RESIGNATION OF DEPUTY PRESIDENT** — The President read a letter from Ms Tierney resigning as Deputy President of the Legislative Council, effective from today.

**26 ELECTION OF DEPUTY PRESIDENT** — The President called for nominations for Deputy President.

Ms Pulford nominated Mr Eideh to be Deputy President.

Mr Herbert seconded the nomination.

There being no further nominations the President declared Mr Eideh to be elected Deputy President.

**27 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 7.54 p.m., adjourned until Tuesday, 16 August 2016.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 77, 78 and 79

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### STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2016

*Committed Tuesday, 21 June 2016*

*Suggested amendments circulated: Ms Pulford and Mr Rich-Phillips (see pp 469–70)*

**Clause 1** — Mr Rich-Phillips moved his Suggested Amendment No.1.

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

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
*(Tellers: Ms Bath and Mr Young)*

NOES, 20

Mr Barber, Mr Dalidakis; Ms Dunn, Mr Eideh; Mr Elasmarr; Ms Hartland, Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten, Ms Pennicuik, Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle, Ms Symes; Ms Tierney.  
*(Tellers: Mr Dalidakis and Ms Patten)*

Question negatived.

Clause 1 — no question put pursuant to SO 14.15(2).

**Clauses 2 and 3** — no question put pursuant to SO 14.15(2).

**Clause 4** — Ms Pulford moved her Suggested Amendment Nos. 1 to 12 — put and agreed to.

Clause 4 — postponed pursuant to SO 14.15(3).

**Clauses 5 to 30** — no question put pursuant to SO 14.15(2).

**Clause 31** —

Question — That the clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barber, Mr Dalidakis; Ms Dunn, Mr Eideh; Mr Elasmarr; Ms Hartland, Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten, Ms Pennicuik, Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle, Ms Symes; Ms Tierney;  
*(Tellers: Ms Springle and Mr Leane)*

NOES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
*(Tellers: Mr Finn and Mr Dalla-Riva)*

Question agreed to.

**Clauses 32 to 53** — no question put pursuant to SO 14.15(2).

**Progress reported with suggested amendments.**

**Wednesday, 22 June 2016 —**

*Progress having been reported on Tuesday, 21 June 2016, Bill further considered in Committee of the whole.*

**Postponed Clause 4, as amended by the Assembly —** no question put pursuant to SO 14.15(2).

Question — That the Bill, as amended by the Assembly on the suggestion of the Council, be reported without further amendment — put and agreed to.

**Bill, as amended by the Assembly on the suggestion of the Council, reported without further amendment.**

\* \* \* \* \*

**APPROPRIATION (PARLIAMENT 2016-2017) BILL 2016**

*Committed Tuesday, 21 June 2016*

*Suggested amendments circulated: Mr Rich-Phillips (see p 471)*

**Clauses 1 to 7 —** put and agreed to.

**Schedule 1 —** Mr Rich-Phillips moved his Suggested Amendments Nos. 1 to 6 — put and agreed to.

Schedule 1 — postponed pursuant to SO 14.15(3).

**Progress reported with suggested amendments.**

**Thursday, 23 June 2016 —**

*Progress having been reported on Tuesday, 21 June 2016, Bill further considered in Committee of the whole.*

**Postponed Schedule 1, not amended by the Assembly —** put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**APPROPRIATION (2016-2017) BILL 2016**

*Committed Tuesday, 21 June 2016.*

**Clauses 1 to 10 —** put and agreed to.

**Progress reported.**

**Thursday, 23 June 2016 —**

*Progress having been reported on Tuesday, 21 June 2016, Bill further considered in Committee of the whole.*

**Schedules 1 to 3 —** put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2016*****Suggested amendments circulated by Ms Pulford —***

1. **Suggested amendment to the Legislative Assembly -**  
Clause 4, lines 10 and 11, omit "or short-term accommodation".
2. **Suggested amendment to the Legislative Assembly -**  
Clause 4, lines 17 and 18, omit "or short-term accommodation".
3. **Suggested amendment to the Legislative Assembly -**  
Clause 4, line 25, omit "or short-term accommodation".
4. **Suggested amendment to the Legislative Assembly -**  
Clause 4, page 6, lines 4 and 5, omit "or short-term accommodation".
5. **Suggested amendment to the Legislative Assembly -**  
Clause 4, page 6, lines 12 and 13, omit "or short-term accommodation".
6. **Suggested amendment to the Legislative Assembly -**  
Clause 4, page 6, after line 15 insert—
  - "(2) Despite subsection (1), *residential property* does not include any of the following—
    - (a) land—
      - (i) capable of being used solely or primarily as commercial residential premises, a residential care facility, a supported residential service or for the purposes of a retirement village and that may lawfully be used in that way; and
      - (ii) that a person intends to use solely or primarily as commercial residential premises, a residential care facility, a supported residential service or for the purposes of a retirement village;
    - (b) land which includes a building, or part of a building, that a person intends to refurbish or extend so the land is capable of being used solely or primarily as commercial residential premises, a residential care facility, a supported residential service or for the purposes of a retirement village and that may lawfully be used in that way;
    - (c) land—
      - (i) on which a person intends to construct a building so the land is capable of being used solely or primarily as commercial residential premises, a residential care facility, a supported residential service or for the purposes of a retirement village and that may lawfully be used in that way; or
      - (ii) in respect of which a person has undertaken or intends to undertake land development for the purposes of—
        - (A) constructing a building so the land is capable of being used solely or primarily as commercial residential premises, a residential care facility, a supported residential service or for the purposes of a retirement village and that may lawfully be used in that way; or
        - (B) enabling another person to construct a building so the land is capable of being used solely or primarily as commercial residential premises, a residential care facility, a supported residential service or for the purposes of a retirement village and that may lawfully be used in that way."
  7. **Suggested amendment to the Legislative Assembly -**  
Clause 4, page 6, line 16, omit "(2)" and insert "(3)".

8. **Suggested amendment to the Legislative Assembly -**  
 Clause 4, page 6, after line 16 insert—  
     "*commercial residential premises* has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth;".
9. **Suggested amendment to the Legislative Assembly -**  
 Clause 4, page 6, lines 21 to 23, omit all words and expressions on these lines and insert—  
     "*residential care facility* has the same meaning as in section 76 of the **Land Tax Act 2005**;  
     *retirement village* has the same meaning as in the **Retirement Villages Act 1986**;  
     *supported residential service* has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**".
10. **Suggested amendment to the Legislative Assembly -**  
 Clause 4, page 7, lines 1 and 2, omit "a serviced" and insert "an".
11. **Suggested amendment to the Legislative Assembly -**  
 Clause 4, page 7, line 8, omit "or as short-term accommodation".
12. **Suggested amendment to the Legislative Assembly -**  
 Clause 4, page 7, line 9, omit "those ways" and insert "that way".

**Suggested amendments circulated by Mr Rich-Phillips —**

1. **Suggested amendment to the Legislative Assembly -**  
 Clause 1, page 2, lines 27 to 30, omit all words and expressions on those lines.
  2. **Suggested amendment to the Legislative Assembly -**  
 Clause 2, line 23, omit "Part 7 and sections 44 to 47" and insert "Part 6 and sections 43 to 46".
  3. **Suggested amendment to the Legislative Assembly -**  
 Clause 2, line 26, omit "45, 46 and 47" and insert "44, 45 and 46".
  4. **Suggested amendment to the Legislative Assembly -**  
 Clause 2, line 30, omit "Section 44" and insert "Section 43".
  5. **Suggested amendment to the Legislative Assembly -**  
 Clause 2, line 32, omit "Part 7" and insert "Part 6".
  6. **Suggested amendment to the Legislative Assembly -**  
 Part heading preceding clause 31, omit this heading.
  7. **Suggested amendment to the Legislative Assembly -**  
 Clause 31, omit this clause.
  8. **Suggested amendment to the Legislative Assembly -**  
 Part heading preceding clause 32, omit "**Part 7**" and insert "**Part 6**".
  9. **Suggested amendment to the Legislative Assembly -**  
 Part heading preceding clause 44, omit "**Part 8**" and insert "**Part 7**".
  10. **Suggested amendment to the Legislative Assembly -**  
 Part heading preceding clause 49, omit "**Part 9**" and insert "**Part 8**".
  11. **Suggested amendment to the Legislative Assembly -**  
 Part heading preceding clause 51, omit "**Part 10**" and insert "**Part 9**".
  12. **Suggested amendment to the Legislative Assembly -**  
 Part heading preceding clause 53, omit "**Part 11**" and insert "**Part 10**".
- AMENDMENT OF LONG TITLE
13. **Suggested amendment to the Legislative Assembly -**  
 Long title, omit "the **Mineral Resources (Sustainable Development) Act 1990**".

**2. APPROPRIATION (PARLIAMENT 2016-2017) BILL 2016*****Suggested amendments circulated by Mr Rich-Phillips —***

14. **Suggested amendment to the Legislative Assembly -**  
Schedule 1, page 4, line 8 omit "3 737" and insert "4 337".
15. **Suggested amendment to the Legislative Assembly -**  
Schedule 1, page 4, line 11, omit "7 751" and insert "7 151".
16. **Suggested amendment to the Legislative Assembly -**  
Schedule 1, page 5, line 7, omit "3 737" and insert "4 337".
17. **Suggested amendment to the Legislative Assembly -**  
Schedule 1, page 5, line 11, omit "3 737" and insert "4 337".
18. **Suggested amendment to the Legislative Assembly -**  
Schedule 1, page 7, line 8, omit "7 751" and insert "7 151".
19. **Suggested amendment to the Legislative Assembly -**  
Schedule 1, page 7, line 12, omit "7 751" and insert "7 151"







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 80, 81 and 82

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#### No. 80 — Tuesday, 16 August 2016

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read Messages from the Governor of Victoria informing the Council that she had —
  - On 28 June 2016, given the Royal Assent to the following Acts presented to her by the Speaker:
    - Appropriation (2016-2017) Act 2016*
    - Appropriation (Parliament 2016-2017) Act 2016.*
  - On 28 June 2016, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
    - House Contracts Guarantee Repeal Act 2016*
    - Justice Legislation (Evidence and Other Acts) Amendment Act 2016*
    - Rural Assistance Schemes Act 2016*
    - State Taxation and Other Acts Amendment Act 2016*
    - Treasury and Finance Legislation Amendment Act 2016.*
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Prisoners in custody** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Herbert due Wednesday, 17 August 2016.
- **Local councillor disqualifications** — substantive and supplementary questions asked by Mr Davis — response from Mr Jennings due Wednesday, 17 August 2016.
- **Right to Farm review** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Wednesday, 17 August 2016.
- **Mount Duneed land acquisition** — substantive and supplementary questions asked by Mr Ramsay — response from Ms Pulford due Wednesday, 17 August 2016.
- **Back to Work scheme payments** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Jennings due Thursday, 18 August 2016.
- **Operation Cosmos arrests** — substantive and supplementary questions asked by Mr Finn — response from Mr Herbert due Thursday, 18 August 2016.
- **Shooters licenses** — substantive and supplementary questions asked by Mr Bourman — response from Mr Herbert due Thursday, 18 August 2016.
- **Regional road deaths** — substantive question asked by Mr Purcell — response from Ms Pulford due Thursday, 18 August 2016.

- **Greyhound racing** — substantive and supplementary questions asked by Ms Pennicuk — response from Mr Herbert due Thursday, 18 August 2016.

**4 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**5 PETITIONS** —

**ORMOND STATION RESIDENTIAL TOWER** — Mr Davis presented a Petition bearing 36 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its plans for a 13 storey residential tower on the Ormond Station site and instead proceed with a development of smaller scale, that is more in keeping with Ormond's low-rise village atmosphere.

Ordered to lie on the Table.

\* \* \* \* \*

**SKY RAIL** — Mr Davis presented a Petition bearing 1,123 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its Sky Rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

Ordered to lie on the Table.

**6 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 10 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PORT OF MELBOURNE SELECT COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO THE LEASE OF THE PORT OF MELBOURNE** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Select Committee Inquiry into the Lease of the Port of Melbourne.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals in relation to North Park Reserve granting a —

Lease, dated 29 April 2016.

Lease, dated 12 May 2016.

Duties Act 2000 — Treasurer's report on Foreign Purchaser Additional Duty exemptions for the period 1 December 2015 to 31 May 2016.

Environment Protection Act 1970 —

Notice pursuant to section 18D in relation to Variation to the State Environment Protection Policy (Ambient Air Quality).

Sustainability Fund Guidelines 2016.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32 in relation to — Code of Practice for Onsite Wastewater Management.

Statutory Rule No. 87.

Land Tax Act 2005 — Treasurer's report on land tax absentee owner surcharge exemptions for the period 1 December 2015 to 31 May 2016.

Melbourne City Link Act 1995 — SLU Company Lease and SLU Trust Concurrent Lease pursuant to section 60(9) of the Act.

Melbourne Cricket Ground Trust — Report, 2015-16.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ararat, Benalla, Buloke, Gannawarra, Glenelg, Hepburn, Hindmarsh, Horsham, Loddon, Mildura, Murrindindi, Northern Grampians, Queenscliffe, Southern Grampians, Strathbogie, Towong, West Wimmera, Yarra Ranges and Yarriambiack Planning Schemes — Amendment GC39.

Banyule Planning Scheme — Amendment C112.

- Bass Coast Planning Scheme — Amendment C143.
- Boroondara Planning Scheme — Amendment C222 (Part 1).
- Boroondara, Cardinia, Casey, Greater Dandenong, Monash and Stonnington Planning Schemes — Amendment GC47.
- Boroondara, Darebin and Yarra Planning Schemes — Amendment GC43.
- Buloke Planning Scheme — Amendment C30.
- Campaspe Planning Scheme — Amendment C101.
- Casey Planning Scheme — Amendment C208.
- Colac Otway Planning Scheme — Amendment C78.
- Glen Eira Planning Scheme — Amendment C121.
- Golden Plains Planning Scheme — Amendment C72.
- Greater Bendigo Planning Scheme — Amendments C213 and C215.
- Greater Dandenong Planning Scheme — Amendments C177 and C190.
- Greater Geelong Planning Scheme — Amendments C317 and C329.
- Hobsons Bay Planning Scheme — Amendment C110.
- Horsham Planning Scheme — Amendment C78.
- Knox Planning Scheme — Amendment C146.
- Latrobe Planning Scheme — Amendment C99.
- Maribyrnong Planning Scheme — Amendment C137.
- Melbourne Planning Scheme — Amendments C207, C257, C289, C291 and C293.
- Melton Planning Scheme — Amendment C175.
- Moonee Valley Planning Scheme — Amendment C151.
- Moorabool Planning Scheme — Amendments C51 and C70.
- Mount Alexander Planning Scheme — Amendment C76.
- Moyne Planning Scheme — Amendment C62.
- Murrindindi Planning Scheme — Amendment C55.
- Port Phillip Planning Scheme — Amendment C103.
- Stonnington Planning Scheme — Amendments C183 (Part 2), C212, C217, C219, C230, C232 and C239.
- Strathbogie Planning Scheme — Amendment C74.
- Swan Hill Planning Scheme — Amendment C67.
- Towong Planning Scheme — Amendment C34.
- Victoria Planning Provisions — Amendment VC130.
- Wangaratta Planning Scheme — Amendments C59 and C70.
- West Wimmera Planning Scheme — Amendment C34.
- Whitehouse Planning Scheme — Amendments C157 (Part 1), C177 and C211.
- Yarra Planning Scheme — Amendment C211.
- Public Interest Monitor — Report, 2015-16.
- Racing Victoria Limited — Modification of Racing Victoria Limited Constitution under section 3B(2) of the Racing Act 1958.
- Statutory Rules under the following Acts of Parliament —
  - Aboriginal Heritage Act 2006 — No. 94.
  - Adoption Act 1984 — No. 85.
  - Administration and Probate Act 1985 — No. 83.
  - Building Act 1993 — No. 63.
  - Births, Deaths and Marriages Registration Act 1996 — No. 59.
  - Children, Youth and Families Act 2005 — No. 72.
  - City of Melbourne Act 2001 — Nos. 91 and 97.
  - Conveyancers Act 2006 — No. 87.
  - Corrections Act 1986 — No. 79.
  - Court Security Act 1980 — No. 74.
  - Crimes (Assumed Identities) Act 2004 — No. 60.
  - Dangerous Goods Act 1985 — No. 90.
  - Estate Agents Act 1980 — No. 86.
  - Fisheries Act 1995 — Nos. 71 and 95.
  - Guardianship and Administration Act 1986 — No. 76.
  - Independent Broad-based Anti-corruption Commission Act 2011 — No. 70.
  - Liquor Control Reform Act 1998 — No. 77.

- Local Government Act 1989 — Nos. 91 and 97.  
 Magistrates' Court Act 1989 — Nos. 73 and 82.  
 Private Security Act 2004 — No. 64.  
 Residential Tenancies Act 1997 — No. 96.  
 Retirement Villages Act 1986 — No. 78.  
 Road Safety Act 1986 — Nos. 92 and 93.  
 Serious Sex Offenders (Detention and Supervision) Act 2009 — No. 84.  
 Subordinate Legislation Act 1994 — Nos. 66, 88 and 89.  
 Surveillance Devices Act 1999 — No. 61.  
 Tobacco Act 1987 — No. 62.  
 Transport (Compliance and Miscellaneous) Act 1983 — Nos. 67 to 69.  
 Terrorism (Community Protection) Act 2003 — No. 65.  
 Victorian Civil and Administrative Tribunal Act 1998 — Nos. 75, 80 and 81.  
 Subordinate Legislation Act 1994 —  
   Documents under section 15 in respect of Statutory Rules Nos. 58 to 93, 95, 96, 98 and 99.  
   Guidelines for the preparation of statutory rules and legislative instruments under section 26(3) of the Act.  
 Legislative Instruments and related documents under section 16B in respect of —  
   Cemeteries and Crematoria Act 2003 — Class A Cemetery Trust Fee Setting, Gazetted 24 June 2016.  
   Corporations (Commonwealth Powers) Act 2001 — Proclamation of extension of Victoria's Corporation Law, dated 21 June 2016.  
   Environment and Planning Act 1970 — Variation to the Code of Practice for Onsite Wastewater Management, dated 7 July 2016.  
   Road Safety Act 1986 — Order in Council declaring certain motor vehicles not to be motor vehicles – Electric Personal Transporters Trial, dated 9 August 2016.  
   Transport (Buses, Taxi-Cabs and Other Commercial Passenger Vehicles) Regulations 2016 — Specifications for Wheelchair Accessible Taxi-Cabs, dated 30 June 2016.  
 Surveyor-General — Report, 2015-16 on the Administration of the Survey Co-ordination Act 1958.  
 Workplace Injury Rehabilitation and Compensation Act 2013 — Ministerial direction of 9 June 2016 pursuant to section 610(1) of the Act.  
 Wrongs Act 1958 — Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels, dated 24 June 2016.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Consumer Acts and Other Acts Amendment Act 2016 — Sections 30(1) and 31— 1 July 2016 (*Gazette No. S204, 28 June 2016*).  
 Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016 — Whole Act (except Part 3) — 5 August 2016 (*Gazette No. S239, 2 August 2016*).  
 Emergency Management (Control of Response Activities and Other Matters) Act 2015 — Sections 6, 10, 11 and 15 — 1 August 2016 (*Gazette No. S233, 26 July 2016*).  
 Justice Legislation Further Amendment Act 2016 — remaining provisions — 1 July 2016 (*Gazette No. S204, 28 June 2016*).

\* \* \* \* \*

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO STRENGTHENING VICTORIA'S KEY ANTI-CORRUPTION AGENCIES?** — Pursuant to section 36(1)(A) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Independent Broad-based Anti-corruption Commission Committee's report on Strengthening Victoria's key anti-corruption agencies?

- 7 SITTING OF THE COUNCIL** — Mr Dalidakis moved, by leave, That the Standing and Sessional Orders be suspended to the extent necessary to enable the sitting of the Council on Thursday, 18 August 2016 to commence at 2.00 p.m. and the order of business to be —

- (1) Messages;
- (2) Questions (up to 9 non-Government Members);
- (3) Answers to questions on notice;
- (4) Constituency questions (up to 10 Members);
- (5) Formal business;
- (6) Ministers' statements (up to 5 Ministers);
- (7) Members' statements (up to 15 Members);
- (8) Government Business;
- (9) **At 10.00 p.m.** Adjournment (up to 20 Members).

Question — put and agreed to.

**8 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 17 August 2016:

- (1) Notice of motion given this day by Ms Wooldridge relating to a joint sitting to fill the vacancy in the Legislative Council;
- (2) Order of the Day No. 1, second reading of the Crimes Amendment (Carjacking) Bill 2016;
- (3) Order of the Day No. 5, resumption of debate on the Corrections Amendment (No Body, No Parole) Bill 2016;
- (4) Notice of Motion No. 289 standing in the name of Mr Bourman referring a matter to the Economy and Infrastructure Committee;
- (5) Notice of Motion given this day by Ms Wooldridge relating to amendments to Sessional Orders; and
- (6) Notice of motion given this day by Mr Ramsay relating to the CFA and MFB EBA disputes.

Question — put and agreed to.

**9 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 282 and Order of the Day, Government Business, No. 1 be postponed until later this day.

**12 EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Mr Herbert were circulated.

Debate continued.

Question — put and 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, 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 an amendment.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 to 10 be postponed until later this day.

**14 NATIONAL PARKS AND VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL ACTS AMENDMENT BILL 2016** — 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 GENE TECHNOLOGY AMENDMENT BILL 2015** — 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.

- 16 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

Question — put and agreed to.

Bill read a second time.

Ms Pulford moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Biological Control Act 1986* to provide for amendments to that Act required as a result of the *Biological Control Amendment Act 2016* of the Commonwealth.

Debate ensued.

Question — put and agreed to.

Bill ordered to be committed to a Committee of the whole on the next day of meeting.

- 17 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 11.02 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 81 — Wednesday, 17 August 2016

- 1** The President took the Chair and read the Prayer.

- 2 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Enhancing Food and Fibre Productivity, August 2016 (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendments C246 and C247.

Cardinia, Casey, Hume, Maribyrnong, Mornington Peninsula and Towong Planning Scheme — Amendment GC53.

Knox Planning Scheme — Amendment C148.

Moreland Planning Scheme — Amendment C134.

Mornington Peninsula Planning Scheme — Amendment C192.

Nilumbik Planning Scheme — Amendment C106.

South Gippsland Planning Scheme — Amendment C65.

Whiteshore Planning Scheme — Amendment C187.

Statutory Rules under the Road Safety Act 1986 — Nos. 98 and 99.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 97.

**3 MINISTERS' STATEMENTS** — Statements were made by a Minister pursuant to Sessional Order 2.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**5 CASUAL VACANCY — JOINT SITTING** — Ms Wooldridge moved, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Damian Drum and proposes that the time and place of such a meeting be the Legislative Assembly on Wednesday, 17 August 2016 at 6.45 p.m. or, at the latest, on Thursday, 18 August 2016 at 4.45 p.m.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

**6 CRIMES AMENDMENT (CARJACKING) BILL 2016** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Ms Symes, the debate was adjourned for one week.

**7 CORRECTIONS AMENDMENT (NO BODY, NO PAROLE) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **School cyber safety** — substantive and supplementary questions asked by Ms Patten — response from Mr Herbert due Tuesday, 30 August 2016.
- **Revegetation for prospective land users** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Tuesday, 30 August 2016.
- **Foster carer recruitment strategy** — substantive and supplementary questions asked by Ms Springle — response from Ms Mikakos due Thursday, 18 August 2016.
- **Container deposit scheme** — substantive and supplementary questions asked by Ms Springle — response from Mr Jennings due Tuesday, 30 August 2016.
- **Youth detention in isolation** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 18 August 2016.
- **Youth detention in isolation approval** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 18 August 2016.
- **Melbourne Remand Centre** — substantive question asked by Mr O'Donohue — response from Mr Herbert due Thursday, 18 August 2016.
- **Western Institute of Technology** — substantive and supplementary questions asked by Ms Fitzherbert — response from Mr Herbert due Thursday, 18 August 2016.
- **Victorian TAFE Board appointments** — supplementary question asked by Mrs Peulich — response from Mr Herbert due Thursday, 18 August 2016.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 CORRECTIONS AMENDMENT (NO BODY, NO PAROLE) BILL 2016** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

## AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Mr Morris and Ms Patten)

## NOES, 18

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

(Tellers: Ms Dunn and Mr Melhem)

Question agreed to.

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

Bill transmitted to the Assembly with a message requesting their agreement.

**11 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE** — Mr Bourman moved, That, pursuant to Sessional Order 6, this House requires the Economy and Infrastructure Committee to inquire into, consider and report on, no later than 22 August 2017, the Royal Society for the Prevention of Cruelty to Animals Victoria (Inc) in relation to —

- (1) the appropriateness and use of its powers pursuant to the *Prevention of Cruelty to Animals Act 1986*, including in the context of its other objectives and activities;
- (2) the appropriateness and use of funding provided by the Victorian Government, including in the context of its other objectives and activities; and
- (3) any other consequential matters the Committee may deem appropriate.

Debate ensued.

Question — put and agreed to.

**12 COUNTRY FIRE AUTHORITY EBA** — Mr Ramsay moved, That this House —

- (1) notes the unlawful Country Fire Authority (CFA)/United Firefighters Union proposed Enterprise Bargaining Agreement (EBA) that will —
  - (a) limit the capacity of skilled volunteers to discharge their duties whilst attending incidents;
  - (b) discriminate against women, parents, carers and people with disabilities;
  - (c) impact on resourcing and management decisions that reside with the CFA; and
  - (d) destroy decades of CFA volunteerism and in doing so risk community safety;
- (2) acknowledges the position of Volunteer Fire Brigades Victoria who regard the current CFA board's decision to support the EBA as "a day of infamy that will burn into the memory of every CFA volunteer";
- (3) notes that concerns about the proposed EBA have also been expressed by —
  - (a) the former Minister Jane Garrett;
  - (b) the former board of the CFA;
  - (c) the former CEO of the CFA;
  - (d) the former Chief Fire Officer of the CFA; and
  - (e) the Victorian Equal Opportunity and Human Rights Commission;

and calls on the Andrews Government to reverse its support for the unlawful EBA.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Lovell.*

**13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.



**14 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.31 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 82 — Thursday, 18 August 2016

1 The President took the Chair and read the Prayer.

**2 EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2016** — The President read a Message from the Assembly informing the Council that they have agreed to the amendment made by the Council in the Bill.

**3 CORRECTIONS AMENDMENT (NO BODY, NO PAROLE) BILL 2016** — The President read a Message from the Assembly informing the Council that the Assembly has rejected the Bill ‘for an Act to amend the *Corrections Act 1986* in relation to the granting of parole to prisoners serving a prison sentence for an offence of murder or conspiracy to commit murder who fail to assist authorities to locate the remains of victims and for other purposes’.

On the motion of Mr O’Donohue, the Message was ordered to be taken into consideration on the next day of meeting.

**4 MESSAGE FROM ASSEMBLY — JOINT SITTING — CASUAL VACANCY** — The President read a Message from the Assembly informing the Council that the Assembly has disagreed with the Council’s proposal for a joint sitting on Wednesday, 17 August 2016 at 6.45 p.m. or, at the latest, on Thursday, 18 August 2016 at 4.45 p.m. in the Legislative Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Damian Drum.

On the motion of Ms Wooldridge, the Message was ordered to be taken into consideration on the next day of meeting.

**5 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Security breaches in DHHS foster care operations** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Tuesday, 30 August 2016.
- **CFA EBA dispute – ministerial briefings** — substantive and supplementary questions asked by Mr Davis — response from Ms Pulford due Tuesday, 30 August 2016.
- **Corella Place escapes** — substantive and supplementary questions asked by Mr O’Donohue — response from Mr Herbert due Tuesday, 30 August 2016.
- **Ministerial travel expense reports** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 30 August 2016.
- **Ministerial gift register** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 30 August 2016.
- **Australian Tennis Open superbox** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 30 August 2016.
- **VicForests employee behaviour** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Tuesday, 30 August 2016.
- **Family Violence Royal Commission recommendations – government response** — substantive question asked by Ms Springle — response from Ms Mikakos due Tuesday, 30 August 2016.

- **Disability support sector workplace conditions** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Mikakos due Wednesday, 31 August 2016.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Operation Cosmos arrests** — substantive and supplementary questions asked by Mr Finn on Tuesday, 16 August 2016 — further response from Mr Herbert due Tuesday, 30 August 2016.

**6 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**7 PETITIONS** —

**ORMOND STATION RESIDENTIAL TOWER** — Mrs Peulich (for Mr Davis) presented a Petition bearing 26 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its plans for a 13 storey residential tower on the Ormond Station site and instead proceed with a development of smaller scale, that is more in keeping with Ormond's low-rise village atmosphere.

Ordered to lie on the Table.

On the motion of Mrs Peulich (for Mr Davis), the Petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**BAN ON PLASTIC BAGS** — Ms Springle presented a Petition bearing 11,800 signatures from certain citizens of Victoria requesting the Legislative Council call on the Victorian Government to introduce legislation for the purpose of putting a ban on limited-use plastic bags distributed at retail points of sale in Victoria.

Ordered to lie on the Table.

On the motion of Ms Springle, the Petition was ordered to be taken into consideration on the next day of meeting.

**8 ENVIRONMENT PROTECTION AMENDMENT (CONTAINER DEPOSIT AND REFUND SCHEME) BILL 2016** — Ms Springle introduced *A Bill for an Act to amend the Environment Protection Act 1970 to provide for the establishment and administration of a Container Deposit and Refund Scheme in Victoria and for other purposes.*

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

**9 PAPERS** —

**COUNTY COURT OF VICTORIA, REPORT 2014-15** — Mr Herbert presented, by command of the Governor, the Report of the County Court of Victoria for the year 2014-15.

The Report was presented by Mr Herbert and ordered to lie on the Table.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATE COMMITTEE — APPOINTMENT OF AN AUDITOR-GENERAL OF VICTORIA** — Ms Pennicuik presented a Report from the Public Accounts and Estimates Committee on the appointment of an Auditor-General of Victoria, August 2016.

Ordered to lie on the Table and to be published.

Ms Pennicuik moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**10 SITTING OF THE COUNCIL** — Ms Mikakos moved, That the Council, at its rising, adjourn until Tuesday, 30 August 2016.

Question — put and agreed to.

**11 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

- 12 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 294 be postponed until later this day.
- 14 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2016** — 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.
- 15 ROAD MANAGEMENT AMENDMENT (BUS STOP DELIVERY POWERS) BILL 2016** — Debate resumed on the question, That the Bill be new read a second time.  
On the motion of Ms Pulford, the debate was adjourned until later this day.
- 16 CROWN LAND LEGISLATION AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Land Act 1958 and the Land Conservation (Vehicle Control) Act 1972 in relation to regulation-making powers and other miscellaneous matters, to consequentially amend other Acts and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Pulford (for Mr Jennings), the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 17 LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Legal Professional Uniform Law Application Act 2014 and the Legal Profession Uniform Law and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Pulford (for Mr Herbert), the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 18 LOCAL GOVERNMENT AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to repeal section 76C(1) of the Local Government Act 1989 and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Pulford (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.  
Ms Pulford moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.
- 19 MELBOURNE COLLEGE OF DIVINITY AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Melbourne College of Divinity Act 1910 to provide for the title, operation and status of the University of Divinity and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Pulford (for Mr Herbert), the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 20 OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Owners Corporations Act 2006 to regulate the provision of short-stay accommodation arrangements in lots or parts of lots affected by an owners corporation and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Pulford (for Mr Dalidakis), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**21 POWERS OF ATTORNEY AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Powers of Attorney Act 2014 and the Privacy and Data Protection Act 2014 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Herbert), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**22 ROAD MANAGEMENT AMENDMENT (BUS STOP DELIVERY POWERS) BILL 2016** — 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.

**23 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 7.08 p.m., adjourned until Tuesday, 30 August 2016.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 80, 81 and 82

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### EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2016

*Committed Tuesday, 16 August 2016*

*Amendments circulated: Mr Herbert and Ms Pennicuik (see p 488)*

**Clause 1** — Ms Pennicuik moved her Amendment No.1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Dunn)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Somyurek and Mr Elasmarr)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 7** — put and agreed to.

**Clause 8** —

Question — That the clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Dalidakis and Mr Leane)*

NOES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Morris and Mr Young)*

Question agreed to.

**Clauses 9 and 10** — put and agreed to.

**New Clause** — Mr Herbert moved his Amendment No. 1.

Question — That the new clause stands part of the Bill — put and agreed to.

**Clauses 11 to 14** — put and agreed to.

**Bill reported with an amendment.**

**PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2016***Committed Thursday, 18 August 2016**Amendments circulated: Ms Pulford, Mr Barber and Mr Young (see pp 488–90)***Clause 1** — Mr Barber moved his Amendment Nos. 1 to 6.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Hartland)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Leane and Mr Finn)*

Question negated.

Ms Pulford moved her Amendment Nos. 1 and 2 — put and agreed to.

Mr Young moved his Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Mr Somyurek)*

NOES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Pennicuik)*

Question agreed to.

Clause 1, as amended — put and agreed to.

**Clause 2** — Ms Pulford moved her Amendment No. 3 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clauses 3 to 8** — put and agreed to.**Clause 9** —

Question — That the clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Mulino and Mr Rich-Phillips)*

NOES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Springle)*

Question agreed to.

**Clauses 10 to 25** — put and agreed to.

**Clause 26** — Mr Young moved his Amendment Nos. 2 to 5 — put and agreed to.  
Clause 26, as amended — put and agreed to.

**New Clause** — Mr Young moved his Amendment No. 6.  
Question — That the new clause stands part of the Bill — put and agreed to.

**Clause 27** — put and negatived.

**New Clause** — Ms Pulford moved her Amendment No. 4.  
Question — That the new clause stands part of the Bill — put and agreed to.

**Part Heading preceding Clause 28** — Ms Pulford moved her Amendment No. 5 — put and agreed to.  
Part Heading preceding Clause 28, as amended — put and agreed to.

**Clause 28** — Ms Pulford moved her Amendment No. 6 — put and agreed to.  
Clause 28, as amended — put and agreed to.

**Long Title** — Ms Pulford moved her Amendment No. 7 — put and agreed to.  
Long Title, as amended — put and agreed to.

**Bill reported with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. EDUCATION AND TRAINING REFORM AMENDMENT (MISCELLANEOUS) BILL 2016*****Amendment circulated by Mr Herbert —***

## NEW CLAUSE

1. Insert the following new clause to follow clause 10—

**'AA Delegation of Secretary's powers**

In section 5.3.3(1) of the Principal Act, for "section 2.4.3(1)(c) and (d)" **substitute** "sections 2.4.3(1)(c) and (d) and 2.4.61A(1)".'

***Amendments circulated by Ms Pennicuik —***

1. Clause 1, lines 5 to 8, omit all words and expressions on these lines.
2. Clause 1, line 9, omit "(b)" and insert "(a)".
3. Clause 1, page 2, line 3, omit "(c)" and insert "(b)".
4. Clause 1, page 2, line 6, omit "(d)" and insert "(c)".
5. Clause 5, omit this clause.
6. Clause 6, omit this clause.
7. Clause 7, omit this clause.
8. Clause 11, omit this clause.

**2. PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2016*****Amendments circulated by Ms Pulford —***

1. Clause 1, page 3, line 20, omit "86A." and insert "86A; and".
2. Clause 1, page 3, after line 20 insert—  
 "(g) to make amendments to the **Biological Control Act 1986** required as a result of the Biological Control Amendment Act 2016 of the Commonwealth."
3. Clause 2, line 24, after "Act" insert "(other than Part 8)".

## NEW CLAUSES

4. Insert the following Part heading and clauses to follow clause 27—

**'Part 8—Amendment of Biological Control Act 1986****AA Definitions**

- (1) In section 3(1) of the **Biological Control Act 1986** insert the following definition—  
 "**prescribed organisms** means organisms that are—  
 (a) live organisms; or  
 (b) viruses or sub-viral agents—  
 but does not include live vaccines or resistant cultivars;"
- (2) In section 3(1) of the **Biological Control Act 1986**, in the definition of *kind*, after "organisms," insert "viruses or sub-viral agents,".
- (3) In section 3(1) of the **Biological Control Act 1986**, in the definition of *organism*—  
 (a) in paragraph (b), for "paragraph (a);" **substitute** "paragraph (a); or";  
 (b) after paragraph (b) insert—  
 "(c) a virus or sub-viral agent;"



- (4) In section 3(1) of the **Biological Control Act 1986**, the definition of *prescribed live organisms* is repealed.

**BB Biological control**

In section 4 of the **Biological Control Act 1986**, for "live" substitute "prescribed".

**CC Consequential amendments**

In sections 19(1), 20(1), 24(1), 28(1)(b), 29(1)(a), 32(2)(a) and 35(3) of the **Biological Control Act 1986**, for "prescribed live organisms" substitute "prescribed organisms".

5. Part heading preceding clause 28, omit "8" and insert "9".
6. Clause 28, line 3, omit all words and expressions on this line and insert—  
"This Act is **repealed** on the first anniversary of the first day on which all of its provisions are in operation."

AMENDMENT OF LONG TITLE

7. Long title, omit "and the **Wildlife Act 1975**" and insert ", the **Wildlife Act 1975** and the **Biological Control Act 1986**".

**Amendments circulated by Mr Barber —**

1. Clause 1, lines 4 to 7, omit all words and expressions on these lines.
2. Clause 1, page 2, line 1, omit "(b)" and insert "(a)".
3. Clause 1, page 2, line 4, omit "(c)" and insert "(b)".
4. Clause 1, page 2, line 12, omit "(d)" and insert "(c)".
5. Clause 1, page 2, line 18, omit "(e)" and insert "(d)".
6. Clause 1, page 2, line 26, omit "(f)" and insert "(e)".
7. Part heading preceding clause 3, omit this heading.
8. Clause 3, omit this clause.
9. Clause 4, omit this clause.
10. Clause 5, omit this clause.
11. Clause 6, omit this clause.
12. Part heading preceding clause 7, line 1, omit "3" and insert "2".
13. Part heading preceding clause 8, line 1, omit "4" and insert "3".
14. Clause 9, omit this clause.
15. Clause 12, lines 31 to 33, omit all words and expressions on these lines.
16. Clause 12, page 7, lines 1 to 3, omit all words and expressions on these lines.
17. Clause 12, page 7, line 4, omit "(2)" and insert "(1)".
18. Clause 12, page 7, line 4, omit "(10)" and insert "(5)".
19. Clause 12, page 7, line 10, omit "(3)" and insert "(2)".
20. Clause 12, page 7, line 4, omit "(11)" and insert "(6)".
21. Part heading preceding clause 13, line 1, omit "5" and insert "4".
22. Part heading preceding clause 14, line 1, omit "6" and insert "5".
23. Clause 19, line 18, omit "16" and insert "11".
24. Part heading preceding clause 20, line 1, omit "7" and insert "6".
25. Clause 27, line 17, omit "26" and insert "21".
26. Part heading preceding clause 28, line 1, omit "8" and insert "7".

## AMENDMENT OF LONG TITLE

27. Long title, omit "the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**".

**Amendments circulated by Mr Young —**

1. Clause 1, page 3, line 20, after "86A" insert "including abolishing any advisory committee".
2. Clause 26, page 18, line 6, omit "Subject to subsection (1B), before" and insert "Before".
3. Clause 26, page 18, line 8, omit "of—" and insert 'of the Game Management Authority.'.
4. Clause 26, page 18, lines 9 to 16, omit all words and expressions on these lines.
5. Clause 26, page 18, lines 26 to 30, page 19, lines 1 to 5, omit subclause (4) and insert—  
 "(4) Section 86A(5) of the **Wildlife Act 1975** is repealed."

## NEW CLAUSE

6. Insert the following New Clause to follow clause 26—

**'A New section 107 inserted**

At the end of Part XII of the **Wildlife Act 1975** insert—

**"107 Transitional provision, advisory committee—Primary Industries Legislation Amendment Act 2016**

Any advisory committee established under section 86A(5) immediately before the commencement of section 26 of the **Primary Industries Legislation Amendment Act 2016** is abolished and its members go out of office on the commencement of that section 26.'

7. Clause 27, omit this clause.



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 83, 84 and 85

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#### No. 83 — Tuesday, 30 August 2016

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor of Victoria informing the Council that she had, on 23 August 2016, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Education and Training Reform Amendment (Miscellaneous) Act 2016*

*Gene Technology Amendment Act 2016*

*National Parks and Victorian Environmental Assessment Council Acts Amendment Act 2016*

*Road Management Amendment (Bus Stop Delivery Powers) Act 2016.*

- 3 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Ombudsman jurisdiction – VGSO advice on Supreme Court action** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Ms Pulford due Thursday, 1 September 2016.
- **Ombudsman jurisdiction – cost of Supreme Court proceedings** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Jennings due Thursday, 1 September 2016.
- **Mandatory electronic sheep tagging** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Wednesday, 31 August 2016.
- **Victorian Multicultural Affairs Commission** — substantive and supplementary questions asked by Mrs Peulich — response from Mr Jennings due Thursday, 1 September 2016.
- **Young people in disability services** — substantive question asked by Dr Carling-Jenkins — response from Ms Mikakos due Thursday, 1 September 2016.
- **South West Healthcare** — substantive question asked by Mr Purcell — response from Ms Mikakos due Thursday, 1 September 2016.
- **Solar panel subsidies** — substantive and supplementary questions asked by Mr Barber — response from Ms Pulford due Thursday, 1 September 2016.

- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 5 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**6 PETITIONS —**

**REVERSE CHRISTMAS CAROL BAN** — Ms Lovell presented a Petition bearing 16 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria ensures that the Andrews Government reverse the ban on singing traditional Christmas carols in Victorian Government schools.

Ordered to lie on the Table.

\* \* \* \* \*

**COUNTRY FIRE AUTHORITY CONTROL** — Ms Lovell presented a Petition bearing 313 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria ensures that the Premier does not hand control of the Country Fire Authority to the United Firefighters Union.

Ordered to lie on the Table.

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

\* \* \* \* \*

**GOULBURN MURRAY IRRIGATION DISTRICT** — Ms Lovell presented a Petition bearing 549 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria ensures that the Andrews Government ban any further water being traded out of the Goulburn Murray Irrigation District and conduct a thorough review of ownership and trading.

Ordered to lie on the Table.

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

\* \* \* \* \*

**ORMOND STATION RESIDENTIAL TOWER** — Mr Davis presented a Petition bearing 41 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its plans for a 13 storey residential tower on the Ormond Station site and instead proceed with a development of smaller scale, that is more in keeping with Ormond's low-rise village atmosphere.

Ordered to lie on the Table.

\* \* \* \* \*

**SKY RAIL** — Mr Davis presented a Petition bearing 92 signatures from certain citizens of Victoria requesting the Andrews Labor Government abandon its Sky Rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

Ordered to lie on the Table.

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

**7 PAPERS —**

**PORT PHILLIP PRISON PROJECT SUMMARY** — Mr Herbert moved, by leave, That there be laid before this House a copy of the Port Phillip Prison Project Summary.

Question — put and agreed to.

The Report was presented by Mr Herbert and ordered to lie on the Table.

\* \* \* \* \*

**FULHAM CORRECTIONAL CENTRE PROJECT SUMMARY** — Mr Herbert moved, by leave, That there be laid before this House a copy of the Fulham Correctional Centre Project Summary.

Question — put and agreed to.

The Report was presented by Mr Herbert and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Ms Bath presented Alert Digest No. 11 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

**ENVIRONMENT AND PLANNING COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO UNCONVENTIONAL GAS IN VICTORIA** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Environment and Planning Committee's report on the Inquiry into Unconventional Gas in Victoria.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Order for approval in relation to Geelong Library Heritage Centre granting a lease, dated 24 August 2016.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32 in relation to Variation to the State Environment Protection Policy (Ambient Air Quality).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Brimbank Planning Scheme — Amendment C177.

Casey Planning Scheme — Amendment C226.

Greater Dandenong Planning Scheme — Amendment C195.

Hume Planning Scheme — Amendment C198.

Mitchell Planning Scheme — Amendment C115.

Monash Planning Scheme — Amendment C126.

Northern Grampians Planning Scheme — Amendment C42.

Stonnington Planning Scheme — Amendment C237.

Surf Coast Planning Scheme — Amendment C103.

Wangaratta Planning Scheme — Amendment C63.

Whitehorse Planning Scheme — Amendment C181.

Whittlesea Planning Scheme — Amendment C56.

Wyndham Planning Scheme — Amendment C206.

Yarra Planning Scheme — Amendments C216, C217 and C222.

Statutory Rule under the Road Safety Act 1986 — No. 100.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 100.

Legislative Instrument and related documents under section 16B in respect of the Summary Offences Act 1966 — Notice of Declared Area pursuant to section 18, dated 15 July 2016.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Building Legislation Amendment (Consumer Protection) Act 2016 — section 5 and remaining provisions of Part 3 (except Division 10 and sections 24, 28, 37, 40, 41, 46, 52 and 71) — 1 September 2016 (*Gazette No. S261, 23 August 2016*).

Fines Reform and Infringements Acts Amendment Act 2016 — Division 1 of Part 3 — 1 September 2016 (*Gazette No. S261, 23 August 2016*).

**8 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 31 August 2016:

- (1) Notice of motion given this day by Ms Wooldridge relating to a joint sitting to fill the casual vacancy in the Legislative Council;
- (2) Notice of motion given this day by Mr Davis relating to the Local Government regulations;
- (3) Order of the Day No. 3, resumption of debate on the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016;
- (4) Order of the Day No. 2, resumption of debate on the Crimes Amendment (Carjacking) Bill 2016;
- (5) Notice of Motion No. 296, standing in the name of Ms Wooldridge relating to amendments to Sessional Orders;
- (6) Notice of Motion given this day by Mr O'Donohue in relation to a committee reference on fuel pricing in regional and rural Victoria; and

(7) Notice of motion given this day by Ms Wooldridge relating to the Premier's reported comments on bowel cancer.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 25 to 294 be postponed until later this day.

**11 LOCAL GOVERNMENT AMENDMENT BILL 2016** — 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.

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 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**13 CRIMES AMENDMENT (SEXUAL OFFENCES) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Ms Mikakos declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Mr Herbert declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders and the Council having continued to sit after 12 midnight —*

WEDNESDAY, 31 AUGUST 2016

The Deputy President reported progress and asked leave to sit again.

Bill to be further considered in Committee of the whole on the next day of meeting.

**14 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 12.42 a.m., adjourned until later this day.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 84 — Wednesday, 31 August 2016

- 1 The President took the Chair and read the Prayer.
- 2 **ACTING PRESIDENT** — The President laid on the Table the following Warrant nominating an Acting President:

LEGISLATIVE COUNCIL  
VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I hereby nominate —

Mr Cesar Melhem  
to be an Acting President whenever requested to do so by the President or Deputy President.

Given under my hand on 31 August 2016.

BRUCE ATKINSON  
President of the Legislative Council

3 **PAPERS** —

**LEAST COST CAPACITY EXPANSION PRINCIPLES ORDER** — Ms Pulford moved, by leave, That there be laid before this House a copy of the Least Cost Capacity Expansion Principles Order made under section 72 of the *Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016*.

Question — put and agreed to.

The Paper was presented by Ms Pulford, and ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Audit Committee Governance, August 2016 (*Ordered to be published*).

Improving Cancer Outcomes Act 2014 — Victorian Cancer Plan 2016-2020 pursuant to section 18(3) of the Act.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — Nos. 103 and 104.

Infringements Act 2006 — No. 101.

Land Act 1958 — No. 102.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 105 to 109.

Victorian Environmental Assessment Council Act 2001 — Government response to the Victorian Environmental Assessment Council's Marine Investigation under section 16(2) of the Act.

- 4 **STANDING COMMITTEES MEMBERSHIP** — Ms Pulford moved, by leave, That —
- (1) Ms Tierney be discharged from the Standing Committee on Environment and Planning;
  - (2) Mr Eideh be appointed to the Standing Committee on Legal and Social Issues;
  - (3) Mr Somyurek be —
    - (a) discharged from the Standing Committee on Environment and Planning; and
    - (b) appointed to the Standing Committee on Legal and Social Issues;
  - (4) Mr Melhem be —
    - (a) discharged from the Standing Committee on Legal and Social Issues; and
    - (b) appointed to the Standing Committee on Environment and Planning.

Question — put and agreed to.

- 5 **MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.
- 6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 7 STANDING COMMITTEES MEMBERSHIP — RECISSION OF MOTION** — Ms Pulford moved, by leave, That pursuant to Standing Order 7.07 the resolution appointing certain members to standing committees today be read and rescinded.

Question — put and agreed to.

- 8 STANDING COMMITTEES MEMBERSHIP** — Ms Pulford moved, by leave, That —
- (1) Ms Tierney be discharged from the Standing Committee on Environment and Planning;
  - (2) Mr Eideh be appointed to the Standing Committee on Environment and Planning;
  - (3) Mr Somyurek be —
    - (a) discharged from the Standing Committee on Environment and Planning; and
    - (b) appointed to the Standing Committee on Legal and Social Issues;
  - (4) Mr Melhem be —
    - (a) discharged from the Standing Committee on Legal and Social Issues; and
    - (b) appointed to the Standing Committee on Environment and Planning.

Question — put and agreed to.

- 9 CASUAL VACANCY — JOINT SITTING** — Ms Wooldridge moved, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Damian Drum and proposes that the time and place of such a meeting be the Legislative Assembly on Wednesday, 31 August 2016 at 6.45 p.m. or, at the latest, on Thursday, 1 September 2016 at 4.45 p.m.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

- 10 LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2016 — DISALLOWANCE** — Mr Davis moved, That clause 38 of the Local Government (Electoral) Regulations 2016 be disallowed.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Jehovah's Witnesses child abuse allegations** — substantive and supplementary questions asked by Ms Patten — response from Mr Herbert due Tuesday, 13 September 2016.
- **Wild Dog Bounty Program** — supplementary question asked by Mr Bourman — response from Ms Pulford due Thursday, 1 September 2016.
- **VicForests logging coupes surveys** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Thursday, 1 September 2016.
- **VicForests use of volunteers** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Thursday, 1 September 2016.
- **Harper Review into serious sex offenders – recommendations** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Herbert due Thursday, 1 September 2016.
- **Police cells prisoner population** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Herbert due Tuesday, 13 September 2016.
- **Local councillor disqualification – code of conduct declaration** — substantive and supplementary questions asked by Mrs Peulich — response from Mr Dalidakis due Tuesday, 13 September 2016.
- **Parkville Youth Justice Centre – WorkSafe findings** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 1 September 2016.



- **Parkville Youth Justice Centre – restraint process incident** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 1 September 2016.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **CFA EBA dispute – ministerial briefings** — substantive and supplementary questions asked by Mr Davis on Thursday, 18 August 2016 — further response from Ms Pulford due Thursday, 1 September 2016.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2016 — DISALLOWANCE** — Debate continued on the question, That clause 38 of the Local Government (Electoral) Regulations 2016 be disallowed.

Mr Morris moved, That the debate be adjourned until later this day.

Question — put and agreed to.

**14 ENVIRONMENT PROTECTION AMENDMENT (BANNING PLASTIC BAGS, PACKAGING AND MICROBEADS) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Mr Davis moved, as an amendment, That all the words after “That” be omitted with the view of inserting in their place —

- “(1) pursuant to Sessional Order 6 this Bill be referred to the Environment and Planning Committee for inquiry, consideration and report;
- (2) the Committee will present its final report to the Council no later than 8 November 2016; and
- (3) the second reading of this Bill be deferred until the final report of the Committee is presented to the House in accordance with the terms of this resolution.”.

Debate ensued.

Ms Dunn moved, as an amendment to the reasoned amendment, That for “8 November 2016” substitute “14 February 2017”.

Debate ensued.

Question — That the amendment moved by Ms Dunn to the reasoned amendment moved by Mr Davis be agreed to — put and agreed to.

Question — That the reasoned amendment moved by Mr Davis, as amended, be agreed to — put and agreed to.

**15 LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2016 — DISALLOWANCE** — Debate resumed on the question, That clause 38 of the Local Government (Electoral) Regulations 2016 be disallowed.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O’Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

(Tellers: Ms Lovell and Mr Ramsay)

## NOES, 17

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.  
(*Tellers: Mr Elasmarr and Ms Symes*)

Question agreed to.

**16 CRIMES AMENDMENT (CARJACKING) BILL 2016** — 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, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(*Tellers: Ms Crozier and Mr Purcell*)

## NOES, 18

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

(*Tellers: Ms Dunn and Mr Somyurek*)

Question agreed to.

Bill read a second time.

Mr O'Donohue moved, by leave, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

## AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(*Tellers: Mr Ramsay and Mr Bourman*)

## NOES, 18

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

(*Tellers: Mr Melhem and Mr Mulino*)

Question agreed to.

Bill read a third time.

Bill transmitted to the Assembly with a Message requesting their agreement.

**17 SESSIONAL ORDERS** — Ms Wooldridge moved, That until the end of the Session, unless otherwise ordered by the Council —

- (1) Further to the Sessional Orders adopted by this House on 12 February 2015 and amended on 17 March 2015, 15 April 2015 and 16 April 2015, the following new Sessional Orders be adopted:

**A. Days and hours of meeting**

Standing Order 4.01(1)(a) is suspended to the extent necessary to provide that the day and hour of meeting of the Council will be at 12.00 p.m. on a Tuesday.

**B. Interruption of debate**

Standing Order 4.07(1)(a) is suspended to the extent necessary to provide that the President will interrupt the business before the House at 6.30 p.m. on a Tuesday.

**C. Order of business**

Standing Order 5.02(1) is suspended and the following order of business will apply on Tuesday:

Messages

Formal Business

Ministers' Statements (up to 5 Ministers)

Members' Statements (up to 15 Members)

Government Business

**At 2.00 p.m.** Questions

Answers to Questions on Notice

Constituency Questions

Government Business (continues)

**At 6.30 p.m.** Adjournment (up to 20 Members)

**D. Time limits — General Business**

The following time limits will apply to General Business:

Mover/Sponsor	60 minutes
Main Government party lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes

(2) The foregoing provisions of this resolution —

(a) so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council; and

(b) come into effect from the next sitting Tuesday following the adoption of the resolution.

(3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders.*

**18 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**19 OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016** — Mr Dalidakis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Dalidakis moved, That the second reading speech be incorporated into Hansard.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Mr Melhem)*

NOES, 21

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

*(Tellers: Mr Dalla-Riva and Ms Springle)*

Question negatived.

Mr Dalidakis moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Rich-Phillips (for Mr O'Donohue), the debate was adjourned until the next day of meeting.

**20 MELBOURNE COLLEGE OF DIVINITY AMENDMENT BILL 2016** — Mr Dalidakis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Dalidakis moved, That the second reading speech be incorporated into Hansard.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

(Tellers: Mr Mulino and Mr Purcell)

NOES, 21

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

(Tellers: Ms Fitzherbert and Mr Morris)

Question negatived.

Mr Dalidakis moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Rich-Phillips (for Mrs Peulich), the debate was adjourned until the next day of meeting.

**21 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.52 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 85 — Thursday, 1 September 2016

1 The President took the Chair and read the Prayer.

2 **ASSENT TO ACT** — The President read a Message from the Governor of Victoria informing the Council that she had, on 31 August 2016, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

*Local Government Amendment Act 2016.*

3 **PAPERS** —

**COMPETITIVE NEUTRALITY PRICING PRINCIPLES ORDER** — Ms Pulford moved, by leave, That there be laid before this House a copy of the Competitive Neutrality Pricing Principles Order made under section 49ZC of the *Port Management Act 1995*.

Question — put and agreed to.

The Paper was presented by Ms Pulford and ordered to lie on the table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

National Parks Act 1975 — Greater Alpine National Parks Management Plan, August 2016.

Ombudsman — Good Practice Guide to Handling Complaints, Report and Guide, September 2016 (*Ordered to be published*).

- 4 RIGHT OF REPLY — MR PABLO SALINA** — Pursuant to the Standing Orders of the Legislative Council, the President presented a Right of Reply from Mr Pablo Salina, Electorate Officer for the Hon Philip Dalidakis, MLC, relating to statements made by Ms Georgie Crozier, MLC, during Questions Without Notice on 21 June 2016.

Ordered to lie on the Table and to be published.

- 5 SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until 12.00 p.m. on Tuesday, 13 September 2016.

Question — put and agreed to.

- 6 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 8 CRIMES AMENDMENT (CARJACKING) BILL 2016** — The President read a Message from the Assembly informing the Council that the Assembly has rejected *A Bill for an Act to amend the Crimes Act 1958 to provide for the new indictable offences of carjacking and aggravated carjacking and for other purposes.*

On the motion of Ms Wooldridge, the Message was ordered to be taken into consideration on the next day of meeting.

- 9 BUSINESS POSTPONED** — Ms Symes moved, That the consideration of Notices of Motion, Government Business, Nos. 25 to 315 be postponed until later this day.

Debate ensued.

Mr Leane moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Council divided — The President in the Chair.

AYES, 16

Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Ms Tierney)*

NOES, 20

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

*(Tellers: Mr Davis and Ms Springle)*

Question negatived.

Debate continued on the question, That the consideration of Notices of Motion, Government Business, Nos. 25 to 315 be postponed until later this day.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and an Answer to a question on notice was circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **LaunchVic funding** — supplementary question asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 13 September 2016.
- **Lakes Entrance Fishing Co-operative** — substantive and supplementary questions asked by Ms Bath — response from Mr Herbert due Tuesday, 13 September 2016.

- **Apprentice-based delivery of hairdressing** — substantive and supplementary questions asked by Ms Lovell — response from Mr Herbert due Tuesday, 13 September 2016.
- **Australian Tourism Labour Force Report: 2015-2020** — substantive and supplementary questions asked by Mr Finn — response from Mr Herbert due Tuesday, 13 September 2016.
- **Privacy breaches at DHHS** — supplementary question asked by Ms Springle — response from Ms Mikakos due Tuesday, 13 September 2016.
- **Duck shooting – impact on protected species** — substantive and supplementary questions asked by Ms Pennicuik — response from Ms Pulford due Tuesday, 13 September 2016.
- **Appointment of LaunchVic CEO** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Dalidakis due Tuesday, 13 September 2016.
- **Public housing affordability and availability** — supplementary question asked by Dr Carling-Jenkins — response from Ms Mikakos due Wednesday, 14 September 2016.

\* \* \* \* \*

**CFA EBA DISPUTE – MINISTERIAL BRIEFINGS** — Ms Pulford having provided a further written response, in accordance with Sessional Order 5, to a question asked by Mr Davis on 18 August 2016 on the Country Fire Authority Enterprise Bargaining Agreement —

Mr Davis moved, That the Minister's further response be taken into consideration on the next day of meeting.

Question — put and agreed to.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**12 BUSINESS POSTPONED** — Debate continued on the question, That the consideration of Notices of Motion, Government Business, Nos. 25 to 315 be postponed until later this day.

Mr Leane moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Council divided — The President in the Chair.

AYES, 15

Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes.

*(Tellers: Dr Carling-Jenkins and Mr Melhem)*

NOES, 19

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

*(Tellers: Mr Barber and Mr Dalla-Riva)*

Question negatived.

Debate continued on the question, That the consideration of Notices of Motion, Government Business, Nos. 25 to 315 be postponed until later this day.

Question — put and agreed to.

**13 LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2016** — Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Pulford moved, That the second reading speech be incorporated into Hansard.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes.

(Tellers: Mr Elasmarr and Mr Purcell)

NOES, 19

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

(Tellers: Ms Bath and Ms Dunn)

Question negatived.

Ms Pulford moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Rich-Phillips, the debate was adjourned until the next day of meeting.

**14 POWERS OF ATTORNEY AMENDMENT BILL 2016** — Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Pulford moved, That the second reading speech be incorporated into Hansard.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes.

(Tellers: Mr Dalidakis and Ms Shing)

NOES, 19

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

(Tellers: Mr Ondarchie and Ms Springle)

Question negatived.

Ms Pulford moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Rich-Phillips, the debate was adjourned until the next day of meeting.

**15 CROWN LAND LEGISLATION AMENDMENT BILL 2016** — Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Pulford moved, That the second reading speech be incorporated into Hansard.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes.

(Tellers: Mr Herbert and Mr Mulino)

NOES, 19

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

(Tellers: Mr Davis and Ms Hartland)

Question negatived.

Ms Pulford moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Rich-Phillips (for Mr Davis), the debate was adjourned until the next day of meeting.

**16 CRIMES AMENDMENT (SEXUAL OFFENCES) BILL 2016** — 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.

**17 FREEDOM OF INFORMATION AMENDMENT (OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER) BILL 2016** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Freedom of Information Act 1982 to establish the Office of the Victorian Information Commissioner, to amend the Privacy and Data Protection Act 2014 to confer functions on the Information Commissioner, and to make related and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

**18 MELBOURNE AND OLYMPIC PARKS AMENDMENT BILL 2016** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Melbourne and Olympic Parks Act 1985 to provide for the reservation of land and strata of land as national tennis centre land for the purposes of a bridge across Batman Avenue and for other purposes* and requesting the agreement of the Council.

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

**19 NATIONAL DOMESTIC VIOLENCE ORDER SCHEME BILL 2016** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to provide for a national recognition scheme for domestic violence orders, to make consequential amendments to the Family Violence Protection Act 2008 and other Acts and for other purposes* and requesting the agreement of the Council.

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

**20 POLICE AND JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2016** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Crown Proceedings Act 1958 and the Victoria Police Act 2013 in relation to Victoria Police, to amend the Crimes Act 1958, the Estate Agents Act 1980, the Sentencing Act 1991, the Serious Sex Offenders (Detention and Supervision) Act 2009 and the Sex Offenders Registration Act 2004 to update references to CrimTrac to the Australian Crime Commission and for other purposes* and requesting the agreement of the Council.

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

**21 PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR COMMUNICATION STANDARDS) BILL 2016** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Administration Act 2004 to provide for a legislative framework for governance of communication and advertising by public sector bodies and for other purposes* and requesting the agreement of the Council.

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

**22 TOBACCO AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Wooldridge were circulated.

Debate continued.



*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

Amendments proposed to be moved in Committee by Ms Hartland were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Patten were circulated.

Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Pulford declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Debate continued.

Amendments proposed to be moved in Committee by Ms Mikakos were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders and the Council having continued to sit after 12 midnight —*

FRIDAY, 2 SEPTEMBER 2016

**23 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 12.28 a.m., adjourned until Tuesday, 13 September 2016.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 83, 84 and 85.

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### LOCAL GOVERNMENT AMENDMENT BILL 2016

*Committed Tuesday, 30 August 2016*

**Clauses 1 to 4** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### CRIMES AMENDMENT (SEXUAL OFFENCES) BILL 2016

*Committed Tuesday, 30 August 2016*

**Clause 1** — debate commenced.

**Progress reported.**

**Thursday, 1 September 2016** —

*Progress having been reported on Tuesday, 30 August 2016, Bill further considered in Committee of the whole.*

**Clause 1** — put and agreed to.

**Clauses 2 to 50** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### TOBACCO AMENDMENT BILL 2016

*Committed Thursday, 1 September 2016*

*Amendments circulated: Ms Mikakos, Ms Wooldridge, Ms Hartland and Ms Patten (see Committee Supplement to Minutes Nos. 86, 87 and 88, pp 527-33)*

**Clause 1** — debate commenced.

**Progress reported.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 86, 87 and 88

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#### No. 86 — Tuesday, 13 September 2016

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE MRS JOAN CHAMBERS** — The President advised the House of the death, on 29 August 2016, of Mrs Joan Chambers, Member of the Legislative Assembly for the Electoral District of Ballarat South from 1979 to 1982.

Members stood in their places as a mark of respect to the memory of the late Mrs Chambers.

- 3 **ASSENT TO ACTS** — The President read a Message from the Administrator of Victoria informing the Council that he had, on 6 September 2016, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:

*Crimes Amendment (Sexual Offences) Act 2016.*

*Primary Industries Legislation Amendment Act 2016.*

- 4 **PETITIONS** —

**GOULBURN MURRAY IRRIGATION DISTRICT** — Ms Lovell presented a Petition bearing 11 signatures from certain citizens of Victoria requesting that the Legislative Council of Victoria ensures that the Andrews Government ban any further water being traded out of the Goulburn Murray Irrigation District and conduct a thorough review of ownership and trading.

Ordered to lie on the Table.

\* \* \* \* \*

**IMPACT OF LEVEL CROSSING WORKS ON SMALL BUSINESSES** — Ms Crozier presented a Petition bearing 161 signatures from certain citizens of Victoria calling on the Andrews Labor Government to adequately compensate for losses experienced by small businesses due to changes to the schedule of planned works for the removal of the level crossing at North Road, Ormond without proper consultation of those affected.

Ordered to lie on the Table.

\* \* \* \* \*

**NO SKYTOWER IN ORMOND** — Ms Crozier presented a Petition bearing 15 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its plans for the inappropriate over-development of the Ormond station site and instead proceed with a development that is smaller in scale and more in keeping with the low-rise village atmosphere of Ormond.

Ordered to lie on the Table.

- 5 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 12 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Order for approval in relation to Footscray Park granting a lease, dated 31 March 2016.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C198.

Boroondara Planning Scheme — Amendment C242.

Brimbank Planning Scheme — Amendment C173 (Part 1).

Casey Planning Scheme — Amendment C189.

Greater Shepparton Planning Scheme — Amendment C98 (Part 2).

Hume Planning Scheme — Amendment C200.

Indigo Planning Scheme — Amendment C72.

Maribyrnong Planning Scheme — Amendment C135.

Melbourne Planning Scheme — Amendment C297.

Pyrenees Planning Scheme — Amendment C39.

Warrnambool Planning Scheme — Amendment C100.

Road Safety Camera Commissioner — Report, 2015-16.

Statutory Rules under the following Acts of Parliament —

Confiscation Act 1997 — No. 110.

Gambling Regulation Act 2003 — No. 111.

Residential Tenancies Act 1997 — No. 112.

Supreme Court Act 1986 — Nos. 105 to 109.

Victorian Civil and Administrative Tribunal Act 1998 — No. 113.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 101 to 104, 110 and 112 to 114.

A Legislative instrument and related documents under section 16B in respect of the Retail Leases Act 2003 — Ministerial Determination: Tenants of premises that are not retail premises, dated 12 August 2016.

Victorian Inspectorate —

Report 2015-16, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to the Department of Economic Development, Jobs, Transport and Resources.

Report 2015-16, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to the department of Environment, Land, Water and Planning.

Report 2015-16, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to the Game Management Authority.

Report 2015-16, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to the Independent Broad-based Anti-corruption Commission.

Report 2015-16, No.2, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to Victorian Police.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Confiscation and Other Matters Amendment Act 2016 — remaining provisions — 1 September 2016 (*Gazette No. S270, 30 August 2016*).

Justice Legislation (Evidence and Other Acts) Amendment Act 2016 — Whole Act (except Part 3) — 12 September 2016 (*Gazette No. S278, 6 September 2016*).

National Parks and Victorian Environmental Assessment Council Acts Amendment Act 2016 — 7 September 2016 (*Gazette No. S278, 6 September 2016*).

\* \* \* \* \*

**INVESTIGATION INTO THE MANAGEMENT OF COMPLEX WORKERS COMPENSATION CLAIMS AND WORKSAFE OVERSIGHT** — Pursuant to section 25AA of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's report concerning the investigation into the management of complex workers compensation claims and WorkSafe oversight, September 2016 (*Ordered to be published*).

- 6 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 14 September 2016:
- (1) Notice of motion given this day standing in the name of Ms Wooldridge relating to a joint sitting to fill the casual vacancy in the Legislative Council;
  - (2) Notice of Motion No. 317 standing in the name of Mr O'Donohue in relation to a committee reference on fuel pricing in regional and rural Victoria;
  - (3) Notice of Motion No. 322 standing in the name of Mr Morris in relation to the Minister for Public Transport appearing before the Legislative Council Standing Committee on Economy and Infrastructure;
  - (4) Notice of Motion No. 321 standing in the name of Ms Patten in relation to the legalisation of cannabis;
  - (5) Notice of Motion No. 302 standing in the name of Mr O'Donohue in relation to crime in Victoria; and
  - (6) Order of the No. 25, resumption of debate on the Country Fire Authority proposed Enterprise Bargaining Agreement.

Question — put and agreed to.

- 7 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 9 FREEDOM OF INFORMATION AMENDMENT (OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER) BILL 2016** — Mr Dalidakis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Dalidakis moved, That the second reading speech be incorporated into Hansard.

Question — put.

The Council divided — The President in the Chair.

AYES, 13

Mr Dalidakis; Mr Eideh; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Ms Symes; Ms Tierney.  
(Tellers: Ms Patten and Ms Symes)

NOES, 22

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.  
(Tellers: Mr Morris and Mr Young)

Question negatived

Mr Dalidakis moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned until 11 October 2016.

- 10 MELBOURNE AND OLYMPIC PARKS AMENDMENT BILL 2016** — Mr Dalidakis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Dalidakis moved, That the second reading speech be incorporated into Hansard.

Question — put and negatived.

Mr Dalidakis moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Ondarchie, the debate was adjourned until 11 October 2016.

- 11 NATIONAL DOMESTIC VIOLENCE ORDER SCHEME BILL 2016** — Mr Dalidakis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Dalidakis moved, That the second reading speech be incorporated into Hansard.

Question — put and negatived.

Mr Dalidakis moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned until 11 October 2016.

- 12 POLICE AND JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2016** — Mr Dalidakis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Dalidakis moved, That the second reading speech be incorporated into Hansard.

Question — put and negatived.

Mr Dalidakis moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned until 11 October 2016.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 13 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Parkville and Malmsbury Youth Justice incidents** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 14 September 2016.
- **Parkville and Malmsbury Youth Justice Centres – WorkCover staff absences** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 14 September 2016.
- **Wild dog control program** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Wednesday, 14 September 2016.
- **Metro Rail Project – removal of war memorials** — substantive and supplementary questions asked by Ms Fitzherbert — response from Mr Dalidakis due Thursday, 15 September 2016.
- **Child protection case worker allocations** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 14 September 2016.
- **Theft of firearms** — substantive question asked by Mr Bourman — response from Mr Herbert due Thursday, 15 September 2016.
- **VicForests logging coupes** — substantive question asked by Ms Dunn — response from Ms Pulford due Wednesday, 14 September 2016.

- 14 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 15 PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR COMMUNICATION STANDARDS) BILL 2016** — Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Pulford moved, That the second reading speech be incorporated into Hansard.

Question — put and negatived.

Ms Pulford moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned until 11 October 2016.

- 16 TOBACCO AMENDMENT BILL 2016** — Bill further considered in Committee of the whole House in Committee.



*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

Ms Mikakos declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in 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.

- 17 LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Mikakos declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

- 18 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 9.13 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## **No. 87 — Wednesday, 14 September 2016**

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — DOMAIN STATION CONSTRUCTION** — Ms Fitzherbert presented a Petition bearing 4,257 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Government to use deep cavern mining construction for the Domain Station to minimise the impact on one of Melbourne's great boulevards during construction, and retain as many of St Kilda Road's trees as is possible.  
Ordered to lie on the Table.
- 3 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Auditor-General's Report on Meeting Obligations to Protect Ramsar Wetlands, September 2016 (*Ordered to be published*).
  - Crown Land (Reserves) Act 1978 — Ministerial Order for approval in relation to Flagstaff Gardens granting a licence, dated 28 August 2016.
  - Independent Broad-based Anti-corruption Commission — Report, 2015-16 (*Ordered to be published*).
  - Statutory Rules under the following Acts of Parliament —
    - Building Act 1993 — No. 114.
    - Magistrates' Court Act 1989 — No. 115.
- 4 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 6 CASUAL VACANCY — JOINT SITTING** — Ms Wooldridge moved, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Damian Drum and proposes that the time and place of such a meeting be the Legislative Assembly on Wednesday, 14 September 2016 at 6.45 p.m. or, at the latest, on Thursday, 15 September 2016 at 4.45 p.m.

Debate ensued.

Ms Pulford moved as an amendment, That all the words after “Legislative Assembly” (where secondly occurring) be omitted with the view of inserting in their place “on the day following the day on which this House rescinds the resolution of the Council of 25 May 2016 ‘Production of Documents — Suspension of the Leader of the Government’ pursuant to Standing Order 7.07.”.

Debate ensued.

Question — that the amendment moved by Ms Pulford be agreed to.

The Council divided — The Deputy President in the Chair.

AYES, 14

Mr Dalidakis; Mr Eideh; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.  
(*Tellers: Mr Herbert and Ms Shing*)

NOES, 22

Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O’Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Davis and Mr Morris*)

Question negatived.

Original question — put.

The Council divided — The Deputy President in the Chair.

AYES, 24

Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O’Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.  
(*Tellers: Ms Bath and Mr Ramsay*)

NOES, 12

Mr Dalidakis; Mr Eideh; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.  
(*Tellers: Mr Herbert and Ms Tierney*)

Question agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

- 7 ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE REFERENCE** — Mr O’Donohue moved, That, pursuant to section 36 of the *Parliamentary Committees Act 2003*, this House requires the Economic, Education, Jobs and Skills Committee to inquire into, consider and report on, no later than 1 October 2017, fuel prices in regional Victoria including, but not limited to —

- (1) examining pricing methodology for unleaded, diesel and LPG fuels in regional Victoria;
- (2) examination of why significant pricing discrepancies occur in some regional communities when compared to metropolitan areas and many other regional communities;
- (3) consideration of best practice approaches and initiatives in other Australian states and territories, with a view of reducing fuel prices;
- (4) examining technology and tools that may enable motorists to compare fuel prices;
- (5) considering the experience and pricing impact upon families, businesses and industry; and
- (6) examining regulatory and legislative barriers that may influence fuel prices.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Women's participation in sport** — substantive and supplementary questions asked by Ms Patten — response from Mr Dalidakis due Tuesday, 11 October 2016.
- **Impact of deer hunting on agriculture** — substantive and supplementary questions asked by Mr Barber — response from Ms Pulford due Thursday, 15 September 2016.
- **Snake Island – deer population** — substantive question asked by Mr Barber — response from Ms Pulford due Thursday, 15 September 2016.
- **Barwon Prison prisoner strike** — supplementary question asked by Mr O'Donohue — response from Mr Herbert due Thursday, 15 September 2016.
- **Deaths in custody** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Herbert due Thursday, 15 September 2016.
- **Prison court orders** — substantive and supplementary questions asked by Ms Lovell — response from Mr Herbert due Thursday, 15 September 2016.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed further written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Parkville and Malmsbury Youth Justice incidents** — supplementary question asked by Ms Crozier on Tuesday, 13 September 2016 — further response from Ms Mikakos due Thursday, 15 September 2016.
- **Parkville and Malmsbury Youth Justice Centres – WorkCover staff absences** — substantive and supplementary questions asked by Ms Crozier on Tuesday, 13 September 2016 — further responses from Ms Mikakos due Thursday, 15 September 2016.
- **Child protection case worker allocations** — substantive and supplementary questions asked by Ms Crozier on Tuesday, 13 September 2016 — further responses from Ms Mikakos due Thursday, 15 September 2016.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 10 ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE REFERENCE** — Debate continued on the question, That, pursuant to section 36 of the *Parliamentary Committees Act 2003*, this House requires the Economic, Education, Jobs and Skills Committee to inquire into, consider and report on, no later than 1 October 2017, fuel prices in regional Victoria including, but not limited to —

- (1) examining pricing methodology for unleaded, diesel and LPG fuels in regional Victoria;
- (2) examination of why significant pricing discrepancies occur in some regional communities when compared to metropolitan areas and many other regional communities;
- (3) consideration of best practice approaches and initiatives in other Australian states and territories, with a view of reducing fuel prices;
- (4) examining technology and tools that may enable motorists to compare fuel prices;
- (5) considering the experience and pricing impact upon families, businesses and industry; and
- (6) examining regulatory and legislative barriers that may influence fuel prices.

Question — put and agreed to.

- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 322 be postponed until later this day.

**12 LEGALISATION OF CANNABIS** — Ms Patten moved, That this House notes that the Victorian Parliament, all previous Governments from both major parties and every Member of this and the other House has failed the Victorian people on the issue of drug law reform, in particular the legalisation of cannabis, and:

- (1) calls on the Victorian Government to immediately remove any criminal and civil sanctions for the possession, use and cultivation for personal use of cannabis by persons aged 18 and over;
- (2) notes that prohibitions on drug paraphernalia, such as bongs, should be immediately abolished because there is simply no evidence such restrictions work;
- (3) urges the Victorian Government to allow for the licensing and taxation of farmers, wholesalers and retailers of cannabis for recreational purposes;
- (4) notes that other states and territories in several countries have legalised cannabis with beneficial effects on citizens and the economy and Victoria, as Australia's most progressive state, should do the same to lead the nation in what would be an entirely new industry;
- (5) notes that criminal syndicates, such as the Australian-Italian mafia and outlaw motorcycle gangs as already identified by crime authorities, rely on revenue from the illegal sale of cannabis to fund their criminal activities and legalisation would cut off their financial legs and make it harder for them to operate;

and notes that making these immediate changes will improve the Victorian bottom line by billions of dollars via money saved through enforcement and the court system and via the taxation revenue generated through such a move.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Springle)*

NOES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmir; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Somyurek and Mr Young)*

Question negatived.

**13 ECONOMY AND INFRASTRUCTURE COMMITTEE INQUIRY INTO RIDE SOURCING SERVICES — MINISTER TO APPEAR BEFORE COMMITTEE** — Mr Morris moved, That this House requests that the Legislative Assembly grant leave to the Minister for Public Transport, the Hon. Jacinta Allan, MP, to appear before the Legislative Council Standing Committee on Economy and Infrastructure to give evidence and answer questions in relation to the Committee's inquiry into ride sourcing services.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Dr Carling-Jenkins and Ms Fitzherbert)*

## NOES, 13

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.  
(Tellers: Mr Mulino and Ms Symes)

Question agreed to.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at the conclusion of 30 minutes, Government Business, pursuant to Standing Orders, debate stood adjourned in the name of Mr Davis.*

**16 MESSAGE FROM THE ASSEMBLY — MINISTER TO APPEAR BEFORE COMMITTEE** — The Acting President read a Message from the Assembly informing the Council that the Assembly had refused to consent to the Legislative Council's request for the Minister for Public Transport to appear before the Legislative Council Standing Committee on Economy and Infrastructure to give evidence and answer questions in relation to the Committee's inquiry into ride sourcing services.

On the motion of Mr Davis, the Message was ordered to be taken into consideration on the next day of meeting.

**17 ADJOURNMENT** — Mr Herbert moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.44 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 88 — Thursday, 15 September 2016

1 The President took the Chair and read the Prayer.

**2 PAPER — ECONOMY AND INFRASTRUCTURE COMMITTEE — ROAD SAFETY ROAD RULES 2009 (OVERTAKING BICYCLES) BILL 2015** — Mr Morris presented a Report from the Economy and Infrastructure Committee on the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015 (including Appendices) together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Morris moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**3 PETITIONS** —

**ORMOND STATION RESIDENTIAL TOWER** — Mr Davis presented a Petition bearing 22 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its plans for a 13 storey residential tower on the Ormond Station site and instead proceed with a development of smaller scale, that is more in keeping with Ormond's low-rise village atmosphere.

Ordered to lie on the Table.

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**SKY RAIL** — Mr Davis presented a Petition bearing 27 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its Sky Rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

Ordered to lie on the Table.

**4 PAPERS —**

**ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO THE LEGISLATIVE AND REGULATORY FRAMEWORK RELATING TO RESTRICTED BREED DOGS** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee's Inquiry into the Legislative and Regulatory Framework Relating to Restricted Breed Dogs.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Essential Services Commission — The Energy Value of Distributed Generation: Distributed Generation Inquiry Stage 1 Final Report, August 2016.

Federation Training — Report, 2014.

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 2016 (*Ordered to be published*).

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Replacement of lead scientist** — substantive question asked by Ms Wooldridge — response from Mr Dalidakis due Tuesday, 11 October 2016.
- **Review of grand final eve public holiday** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 11 October 2016.
- **Creation of Great Forest National Park** — substantive and supplementary questions asked by Mr Davis — response from Mr Dalidakis due Tuesday, 11 October 2016.
- **Sensis small business index** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 11 October 2016.
- **Victorian export activity** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 11 October 2016.
- **Support for children in care** — substantive and supplementary questions asked by Ms Springle — response from Ms Mikakos due Tuesday, 11 October 2016.
- **Publication of school enrolment statistics** — substantive and supplementary questions asked by Ms Pennicuik — response from Mr Herbert due Wednesday, 12 October 2016.
- **Ride sharing levy** — substantive and supplementary questions asked by Ms Patten — response from Ms Pulford due Wednesday, 12 October 2016.
- **Safe Schools Program workshop** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Mr Herbert due Wednesday, 12 October 2016.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**9 LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2016** — Bill further considered in 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.

**10 LAND (REVOCATION OF RESERVATIONS – REGIONAL VICTORIA LAND) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Mr Ondarchie moved, That the debate be adjourned until 13 October 2016.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Ms Dunn and Mr Ondarchie)*

NOES, 16

Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmar; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Dr Carling-Jenkins and Mr Melhem)*

Question agreed to.

**11 VICTORIAN FUNDS MANAGEMENT CORPORATION AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Mr Ondarchie moved, That the debate be adjourned until 13 October 2016.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Mr Finn and Ms Springle)*

NOES, 15

Mr Dalidakis; Mr Eideh; Mr Elasmar; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Mulino and Ms Shing)*

Question agreed to.

**12 OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Mr Ondarchie moved, That the debate be adjourned until 13 October 2016.

Debate ensued.

Ms Symes moved, as an amendment, That all the words after “until” be omitted with the view of inserting in their place “later this day”.

Debate ensued.

Question — That the amendment moved by Ms Symes be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Dalidakis; Mr Eideh; Mr Elasmar; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Somyurek and Ms Tierney)*

## NOES, 23

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Bourman)*

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

## AYES, 23

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Mrs Peulich and Mr Young)*

## NOES, 15

Mr Dalidakis; Mr Eideh; Mr Elasmar; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Ms Patten and Ms Symes)*

Question agreed to.

**13 MELBOURNE COLLEGE OF DIVINITY AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Mr Ondarchie moved, That the debate be adjourned until 13 October 2016.

Debate ensued.

Ms Pulford moved, as an amendment, That all the words after “until” be omitted with the view of inserting in their place “later this day”.

Debate ensued.

Question — That the amendment moved by Ms Pulford be agreed to — put.

The Council divided — The President in the Chair.

## AYES, 15

Mr Dalidakis; Mr Eideh; Mr Elasmar; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Dalidakis and Ms Patten)*

## NOES, 23

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Ms Fitzherbert and Mrs Peulich)*

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

## AYES, 23

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr Morris)*



NOES, 15

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Mr Mulino)*

Question agreed to.

**14 LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Mr Ondarchie moved, That the debate be adjourned until 13 October 2016.

Debate ensued.

Mr Leane moved, as an amendment, That all the words after “until” be omitted with the view of inserting in their place “later this day”.

Debate ensued.

Question — That the amendment moved by Mr Leane be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Elasmarr and Mr Purcell)*

NOES, 23

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Ondarchie)*

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Mr Ondarchie and Mr Ramsay)*

NOES, 15

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Ms Shing)*

Question agreed to.

**15 POWERS OF ATTORNEY AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Mr Ondarchie moved, That the debate be adjourned until 13 October 2016.

Debate ensued.

Mr Somyurek moved, as an amendment, That all the words after “until” be omitted with the view of inserting in their place “later this day”.

Debate ensued.

Question — That the amendment moved by Mr Somyurek be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

(Tellers: Mr Eideh and Mr Mulino)

NOES, 23

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

(Tellers: Ms Dunn and Mr O'Donohue)

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

(Tellers: Mr Bourman and Ms Crozier)

NOES, 15

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

(Tellers: Mr Herbert and Mr Purcell)

Question agreed to.

- 16 SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 11 October 2016.

Question — put and agreed to.

- 17 CRIMES AMENDMENT (CARJACKING AND HOME INVASION) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 to create new offences of carjacking and home invasion, to amend the Sentencing Act 1991 to provide that minimum terms of imprisonment apply to the offences of aggravated carjacking and aggravated home invasion, to amend the Bail Act 1977 to include aggravated carjacking, home invasion and aggravated home invasion as show cause offences under that Act and for other purposes* and requesting the agreement of the Council.

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

- 18 BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Births, Deaths and Marriages Registration Act 1996 to provide for a person to alter the record of a person's sex in the person's birth registration and to further provide for the issue of a document acknowledging a person's name and sex, to make consequential amendments to the Children's Youth and Families Act 2005, the Corrections Act 1986, the Serious Sex Offenders (Detention and Supervision) Act 2009 and the Sex Offenders Registration Act 2004 and for other purposes* and requesting the agreement of the Council.

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

- 19 EQUAL OPPORTUNITY AMENDMENT (RELIGIOUS EXCEPTIONS) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Equal Opportunity Act 2010 to modify the religious exceptions in relation to the employment of a person by religious bodies and schools* and requesting the agreement of the Council.

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

**20 ESTATE AGENTS AMENDMENT (UNDERQUOTING) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Estate Agents Act 1980 to introduce measures to address underquoting in the sale of residential property and for other purposes* and requesting the agreement of the Council.

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

**21 CORRECTIONS LEGISLATION AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Corrections Act 1986 and for other purposes* and requesting the agreement of the Council.

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

**22 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.36 p.m., adjourned until Tuesday, 11 October 2016.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 86, 87 and 88.

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### TOBACCO AMENDMENT BILL 2016

*Committed Thursday, 1 September 2016*

*Amendments circulated: Ms Mikakos, Ms Wooldridge, Ms Hartland and Ms Patten (see pp 527–33)*

### **Tuesday, 13 September 2016 —**

*Progress having been reported on 1 September 2016, Bill further considered in Committee of the whole.*

**Clause 1** — put and agreed to.

**Clauses 2 and 3** — put and agreed to.

**Clause 4** — Ms Harland moved her Amendment Nos. 1 to 7 — put and agreed to.

Clause 4, as amended — put and agreed to.

**Clauses 5 to 8** — put and agreed to.

**Clause 9** — Ms Patten moved her Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Bourman; Ms Patten; Mr Young.

*(Tellers: Ms Patten and Mr Young)*

NOES, 35

Mr Atkinson; Mr Barber; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Eideh; Mr Elasmar; Mr Finn; Ms Fitzherbert; Ms Hartland; Mr Herbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Mulino and Mr O'Donohue)*

Question negatived.

Ms Patten moved her Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 25

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Mr Morris and Mr Finn)*

NOES, 13

Mr Dalidakis; Mr Eideh; Mr Elasmar; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Mr Somyurek)*

Question agreed to.

Ms Mikakos moved her Amendment Nos. 1 to 11 — put and agreed to.

Ms Wooldridge moved her Further Amendment Nos. 1 to 5.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Atkinson; Mr Barber; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

*(Tellers: Mr Morris and Mr Rich-Phillips)*

NOES, 17

Mr Bourman; Mr Dalidakis; Mr Eideh; Mr Elasmar; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Ms Mikakos and Mr Mulino)*

Question agreed to.

Ms Harland moved her Amendment No. 8 — put and agreed to.

Ms Wooldridge moved her Amendment No. 1 — put and agreed to.

Clause 9, as amended — put and agreed to.

**Clause 10** — Ms Mikakos moved her Amendment No. 12 — put and agreed to.

Clause 10, as amended — put and agreed to.

**New Clause** — Ms Mikakos moved her Amendment No. 13.

Question — That the new clause stands part of the Bill — put and agreed to.

**New Clause** — Ms Wooldridge moved her Further Amendment No. 6.

Question — That the new clause stands part of the Bill — put and agreed to.

**Clause 11** — put and agreed to.

**Bill reported with amendments.**

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## **LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2016**

*Committed Thursday, 15 September 2016*

**Clauses 1 to 13** — put and agreed to.

**Bill reported without amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO THE FOLLOWING BILL —****1. TOBACCO AMENDMENT BILL 2016****Amendments circulated by Ms Mikakos —**

1. Clause 9, page 11, line 33, omit 'vapour;'. and insert "vapour;".
2. Clause 9, page 11, after line 33 insert—

*'specialist e-cigarette retailing premises* means an e-cigarette retailing premises that is certified by the Secretary as a specialist e-cigarette retailing premises under section 15U.".'.

3. Clause 9, page 14, after line 20 insert—

'( ) in section 6(2AA), for "tobacconist" **substitute** "tobacconist, a specialist e-cigarette retailing premises";'.

4. Clause 9, page 14, line 34, omit 'business;'. and insert 'business'.'.
  5. Clause 9, page 14, after line 34 insert—

'( ) After section 6(2A) of the Principal Act **insert**—

"(2AB) A person carrying on an e-cigarette retailing business at a specialist e-cigarette retailing premises must not display a tobacco or e-cigarette advertisement of a product line of an e-cigarette product at a point of sale at that specialist e-cigarette retailing premises that is not in accordance with section 6B.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units.

(2AC) A person carrying on an e-cigarette retailing business at a specialist e-cigarette retailing premises must not display a tobacco or e-cigarette advertisement of a product line of a tobacco product.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units.

(2AD) A person carrying on an e-cigarette retailing business at a specialist e-cigarette retailing premises must not display a tobacco product.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units.".'.

6. Clause 9, page 15, before line 1 insert—

"( ) In the Principal Act—".

7. Clause 9, page 15, after line 3 insert—

'( ) in section 6(2B), for "tobacconist" **substitute** "tobacconist, a specialist e-cigarette retailing premises";'.

8. Clause 9, page 15, after line 15 insert—

'( ) in section 6(2D), for "(2A)" **substitute** "(2A), (2AB), (2AC), (2AD)";'.

9. Clause 9, page 15, after line 27 insert—

'( ) in section 6(3)(cab), for "tobacconist" **substitute** "tobacconist, a specialist e-cigarette retailing premises";

( ) after section 6(3)(cb) **insert**—

"(cba) a tobacco or e-cigarette advertisement (other than a display of an e-cigarette product carried about on a person) at a point of sale inside a specialist e-cigarette retailing premises that is in accordance with section 6B; or

- (cbb) one notice about e-cigarette products at one or more points of sale at a specialist e-cigarette retailing premises that complies with the prescribed requirements as to size, information contained in it and the manner in which the information is set out in it and the form in which the notice is displayed; or
- (cbc) tickets or labels on, or adjacent to, immediate packages of e-cigarette products in a specialist e-cigarette retailing premises if the tickets or labels display retail prices and comply with the prescribed requirements as to size, information contained in them and the manner in which the information is set out or displayed; or";'

10. Clause 9, page 21, after line 31 insert—

'(e) for the heading to Part 2A **substitute—**

**"Part 2A Specialist tobacconists and specialist e-cigarette retailing premises";**

(f) in section 15SA, after "section 15T" **insert** "in relation to a specialist tobacconist premises";

(g) in the heading to section 15T, after "**tobacconist**" **insert** "**or specialist e-cigarette retailing premises**".

( ) After section 15T(1) of the Principal Act **insert—**

"(1A) A person carrying on an e-cigarette retailing business at a premises may apply to the Secretary for certification that the premises are a specialist e-cigarette retailing premises."

( ) In section 15U(1) of the Principal Act, after "**tobacconist**" **insert** "or a specialist e-cigarette retailing premises, as the case may be".

( ) After section 15U(2) of the Principal Act **insert—**

"(2A) The Secretary may certify that premises are a specialist e-cigarette retailing premises if the Secretary is satisfied that—

- (a) an e-cigarette retailing business is carried on at the premises; and
- (b) the e-cigarette retailing business has been carried on at the premises on and from 1 September 2016; and
- (c) the e-cigarette retailing business predominately sells e-cigarette products; and
- (d) certification of the premises is consistent with the objects of this Act; and
- (e) certification of the premises is consistent with any strategic plan, policy statement, code or guideline relating to specialist e-cigarette retailing premises that has been adopted by the Minister; and
- (f) the premises are separated from other retail premises by a wall and that any doorway or entrance to or exit from the premises does not open directly into any other retail premises.

( ) In the Principal Act—

(a) in section 15U(3), after "**tobacconist**" **insert** "or a specialist e-cigarette retailing premises, as the case may be,";

(b) in section 15U(3)(b), after "subsection (2)" **insert** "or (2A), as the case may be";

(c) in section 15U(6), after "**tobacconist**" **insert** "or a specialist e-cigarette retailing premises, as the case may be,".

( ) In the Principal Act—

(a) in section 15W(1)(a) and (b), after "**business**" **insert** "or e-cigarette retailing business, as the case may be,";

(b) in section 15X(1)(b), after "section 15U(2)" **insert** "or (2A), as the case may be,".



( ) In section 15ZB of the Principal Act, after "tobacconist" **insert** "or a specialist e-cigarette retailing premises, as the case may be,".

11. Clause 9, page 22, before line 1 insert—

"( ) In the Principal Act—".

12. Clause 10, line 6, for "tobacconist" **substitute** "tobacconist, a specialist e-cigarette retailing premises".

#### NEW CLAUSE

13. Insert the following New Clause to follow clause 10—

#### 'A Amendment of Schedule

In the Schedule to the Principal Act, after item 13 **insert**—

"13A	An offence against section 6(2AB)	3 penalty units	30 penalty units
13B	An offence against section 6(2AC))	3 penalty units	30 penalty units
13C	An offence against section 6(2AD)	3 penalty units	30 penalty units".

#### **Amendment circulated by Ms Wooldridge —**

1. Clause 9, page 21, after line 21 insert—

'( ) in section 15O(2)(a)(ii), after "tobacco product" **insert** "or e-cigarette product";'.

#### **Further amendments circulated by Ms Wooldridge —**

1. Clause 9, page 11, lines 13 to 21, omit all words and expressions on these lines and insert "other merchandise, and includes any such business carried on as part of, or in conjunction with, any other business;".

2. Clause 9, page 12, line 18, omit "twice" and insert "first".

3. Clause 9, page 18, line 28, omit "section 12(1), (2) and (3)" and insert "section 12(1) and (2)".

4. Clause 9, page 19, line 9, omit 'product';' and insert 'product'.'.

5. Clause 9, page 19, after line 9 insert—

'( ) After section 13(1) of the Principal Act **insert**—

"(1A) A person must not sell any e-cigarette product from a vending machine.

Penalty: In the case of a natural person, 60 penalty units.

In the case of a body corporate, 300 penalty units."

( ) In the Principal Act—'.

#### NEW CLAUSE

6. Insert the following New Clause to follow clause 10—

#### 'A Amendment of Schedule

In the Schedule to the Principal Act, after item 18 **insert**—

"18A	An offence against section 13(1A)	3 penalty units	30 penalty units".
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**Amendments circulated by Ms Hartland —**

1. Clause 4, line 18, omit "at the same premises" and insert ", irrespective of whether or not the outdoor drinking area and the outdoor dining area are operated by the same occupier".
2. Clause 4, lines 19 to 21, omit all words and expressions on these lines.
3. Clause 4, line 22, omit "(c)" and insert "(b)".
4. Clause 4, line 26, omit 'units.'" and insert "units."
5. Clause 4, after line 26 insert—
 

'(1B) It is a defence to a prosecution under subsection (1A) if the accused proves that the accused was not aware and could not reasonably be expected to have been aware, that the accused was contravening subsection (1A)."
6. Clause 4, page 4, after line 1 insert—
 

'( ) in section 5D(1), for "section 5C" **substitute** "section 5C(1)".'
7. Clause 4, page 4, before line 2 insert—
 

'( ) At the end of section 5D of the Principal Act **insert**—

"(3) If a person smokes in an outdoor drinking area in contravention of section 5C(1A), the occupier of the outdoor drinking area is guilty of an offence.

Penalty: In the case of a natural person, 10 penalty units.

In the case of a body corporate, 50 penalty units.

(4) It is a defence to the prosecution under subsection (3) if the occupier of the outdoor drinking area proves that the occupier of the outdoor drinking area—

  - (a) was not aware and could not reasonably be expected to have been aware, that the contravention of section 5C(1A) was occurring; or
  - (b) the contravention of section 5C(1A) occurred during a period of 3 months starting on the day that the outdoor dining area was first used as an outdoor dining area."

( ) In the Principal Act—'
  8. Clause 9, page 12, after line 29 insert—
 

'( ) in the definition of *tobacco product*, for "the main ingredient of which is" **substitute** "containing".

**Amendments circulated by Ms Patten —**

1. Clause 9, page 11, line 13, after "merchandise" insert "(other than any tobacco product)".
2. Clause 9, page 11, line 31, after "ignited" insert "or heated".
3. Clause 9, page 11, line 33, omit 'vapour;.'" and insert "vapour;".
4. Clause 9, page 11, after line 33 insert—
 

*'specialist e-cigarette outlet* means a retail outlet that is certified by the Secretary as a specialist e-cigarette outlet under section 15U."
5. Clause 9, page 14, after line 20 insert—
 

'( ) in section 6(2AA), for "tobacconist" **substitute** "tobacconist, a specialist e-cigarette outlet";'
6. Clause 9, page 14, line 34, omit 'business;.'" and insert "business".'
7. Clause 9, page 14, after line 34 insert—
 

'( ) After section 6(2A) of the Principal Act **insert**—

"(2AB) A person carrying on an e-cigarette retailing business at a specialist e-cigarette outlet must not display a tobacco or e-cigarette advertisement of a product line of

an e-cigarette product at a point of sale at that specialist e-cigarette outlet that is not in accordance with section 6B.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units.

(2AC) A person carrying on an e-cigarette retailing business at a specialist e-cigarette outlet must not display a tobacco or e-cigarette advertisement of a product line of a tobacco product.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units.

(2AD) A person carrying on an e-cigarette retailing business at a specialist e-cigarette outlet must not display a tobacco product.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units.".'.

8. Clause 9, page 15, before line 1 insert—

"( ) In the Principal Act—".

9. Clause 9, page 15, after line 3 insert—

'( ) in section 6(2B), for "tobacconist" **substitute** "tobacconist, a specialist e-cigarette outlet";'.

10. Clause 9, page 15, after line 15 insert—

'( ) in section 6(2D), for "(2A)" **substitute** "(2A), (2AB), (2AC), (2AD)";'.

11. Clause 9, page 15, after line 27 insert—

'( ) in section 6(3)(cab), for "tobacconist" **substitute** "tobacconist, a specialist e-cigarette outlet";

( ) after section 6(3)(cb) **insert**—

"(cba) a tobacco or e-cigarette advertisement (other than a display of an e-cigarette product carried about on a person) at a point of sale inside a specialist e-cigarette outlet that is in accordance with section 6B; or

(cbb) one notice about e-cigarette products at one or more points of sale at a specialist e-cigarette outlet that complies with the prescribed requirements as to size, information contained in it and the manner in which the information is set out in it and the form in which the notice is displayed; or

(cbc) tickets or labels on, or adjacent to, immediate packages of e-cigarette products in a specialist e-cigarette outlet if the tickets or labels display retail prices and comply with the prescribed requirements as to size, information contained in them and the manner in which the information is set out or displayed; or";'.

12. Clause 9, page 21, after line 31 insert—

'(e) for the heading to Part 2A **substitute**—

**"Part 2A Specialist tobacconists and specialist e-cigarette outlets";**

(f) in section 15SA, after "section 15T" **insert** "in relation to a specialist tobacconist premises";

(g) in the heading to section 15T, after "**tobacconist**" **insert** "**or specialist e-cigarette outlet**".

( ) After section 15T(1) of the Principal Act **insert**—

"(1A) A person carrying on or proposing to carry on an e-cigarette retailing business at premises may apply to the Secretary for certification that the premises are a specialist e-cigarette outlet.".

- ( ) In section 15U(1) of the Principal Act, after "tobacconist" **insert** "or a specialist e-cigarette outlet, as the case may be".
- ( ) After section 15U(2) of the Principal Act **insert**—
- "(2A) The Secretary may certify that premises are a specialist e-cigarette outlet if the Secretary is satisfied that—
- (a) an e-cigarette retailing business is carried on or proposed to be carried on at the premises; and
  - (b) if the e-cigarette retailing business is proposed to be carried on at the premises at the time of the application—
    - (i) no tobacco or e-cigarette advertisement or e-cigarette product that is proposed to be inside the premises will be visible to any person outside the premises; and
    - (ii) a sign referred to in subsection (2B) will be displayed in the manner set out in that subsection; and
  - (c) if the e-cigarette retailing business is carried on at the premises at the time of the application—
    - (i) no tobacco or e-cigarette advertisement or e-cigarette product that is inside the premises is visible to any person outside the premises; and
    - (ii) a sign referred to in subsection (2B) is displayed in the manner set out in that subsection; and
  - (d) certification of the premises is consistent with the objects of this Act; and
  - (e) certification of the premises is consistent with any strategic plan, policy statement, code or guideline relating to specialist e-cigarette outlets that has been adopted by the Minister; and
  - (f) the premises are separated from other retail premises by a wall and that any doorway or entrance to or exit from the premises does not open directly into any other retail premises.
- (2B) A sign referred to in subsection (2A) must—
- (a) contain the phrase "No Minors Admitted", or other wording that clearly indicates that persons under the age of 18 years are not permitted in the premises, in letters that are at least 20mm in height and are of a colour that contrasts with the background colour of the sign; and
  - (b) be displayed in a manner that ensures that a person is reasonably likely to see one or more of them either on entering the premises or from within the premises."

( ) In the Principal Act—

    - (a) in section 15U(3), after "tobacconist" **insert** "or a specialist e-cigarette outlet, as the case may be,";
    - (b) in section 15U(3)(b), after "subsection (2)" **insert** "or (2A)";
    - (c) in section 15U(6), after "tobacconist" **insert** "or a specialist e-cigarette outlet, as the case may be,".

( ) In the Principal Act, at the end of section 15V **insert**—

"(2) A certification holder who proposed to carry on an e-cigarette retailing business at premises certified as a specialist e-cigarette outlet must notify the Secretary within 7 days after the business commences at those premises."

( ) In the Principal Act—

    - (a) in section 15W(1)(a) and (b), after "business" **insert** "or e-cigarette retailing business, as the case may be,";

(b) in section 15X(1)(b), after "section 15U(2)" **insert** "or (2A), as the case may be,".

( ) After section 15X(5) of the Principal Act **insert**—

"(5A) If premises are certified to be a specialist e-cigarette outlet and the certification holder does not commence carrying on an e-cigarette retailing business at the premises within 12 months after the premises being certified, the certification holder must request the Secretary to cancel the certification under subsection (4).".

( ) In section 15ZB of the Principal Act, after "tobacconist" **insert** "or a specialist e-cigarette outlet, as the case may be,".

13. Clause 9, page 22, before line 1 insert—

"( ) In the Principal Act—".

14. Clause 10, line 6, for "tobacconist" **substitute** "tobacconist, a specialist e-cigarette outlet".

#### NEW CLAUSES

15. Insert the following New Clauses to follow clause 10—

##### **'A New section 15ZC inserted**

After section 15ZB of the Principal Act **insert**—

##### **"15ZC Specialist e-cigarette outlet—entry of persons under the age of 18 years not permitted**

(1) A person who carries on an e-cigarette retailing business at premises certified as a specialist e-cigarette outlet must not permit the entry of a person under the age of 18 years to the specialist e-cigarette outlet.

Penalty: 10 penalty units."

##### **B Amendment of Schedule**

(1) In the Schedule to the Principal Act, after item 13 **insert**—

"13A	An offence against section 6(2AB)	3 penalty units	30 penalty units
13B	An offence against section 6(2AC))	3 penalty units	30 penalty units
13C	An offence against section 6(2AD)	3 penalty units	30 penalty units".

(2) In the Schedule to the Principal Act, after item 32 **insert**—

"32A	An offence against section 15ZC	1 penalty unit	Not applicable".'..
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# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 89, 90 and 91

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#### No. 89 — Tuesday, 11 October 2016

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, on 20 September 2016, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:

*Livestock Disease Control Amendment Act 2016.*

- 3 **SENATE VACANCY** — The President announced the receipt of a Message from the Governor transmitting a letter from the President of the Senate notifying that a vacancy had occurred in the Senate through the resignation of Senator the Honourable Stephen Conroy.
- 4 **PETITIONS** —  
**NO SKYTOWER IN ORMOND** — Ms Crozier presented a Petition bearing 51 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its plans for the inappropriate over-development of the Ormond station site and instead proceed with a development that is smaller in scale and more in keeping with the low-rise village atmosphere of Ormond.

Ordered to lie on the Table.

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**EQUAL OPPORTUNITY AMENDMENT (RELIGIOUS EXCEPTIONS) BILL 2016** — Dr Carling-Jenkins presented a Petition bearing 178 signatures from certain citizens of Victoria requesting that the Legislative Council opposes the Victorian Government's Equal Opportunity Amendment (Religious Exceptions) Bill 2016 that plans to remove or restrict the freedom of faith-based schools and organisations to operate in accordance with their beliefs and principles, and instead upholds freedom of association and freedom of belief in Victoria.

Ordered to lie on the Table.

- 5 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 13 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

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**VICTORIAN OMBUDSMAN ANNUAL REPORT 2016** — Pursuant to section 25AA(3) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Annual Report 2016 (*Ordered to be published*).

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

- Agriculture Victoria Services Pty Ltd — Report, 2015-16.
- Architects Registration Board of Victoria — Minister's report of receipt of 2015-16 report.
- Barwon Region Water Corporation — Report, 2015-16.
- Barwon South West Waste and Resource Recovery Group — Minister's report of receipt of 2015-16 report.
- Central Gippsland Region Water Corporation — Report, 2015-16.
- Central Highlands Region Water Corporation — Report, 2015-16.
- City West Water Corporation — Report, 2015-16.
- Coliban Region Water Corporation — Report, 2015-16.
- Commission for Children and Young People — In the Child's Best Interests: Inquiry into compliance with the intent of the Aboriginal Child Placement Principle in Victoria, October 2016 (Ordered to be published).
- Commission for Environmental Sustainability — Minister's report of receipt of 2015-16 report.
- Corangamite Catchment Management Authority — Report, 2015-16.
- Crown Land (Reserves) Act 1978 — Ministerial Order for approval in relation to Richmond Park Reserve granting a lease, dated 5 September 2016.
- Dairy Food Safety Victoria — Report, 2015-16.
- Duties Act 2000 —
  - Treasurer's report of exemptions and refunds arising out of corporate consolidations for 2015–16.
  - Treasurer's report of exemptions and refunds arising out of corporate reconstructions for 2015–16.
- East Gippsland Catchment Management Authority — Report, 2015-16.
- East Gippsland Region Water Corporation — Report, 2015-16.
- Energy Safe Victoria — Report, 2015-16.
- Environment Protection Authority — Report, 2015-16.
- Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2015-16.
- Geoffrey Gardiner Dairy Foundation Limited — Report, 2015-16.
- Gippsland and Southern Rural Water Corporation — Report, 2015-16.
- Gippsland Waste and Resource Recovery Group — Minister's report of receipt of 2015-16 report.
- Glenelg Hopkins Catchment Management Authority — Report, 2015-16.
- Goulburn Broken Catchment Management Authority — Report, 2015-16.
- Goulburn-Murray Rural Water Corporation — Report, 2015-16.
- Goulburn Valley Region Water Corporation — Report, 2015-16.
- Goulburn Valley Waste and Resource Recovery Group — Minister's report of receipt of 2015-16 report.
- Grampians Central West Waste and Resource Recovery Group — Minister's report of receipt of 2015-16 report.
- Grampians Wimmera Mallee Water Corporation — Report, 2015-16.
- Heritage Council of Victoria — Minister's report of receipt of 2015-16 report.
- International Fibre Centre — Minister's report of receipt of 2015-16 report.
- Interpretation of Legislation Act 1984 —
  - Notices pursuant to section 32(3) in relation to Statutory Rule No. 114.
  - Notice pursuant to section 32(4) in relation to Statutory Rules Nos. 54/2007, 166/2008, 37/2011 and 132/2012.
- Loddon Mallee Waste and Resource Recovery Group — Minister's report of receipt of 2015-16 report.
- Lower Murray Urban and Rural Water Corporation — Report, 2015-16.
- Liquor Control Reform Act 1998 — Report pursuant to section 148R by the Chief Commissioner of Victoria Police, 2015-16.
- Mallee Catchment Management Authority — Report, 2015-16.
- Melbourne Market Authority — Report, 2015-16.
- Melbourne Water Corporation — Report, 2015-16.



- Metropolitan Planning Authority — Report, 2015-16.
- Metropolitan Waste and Resource Recovery Group — Report, 2015-16.
- Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2015-16 report.
- National Parks Act 1975 —  
Report on the working of the Act, 2015-16.  
Minister's notice of consent pursuant to section 40 of the Act in relation to Origin Energy undertaking operations under the *Petroleum Act 1988* within Port Campbell National Park.
- National Parks Advisory Council — Report, 2015-16.
- North Central Catchment Management Authority — Report, 2015-16.
- North East Catchment Management Authority — Report, 2015-16.
- North East Region Water Corporation — Report, 2015-16.
- North East Waste and Resource Recovery Group — Minister's report of receipt of 2015-16 report.
- Parks Victoria — Report, 2015-16.
- Phillip Island Nature Parks — Report, 2015-16.
- Phytogene — Minister's report of receipt of 2015-16 report.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
- Ararat Planning Scheme — Amendment C35.
  - Bass Coast Planning Scheme — Amendment C146.
  - Benalla, Hepburn, Melbourne, Mitchell, Moreland, Mornington Peninsula, Wangaratta and Wellington Planning Scheme — Amendment GC52.
  - Boroondara Planning Scheme — Amendment C222 (Part 2).
  - Brimbank Planning Scheme — Amendment C120.
  - Casey Planning Scheme — Amendment C211.
  - Darebin Planning Scheme — Amendment C136.
  - Greater Dandenong Planning Scheme — Amendment C122.
  - Greater Geelong Planning Scheme — Amendment C336.
  - Kingston Planning Scheme — Amendment C161.
  - Manningham Planning Scheme — Amendment C102.
  - Maribyrnong, Melbourne, Port of Melbourne and Port Phillip Planning Schemes — Amendment GC54.
  - Mildura Planning Scheme — Amendment C75.
  - Moira Planning Scheme — Amendment C38.
  - Monash Planning Scheme — Amendment C113.
  - Southern Grampians Planning Scheme — Amendment C14.
  - Stonnington Planning Scheme — Amendment C241.
  - Surf Coast Planning Scheme — Amendment C99.
  - Warrnambool Planning Scheme — Amendments C93 and C99.
  - Wyndham Planning Scheme — Amendments C212 and C216.
  - Yarra Planning Scheme — Amendment C221.
  - Yarra Ranges Planning Scheme — Amendment C153.
- Port Phillip and Westernport Catchment Management Authority — Report, 2015-16.
- Project Development and Construction Management Act 1994 — Nomination order and application order, 4 October 2015, and statement of reasons for making a nomination order, 21 September 2016, in relation to the State Library Victoria, Ballarat Off Site Store Module 2 Project.
- Queen Victoria Women's Centre — Minister's report of receipt of 2015-16 report.
- Royal Botanic Gardens Board Victoria — Report, 2015-16.
- South East Water Corporation — Report, 2015-16.
- South Gippsland Region Water Corporation — Report, 2015-16.
- Statutory Rules under the following Acts of Parliament —
- Access to Medicinal Cannabis Act 2016 — No. 118.
  - Offshore Petroleum and Greenhouse Gas Storage Act 2010 — No. 123.
  - Planning and Environment Act 1987 — No. 120.
  - Prevention of Cruelty to Animals Act 1986 — No. 122.

- Racing Act 1958 — No. 116.  
 Subdivision Act 1988 — No. 121.  
 Subordinate Legislation Act 1994 — No. 117.  
 Tobacco Act 1987 — No. 119.  
 Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 111, 115 to 122.  
 Surveyors Registration Board of Victoria — Minister's report of receipt of 2015-16 report.  
 Sustainability Victoria — Report, 2015-16.  
 Trust for Nature (Victoria) — Report, 2015-16.  
 Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2015-16 report.  
 Victorian Broiler Industry Negotiation Committee — Report, 2015-16.  
 Victorian Building Authority — Report, 2015-16.  
 Victorian Catchment Management Council — Report, 2015-16.  
 Victorian Coastal Council — Report, 2015-16.  
 Victorian Environmental Assessment Council —  
 Final Report on the Historic Places Investigation, August 2016.  
 Report, 2015-16.  
 Victorian Environmental Water Holder — Report, 2015-16.  
 Victorian Equal Opportunity and Human Rights Commission — Report, 2015 (*Ordered to be published*).  
 Victorian Industry Participation Policy — Report, 2015-16.  
 Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2015-16 report.  
 Wannon Region Water Corporation — Report, 2015-16.  
 West Gippsland Catchment Management Authority — Report, 2015-16.  
 Western Region Water Corporation — Report, 2015-16.  
 Westernport Region Water Corporation — Report, 2015-16.  
 Wimmera Catchment Management Authority — Report, 2015-16.  
 Yarra Valley Water Corporation — Report, 2015-16.  
 Zoological Parks and Gardens Board — Report, 2015-16.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Access to Medicinal Cannabis Act 2016 — Parts 2, 4, 6, 7, 8 and 14, section 79 and the remaining provisions of Parts 12 and 13 (except sections 99, 121, 122, 124, 127, 128 and 132) — 14 September 2016; sections 121, 122, 124, 127, 128 and 132 — 21 October 2016 (*Gazette No. S284, 13 September 2016*).
- Crimes Amendment (Sexual Offences) Act 2016 — Part 1 and sections 27(2), 28(2), 28(3) and 28(4) — 26 September 2016 (*Gazette No. S289, 20 September 2016*).
- Crimes Legislation Amendment Act 2016 — Parts 2 and 3 — 3 October 2016 (*Gazette No. S296, 27 September 2016*).
- Education and Training Reform Amendment (Miscellaneous) Act 2016 — remaining provisions — 29 September 2016 (*Gazette No. S296, 27 September 2016*).
- Emergency Management (Control of Response Activities and Other Matters) Act 2015 — Sections 26(2) and 27 and Division 4 of Part 3 — 19 September 2016 (*Gazette No. S284, 13 September 2016*).
- Justice Legislation (Evidence and Other Acts) Amendment Act 2016 — Part 3 — 3 October 2016 (*Gazette No. S296, 27 September 2016*).
- Land (Revocation of Reservations — Metropolitan Land) Act 2016 — Whole Act (except Parts 2 and 3) — 5 October 2016 (*Gazette No. S300, 4 October 2016*).
- Primary Industries Legislation Amendment Act 2016 — Parts 1 and 3 — 29 September 2016 (*Gazette No. S296, 27 September 2016*).
- Witness Protection Amendment Act 2016 — Parts 1 and 4 — 5 October 2016 (*Gazette No. S289, 20 September 2016*).

- 6 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 12 October 2016:
- (1) Notice of Motion given this day by Mr Barber in relation to the Supreme Court Appeal by the Government to the jurisdiction of the Ombudsman;
  - (2) Notice of Motion No. 319 standing in the name of Mr Davis in relation to the Production of Documents regarding Punt Road;
  - (3) Notice of Motion No. 326 standing in the name of Ms Crozier in relation to a committee reference regarding youth justice issues;
  - (4) Notice of Motion given this day by Mr Barber in relation to solar feed-in tariffs;
  - (5) Notice of Motion given this day by Mr Ondarchie relating to of StartCon;
  - (6) Notice of Motion given this day by Mr O'Donohue relating to of police numbers;
  - (7) Order of the Day No. 24, resumption of debate on the Country Fire Authority proposed Enterprise Bargaining Agreement.
- Question — put and agreed to.
- 7 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.
- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 9 CRIMES AMENDMENT (CARJACKING AND HOME INVASION) BILL 2016** — Mr Dalidakis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.
- Mr Dalidakis moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned until the next day of meeting.
- 10 BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2016** — Mr Dalidakis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.
- Mr Dalidakis moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.
- 11 EQUAL OPPORTUNITY AMENDMENT (RELIGIOUS EXCEPTIONS) BILL 2016** — Mr Dalidakis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.
- Mr Dalidakis moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.
- 12 ESTATE AGENTS AMENDMENT (UNDERQUOTING) BILL 2016** — Mr Dalidakis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.
- Mr Dalidakis moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.
- 13 CORRECTIONS LEGISLATION AMENDMENT BILL 2016** — Mr Dalidakis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.
- Mr Dalidakis moved, That the Bill be now read a second time.
- On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.
- 14 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 6 to 10 be postponed until later this day.

**15 CROWN LAND LEGISLATION AMENDMENT BILL 2016** — 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.

**16 NATIONAL DOMESTIC VIOLENCE ORDER SCHEME BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**17 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**COUNTRY ROADS REPAIR – FLOOD DAMAGE** — Ms Pulford having given answers to a question without notice and supplementary question relating to country roads repair after flood damage —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Prison officer safety** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Herbert due Wednesday, 12 October 2016.
- **Beechworth Prison – at risk prisoners** — substantive question asked by Ms Lovell — response from Mr Herbert due Wednesday, 12 October 2016.
- **Release of Report into Right to Farm Issues** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Wednesday, 12 October 2016.
- **Country roads repair – flood damage** — substantive and supplementary questions asked by Mr Davis — response from Ms Pulford due Thursday, 13 October 2016.
- **StartCon sponsorship** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Thursday, 13 October 2016.
- **Trading of threatened species** — substantive and supplementary questions asked by Ms Pennicuik — response from Mr Dalidakis due Thursday, 13 October 2016.

**18 JOINT SITTING — COUNCIL AND SENATE VACANCIES** — The President read a Message from the Assembly informing the Council that the Assembly had agreed to meet the Council for the purpose of sitting and voting together:

- (1) to choose a person to hold the place in the Council rendered vacant by the resignation of Damian Drum, and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 12 October 2016 at 6.45 p.m.; and
- (2) to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Stephen Conroy, and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Tuesday, 25 October 2016 at 6.45 p.m.

On the motion of Ms Pulford, the Assembly's Message was taken into consideration forthwith.

Ms Pulford moved, by leave, That this House meets with the Legislative Assembly for the purpose of sitting and voting together to —

- (1) choose a person to hold the place in the Legislative Council rendered vacant by the resignation of the Honourable Damian Drum and as proposed by the Assembly, the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 12 October 2016 at 6.45 p.m.;
- (2) choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Stephen Conroy and as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Tuesday, 25 October 2016 at 6.45 p.m.;

and, that Standing and Sessional Orders be suspended to the extent necessary to —

(1) provide that on Wednesday, 12 October 2016 the order of business will be —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

At **12 noon** Questions

Answers to Questions on Notice

General Business (continues)

At **5.00 p.m.** Statements on reports and papers

At **6.00 p.m.** Adjournment (maximum 30 minutes)

(2) provide that on Tuesday, 25 October 2016 the order of business will be —

Messages

Formal Business

Ministers' Statements (up to 5 Ministers)

Members' Statements (up to 15 Members)

Government Business

At **2.00 p.m.** Questions

Answers to Questions on Notice

Constituency Questions

Government Business (continues)

At **6.00 p.m.** Adjournment (maximum 30 minutes)

Debate ensued.

Question — put and agreed to.

**19 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**20 NATIONAL DOMESTIC VIOLENCE ORDER SCHEME BILL 2016** — 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.

**21 POLICE AND JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2016** — 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.

**22 MELBOURNE AND OLYMPIC PARKS AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

**23 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.44 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 90 — Wednesday, 12 October 2016

1 The President took the Chair and read the Prayer.

2 **PAPERS —**

**PARLIAMENTARY DEPARTMENTS —** Mr Eideh moved, by leave, That there be laid before this House a copy of the Reports of —

- (1) the Clerk on the operations of the Department of the Legislative Council for the year 2015-16; and
- (2) the Secretary on the operations of the Department of Parliamentary Services for the year 2015-16.

Question — put and agreed to.

The Reports were presented by Mr Eideh and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —** Mr Dalla-Riva presented Alert Digest No. 13 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee (*in lieu of that tabled on 11 October 2016*).

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE —** The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

- Albury Wodonga Health — Report, 2015-16.
- Alexandra District Health — Report, 2015-16.
- Alfred Health — Report, 2015-16.
- Alpine Health — Report, 2015-16.
- Auditor-General's Office — Report, 2015-16.
- Austin Health — Report, 2015-16.
- Bairnsdale Regional Health Service — Report, 2015-16.
- Ballarat General Cemeteries Trust — Minister's report of receipt of 2015-16 report.
- Ballarat Health Services — Report, 2015-16.
- Barwon Health — Report, 2015-16.
- Bass Coast Health — Report, 2015-16.
- Beaufort and Skipton Health Service — Report, 2015-16.
- Beechworth Health Service — Report, 2015-16.
- Benalla Health — Report, 2015-16.
- Bendigo Cemeteries Trust — Minister's report of receipt of 2015-16 report.
- Bendigo Health Care Group — Report, 2015-16.
- Boort District Health — Report, 2015-16.
- Calvary Health Care Bethlehem Limited — Report, 2015-16.
- Casterton Memorial Hospital — Report, 2015-16.
- Castlemaine Health — Report, 2015-16.
- Central Gippsland Health Service — Report, 2015-16.
- Cobram District Hospital — Report, 2015-16.
- Cohuna District Hospital — Report, 2015-16.
- Colac Area Health — Report, 2015-16.
- Dental Health Services Victoria — Report, 2015-16.
- Djerriwarrh Health Services — Report, 2015-16.
- Dunmunkle Health Services — Report, 2015-16.
- Eastern Health — Report, 2015-16.
- East Grampians Health Service — Report, 2015-16.
- East Wimmera Health Service — Report, 2015-16.
- Echuca Regional Health — Report, 2015-16.
- Edenhope and District Memorial Hospital — Report, 2015-16.
- Geelong Cemeteries Trust — Minister's report of receipt of 2015-16 report.
- Gippsland Southern Health Service — Report, 2015-16.
- Goulburn Valley Health — Report, 2015-16.
- Greater Metropolitan Cemeteries Trust — Report, 2015-16.

Health Purchasing Victoria — Report, 2015-16.  
Health Services Commissioner — Report, 2015-16.  
Heathcote Health — Report, 2015-16.  
Hepburn Health Service — Report, 2015-16.  
Hesse Rural Health Service — Report, 2015-16.  
Heywood Rural Health — Report, 2015-16.  
Inglewood and Districts Health Service — Report, 2015-16.  
Kerang District Health — Report, 2015-16.  
Kilmore and District Hospital — Report, 2015-16.  
Kooweerup Regional Health Service — Report, 2015-16.  
Kyabram and District Health Service — Report, 2015-16.  
Kyneton District Health Service — Report, 2015-16.  
Latrobe Regional Hospital — Report, 2015-16.  
Lorne Community Hospital — Report, 2015-16.  
Maldon Hospital — Report, 2015-16.  
Mallee Track Health and Community Service — Report, 2015-16.  
Mansfield District Hospital — Report, 2015-16.  
Maryborough District Health Service — Report, 2015-16.  
Melbourne Health — Report, 2015-16.  
Mercy Public Hospitals Incorporated — Report, 2015-16.  
Mildura Cemetery Trust — Minister's report of receipt of 2015-16 report.  
Monash Health — Report, 2015-16.  
Moyne Health Services — Report, 2015-16.  
Nathalia District Hospital — Report, 2015-16.  
Northeast Health Wangaratta — Report, 2015-16.  
Northern Health — Report, 2015-16.  
Numurkah District Health Service — Report, 2015-16.  
Omeo District Health — Report, 2015-16.  
Orbost Regional Health — Report, 2015-16.  
Otway Health — Report, 2015-16.  
Peninsula Health — Report, 2015-16.  
Peter MacCullum Cancer Centre — Report, 2015-16.  
Portland District Health — Report, 2015-16.  
Queen Elizabeth Centre — Report, 2015-16.  
Radiation Advisory Committee — Report, 2015-16.  
Robinvale District Health Services — Report, 2015-16.  
Rochester and Elmore District Health Service — Report, 2015-16.  
Royal Children's Hospital Melbourne — Report, 2015-16.  
Royal Victorian Eye and Ear Hospital — Report, 2015-16.  
Royal Women's Hospital — Report, 2015-16.  
Rural Northwest Health — Report, 2015-16.  
Seymour Health — Report, 2015-16.  
South Gippsland Hospital — Report, 2015-16.  
South West Healthcare — Report, 2015-16.  
Southern Metropolitan Cemeteries Trust — Report, 2015-16.  
Stawell Regional Health — Report, 2015-16.  
St Vincent's Hospital (Melbourne) Limited — Report, 2015-16.  
Swan Hill District Health — Report, 2015-16.  
Tallangatta Health Service — Report, 2015-16.  
Terang and Mortlake Health Service — Report, 2015-16.  
Timboon and District Healthcare Service — Report, 2015-16.  
Tweddle Child and Family Health Service — Minister's report of receipt of 2015-16 report.  
Upper Murray Health and Community Services — Report, 2015-16.  
Victorian Assisted Reproductive Treatment Authority — Minister's report of receipt of 2015-16 report.  
Victorian Environmental Assessment Council Act 2001 — Minister's letter of request for an assessment by the Victorian Environmental Assessment Council into the conservation

values of State forests in the Central Highlands, North East, Gippsland and East Gippsland regional forest agreement areas, pursuant to section 26C of the Act.

Victorian Health Promotion Foundation — Report, 2015-16.

Victorian Pharmacy Authority — Minister's report of receipt of 2015-16 report.

West Gippsland Healthcare Group — Report, 2015-16.

West Wimmera Health Service — Report, 2015-16.

Western District Health Service — Report, 2015-16.

Western Health — Report, 2015-16.

Wimmera Health Care Group — Report, 2015-16.

Yarram and District Health Service — Report, 2015-16.

Yarrawonga District Health Service — Report, 2015-16.

Yea and District Memorial Hospital — Report, 2015-16.

**3 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**5 OMBUDSMAN'S JURISDICTION — COURT OF APPEAL** — Mr Barber moved, That, further to the resolution of this House on 10 February 2016 directing the President to act as the representative of the Legislative Council of Victoria in the Supreme Court proceedings pursuant to section 27 of the *Ombudsman Act 1973*, this House —

(1) notes that —

(a) the Supreme Court ruling of 26 August 2016 determined that 'the Victorian Ombudsman has jurisdiction under s 16(2) of the *Ombudsman Act 1973* to conduct an investigation pursuant to the referral from the Legislative Council made on 25 November 2015';

(b) the Attorney-General has sought leave to appeal the determination, automatically rendering the President a respondent in the matter;

(c) the Attorney-General has made a written case of application and that the Court of Appeal has directed that respondents are to provide a written case in response to the Court on or before 18 October 2016;

(2) reaffirms the Ombudsman's jurisdiction and power under section 16 of the *Ombudsman Act 1973* to investigate the matter referred to her by the Legislative Council;

(3) directs the President to —

(a) respond on behalf of the Legislative Council in such proceedings in order to contend the view set out in (2);

(b) respond to any further appeals by the Attorney-General unless otherwise directed by this House;

and for the purposes of (3)(a) and (3)(b), this may include, but is not limited to, seeking legal advice, engaging counsel and making submissions.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Mr Morris; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

(Tellers: Ms Crozier and Mr Morris)

NOES, 12

Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

(Tellers: Mr Leane and Ms Shing)

Question agreed to.



- 6 PRODUCTION OF DOCUMENTS — PUNT ROAD PUBLIC ACQUISITION OVERLAY ADVISORY COMMITTEE REPORT** — Mr Davis moved, That, in accordance with Standing Order 11.01, there be tabled in the Council by 12 noon on Tuesday, 8 November 2016, a copy of the Punt Road Public Acquisition Overlay Advisory Committee report submitted to the Minister for Planning on 30 May 2016.

Debate ensued.

Question — put and agreed to.

- 7 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE** — Ms Crozier moved, That, pursuant to Sessional Order 6, this House requires the Legal and Social Issues Committee to inquire into and report on, no later than Thursday, 24 November 2016, issues at both Parkville and Malmsbury Youth Justice Centres including, but not limited to —
- (1) matters relating to incidents including definitions, numbers and changes to the reporting of incidents;
  - (2) the security and safety of staff, employees and young offenders at both facilities; and
  - (3) any other issues the committee considers as relevant.

Debate ensued.

On the motion of Ms Springle, debate was adjourned until later this day.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 329 be postponed until later this day.
- 9 SOLAR ELECTRICITY FEED-IN TARIFFS** — Mr Barber moved, That this House calls on the Government to introduce a fair price for electricity exported by small scale solar generators, whereby the feed-in tariff is paid by the electricity retailer at the same rate per kilowatt hour that the customer is charged.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to an order of the Council on 11 October 2016 —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **New Energy Job Fund** — substantive and supplementary questions asked by Mr Purcell — response from Ms Pulford due Tuesday, 25 October 2016.
- **Leadbeaters possum habitat** — substantive question asked by Ms Dunn — response from Ms Pulford due Thursday, 13 October 2016.
- **Border force operations** — substantive and supplementary questions asked by Ms Springle — response from Mr Herbert due Tuesday, 25 October 2016.
- **Family Day Care Services** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 13 October 2016.
- **Harper Review into serious sex offenders** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Herbert due Thursday, 13 October 2016.
- **Deakin University review into treatment of serious sex offenders** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Herbert due Thursday, 13 October 2016.
- **International students – victims of crime** — substantive question asked by Mrs Peulich — response from Mr Herbert due Thursday, 13 October 2016.

- 11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 12 SOLAR ELECTRICITY FEED-IN TARIFFS** — Debate continued on the question, That this House calls on the Government to introduce a fair price for electricity exported by small scale solar generators, whereby the feed-in tariff is paid by the electricity retailer at the same rate per kilowatt hour that the customer is charged.

Question — put.

The Council divided — The Acting President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

(Tellers: Mr Barber and Ms Pennicuik)

NOES, 31

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(Tellers: Mr Melhem and Mr Ramsay)

Question negatived.

**13 VICTORIA POLICE RESOURCES** — Mr O'Donohue moved, That this House notes that —

- (1) since 2014 the number of frontline first responder police has been cut by 115 under Daniel Andrews;
  - (2) according to The Police Association, Police Service Areas such as Casey, Glen Eira, Boroondara, Whitehorse, Monash, Hume, Manningham, Melbourne, Bayside, Knox, Brimbank, Darebin, Yarra Ranges, Hobsons Bay and Maroondah currently have fewer frontline first responder police than in 2014;
  - (3) cuts to front line first responder police have occurred at a time when Victoria's population is growing by over 100,000 per year;
  - (4) according to The Police Association survey, 26 per cent of "Priority 1" jobs, such as home invasions and armed robberies, were regularly being held for an hour or more as a result of the critical shortage of police;
  - (5) in recent months, communities have taken to forming "citizen patrols" across metropolitan Melbourne as a result of the lack of police;
  - (6) total crime in Victoria under Daniel Andrews from 1 January to 30 June 2016 has risen by 13.4 per cent;
  - (7) behind every crime there is a victim;
- and calls on the Government to deliver the resources that Victoria Police urgently need to tackle this crime tsunami.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to an order of the Council on 11 October 2016, the debate stood adjourned in the name of Ms Lovell.*

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.29 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 91 — Thursday, 13 October 2016

1 The President took the Chair and read the Prayer.

2 **JOINT SITTING — CASUAL COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly on Wednesday, 12 October 2016 to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Damian Drum and that Mr Luke O'Sullivan was elected to hold the vacant place in the Legislative Council.

**3 DECLARATION OF ALLEGIANCE** — Mr Luke O’Sullivan, having been introduced, approached the Table and took and subscribed the Oath required by law.

**4 TOBACCO AMENDMENT BILL 2016 — MESSAGES FROM THE ASSEMBLY** — The President read —

- a Message from the Legislative Assembly informing the Council that the Assembly has refused to entertain amendments 28 and 29 to the Bill ‘for an Act to Amend the *Tobacco Act 1987* to prohibit smoking in outdoor dining areas, to regulate the sale, promotion and use of e-cigarette products and for other purposes’ as they seek to force an appropriation from the Consolidated Fund which is unlawful, being the exclusive power of the Legislative Assembly as set out in the *Constitution Act 1975*.
- a Message from the Legislative Assembly informing the Council that they had —
  - (1) agreed to some amendments made by the Council; and
  - (2) made an amendment with which agreement is requested.

On the motion of Ms Pulford, the Messages were ordered to be taken into consideration later this day.

**5 PETITIONS** —

**SKY RAIL** — Mr Davis presented a Petition bearing 217 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its Sky Rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

Ordered to lie on the Table.

\* \* \* \* \*

**DOMAIN STATION CONSTRUCTION** — Ms Fitzherbert presented a Petition bearing 2,766 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Government to use deep cavern mining construction for the Domain Station to minimise the impact on one of Melbourne’s great boulevards during construction, and retain as many of St Kilda Road’s trees as is possible.

Ordered to lie on the Table.

\* \* \* \* \*

**ORMOND STATION RESIDENTIAL TOWER** — Mr Davis presented a Petition bearing 7 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its plans for the inappropriate over-development of the Ormond Station site and instead proceed with a development that is smaller in scale and more in keeping with the low-rise village atmosphere of Ormond.

Ordered to lie on the Table.

**6 PAPERS** —

**VICTORIAN BUSHFIRES ROYAL COMMISSION — IMPLEMENTATION PROGRESS REPORT** — Mr Dalidakis moved, by leave, That there be laid before this House a copy of the Victorian Bushfires Royal Commission — Progress Report on Implementation of Recommendations and Actions, 1 August 2016.

Question — put and agreed to.

The Report was presented by Mr Dalidakis and ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Accident Compensation Conciliation Service — Report, 2015-16.

Adult, Community and Further Education Board — Report, 2015-16.

Adult Multicultural Education Services Australia — Report, 2015-16.

Ambulance Victoria — Report, 2015-16.

Australian Centre for the Moving Image — Report, 2015-16.

Australian Grand Prix Corporation — Report, 2015-16.

Commission for Children and Young People — Report, 2015-16.

Commissioner for Privacy and Data Protection — Report, 2015-16 (*Ordered to be published*).

- Community Visitors — Report, 2015-16 (*Ordered to be published*).
- Council of Trustees of the National Gallery of Victoria — Report, 2015-16.
- Dhelkunya Dja Land Management Board — Minister's report of receipt of 2015-16 report.
- Disability Services Commissioner — Report, 2015-16.
- Docklands Studios Melbourne Pty Ltd — Report, 2015-16.
- Economic Development, Jobs, Transport and Resources Department — Report, 2015-16.
- Education and Training Department — Report, 2015-16.
- Emerald Railway Tourist Board — Report, 2015-16.
- Emergency Services Superannuation Board — Report, 2015-16.
- Environment, Land, Water and Planning Department — Report, 2015-16.
- Essential Services Commission — Report, 2015-16.
- Fed Square Pty Ltd — Report, 2015-16.
- Film Victoria — Report, 2015-16.
- Financial Management Act 1994 — 2015-16 Financial Report for the State of Victoria (incorporating Quarterly Financial Report No. 4) (*Ordered to be published*).
- Freedom of Information Commissioner — Report, 2015-16.
- Geelong Performing Arts Centre Trust — Report, 2015-16.
- Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of 2015-16 report.
- Health and Human Services Department — Report, 2015-16.
- Infrastructure Victoria — Report, 2015-16.
- Library Board of Victoria — Report, 2015-16.
- Melbourne and Olympic Parks Trust — Report, 2015-16.
- Melbourne Convention and Exhibition Trust — Report, 2015-16.
- Melbourne Recital Centre — Report, 2015-16.
- Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2016 (*Ordered to be published*).
- Mental Health Complaints Commissioner — Report, 2015-16.
- Mental Health Tribunal — Report, 2015-16.
- Museums Board of Victoria — Report, 2015-16.
- Parliamentary Committees Act 2003 — Government response to the Law Reform, Road and Community Safety Committee's Inquiry into Fuel Drive-Offs.
- Places Victoria — Report, 2015-16.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
- Greater Geelong Planning Scheme — Amendment C271.
  - Latrobe Planning Scheme — Amendment C98.
  - Southern Grampians Planning Scheme — Amendment C35.
  - Whitehorse Planning Scheme — Amendment C172 (Part 2).
- Port of Hastings Development Authority — Report, 2015-16.
- Premier and Cabinet Department — Report, 2015-16.
- Public Record Office Victoria — Report, 2015-16.
- Public Transport Development Authority — Report, 2015-16.
- Roads Corporation (VicRoads) — Reports, 2015-16.
- Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2015-16.
- Rolling Stock (Victoria-VL) Pty Ltd — Report, 2015-16.
- Rolling Stock (VL-1) Pty Ltd — Report, 2015-16.
- Rolling Stock (VL-2) Pty Ltd — Report, 2015-16.
- Rolling Stock (VL-3) Pty Ltd — Report, 2015-16.
- Rural Finance Corporation of Victoria — Report, 2015-16.
- Shrine of Remembrance Trustees — Report, 2015-16.
- State Electricity Commission of Victoria — Report, 2015-16.
- State Sport Centres Trust — Report, 2015-16.
- State Trustees Limited — Report, 2015-16.
- Terrorism (Community Protection) Act 2003 —
- Report pursuant to section 13ZR by the Independent Broad-based Anti-corruption Commission for 2015-16.
  - Report pursuant to sections 13, 13ZR and 21M by Victoria Police for 2015-16.

Transport Accident Commission — Report, 2015-16.  
Treasury and Finance Department — Report, 2015-16.  
Treasury Corporation of Victoria — Report, 2015-16.  
V/Line Corporation — Report, 2015-16.  
Victoria Grants Commission — Report, 2015-16.  
Victorian Arts Centre Trust — Report, 2015-16.  
Victorian Curriculum and Assessment Authority — Report, 2015-16.  
Victorian Funds Management Corporation — Report, 2015-16.  
Victorian Government Purchasing Board — Report, 2015-16.  
Victorian Institute of Forensic Mental Health — Report, 2015-16.  
Victorian Institute of Teaching — Report, 2015-16.  
Victorian Managed Insurance Authority — Report, 2015-16.  
Victorian Multicultural Commission — Report, 2015-16.  
Victorian Rail Track — Report, 2015-16.  
Victorian Regional Channels Authority — Report, 2015-16.  
Victorian Registration and Qualifications Authority — Report, 2015-16.  
Victorian Small Business Commissioner — Report, 2015-16 (*Ordered to be published*).  
Victorian Veterans Council — Report, 2015-16.  
Victorian WorkCover Authority — Report, 2015-16.  
VITS Languagelink — Report, 2015-16.  
Young Farmers' Finance Council — Report, 2015-16.

- 7 SITTING OF THE COUNCIL** — Ms Mikakos moved, That the Council, at its rising, adjourn until Tuesday, 25 October 2016.  
Question — put and agreed to.
- 8 MINISTERS' STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.
- 9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 10 MELBOURNE AND OLYMPIC PARKS AMENDMENT BILL 2016** — 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.
- 11 CRIMES AMENDMENT (CARJACKING AND HOME INVASION) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.  
Debate continued.  
Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.  
Debate continued.  
*Business having been interrupted at 12 noon pursuant to Sessional Orders —*
- 12 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.  
**INTERNATIONAL STUDENTS' SAFETY** — Mr Herbert having given answers to a question without notice and supplementary question relating to the safety of international students —  
On the motion of Mr O'Donohue, the Minister's answers were ordered to be taken into consideration on the next day of meeting.  
**QUESTIONS** — Questions without notice continued and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Parkville and Malmsbury Youth Justice Centres riots** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 26 October 2016.
- **Ombudsman's Office resourcing** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Ms Pulford due Wednesday, 26 October 2016.
- **LaunchVic grants** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 25 October 2016.
- **StartCon gender diversity** — substantive question asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 25 October 2016.
- **Shared migration zones for refugees** — substantive and supplementary questions asked by Ms Springle — response from Ms Pulford due Wednesday, 26 October 2016.
- **Affordable housing** — supplementary question asked by Dr Carling-Jenkins — response from Ms Mikakos due Wednesday, 26 October 2016.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**14 CRIMES AMENDMENT (CARJACKING AND HOME INVASION) BILL 2016** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 30

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Eideh; Mr Elasmir; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Young)*

NOES, 5

Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Patten and Ms Springle)*

Question 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.

**15 VICTORIAN FUNDS MANAGEMENT CORPORATION AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Dunn (for Mr Barber) were circulated.

Debate continued.

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.

**16 TOBACCO AMENDMENT BILL 2016 — MESSAGES FROM THE ASSEMBLY** — The amendments remaining for consideration by the Council were read and are as follows:

**AMENDMENT NO 28 (Resolved by the Council on 13 September 2016)**

28. Insert the following New Clause to follow clause 10—

**'A Amendment of Schedule**

In the Schedule to the Principal Act, after item 13 **insert—**

"13A	An offence against section 6(2AB)	3 penalty units	30 penalty units
13B	An offence against section 6(2AC))	3 penalty units	30 penalty units
13C	An offence against section 6(2AD)	3 penalty units	30 penalty units".'

**AMENDMENT NO 29 (Resolved by the Council on 13 September 2016)**

29. Insert the following New Clause to follow clause 10—

**'A Amendment of Schedule**

In the Schedule to the Principal Act, after item 18 **insert—**

"18A	An offence against section 13(1A)	3 penalty units	30 penalty units".'
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**How dealt with by the Assembly**

Amendments 28 and 29 not entertained, but the following amendment be made:

Insert the following New Clause to follow clause 10—

**'AA Amendment of Schedule**

(1) In the Schedule to the Principal Act, after item 13 **insert—**

"13A	An offence against section 6(2AB)	3 penalty units	30 penalty units
13B	An offence against section 6(2AC))	3 penalty units	30 penalty units
13C	An offence against section 6(2AD)	3 penalty units	30 penalty units".'

(2) In the Schedule to the Principal Act, after item 18 **insert—**

"18A	An offence against section 13(1A)	3 penalty units	30 penalty units".'
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Ms Pulford moved, That —

- (1) the Council does not insist on its amendments 28 and 29 to this Bill; and
- (2) the amendment made by the Assembly be agreed to.

Debate ensued.

Question — put and agreed to.

Message sent to the Assembly informing them that the Council has not insisted upon its amendments 28 and 29 and has agreed to the amendment made by the Assembly.

**17 FOOD AMENDMENT (KILOJOULE LABELLING SCHEME AND OTHER MATTERS) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Food Act 1984 to provide for a kilojoule labelling scheme and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

- 18 TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Traditional Owner Settlement Act 2010, to amend the Crown Land (Reserves) Act 1978, the Fisheries Act 1995, the Flora and Fauna Guarantee Act 1988, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975, the Prevention of Cruelty to Animals Act 1986, the Water Act 1989 and the Wildlife Act 1975 to provide for agreements about natural resources with traditional owners, to make a minor amendment to the Aboriginal Heritage Act 2006 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Herbert), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

- 19 CHILD WELLBEING AND SAFETY AMENDMENT (OVERSIGHT AND ENFORCEMENT OF CHILD SAFE STANDARDS) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Child Wellbeing and Safety Act 2005 to provide for the oversight and enforcement of compliance by certain entities with standards in relation to child safety, to amend the Commission for Children and Young People Act 2012 in relation to review and reporting obligations under that Act, to amend the Children, Youth and Families Act 2005 to provide for the publication of certain information and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

- 20 LORD MAYOR'S CHARITABLE FOUNDATION BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to repeal the Lord Mayor's Charitable Fund Act 1996 and re-enact with amendments the law relating to the Lord Mayor's Charitable Fund and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

- 21 VICTORIAN FISHERIES AUTHORITY BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish the Victorian Fisheries Authority, to make amendments to the Fisheries Act 1995 to enable the Victorian Fisheries Authority and its chief executive officer to perform or exercise regulatory functions or powers under that Act, to make further consequential amendments to the Conservation, Forests and Lands Act 1987, the Fisheries Act 1995 and other Acts and for other purposes* and requesting the agreement of the Council.



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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**22 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.36 p.m., adjourned until Tuesday, 25 October 2016.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 89, 90 and 91.

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### CRIMES AMENDMENT (CARJACKING AND HOME INVASION) BILL 2016

*Committed Thursday, 13 October 2016*

*Amendments circulated: Mr O'Donohue and Ms Pennicuik (see p 557)*

**Clause 1** — Ms Pennicuik moved her Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Mr Purcell; Ms Springle.

*(Tellers: Ms Dunn and Mr Purcell)*

NOES, 29

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Eideh; Mr Elasmar; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Ms Tierney)*

Question negated.

Clause 1 — put and agreed to.

**Clause 2** — put and agreed to.

**Clause 3** — Mr O'Donohue moved his Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Finn and Mr Young)*

NOES, 20

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Dunn and Mr Melhem)*

Question negated.

Clause 3 — put and agreed to.

**Clause 4** — Mr O'Donohue moved his Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Fitzherbert and Mr Ramsay)*

NOES, 20

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn, Mr Eideh; Mr Elasmarr; Ms Hartland, Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten, Ms Pennicuik, Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Mr Elasmarr and Ms Hartland*)

Question negated.

Clause 4 — put and agreed to.

**Clauses 5 to 9** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**VICTORIAN FUNDS MANAGEMENT CORPORATION AMENDMENT BILL 2016**

*Committed Thursday, 13 October 2016*

*Amendments circulated: Mr Barber (see pp 557–8)*

**Clause 1** — put and agreed to.

**Clause 2** — Ms Dunn (for Mr Barber) moved Amendment Nos. 1, 2 and 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.  
(*Tellers: Ms Pennicuik and Ms Hartland*)

NOES, 32

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Somyurek and Mr Dalla-Riva*)

Question negated.

Clause 2 — put and agreed to.

**Clause 3** — Ms Dunn (for Mr Barber) moved Amendment Nos. 4 and 5.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.  
(*Tellers: Ms Dunn and Ms Springle*)

NOES, 32

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Davis and Ms Mikakos*)

Question negated.

Clause 3 — put and agreed to.

**Clauses 4 to 16** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. CRIMES AMENDMENT (CARJACKING AND HOME INVASION) BILL 2016*****Amendments circulated by Mr O'Donohue —***

1. Clause 3, page 6, line 19, omit "3" and insert "5".
2. Clause 4, page 8, line 16, omit "3" and insert "5".
3. Clause 5, line 12, omit "3" and insert "5".
4. Clause 5, line 28, omit "3" and insert "5".
5. Clause 6, line 11, omit "3" and insert "5".
6. Clause 6, line 15, omit "3" and insert "5".

***Amendments circulated by Ms Pennicuik —***

1. Clause 1, page 2, lines 1 to 5, omit paragraph (b).
2. Clause 3, page 6, lines 15 to 25, omit all words and expressions on these lines.
3. Clause 4, page 8, lines 12 to 22, omit all words and expression on these lines.
4. Part heading preceding clause 5, omit this heading.
5. Clause 5, omit this clause.
6. Clause 6, omit this clause.
7. Part heading preceding clause 7, omit "4" and insert "3".
8. Part heading preceding clause 8, omit "5" and insert "4".
9. Part heading preceding clause 9, omit "6" and insert "5".

## AMENDMENT OF LONG TITLE

10. Long title, omit "to amend the **Sentencing Act 1991** to provide that minimum terms of imprisonment apply to the offences of aggravated carjacking and aggravated home invasion,".

**2. VICTORIAN FUNDS MANAGEMENT CORPORATION AMENDMENT BILL 2016*****Amendments circulated by Mr Barber —***

1. Clause 2, line 2, omit "subsection (2)" and insert "subsections (2) and (3)".
2. Clause 2, line 4, omit "this Act" and insert "a provision of this Act other than section 8".
3. Clause 2, after line 5 insert—  
"(3) Section 8 comes into operation on 30 June 2018."
4. Clause 3, line 6, omit "definition" and insert "definitions".
5. Clause 3, lines 7 to 9, omit all words and expressions on these lines and insert—  
"**fossil fuel** includes black coal, lignite, onshore and offshore gas, crude oil and petroleum;  
**fossil fuel entity** means a body corporate, association, trust, partnership or other body that does any of the following—  
(a) derives greater than 10% of its revenue from production or extraction of fossil fuel, generation of electricity through the combustion of fossil fuel, or the creation of liquid or other fuel from fossil fuel; or  
(b) actively expands its booked fossil fuel reserves, either through exploration or asset acquisition; or  
(c) owns or manages fossil fuel assets including coal mines, coal-fired electricity plants, drilling platforms or gas pipelines;

*invest* has the same meaning as it has in the **Borrowing and Investment Powers Act 1987**;

NEW CLAUSES

6. Insert the following New Clause to follow Clause 3—

**"A Objectives**

In section 6 of the **Victorian Funds Management Corporation Act 1994**—

- (a) in paragraph (b), for "manner." **substitute** "manner; and"
- (b) after paragraph (b) insert—
- (c) to provide its services in an environmentally responsible manner that avoids investment in fossil fuel entities."

7. Clause 6, lines 7 to 9, omit all words and expressions on these lines and insert—

"(1) In section 9A(1) of the **Victorian Funds Management Corporation Act 1994**—

- (a) after "other Act" **insert** "(except section 9B)"; and
- (b) in paragraph (a), after "authorised by this" **insert** "or any other".

NEW CLAUSES

8. Insert the following New Clause to follow Clause 6—

**"B New section 9B inserted**

After section 9A of the **Victorian Funds Management Corporation Act 1994** insert—

**'9B Corporation not to invest in fossil fuel entities**

The Corporation must not, in respect of a fossil fuel entity, directly or indirectly—

- (a) as principal or agent, manage or invest funds of the entity;
- (b) provide, or arrange the provision of, funds management, investment services or other financial services for, or financial advice to, the entity;
- (c) act as trustee;
- (d) act as manager of a trust of which the entity is a trustee."



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 92, 93 and 94

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#### No. 92 — Tuesday, 25 October 2016

- 1 The President took the Chair, 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 18 October 2016, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Crimes Amendment (Carjacking and Home Invasion) Act 2016*

*Crown Land Legislation Amendment Act 2016*

*Melbourne and Olympic Parks Amendment Act 2016*

*National Domestic Violence Order Scheme Act 2016*

*Police and Justice Legislation Amendment (Miscellaneous) Act 2016*

*Tobacco Amendment Act 2016*

*Victorian Funds Management Corporation Amendment Act 2016.*

- 3 **ECONOMY AND INFRASTRUCTURE — SELF REFERRAL** — The President read a letter from the Chair of the Economy and Infrastructure Standing Committee advising that the Committee, pursuant to Sessional Order 6, commenced a self-referenced inquiry on 24 October 2016 into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016.

- 4 **PETITIONS** —

**GOULBURN MURRAY IRRIGATION DISTRICT** — Ms Lovell presented a Petition bearing 37 signatures from certain citizens of Victoria requesting that the Legislative Council ensures that the Andrews Government ban any further water being traded out of the Goulburn Murray Irrigation District and conduct a thorough review of ownership and trading.

Ordered to lie on the Table.

\* \* \* \* \*

**COUNTRY FIRE AUTHORITY CONTROL** — Ms Lovell presented a Petition bearing 3 signatures from certain citizens of Victoria requesting that the Legislative Council ensures that the Premier does not hand control of the Country Fire Authority to the United Firefighters Union.

Ordered to lie on the Table.

\* \* \* \* \*

**EQUAL OPPORTUNITY AMENDMENT (RELIGIOUS EXCEPTIONS) BILL 2016** — Dr Carling-Jenkins presented a Petition bearing 754 signatures from certain citizens of Victoria requesting that the Legislative Council opposes the Victorian Government's Equal Opportunity Amendment (Religious Exceptions) Bill 2016 that plans to remove or restrict the freedom of faith-based schools and organisations to operate in accordance with their beliefs and principles, and instead upholds freedom of association and freedom of belief in Victoria.

Ordered to lie on the Table.

**NO SKYTOWER IN ORMOND** — Ms Crozier presented a Petition bearing 16 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its plans for the inappropriate over-development of the Ormond station site and instead proceed with a development that is smaller in scale and more in keeping with the low-rise village atmosphere of Ormond.

Ordered to lie on the Table.

## 5 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 14 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals in relation to Trentham Public Park and Recreation Reserve —

Lease, dated 19 February 2016.

License, dated 19 February 2016.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Corangamite Planning Scheme — Amendment C46.

East Gippsland Planning Scheme — Amendment C132.

Frankston Planning Scheme — Amendment C112.

Greater Shepparton Planning Scheme — Amendment C194.

Latrobe Planning Scheme — Amendment C93.

Maribyrnong Planning Scheme — Amendment C142.

Melton Planning Scheme — Amendment C167.

Moonee Valley Planning Scheme — Amendment C167.

Mornington Peninsula Planning Scheme — Amendment C189.

Mount Alexander Planning Scheme — Amendments C60 and C77.

Nillumbik Planning Scheme — Amendment C110.

South Gippsland Planning Scheme — Amendment C107.

South Gippsland, Baw Baw and Latrobe Planning Scheme — Amendment GC31.

Stonnington Planning Scheme — Amendment No. C245.

Surf Coast Planning Scheme — Amendment C110.

Whitehorse Planning Scheme — Amendment C186.

Whittlesea Planning Scheme — Amendments C76 and C188.

Yarra Ranges Planning Scheme — Amendment C155.

Statutory Rules under the following Acts of Parliament —

Australian Grands Prix Act 1994 — No. 133.

Catchment and Land Protection Act 1994 — No. 125.

Drugs, Poisons and Controlled Substances Act 1981 — Nos. 131 and 132.

Gene Technology Act 2001 — No. 130.

Metropolitan Fire Brigades Act 1958 — No. 129.

Prevention of Cruelty to Animals Act 1986 — No. 127.

Serious Sex Offenders (Detention and Supervision) Act 2009 — No. 128.

Subordinate Legislation Act 1994 — No. 124.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 125, 128, 129 and 130.

A Legislative Instrument and related documents under section 16B in respect of the Planning and Environment Act 1987 — Variation to the Community Infrastructure Levy Order, dated 11 October 2016.

Victorian Electoral Commission — Report, 2015-16.

Victorian Inspectorate — Report, 2015-16.



**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Gene Technology Amendment Act 2016 — Whole Act — 1 November 2016 (*Gazette No. S319, 18 October 2016*).

Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016 — Part 3 — 31 October 2016 (*Gazette No. S319, 18 October 2016*).

\* \* \* \* \*

**SPECIAL REPORT CONCERNING OPERATION EXMOUTH: AN INVESTIGATION INTO THE CONDUCT OF A FORMER SENIOR EMPLOYEE OF PLACES VICTORIA, CARMINE PETRONE** — Pursuant to section 162 of the *Independent Broad-based Anti-corruption Commission Act 2011*, the Clerk laid on the Table a copy of the Independent Broad-based Anti-corruption Commission's Special report concerning Operation Exmouth: An investigation into the conduct of a former senior employee of Places Victoria, Carmine Petrone, October 2016 (*Ordered to be published*).

**6 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 26 October 2016:

- (1) Notice of Motion No. 332 standing in the name of Mrs Peulich calling for Skyrail to be referred for environmental assessments under the Environment Protection and Biodiversity Conservation Act 1999;
- (2) Notice of Motion given this day by Dr Carling-Jenkins in relation to a moratorium and investigation of the Safe Schools program in primary schools;
- (3) Order of the Day No. 31, resumption of debate on motion for a Committee reference on Parkville and Malmsbury Youth Justice Centres;
- (4) Notice of Motion No. 329 standing in the name of Mr Ondarchie in relation to StartCon Melbourne;
- (5) Order of the Day No. 32, resumption of debate on motion relating to Victoria Police resources; and
- (6) Order of the Day No. 19, resumption of debate on motion relating to the Country Fire Authority proposed Enterprise Bargaining Agreement.

Question — put and agreed to.

**7 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE** — Mr Morris moved, by leave, That the Resolution of the Council of 27 May 2015 requiring the Economy and Infrastructure Standing Committee to inquire into Infrastructure Projects, and report every six months in June and December, be amended so as to now require the Committee to present reports every six months in April and October.

Question — put and agreed to.

**8 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**10 CORRECTIONS LEGISLATION AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 2.00 p.m. pursuant to an order of the Council on 11 October 2016 —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Russell Street Bomber Loddon Prison transfer** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Herbert due Wednesday, 26 October 2016.

- **Russell Street Bomber parole** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Herbert due Wednesday, 26 October 2016.
- **Malmsbury Youth Justice Centre riot, October 2016** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 26 October 2016.
- **Parkville and Malmsbury Youth Justice Centres – code white incidents** — substantive and supplementary questions asked by Mr Morris — response from Ms Mikakos due Wednesday, 26 October 2016.
- **Rioting by young offenders** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 26 October 2016.
- **Parkville and Malmsbury Youth Justice Centres – prisoner transfers** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 26 October 2016.
- **Respectful relationships education program** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Mr Herbert due Thursday, 27 October 2016.
- **Draft sustainable hunting strategy** — substantive question asked by Mr Barber — response from Ms Pulford due Wednesday, 26 October 2016.
- **West Gate Bridge B-double truck ban** — substantive and supplementary questions asked by Ms Hartland — response from Ms Pulford due Thursday, 27 October 2016.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 CORRECTIONS LEGISLATION AMENDMENT BILL 2016** — 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.

**14 ESTATE AGENTS AMENDMENT (UNDERQUOTING) BILL 2016** — 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 LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2016** — 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.

**16 VICTORIAN FISHERIES AUTHORITY BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at 6.00 p.m. pursuant to an order of the Council on 11 October 2016 —*

**17 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.28 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 93 — Wednesday, 26 October 2016

1 The President took the Chair and read the Prayer.

2 **JOINT SITTING — SENATE VACANCY** — The President reported that the House met with the Legislative Assembly on Tuesday, 25 October 2016 to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Stephen Conroy and that Ms Kimberley Kitching was chosen to hold the vacant place in the Senate.

3 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor General's Reports on —

Efficiency and Effectiveness of Hospital Services: Emergency Care, October 2016  
(*Ordered to be published*).

High Value High Risk 2016-17: Delivering HVHR Projects, October 2016 (*Ordered to be published*).

Commission for Children and Young People — Report on the Systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria, October 2016 (*Ordered to be published*).

Legal Profession Uniform Law Application Act 2014 — Practitioner Remuneration Order, 1 January 2017.

Ombudsman — Ombudsman enquiries: Resolving complaints informally, October 2016  
(*Ordered to be published*).

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

5 **SKYRAIL — EDITHVALE-SEAFORD WETLANDS** — Mrs Peulich moved, That this House —

(1) notes the Edithvale-Seaford Wetlands, part of the Carrum Carrum Swamp, were listed on 29 August 2001 as wetlands of international importance under the Ramsar Convention (Ramsar site 1096);

(2) notes that wetlands of international importance subject to the Ramsar convention is a multilateral environmental agreement containing obligations for all contracted parties;

(3) expresses concern that the construction of Skyrail along the Frankston Line will have a significant impact on the ecological character of a declared Ramsar wetland, the hydrology of the wetland, the habitat and lifecycle of protected flora and fauna which are also matters of National Environmental Significance protected under national environmental law including the *Environment Protection and Biodiversity Conservation Act 1999*;

(4) notes the failure of the Andrews Labor Government to undertake Environmental Impact Statements for its planned level crossing removals along the Frankston line and notes that any matters of "National environmental significance" require an Environmental Impact Statement under the Federal *Environment Protection and Biodiversity Conservation Act 1999*;

and calls on the Andrews Labor Government to immediately refer the construction of Skyrail along the Frankston Line to the Federal Government for environmental assessments under the *Environment Protection and Biodiversity Conservation Act 1999* to ensure that Skyrail does not place Australia in conflict with its national and international obligations as a contracted party to the Ramsar Convention.

Debate ensued.

Question — put and agreed to.

**6 SAFE SCHOOLS COALITION** — Dr Carling-Jenkins moved, That this House —

(1) notes that —

- (a) the bullying of any child, for any reason, is undesirable and unacceptable;
- (b) the Safe Schools program has been found to be an ideologically driven indoctrination program, designed to promote a contested and controversial form of gender theory, rather than being the anti-bullying program it has been promoted as;
- (c) Victorian parents have not been consulted prior to the roll out of the Safe Schools program within schools;
- (d) Victorian parents are concerned about the age-appropriateness of the content being presented by the Safe Schools program to their children;
- (e) Victorian parents of children with disabilities feel the Safe Schools program does not take their children's needs into account;
- (f) there is widespread public awareness that the Safe Schools Coalition Victoria has social reengineering as one of its higher purposes;
- (g) government schools should be free of any form of radical indoctrination; and

(2) calls on the Government to —

- (a) withdraw the program immediately from all schools; and
- (b) conduct a review, which takes into account the views of parents into the incidence and prevention of bullying in schools.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Demolition of The Corkman Irish Pub, Carlton** — substantive and supplementary questions asked by Ms Patten — response from Mr Dalidakis due Tuesday, 8 November 2016.
- **National Firearms Agreement – Adler lever action shotgun** — substantive and supplementary questions asked by Mr Bourman — response from Mr Herbert due Tuesday, 8 November 2016.
- **VicForests Timber Release Plan** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Thursday, 27 October 2016.
- **Australian Paper – impact on Leadbeater's possum habitat** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Thursday, 27 October 2016.
- **Port of Melbourne lease proceeds** — supplementary question asked by Mr Ramsay — response from Ms Pulford due Tuesday, 8 November 2016.
- **Regional Victoria Living Expo and Good Move campaign** — substantive question asked by Ms Bath — response from Ms Pulford due Thursday, 27 October 2016.
- **Chisolm Institute student inducements** — substantive and supplementary questions asked by Mrs Peulich — response from Mr Herbert due Thursday, 27 October 2016.
- **Victorian Major Events program** — substantive question asked by Mr Dalla-Riva — response from Mr Dalidakis due Thursday, 27 October 2016.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed further written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Parkville and Malmsbury Youth Justice Centres – prisoner transfers** — substantive and supplementary questions asked by Ms Crozier on Tuesday, 25 October 2016 — further response from Ms Mikakos due Thursday, 27 October 2016.
- **Rioting by youth offenders** — substantive and supplementary questions asked by Ms Crozier on Tuesday, 25 October 2016 — further response from Ms Mikakos due Thursday, 27 October 2016.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**9 SAFE SCHOOLS COALITION** — Debate continued on the question, That this House —

- (1) notes that —
  - (a) the bullying of any child, for any reason, is undesirable and unacceptable;
  - (b) the Safe Schools program has been found to be an ideologically driven indoctrination program, designed to promote a contested and controversial form of gender theory, rather than being the anti-bullying program it has been promoted as;
  - (c) Victorian parents have not been consulted prior to the roll out of the Safe Schools program within schools;
  - (d) Victorian parents are concerned about the age-appropriateness of the content being presented by the Safe Schools program to their children;
  - (e) Victorian parents of children with disabilities feel the Safe Schools program does not take their children’s needs into account;
  - (f) there is widespread public awareness that the Safe Schools Coalition Victoria has social reengineering as one of its higher purposes;
  - (g) government schools should be free of any form of radical indoctrination; and
- (2) calls on the Government to —
  - (a) withdraw the program immediately from all schools; and
  - (b) conduct a review, which takes into account the views of parents into the incidence and prevention of bullying in schools.

On the motion of Ms Pennicuik, the debate was adjourned until later this day.

**10 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE** — Debate resumed on the question, That, pursuant to Sessional Order 6, this House requires the Legal and Social Issues Committee to inquire into and report on, no later than Thursday, 24 November 2016, issues at both Parkville and Malmsbury Youth Justice Centres including, but not limited to —

- (1) matters relating to incidents including definitions, numbers and changes to the reporting of incidents;
- (2) the security and safety of staff, employees and young offenders at both facilities; and
- (3) any other issues the committee considers as relevant.

Ms Springle moved, as an amendment, That all words after “no later than” be omitted with the view of inserting in their place —

“Tuesday, 1 August 2017, issues at both Parkville and Malmsbury Youth Justice Centres including, but not limited to —

- (1) matters relating to incidents including definitions, numbers and any changes to the reporting of incidents;
- (2) the security and safety of staff, employees and young offenders at both facilities;
- (3) reasons for, and effects of, the increase in the numbers of young people on remand in the last 10 years;
- (4) implications of incarcerating young people who have significant exposure to trauma, alcohol and/or other drug misuse and/or the child protection system, or who have issues associated with mental health or intellectual functioning, in relation to —
  - (a) the likelihood of reoffending;
  - (b) the implications of separating young people from their communities and cultures;
- (5) additional options for keeping young people out of youth justice centres;
- (6) the culture, policies, practices and reporting of management at the centres;

(7) the role of the Department of Health and Human Services in overseeing practices at the centres; and

(8) any other issues the Committee consider relevant.”.

Debate ensued.

On the motion of Mr Ondarchie, the debate was adjourned until later this day.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until later this day.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

**12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**13 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.35 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 94 — Thursday, 27 October 2016

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**CONSUMER UTILITIES ADVOCACY CENTRE REPORT, 2015-16** — Mr Dalidakis moved, by leave, That there be laid before this House a copy of the Consumer Utilities Advocacy Centre Report, 2015-16.

Question — put and agreed to.

The Report was presented by Mr Dalidakis and ordered to lie on the Table.

\* \* \* \* \*

**POLICE REGISTRATION AND SERVICES BOARD REPORT, 2015-16** — Mr Herbert moved, by leave, That there be laid before this House a copy of the Police Registration and Services Board Report, 2015-16.

Question — put and agreed to.

The Report was presented by Mr Herbert and ordered to lie on the Table.

\* \* \* \* \*

**VICTORIA LAW FOUNDATION REPORT, 2015-16** — Mr Herbert moved, by leave, That there be laid before this House a copy of the Victoria Law Foundation Report, 2015-16.

Question — put and agreed to.

The Report was presented by Mr Herbert and ordered to lie on the Table.

\* \* \* \* \*

**OFFICE OF THE PUBLIC ADVOCATE REPORT, 2015-16** — Mr Herbert moved, by leave, That there be laid before this House a copy of the Office of the Public Advocate Report, 2015-16.

Question — put and agreed to.

The Report was presented by Mr Herbert and ordered to lie on the Table and to be published.

\* \* \* \* \*

3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Adult Parole Board of Victoria — Report, 2015-16.

Agricultural Industry Development Act 1990 — Ministerial Order of approval in relation to Murray Valley Wine Grape Industry Development (Extra-Territorial), dated 20 October 2016.

Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2015-16 report.  
Asset Confiscation Operations — Report, 2015-16.

Confiscation Act 1997 — Report 2015-16, pursuant to section 139A by Victoria Police.  
 Consumer Affairs Victoria — Report, 2015-16 (*Ordered to be Published*).  
 Country Fire Authority — Report, 2015-16.  
 Emergency Services Telecommunications Authority — Report, 2015-16.  
 Forensic Leave Panel — Report, 2015.  
 Greyhound Racing Victoria — Report, 2015-16.  
 Harness Racing Victoria — Report, 2015-16.  
 Justice and Regulation Department — Report, 2015-16.  
 Legal Practitioners' Liability Committee — Report, 2015-16.  
 Metropolitan Fire and Emergency Services Board — Report, 2015-16.  
 Office of the National Rail Safety Regulator — Report, 2015-16.  
 PrimeSafe — Minister's report of receipt of 2015-16 report.  
 Racing Integrity Commissioner — Report, 2015-16.  
 Regional Development Victoria — Report, 2015-16.  
 Residential Tenancies Bond Authority — Report, 2015-16.  
 Sentencing Advisory Council — Report, 2015-16.  
 Subordinate Legislation Act 1994 —  
     A document under section 15(1) in respect of the Road Safety Act 1986 — Guidelines  
     for Assessing Fitness to Drive.  
 Surveillance Devices Act 1999 —  
     Report 2015-16, pursuant to section 30L for the Australian Criminal Intelligence  
     Commission.  
     Report 2015-16, pursuant to section 30L for the Department of Environment, Land,  
     Water and Planning.  
     Report 2015-16, pursuant to section 30L for the Game Management Authority.  
     Report 2015-16, pursuant to section 30L for the Independent Broad-based Anti-  
     corruption Commission.  
     Report 2015-16, pursuant to section 30L for the Victoria Police.  
 Taxi Services Commission — Report, 2015-16.  
 Tourism Victoria — Report, 2015-16.  
 VicForests — Report, 2015-16.  
 Victims of Crime Assistance Tribunal — Report, 2015-16.  
 Victims of Crime Commissioner — Report, 2015-16.  
 Victoria Legal Aid — Report, 2015-16.  
 Victoria Police — Report, 2015-16.  
 Victoria State Emergency Service Authority — Report, 2015-16.  
 Victorian Commission for Gambling and Liquor Regulation — Report, 2015-16.  
 Victorian Equal Opportunity and Human Rights Commission — Report, 2015-16 (*Ordered  
 to be published*).  
 Victorian Inquiry into the Labour Hire Industry and Insecure Work — Final Report, 31 August  
 2016 (*Ordered to be published*).  
 Victorian Legal Services Board and the Legal Services Commission — Report, 2015-16  
 (*Ordered to be published*).  
 Victorian Public Sector Commission — Report, 2015-16.  
 Victorian Responsible Gambling Foundation — Report, 2015-16.  
 Yorta Yorta Traditional Owner Land Management Board — Minister's report of receipt of  
 2015-16 report.  
 Youth Parole Board — Report, 2015-16.

- 4 SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 8 November 2016.  
 Question — put and agreed to.
- 5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 7 VICTORIAN FISHERIES AUTHORITY BILL 2016** — Bill further considered in 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.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2 be postponed until later this day.
- 9 LAND (REVOCAION OF RESERVATIONS – REGIONAL VICTORIA LAND) BILL 2016** — 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.
- 10 POWERS OF ATTORNEY AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 12 noon pursuant to Sessional Orders —*
- 11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.  
\* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:
- **Minister for Training and Skills – ministerial code of conduct** — substantive question asked by Mr Rich-Phillips — response from Mr Herbert due Tuesday, 8 November 2016.
  - **Minister for Training and Skills – Premier’s Office communication** — substantive and supplementary questions asked by Mr O’Donohue — response from Mr Herbert due Tuesday, 8 November 2016.
  - **Minister for Training and Skills – transport log** — substantive question asked by Mr Ondarchie — response from Mr Herbert due Tuesday, 8 November 2016.
  - **Minister for Training and Skills – transport of pet dogs** — substantive question asked by Ms Wooldridge — response from Mr Herbert due Tuesday, 8 November 2016.
  - **Aboriginal children in out of home care** — substantive and supplementary questions asked by Ms Springle — response from Mr Jennings due Wednesday, 9 November 2016.
  - **Hooded plover population** — substantive and supplementary questions asked by Ms Dunn — response from Mr Jennings due Wednesday, 9 November 2016.
  - **Wild dogs bounty** — substantive question asked by Mr Young — response from Ms Pulford due Tuesday, 8 November 2016.
- 12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 13 POWERS OF ATTORNEY AMENDMENT BILL 2016** — 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 with an 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 with an amendment.
- 14 MELBOURNE COLLEGE OF DIVINITY AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.



*And the President having ruled the Bill to be a Private Bill —*

On the motion of Mr Herbert, this Bill was ordered to be dealt with as a Public Bill.

Debate ensued.

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** — Ms Pulford moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 3.23 p.m., adjourned until Tuesday, 8 November 2016.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 92, 93 and 94.

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### VICTORIAN FISHERIES AUTHORITY BILL 2016

*Committed Tuesday, 25 October 2016*

*Amendments circulated: Mr Davis and Mr Young (see p 573).*

**Clauses 1 to 6** — put and agreed to.

**Clause 7** — debate commenced.

**Progress reported.**

**Thursday, 27 October 2016** —

*Progress having been reported on Tuesday, 25 October 2016, Bill further considered in Committee of the whole.*

**Clause 7** — put and agreed to.

**Clauses 8 to 21** — put and agreed to.

**Clause 22** — Mr Davis moved his Amendment Nos. 1 and 2.

Mr Young moved his Amendment No. 1 to Mr Davis' Amendment No. 2.

Question — That the amendment moved by Mr Young to Amendment No. 2 moved by Mr Davis be agreed to — put and agreed to.

Question — That the amendments moved by Mr Davis, as amended, be agreed to — put and agreed to.

Clause 22, as amended — put and agreed to.

**Clauses 23 and 24** — put and agreed to.

**Clause 25** — Mr Davis moved his Amendment Nos. 3 and 4.

Mr Young moved his Amendment No. 2 to Mr Davis' Amendment No. 4.

Question — That the amendment moved by Mr Young to Amendment No. 4 moved by Mr Davis be agreed to — put and agreed to.

Question — That the amendments moved by Mr Davis, as amended, be agreed to — put and agreed to.

Clause 25, as amended — put and agreed to.

**Clauses 26 to 177** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

### POWERS OF ATTORNEY AMENDMENT BILL 2016

*Committed Thursday, 27 October 2016*

*Amendments circulated: Mr Herbert and Ms Pennicuik (see p 573).*

**Clauses 1 to 12** — put and agreed to.

**Clause 13** — Mr Herbert moved his Amendment No. 1 — put and agreed to.  
Clause 13, as amended — put and agreed to.

**Clauses 14 to 17** — put and agreed to.

**Bill reported with an amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. VICTORIAN FISHERIES AMENDMENT BILL 2016*****Amendments circulated by Mr Davis —***

1. Clause 22, page 15, line 12, omit "science." and insert "science; and".
2. Clause 22, line 12, after this line insert—  
    "(k) fishing industry operations."
3. Clause 25, page 21, line 2, omit "science." and insert "science; and".
4. Clause 25, page 21, line 2, after this line insert—  
    "(k) fishing industry operations."

***Amendments circulated by Mr Young (to amendments proposed by Mr Davis) —***

1. In Amendment 2, for ‘ "(k) fishing industry operations.".’ substitute—  
    ‘ "(k) fishing industry operations; and  
    (l) recreational fishing.".’
2. In Amendment 4, for ‘ "(k) fishing industry operations.".’ substitute—  
    ‘ "(k) fishing industry operations; and  
    (l) recreational fishing.".’

**2. POWERS OF ATTORNEY BILL 2016*****Amendment circulated by Mr Herbert —***

1. Clause 13, lines 25 to 31, omit all words and expressions on these lines and insert—
  - "(b) if the person was given notice of the hearing of the application at first instance but was not a party to the hearing of the application, with the leave of VCAT; or
  - (c) if the person was not given notice of the hearing of the application at first instance and the person has a special interest in the affairs of the principal, with the leave of VCAT; or
  - (d) if the person is the Public Advocate, without the leave of VCAT."!

***Amendments circulated by Ms Pennicuik —***

1. Clause 13, line 31, omit "VCAT."! and insert "VCAT; or".
2. Clause 13, after line 31 insert—
  - (c) if the person was not given notice of the hearing of the application at first instance and the person has a special interest in the affairs of the principal, with the leave of VCAT."!





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 95, 96 and 97

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#### No. 95 — Tuesday, 8 November 2016

- 1 The President took the Chair, 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 2 November 2016, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Corrections Legislation Amendment Act 2016*
  - Estate Agents Amendment (Underquoting) Act 2016*
  - Land (Revocation of Reservations – Regional Victoria Land) Act 2016*
  - Legal Profession Uniform Law Application Amendment Act 2016*
  - Melbourne College of Divinity Amendment Act 2016.*
- 3 **ALPINE RESORTS LEGISLATION AMENDMENT BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Alpine Resorts Act 1983 and the Alpine Resorts (Management) Act 1997 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned until the next day of meeting.
- 4 **SENTENCING (COMMUNITY CORRECTION ORDER) AND OTHER ACTS AMENDMENT BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Sentencing Act 1991 to restrict the use by courts of non-custodial orders, to make various changes to the regime relating to community correction orders, to clarify the application of Part 8 of that Act to the Children's Court, to further provide for statements on the reduction of sentences for guilty pleas and to make various minor amendments to that Act, to amend the Bail Act 1977 to repeal provisions relating to the giving of a notice of trial, to make consequential amendments to the Crimes Act 1958, the Sentencing Act 1991, the Drugs, Poisons and Controlled Substances Act 1981 and the Terrorism (Community Protection) Act 2003 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned until the next day of meeting.

- 5 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Land Tax Act 2005, the Payroll Tax Act 2007, the Planning and Environment Act 1987 and the Valuation of Land Act 1960 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned until the next day of meeting.

- 6 TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (ABOLITION OF THE PENALTY FARES SCHEME) BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport (Compliance and Miscellaneous) Act 1983 to abolish the on-the-spot penalty fares scheme and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 7 MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for a scheme of medical treatment planning, to provide for the making of medical treatment decisions on behalf of, and the administration of medical research procedures to, persons who do not have decision-making capacity, to repeal the Medical Treatment Act 1988, to amend the Mental Health Act 2014 in relation to approval procedures for electroconvulsive treatment of adults who do not have capacity, to make consequential amendments to that and other Acts and for other purposes* and requesting the agreement of the Council.

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

**8 PETITIONS —**

**BOAT ACCESS TO DEEP CREEK** — Mr O'Sullivan presented a Petition bearing 221 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Government to upgrade the boat ramp at Lower Moira and instruct Parks Victoria to stop locking a gate on frontage land.

Ordered to lie on the Table.

\* \* \* \* \*

**EQUAL OPPORTUNITY AMENDMENT (RELIGIOUS EXCEPTIONS) BILL 2016** — Dr Carling-Jenkins presented a Petition bearing 191 signatures from certain citizens of Victoria requesting that the Legislative Council opposes the Victorian Government's Equal Opportunity Amendment (Religious Exceptions) Bill 2016 that plans to remove or restrict the freedom of faith-based schools and organisations to operate in accordance with their beliefs and principles, and instead to uphold freedom of association and freedom of belief in Victoria.

Ordered to lie on the Table.



**ORMOND STATION RESIDENTIAL TOWER** — Mr Davis presented a Petition bearing 4 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its plans for the inappropriate over-development of the Ormond Station site and instead proceed with a development that is smaller in scale and more in keeping with the low-rise village atmosphere of Ormond.

Ordered to lie on the Table.

## 9 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No.15 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO MACHINERY OF GOVERNMENT CHANGES, MAY 2016** — Pursuant to Standing Order 23.30(2)(b), the Clerk laid on the Table a copy of the Government Response to the Legal and Social Issues Committee's Report on Machinery of Government Changes, May 2016.

\* \* \* \* \*

**ELECTORAL MATTERS COMMITTEE — INQUIRY INTO THE 2014 VICTORIAN STATE ELECTION** — Pursuant to section 36(1)(a) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Electoral Matters Committee's Report on the 2014 Victorian State Election.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

CenITex — Report, 2015-16.

Coronial Council of Victoria — Report, 2015-16.

Court Services Victoria — Report, 2015-16.

Game Management Authority — Report, 2015-16.

Judicial College of Victoria — Report, 2015-16.

Office of Public Prosecutions — Report, 2015-16.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Cardinia Planning Scheme — Amendment C188.

Casey Planning Scheme — Amendment C222.

Colac Otway Planning Scheme — Amendment C93.

Greater Shepparton Planning Scheme — Amendment C177.

Melbourne Planning Scheme — Amendment C299.

Mornington Peninsula Planning Scheme — Amendment C161.

Moyne Planning Scheme — Amendment C60.

Port Phillip Planning Scheme — Amendment C127.

Southern Grampians Planning Scheme — Amendment C50.

Stonnington Planning Scheme — Amendment C244.

Victoria Planning Provisions — Amendment V9.

Warrnambool Planning Scheme — Amendment C83.

Yarra Planning Scheme — Amendment C197 (Part 1).

Professional Standards Council Victoria — Report 2015-16.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 123, 127, 132 and 133.

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

Education and Training Reform Act 2003 — Amendments to Ministerial Orders 55 and 382 on Structured Workplace Learning and Work Experience Arrangements, dated 3 November 2016.

Education and Training Reform Act 2003 — Amendments to Ministerial Orders 723 and 724 on Structured Workplace Learning and Work Experience Arrangements, dated 31 October 2016.

Victorian Civil and Administrative Tribunal — Report, 2015-16.

Victorian Institute of Forensic Medicine — Report, 2015-16.

Victorian Law Reform Commission — Report, 2015-16 (*Ordered to be published*).

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016 — Division 1 of Part 8 — 31 October 2016; remaining provisions — 1 November 2016 (*Gazette No. S325, 25 October 2016*).

**10 PRODUCTION OF DOCUMENTS — PUNT ROAD PUBLIC ACQUISITION OVERLAY ADVISORY COMMITTEE REPORT** — The Clerk laid on the Table a letter from the Attorney-General (ref: B16/6276) in response to the Resolution of the Council of 12 October 2016 seeking the production of documents relating to the Punt Road Public Acquisition Overlay Advisory Committee Report advising that —

- the Committee's terms of reference provide that the Report and recommendations will be made public along with the Minister for Planning's decision, but as the Minister is still considering the Report and its recommendations, the Government considers it premature to publicly release the Report; and
- the Government has determined that producing the Report at this time would be prejudicial to the public interest and makes a claim of executive privilege accordingly.

On the motion of Mr Davis, the letter was ordered to be taken into consideration on the next day of meeting.

**11 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 9 November 2016:

- (1) Order of the Day No. 26, resumption of debate on motion for a Committee reference into Parkville and Malmsbury Youth Justice Centres;
- (2) Notice of Motion given this day by Mrs Peulich in relation to the Minister for Corrections;
- (3) Order of the Day No. 2, resumption of debate on the Equal Opportunity Amendment (Equality for Students) Bill 2016;
- (4) Order of the Day No. 31, resumption of debate on motion relating to a moratorium and investigation of the Safe Schools program in primary schools;
- (5) Notice of Motion No. 329 standing in the name of Mr Ondarchie in relation to StartCon Melbourne; and
- (6) Order of the Day No. 28, resumption of debate on motion relating to Victoria Police resources.

Question — put and agreed to.

**12 LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE — EXTENSION TO REPORTING DATE** — Mr Purcell moved, by leave, That the Resolution of the Council of 9 December 2015 requiring the Law Reform, Road and Community Safety Committee to inquire into and report by 30 November 2016 on the impacts of lowering the probationary driving age to 17, be amended so as to now require the Committee to present its report by 31 March 2017.

Question — put and agreed to.

**13 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**14 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 335, be postponed until later this day.

**16 TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**17 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Minister for Training and Skills – cost of transporting pet dogs** — supplementary question asked by Ms Wooldridge — response from Mr Herbert due Wednesday, 9 November 2016.
- **Minister for Training and Skills – transport of pet dogs** — supplementary question asked by Mrs Peulich — response from Mr Herbert due Wednesday, 9 November 2016.
- **Minister for Training and Skills – Ministerial car transport log** — substantive and supplementary questions asked by Mr Morris — response from Mr Herbert due Wednesday, 9 November 2016.

**18 VICTORIAN FISHERIES AUTHORITY BILL 2016** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**19 POWERS OF ATTORNEY AMENDMENT BILL 2016** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**20 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**21 TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2016** — 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.

**22 OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Mr O'Donohue moved, as a reasoned amendment, That all the words after "That" be omitted with the view of inserting in their place —

"—

- (1) pursuant to Sessional Order 6, this Bill be referred to the Environment and Planning Committee for inquiry, consideration and report in relation to —
  - (a) undertaking proper consultation with peer sector economy providers, individuals and owners corporations short-stay letting providers;
  - (b) the impact on individuals, families, apartment owners and owners corporations of short-stay letting in apartment buildings;
  - (c) the adequacy of owners corporation rules in managing impacts on amenity, noting also the lack of adequate planning on the part of the building and construction sector to accommodate the impact of high intensity short-term lets;
- (2) the Committee will present its final report to the Council no later than 7 March 2017; and
- (3) the second reading of this Bill be deferred until the final report of the Committee is presented to the House in accordance with the terms of this resolution."

Debate ensued.

Ms Springle moved, as an amendment to the reasoned amendment moved by Mr O'Donohue, That in paragraph (2), for "7 March 2017" substitute "9 May 2017".

Debate ensued.

Question — That the amendment moved by Ms Springle to the reasoned amendment moved by Mr O'Donohue be agreed to — put.

The Council divided — The President in the Chair.

## AYES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Ms Springle; Mr Somyurek; Ms Symes; Ms Tierney.  
(Tellers: Mr Melhem and Ms Symes)

## NOES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Mr Morris and Mr O'Sullivan)

Question negatived

Question — That the reasoned amendment moved by Mr O'Donohue be agreed to — put and agreed to.

**23 EQUAL OPPORTUNITY AMENDMENT (RELIGIOUS EXCEPTIONS) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Mr Herbert declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Debate continued.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders, the debate stood adjourned in the name of Mr Melhem.*

**24 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 9:00 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 96 — Wednesday, 9 November 2016

1 The President took the Chair and read the Prayer.

2 **PETITION — ORMOND STATION RESIDENTIAL TOWER** — Ms Crozier presented a Petition bearing 8 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its plans for the inappropriate over-development of the Ormond station site and instead proceed with a development that is smaller in scale and more in keeping with the low-rise village atmosphere of Ormond.

Ordered to lie on the Table.

3 **SUMMARY OFFENCES AMENDMENT (BEGGING OR GATHERING ALMS) BILL 2016** — Ms Pennicuik introduced *A Bill for an Act to amend the Summary Offences Act 1966 to repeal the offence of begging or gathering alms and for other purposes.*

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

**4 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Financial Systems Controls Report: 2015-16, November 2016 (*Ordered to be published*).

Security of Critical Infrastructure Control Systems for Trains, November 2016 (*Ordered to be published*).

Judicial Entitlements Act 2015 — Own Motion Recommendations Report of the Judicial Entitlements Panel to the Attorney-General, October 2016 pursuant to section 33 of the Act.

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2013-14 and 2014-15 Financial and Performance Outcomes.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules No. 131.

**5 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 PARKVILLE AND MALMSBURY YOUTH JUSTICE CENTRES — COMMITTEE REFERENCE** — Debate resumed on the motion, That, pursuant to Sessional Order 6, this House requires the Legal and Social Issues Committee to inquire into and report on, no later than Thursday, 24 November 2016, issues at both Parkville and Malmsbury Youth Justice Centres including, but not limited to —

- (1) matters relating to incidents including definitions, numbers and changes to the reporting of incidents;
- (2) the security and safety of staff, employees and young offenders at both facilities; and
- (3) any other issues the committee considers as relevant;

And on the amendment moved by Ms Springle — That all words after “no later than” be omitted with the view of inserting in their place —

“Tuesday, 1 August 2017, issues at both Parkville and Malmsbury Youth Justice Centres including, but not limited to —

- (1) matters relating to incidents including definitions, numbers and any changes to the reporting of incidents;
- (2) the security and safety of staff, employees and young offenders at both facilities;
- (3) reasons for, and effects of, the increase in the numbers of young people on remand in the last 10 years;
- (4) implications of incarcerating young people who have significant exposure to trauma, alcohol and/or other drug misuse and/or the child protection system, or who have issues associated with mental health or intellectual functioning, in relation to—
  - (a) the likelihood of reoffending;
  - (b) the implications of separating young people from their communities and cultures;
- (5) additional options for keeping young people out of youth justice centres;
- (6) the culture, policies, practices and reporting of management at the centres;
- (7) the role of the Department of Health and Human Services in overseeing practices at the centres; and
- (8) any other issues the Committee consider relevant.”.

Question — That the amendment moved by Ms Springle be agreed to — put and agreed to.

Question — That the motion moved by Ms Crozier, as amended, be agreed to — put and agreed to.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 338, be postponed until later this day.

**9 EQUAL OPPORTUNITY AMENDMENT (EQUALITY FOR STUDENTS) BILL 2016** — 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, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(Tellers: Ms Dunn and Ms Patten)

NOES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmr; Mr Finn; Ms Fitzherbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(Tellers: Mr O'Donohue and Mr Somyurek)

Question negatived.

**10 SAFE SCHOOLS COALITION** — Debate resumed on the motion, That this House —

(1) notes that —

- (a) the bullying of any child, for any reason, is undesirable and unacceptable;
- (b) the Safe Schools program has been found to be an ideologically driven indoctrination program, designed to promote a contested and controversial form of gender theory, rather than being the anti-bullying program it has been promoted as;
- (c) Victorian parents have not been consulted prior to the roll out of the Safe Schools program within schools;
- (d) Victorian parents are concerned about the age-appropriateness of the content being presented by the Safe Schools program to their children;
- (e) Victorian parents of children with disabilities feel the Safe Schools program does not take their children's needs into account;
- (f) there is widespread public awareness that the Safe Schools Coalition Victoria has social reengineering as one of its higher purposes;
- (g) government schools should be free of any form of radical indoctrination; and

(2) calls on the Government to —

- (a) withdraw the program immediately from all schools; and
- (b) conduct a review, which takes into account the views of parents into the incidence and prevention of bullying in schools.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Synthetic drugs** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Pulford due Tuesday, 22 November 2016.
- **Closure of Hazelwood Power Station** — supplementary question asked by Mr Bourman — response from Ms Pulford due Tuesday, 22 November 2016.
- **Asthma rates in Western Suburbs** — substantive and supplementary questions asked by Ms Hartland — response from Ms Mikakos due Tuesday, 22 November 2016..
- **VicForests timber sales** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Thursday, 10 November 2016.
- **Hazelwood pondage** — substantive question asked by Ms Bath — response from Ms Pulford due Thursday, 10 November 2016.

- **Electricity charges at Victorian correction centres** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Dalidakis due Thursday, 10 November 2016.
- **FReeZA youth event in City of Darebin** — substantive question asked by Mr Ondarchie — response from Ms Mikakos due Thursday, 10 November 2016.
- **Malsbury youth offender escape** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 10 November 2016.
- **Client protection deaths** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 10 November 2016.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 SAFE SCHOOLS COALITION** — Debate continued on the motion, That this House —

(1) notes that —

- (a) the bullying of any child, for any reason, is undesirable and unacceptable;
- (b) the Safe Schools program has been found to be an ideologically driven indoctrination program, designed to promote a contested and controversial form of gender theory, rather than being the anti-bullying program it has been promoted as;
- (c) Victorian parents have not been consulted prior to the roll out of the Safe Schools program within schools;
- (d) Victorian parents are concerned about the age-appropriateness of the content being presented by the Safe Schools program to their children;
- (e) Victorian parents of children with disabilities feel the Safe Schools program does not take their children's needs into account;
- (f) there is widespread public awareness that the Safe Schools Coalition Victoria has social reengineering as one of its higher purposes;
- (g) government schools should be free of any form of radical indoctrination; and

(2) calls on the Government to —

- (a) withdraw the program immediately from all schools; and
- (b) conduct a review, which takes into account the views of parents into the incidence and prevention of bullying in schools.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Ms Lovell and Mr Purcell)

NOES, 18

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

(Tellers: Mr Mulino and Ms Symes)

The Ayes and Noes being equal, the question was negatived.

**14 MINISTER FOR CORRECTIONS** — Mrs Peulich moved, That this House —

(1) notes the —

- (a) abuse of ministerial staff and entitlements by the former Minister for Corrections, Steve Herbert;
- (b) failure of the former Minister for Corrections, Steve Herbert to answer questions in the Parliament in relation to his abuse of ministerial staff and entitlements;
- (c) failure of the former Minister for Corrections, Steve Herbert to properly disclose his residential property;

- (d) failure of the Premier to hold the former Minister for Corrections, Steve Herbert to the same standard of behaviour he demanded for the former Minister for Small Business Innovation and Trade; and
- (2) calls on the Premier to launch a full and independent investigation of the matter relating to the conduct of the former Minister for Corrections, Steve Herbert relevant to the abuses and failures above.

Debate ensued.

On the motion of Mr Ondarchie, the debate adjourned until later this day.

**15 STARTCON MELBOURNE** — Mr Ondarchie moved, That this House notes —

- (1) the failure of the Minister for Small Business, Innovation and Trade to secure StartCon Melbourne in 2016 and 2017, despite offering free tickets to all Innovation Ministers throughout Australia; and
- (2) the comments from Matt Barrie, CEO of Freelancer.com regarding the incompetence of the Minister for Small Business, Innovation and Trade and his office.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Ondarchie.*

**16 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**17 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 335 and Orders of the Day, Government Business, Nos. 1 to 13 be postponed until later this day.

**18 MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016** — Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Ms Wooldridge), the debate was adjourned for one week.

**19 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5:58 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 97 — Thursday, 10 November 2016

1 The President took the Chair and read the Prayer.

**2 PAPERS** —

**VICTORIAN GOVERNMENT ABORIGINAL AFFAIRS REPORT 2016** — Mr Dalidakis moved, by leave, That there be laid before this House a copy of the Victorian Government Aboriginal Affairs Report, 2016.

Question — put and agreed to.

The Report was presented by Mr Dalidakis and ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Audit Act 1994 — Performance Audit of the Victorian Auditor-General and Victorian Auditor-General's Office 2016, pursuant to section 19(9) of the Act.

Australian Health Practitioner Regulation Authority — Report, 2015-16.



Greater Sunraysia Pest Free Area Industry Development Committee — Minister's report of failure to submit 2015-16 report to the Minister within the prescribed period and the Minister's report of receipt of 2015-16 report.

Health Practitioner Regulation National Law (Victoria) Act 2009 — National Health Practitioner Ombudsman and Privacy Commissioner Report, 2015-16.

Independent Broad-based Anti-corruption Commission — Special report concerning Operation Ross: An investigation into police conduct in the Ballarat Police Service Area, November 2016 (*Ordered to be published*).

Victorian Budget Update — 2016-17 (incorporating Quarterly Financial Report No. 1).

**3 SITTING OF THE COUNCIL** — Ms Mikakos moved, That the Council, at its rising, adjourn until Tuesday, 22 November 2016.

Question — put and agreed to.

**4 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 335 be postponed until later this day.

**7 CHILD WELLBEING AND SAFETY AMENDMENT (OVERSIGHT AND ENFORCEMENT OF CHILD SAFE STANDARDS) BILL 2016** — 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 having been interrupted at 12 noon pursuant to Sessional Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Minister's position on corrections policy** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 22 November 2016.
- **Sustainable hunting action plan** — substantive and supplementary questions asked by Mr O'Sullivan — response from Ms Pulford due Tuesday, 22 November 2016.
- **Closure of Hazelwood power station — impact of electricity prices on small business** — substantive question asked by Mr Davis — response from Mr Dalidakis due Tuesday, 22 November 2016.
- **Closure of Hazelwood power station — impact of electricity prices on dairy farmers** — substantive and supplementary questions asked by Ms Lovell — response from Ms Pulford due Tuesday, 22 November 2016.
- **Christmas Day Public Holiday** — supplementary question asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 22 November 2016.
- **VicForests third-party logging** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Tuesday, 22 November 2016.
- **Youth offenders in adult jails** — substantive and supplementary questions asked by Ms Springle — response from Ms Mikakos due Tuesday, 22 November 2016.
- **Tower Hill wildlife** — substantive and supplementary questions asked by Mr Purcell — response from Ms Pulford due in Wednesday, 23 November 2016.
- **Infrastructure Victoria 30 Year Plan** — supplementary question asked by Mr Bourman — response from Ms Pulford due Tuesday, 22 November 2016.

**QUESTIONS DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed further written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Parkville and Malmsbury Youth Justice Centres – code white incidents** — substantive and supplementary questions asked by Mr Morris on Tuesday, 25 October 2016 — further response from Ms Mikakos due Tuesday, 22 November 2016.
- **Child protection deaths** — substantive and supplementary questions asked by Ms Crozier on Wednesday, 9 November 2016 — further response from Ms Mikakos due Tuesday, 22 November 2016.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 CHILD WELLBEING AND SAFETY AMENDMENT (OVERSIGHT AND ENFORCEMENT OF CHILD SAFE STANDARDS) BILL 2016** — Bill further considered in 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.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2 be postponed until later this day.

**12 ALPINE RESORTS LEGISLATION AMENDMENT BILL 2016** — 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.

**13 SENTENCING (COMMUNITY CORRECTION ORDER) AND OTHER ACTS AMENDMENT BILL 2016** — 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, 31

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(Tellers: Mr Elasmarr and Ms Lovell)

NOES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(Tellers: Ms Dunn and Ms Patten)

Question 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 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

Debate continued.

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 and the Report was adopted.

Ms Pulford moved, That the Bill be read a third time.

Debate ensued.

Mr Rich-Phillips moved as a reasoned amendment, That all the words after 'That' be omitted with the view of inserting in their place the words —

'this bill be withdrawn and redrafted to —

- (1) take into account further consultation about the proposed amendments to the *Planning and Environment Act 1987* in relation to the growth areas infrastructure contribution; and
- (2) retain the remaining provisions of the Bill.'

Debate ensued.

Question — put.

The Council divided — The Acting President in the Chair.

AYES, 15

Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Ms Crozier and Ms Lovell)

NOES, 20

Mr Barber; Mr Bourman; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

(Tellers: Ms Shing and Mr Young)

Question negatived.

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

The Council divided — The Acting President in the Chair.

AYES, 20

Mr Barber; Mr Bourman; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

(Tellers: Mr Melhem and Mr Somyurek)

NOES, 15

Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Ms Crozier and Mr O'Sullivan)

Question agreed to.

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

- 15 COMPENSATION LEGISLATION AMENDMENT BILL 2016** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Accident Compensation Act 1985, the Limitation of Actions Act 1958, the Transport Accident Act 1986 and the Workplace Injury Rehabilitation and Compensation Act 2013 to further improve the operation of those Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.

- 16 HOUSING AMENDMENT (VICTORIAN HOUSING REGISTER AND OTHER MATTERS) BILL 2016** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Housing Act 1983 to provide for the establishment and administration of the Victorian Housing Register in relation to social housing, to enable the Director to determine matters relating to the Victorian Housing Register and the allocation of tenancies in social housing, to enable information sharing between relevant persons for certain purposes, to make further provision for the delegation of powers of the Director and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Ms Wooldridge), the debate was adjourned for one week.

- 17 ROAD LEGISLATION FURTHER AMENDMENT BILL 2016** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Management Act 2004, the Road Safety Act 1986, the Melbourne City Link Act 1995 and the Heavy Vehicle National Law Application Act 2013, to make consequential amendments to the Independent Broad-based Anti-corruption Commission Act 2011 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr O'Donohue), the debate was adjourned for one week.

- 18 TRANSPORT INTEGRATION AMENDMENT (HEAD, TRANSPORT FOR VICTORIA AND OTHER GOVERNANCE REFORMS) BILL 2016** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport Integration Act 2010 to reform the governance of sector transport agencies and to establish the Head, Transport for Victoria as the lead transport agency, to provide for the ongoing public ownership of V/Line's operations, to make related and consequential amendments to the Transport Integration Act 2010 and certain other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr O'Donohue), the debate was adjourned for one week.

- 19 WORKING WITH CHILDREN AMENDMENT BILL 2016** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act to amend the Working with Children Act 2005 to require family members providing out of home care to obtain assessment notices, to require non-conviction charges to be considered in the determination of category C applications and re-assessments and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.

**20 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 7.59 p.m., adjourned until Tuesday, 22 November 2016.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 95, 96 and 97

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### TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2016

*Committed Tuesday, 8 November 2016*

**Clauses 1 to 37**— put and agreed to.

**Bill reported without amendment.**

### CHILD WELLBEING AND SAFETY AMENDMENT (OVERSIGHT AND ENFORCEMENT OF CHILD SAFE STANDARDS) BILL 2016

*Committed Thursday, 10 November 2016*

**Clauses 1 to 19** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### SENTENCING (COMMUNITY CORRECTION ORDER) AND OTHER ACTS AMENDMENT BILL 2016

*Committed Thursday, 10 November 2016*

**Clauses 1 to 26** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### STATE TAXATION ACTS FURTHER AMENDMENT BILL 2016

*Committed Thursday, 10 November 2016*

*Amendments circulated: Mr Davis (see p 593).*

**Clause 1** — Mr Davis moved suggested Amendment No.1.

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

The Council divided — The Deputy President in the Chair.

AYES, 15

Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr O'Sullivan and Mr Ramsay)*

NOES, 20

Mr Barber; Mr Bourman; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Ms Dunn and Mr Leane)*

Question negatived

Clause 1 — no question put.

**Clauses 2 to 7** — no question put.

**Clauses 8 to 10** — Question — That the clauses be agreed to — put.

The Council divided — The Deputy President in the Chair.

AYES, 20

Mr Barber; Mr Bourman; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Ms Mikakos and Ms Springle)*

NOES, 15

Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Finn and Mr O'Donohue)*

Question agreed to.

**Clause 11** — no question put.

**Clauses 12 to 13** — Question — That the clauses be agreed to — put and agreed to.

**Clause 14** — no question put.

**Clauses 15 to 24** — Question — That the clauses be agreed to — put and agreed to.

**Clauses 25 to 29** — no question put.

**Bill reported without amendment.**



**AMENDMENTS CIRCULATED IN RELATION TO —**

**1. STATE TAXATION ACTS FURTHER AMENDMENT BILL 2016**

*Amendments to be moved by Mr Davis*

1. Suggested amendment to the Legislative Assembly-  
Clause 1, page 2, line 9, omit "imposition, payment and".
2. Suggested amendment to the Legislative Assembly-  
Clauses 8 to 10, omit these clauses.
3. Suggested amendment to the Legislative Assembly-  
Clauses 12 and 13, omit these clauses.
4. Suggested amendment to the Legislative Assembly-  
Clauses 15 to 24, omit these clauses.





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 98, 99 and 100

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#### No. 98 — Tuesday, 22 November 2016

- 1 The President took the Chair, 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 15 November 2016, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Alpine Resorts Legislation Amendment Act 2016*

*Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Act 2016*

*Powers of Attorney Amendment Act 2016*

*Sentencing (Community Correction Order) and Other Acts Amendment Act 2016*

*State Taxation Acts Further Amendment Act 2016*

*Traditional Owner Settlement Amendment Act 2016*

*Victorian Fisheries Authority Act 2016.*

- 3 **CHILDREN, YOUTH AND FAMILIES AMENDMENT (YOUTH OFFENDERS) BILL 2016** — Ms Crozier introduced *A Bill for an Act to amend the Children, Youth and Families Act 2005 to provide for the safety and protection of the community in the administration of the youth parole system and for other purposes.*

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

- 4 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 16 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on the Annual Financial Report of the State of Victoria, 2015-16, November 2016 (*Ordered to be published*).

Coroners Court of Victoria — Report, 2015-16.

Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals in relation to —

Lynch's Bridge Historical Precinct Reserve granting a licence, dated 25 October 2016.  
Warrnambool Racing Club and/or to individual horse trainers for the purpose of 'horse training on beaches' between Warrnambool and Port Fairy, granting licences, dated 14 November 2016.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return — November 2016 and Summary of Variations Notified between 2 September 2016 and 18 November 2016 (*Ordered to be published*).

Mental Health Act 2014 — Report, 2015-16 on Victoria's Mental Health Services pursuant to section 118 of the Act.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Brimbank Planning Scheme — Amendment C185.

Campaspe Planning Scheme — Amendment C105.

Cardinia Planning Scheme — Amendment C213.

Greater Geelong Planning Scheme — Amendment C337.

Macedon Ranges Planning Scheme — Amendment C103.

Maribyrnong Planning Scheme — Amendment C108.

Melbourne and Port Phillip Planning Schemes — GC50.

Mildura Planning Scheme — Amendment C96.

Mornington Peninsula Planning Scheme — Amendment C191.

Mount Alexander Planning Scheme — Amendment C79.

Whittlesea Planning Scheme — Amendments C68 and C201.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 124.

Victorian Inspectorate —

Report, 2015-16 pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to the Independent Broad-based Anti-corruption Commission.

Report, 2015-16 pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to Victoria Police.

Report, 2015-16 pursuant to section 131T of the Fisheries Act 1995 in relation to the Department of Economic Development, Jobs, Transport and Resources.

Report, 2015-16 pursuant to section 74P of the Wildlife Act 1975 in relation the Department of Environment, Land, Water and Planning.

Report, 2015-16 pursuant to section 74P of the Wildlife Act 1975 in relation to the Game Management Authority.

Victorian Law Reform Commission — The Role of Victims of Crime in the Criminal Trial Process, August 2016 (*Ordered to be published*).

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Victorian Funds Management Corporation Amendment Act 2016 — 1 January 2017 (*Gazette No. S346, 15 November 2016*).

**5 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 23 November 2016:

- (1) Notice of motion given this day by Ms Wooldridge in relation to compendium documents from the Department of Health and Human Services;
- (2) Notice of motion given this day by Ms Wooldridge on the two-year anniversary of the Andrews Labor Government;
- (3) Notice of motion No. 334 standing in the name of Mr Purcell in relation to a committee reference regarding Victorian roads;
- (4) Notice of motion No. 331 standing in the name of Mr O'Donohue relating to the Victorian prison system under the Andrews Government; and
- (5) Notice of motion given this day by Mr Ondarchie in relation to the Minister for Small Business, Innovation and Trade.

Question — put and agreed to.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 335 and 341 be postponed until later this day.

**8 MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Hartland were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Mikakos were circulated.

Debate continued.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Parkville Youth Justice Centre riots** — substantive question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 23 November 2016.
- **Parkville Youth Justice Centre – new staff bonuses** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 23 November 2016.
- **Muir and Comrie reviews into youth justice – implementation of recommendations** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 23 November 2016.
- **Parkville Youth Justice Centre – March 2016 riot convictions** — substantive and supplementary questions asked by Mr Morris — response from Ms Tierney due Thursday, 24 November 2016.
- **Barwon Prison juvenile offenders** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 23 November 2016.
- **Barwon Prison – relocation of adult prisoners** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 23 November 2016.
- **Director of Safe Schools Coalition Victoria** — substantive question asked by Dr Carling-Jenkins — response from Ms Tierney due Thursday, 24 November 2016.
- **Princes Highway western region upgrades** — substantive and supplementary questions asked by Mr Purcell — response from Ms Pulford due Thursday, 24 November 2016.
- **Horses training on Port Fairy beaches** — substantive and supplementary questions asked by Mr Barber — response from Mr Jennings due Thursday, 24 November 2016.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016** — 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.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

Ms Mikakos declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Mikakos declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Mikakos moved, That the sitting be extended.

Question — put and agreed to.

House in Committee.

Bill reported with amendments, the Report was adopted.

Ms Mikakos moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 30

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Herbert; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Mulino; Mr O'Donohue; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Purcell and Mr Somyurek)*

NOES, 7

Dr Carling-Jenkins; Mr Dalla-Riva; Mr Finn; Mr Morris; Mr Ondarchie; Mrs Peulich; Mr Rich-Phillips.

*(Tellers: Mr Morris and Dr Carling-Jenkins)*

Question agreed to.

Bill read a third time.

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

**12 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 9.11 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 99 — Wednesday, 23 November 2016

**1** The President took the Chair and read the Prayer.

**2 CORRECTIONS AMENDMENT (PAROLE) BILL 2016** — Mr O'Donohue introduced *A Bill for an Act to amend the Corrections Act 1986 in relation to the conditions for making a parole order for the prisoner Craig Minogue.*

On the motion of Mr O'Donohue, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**3 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Portfolio Departments and Associated Entities: 2015-16 Audit Snapshot, November 2016 *(Ordered to be published)*.

Water Entities: 2015-16 Audit Snapshot, November 2016 *(Ordered to be published)*.

Parliamentary Committees Act 2003 —

Government response to the Economic, Education, Jobs and Skills Committee's Inquiry into Portability of Long Service Leave Entitlements.

Government response to the Family and Community Development Committee's Inquiry into Abuse in Disability Services.

Statutory Rules under the following Acts of Parliament —

Drugs, Poisons and Controlled Substances Act 1981 — No. 134.

Magistrates' Court Act 1989 — No. 135.

- 4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**BARWON, CENTRAL HIGHLANDS AND GIPPSLAND REGIONAL ASSEMBLIES** — Ms Pulford having made a Minister's Statement relating to Barwon, Central Highlands and Gippsland regional assemblies —

On the motion of Mr Davis, the Minister's Statement was ordered to be taken into consideration on the next day of meeting.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 6 PRODUCTION OF DOCUMENTS — DEPARTMENT OF HEALTH AND HUMAN SERVICES** — Ms Wooldridge moved, That, in accordance with Standing Order 11.01, the Leader of the Government table in the Council by 12 noon on Tuesday, 7 February 2017 —

(1) a copy of each weekly briefing compendium sent from the Department of Health and Human Services (DHHS) to the Minister for Health and the Minister for Ambulance Services between 1 June 2016 and 22 November 2016; and

(2) any response sent to DHHS from the Ministers or the ministerial offices specifically relating to the Compendium, sent to or received by either Minister between 1 June 2016 and 22 November 2016;

and any response from the Leader of the Government should conform with Standing Orders 11.02(3) and 11.03(1)(a).

Debate ensued.

Question — put and agreed to.

- 7 ANDREWS LABOR GOVERNMENT TWO-YEAR ANNIVERSARY** — Ms Wooldridge moved, That this House notes —

(1) the two-year anniversary of the Andrews Labor Government has been categorised by two years of divisive government;

(2) that ordinary Victorians have been left behind and ignored by the Andrews Labor Government at the expense of union mates, Labor Party figures and a socialist left agenda; and

(3) that in only two years, the Andrews Government has, amongst many failures, lost three Ministers, as well as delivered increased crime, economic vandalism and budget deficits, public service wage blowouts, desalination disasters, water bill increases, planning and heritage mismanagement, cuts to frontline police, chaos in prisons, loss of Victorian major events, cuts to cancer beds and operating theatres, ambulance response time blowouts, paid \$1.2 billion not to build Melbourne's most required road, young kids exposed to cage fighting, public transport strikes and chaos, decline in TAFE enrolments, punished Victorian small businesses, double crossed Victorian industry, increased traffic congestion and chauffeured dogs.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Barwon Prison — assessment of young offenders** — substantive question asked by Ms Springle — response from Ms Mikakos due Thursday, 24 November 2016.
- **Management of transfer of youth offenders** — substantive and supplementary questions asked by Ms Springle — response from Ms Mikakos due Thursday, 24 November 2016.

- **Parkville Youth Justice Centre riot damage costs** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 24 November 2016.
- **Parkville Youth Justice Centre riots — offenders accessing administrative records** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 24 November 2016.
- **Parkville Youth Justice Centre riots — offenders accessing power tools** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 24 November 2016.
- **Parkville Youth Justice Centre — alleged hostages** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 24 November 2016.
- **Port Phillip Prison assault** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Thursday, 24 November 2016.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 ANDREWS LABOR GOVERNMENT TWO-YEAR ANNIVERSARY** — Debate continued on the question, That this House notes —

- (1) the two-year anniversary of the Andrews Labor Government has been categorised by two years of divisive government;
- (2) that ordinary Victorians have been left behind and ignored by the Andrews Labor Government at the expense of union mates, Labor Party figures and a socialist left agenda; and
- (3) that in only two years, the Andrews Government has, amongst many failures, lost three Ministers, as well as delivered increased crime, economic vandalism and budget deficits, public service wage blowouts, desalination disasters, water bill increases, planning and heritage mismanagement, cuts to frontline police, chaos in prisons, loss of Victorian major events, cuts to cancer beds and operating theatres, ambulance response time blowouts, paid \$1.2 billion not to build Melbourne's most required road, young kids exposed to cage fighting, public transport strikes and chaos, decline in TAFE enrolments, punished Victorian small businesses, double crossed Victorian industry, increased traffic congestion and chauffeured dogs.

On the motion of Ms Bath, the debate was adjourned until later this day.

**11 LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE REFERENCE** — Mr Purcell moved, That this House —

- (1) notes that —
  - (a) VicRoads has failed country Victoria in the provision of safe country roads;
  - (b) Victorian country roads are unsafe and the occurrence of injury and death is increasing;
  - (c) the condition of country roads are poor and deteriorating further year by year;
  - (d) VicRoads figures reveal western Victorian roads are the worst in the state; and
- (2) pursuant to section 33 of the *Parliamentary Committees Act 2003*, requires the Law Reform, Road and Community Safety Committee to inquire into, consider and report on, no later than 30 November 2017 —
  - (a) the effectiveness of VicRoads in managing country roads;
  - (b) the existing funding model and its lack of effectiveness for country Victoria;
  - (c) the lack of consultation with regional communities and their subsequent lack of input into prioritising which roads are in dire need of repair; and
  - (d) the option of dismantling VicRoads and creating a specific country roads organisation and separate metropolitan roads body.

Debate ensued.

Question — put and agreed to.

**12 ANDREWS LABOR GOVERNMENT TWO-YEAR ANNIVERSARY** — Debate resumed on the question, That this House notes —



- (1) the two-year anniversary of the Andrews Labor Government has been categorised by two years of divisive government;
- (2) that ordinary Victorians have been left behind and ignored by the Andrews Labor Government at the expense of union mates, Labor Party figures and a socialist left agenda; and
- (3) that in only two years, the Andrews Government has, amongst many failures, lost three Ministers, as well as delivered increased crime, economic vandalism and budget deficits, public service wage blowouts, desalination disasters, water bill increases, planning and heritage mismanagement, cuts to frontline police, chaos in prisons, loss of Victorian major events, cuts to cancer beds and operating theatres, ambulance response time blowouts, paid \$1.2 billion not to build Melbourne's most required road, young kids exposed to cage fighting, public transport strikes and chaos, decline in TAFE enrolments, punished Victorian small businesses, double crossed Victorian industry, increased traffic congestion and chauffeured dogs.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Ramsay.*

**13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**14 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.05 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## **No. 100 — Thursday, 24 November 2016**

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**HAZELWOOD MINE FIRE INQUIRY: IMPLEMENTATION OF RECOMMENDATIONS AND AFFIRMATIONS, REPORT 2016** — Ms Pulford moved, by leave, That there be laid before this House a copy of the Hazelwood Mine Fire Inquiry: Implementation of Recommendations and Affirmations, Report 2016.

Question — put and agreed to.

The Report was presented by Ms Pulford and ordered to lie on the Table and to be published.

\* \* \* \* \*

**PROCEDURE COMMITTEE — E-PETITIONS** — Mr Eideh presented a Report from the Procedure Committee on E-Petitions.

Ordered to lie on the Table and the Report to be published.

Mr Eideh moved, That the Council take note of the Report.

Question — put and agreed to.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2016-17 BUDGET ESTIMATES** — Ms Shing presented a Report from the Public Accounts and Estimates Committee on the 2016-17 Budget Estimates (including Appendices, an Extract of Proceedings and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Shing moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE — PERFORMANCE OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE VICTORIAN INSPECTORATE, 2015/16** — Mr Ramsay presented a Report from the Independent Broad-based Anti-corruption Commission Committee on the performance of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate, 2015/16, together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Ramsay moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Local Government: 2015-16 Audit Snapshot, November 2016 (*Ordered to be published*).

Public Hospitals: 2015-16 Audit Snapshot, November 2016 (*Ordered to be published*).

Legal Services Council and Commissioner for Uniform Legal Services Regulation — Reports, 2015-16.

Parliamentary Committees Act 2003 — Government response to the Environment, Natural Resources and Regional Development Committee's Inquiry into the CFA Training College at Fiskville.

Port of Melbourne Corporation — Report, 2015-16.

**3 SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 6 December 2016.

Question — put and agreed to.

**4 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 335 to 348 be postponed until later this day.

**7 TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (ABOLITION OF THE PENALTY FARES SCHEME) BILL 2016** — 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.

**8 MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**9 ROAD LEGISLATION FURTHER AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Parkville Youth Justice Centre staff secondment to CPSU** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Tuesday, 6 December 2016.
- **Malmsbury Youth Justice Centre riots** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Tuesday, 6 December 2016.

- **Parkville Youth Justice Centre – pizza order** — substantive question asked by Ms Crozier — response from Ms Mikakos due Tuesday, 6 December 2016.
- **Youth justice 20-hour lockdown – status under *Children, Youth and Families Act 2005*** — substantive and supplementary question asked by Ms Springle — response from Ms Mikakos due Tuesday, 6 December 2016.
- **Youth offender relocation – access to legal and other services** — substantive question asked by Ms Springle — response from Ms Mikakos due Tuesday, 6 December 2016.
- **Wicked Campers advertising and slogans** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Wednesday, 7 December 2016.
- **Bushfire fuel load reduction strategy** — substantive and supplementary questions asked by Mr Bourman — response from Mr Jennings due Wednesday, 7 December 2016.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Parkville Youth Justice Centre – March 2016 riot convictions** — substantive and supplementary questions asked by Mr Morris on Tuesday, 22 November 2016 — matter having been redirected by the President, further response from Ms Tierney due Wednesday, 7 December 2016.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**12 ROAD LEGISLATION FURTHER AMENDMENT BILL 2016** — 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

**13 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE — PERFORMANCE OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE VICTORIAN INSPECTORATE, 2015/16 (IN LIEU OF PREVIOUS REPORT)** — Mr Ramsay presented, by leave, a Report from the Independent Broad-based Anti-corruption Commission Committee into the performance of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate, 2015/16 (*in lieu of that tabled this day*).

Ordered to lie on the Table and be published.

**14 COMPENSATION LEGISLATION AMENDMENT BILL 2016** — 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.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

**15 WORKING WITH CHILDREN AMENDMENT BILL 2016** — 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.

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.

- 16 COMPENSATION LEGISLATION AMENDMENT BILL 2016** — Bill further considered in 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.
- 17 TRANSPORT INTEGRATION AMENDMENT (HEAD, TRANSPORT FOR VICTORIA AND OTHER GOVERNANCE REFORMS) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.  
Debate continued.  
*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*  

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Ms Mikakos declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.  

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Debate continued.  
Question — put and agreed to.  
Bill ordered to be committed to a Committee of the whole on the next day of meeting.
- 18 CRIMES LEGISLATION FURTHER AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to the Criminal Procedure Act 2009, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Crimes Act 1958 and the Jury Directions Act 2015 and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Mikakos, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.  
Ms Mikakos moved, That the Bill be now read a second time.  
On the motion of Ms Lovell (for Mr Rich-Phillips), the debate was adjourned for one week.
- 19 ENERGY LEGISLATION AMENDMENT (FEED-IN TARIFFS AND IMPROVING SAFETY AND MARKETS) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Industry Act 2000, the Electricity Safety Act 1998, the Gas Safety Act 1997, the National Electricity (Victoria) Act 2005, the National Gas (Victoria) Act 2008 and the Victorian Energy Efficiency Target Act 2007 and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Mikakos, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.  
Ms Mikakos moved, That the Bill be now read a second time.  
On the motion of Ms Lovell (for Mrs Peulich), the debate was adjourned for one week.
- 20 FAMILY VIOLENCE REFORM IMPLEMENTATION MONITOR BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish the position of the Family Violence Reform Implementation Monitor, to provide for the functions, powers and duties of the Family Violence Reform Implementation Monitor and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Mikakos, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Ms Crozier), the debate was adjourned for one week.

**21 HERITAGE BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments the Heritage Act 1995 to provide for the protection and conservation of places and objects of cultural heritage significance, to establish a Victorian Heritage Register and a Heritage Inventory, to establish a Heritage Council, to create offences and other enforcement measures to protect and conserve cultural heritage and to establish a Heritage Fund and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Davis), the debate was adjourned for one week.

**22 SMALL BUSINESS COMMISSION BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to repeal the Small Business Commissioner Act 2003 and to re-enact the law in relation to the Small Business Commission with amendments, to establish the Small Business Commission so as to enhance a competitive and fair operating environment for small business in Victoria and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Ms Lovell (for Mr Ondarchie), the debate was adjourned for one week.

**23 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 11:17 p.m., adjourned until Tuesday, 6 December 2016.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 98, 99 and 100

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### MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016

*Committed Tuesday, 22 November 2016*

*Amendments circulated: Ms Mikakos, Ms Hartland and Ms Wooldridge (see pp 610-12).*

Amendments proposed to be moved in Committee by Ms Wooldridge were circulated.

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Ms Mikakos moved Amendment No.1 — put and agreed to.

Clause 3, as amended — put and agreed to

**Clauses 4 to 16** — put and agreed to.

**Clause 17** — Ms Hartland moved Amendments Nos. 1 to 5 — put and negated.

Ms Wooldridge moved her Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva;  
Mr Davis; Mr Finn; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan;  
Ms Patten; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
*(Tellers: Ms Bath and Mr Davis)*

NOES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert;  
Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell;  
Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
*(Tellers: Mr Elasmarr and Ms Shing)*

The Ayes and Noes being equal, the question was negated

Clause 17 — put and agreed to.

**Clauses 18 to 21** — put and agreed to.

**Clause 22** — Ms Wooldridge moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva;  
Mr Davis; Mr Finn; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan;  
Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
*(Tellers: Mr O'Sullivan and Mr Young)*

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert;  
Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford;  
Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
*(Tellers: Mr Barber and Mr Somyurek)*

Question negatived

Clause 22 — put and agreed to.

**Clause 23** — Ms Wooldridge moved Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr O'Donohue and Mr Ondarchie*)

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Mr Leane and Ms Patten*)

Question negatived

Clause 23 — put and agreed to.

**Clauses 24 to 50** — put and agreed to.

**Heading to Clause 51** — Ms Wooldridge moved Amendment No. 4.

Question — That the Heading to Clause 51 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Ms Crozier and Mr Finn*)

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Ms Pennicuik and Ms Pulford*)

Question negatived

Heading to Clause 51 — put and agreed to.

**Clause 51** — put and agreed to.

**Clause 52** — Ms Mikakos moved Amendment No. 2 — put and agreed to.

Ms Wooldridge moved Amendment Nos. 8 and 9.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Dr Carling-Jenkins and Mr Ramsay*)

NOES, 20



Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(Tellers: Ms Dunn and Mr Melhem)

Question negated.

Clause 52, as amended — put and agreed to.

**Clause 53** — Ms Mikakos moved Amendment No. 3 — put and agreed to.

Clause 53, as amended — put and agreed to.

**Clauses 54 to 161** — put and agreed to.

### Bill reported with amendments

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### COMPENSATION LEGISLATION AMENDMENT BILL 2016

*Committed Thursday, 24 November 2016*

*Amendments circulated: Ms Pulford (see p 612).*

Amendments proposed to be moved in Committee by Ms Pulford were circulated.

**Clause 1** — debate commenced.

### Progress reported.

*Progress having been reported earlier this day, Bill further considered in Committee of the Whole.*

**Clause 1** — put and agreed to.

**Clause 2** — Ms Pulford moved Amendment Nos. 1 and 2 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clauses 3 to 19** — put and agreed to.

**Clause 20** — Ms Pulford moved Amendment No. 3 — put and agreed to.

Clause 20, as amended — put and agreed to.

**Clauses 21 to 23** — put and agreed to.

### Bill reported with amendments

\* \* \* \* \*

### WORKING WITH CHILDREN AMENDMENT BILL 2016

*Committed Thursday, 24 November 2016*

**Clauses 1 to 30** — put and agreed to.

### Bill reported without amendments

**AMENDMENTS CIRCULATED IN RELATION TO —****1. MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016**Amendments to be moved by Ms Mikakos

1. Clause 3, page 10, lines 16 to 34, omit all the words and expressions on these lines and insert—

**"significant treatment** means any medical treatment of a person that involves any of the following—

- (a) a significant degree of bodily intrusion;
  - (b) a significant risk to the person;
  - (c) significant side effects;
  - (d) significant distress to the person;"
2. Clause 52, page 42, after line 16 insert—
 

**"Note**  
An instructional directive that is voided and severed from an advance care directive by section 18 is not part of that advance care directive."
  3. Clause 53, page 43, line 6, omit "otherwise" and insert "a legally valid and informed refusal of treatment by or under another form of informed consent".

Amendments to be moved by Ms Hartland

1. Clause 17, line 27, after "(c)" insert "subject to paragraph (d)",
2. Clause 17, after line 30 insert—

"(d) in the case of an advance care directive being made by a person receiving home-based palliative care, at least one of the witnesses must be a registered nurse or a registered medical practitioner and must write the qualification of that witness on the document;"

3. Clause 17, page 23, line 1, omit "(d)" and insert "(e)".
4. Clause 17, page 23, line 4, omit "(e)" and insert "(f)".
5. Clause 17, after line 26 insert—

"(4) In this section, **registered nurse** means a person registered in Division 1 of the Register of Nurses kept by the Nursing and Midwifery Board of Australia under the Health Practitioner Regulation National Law, other than as a student."

Amendments to be moved by Ms Wooldridge

1. Clause 17, page 23, after line 26 insert—
 

"(4) The registered medical practitioner referred to in subsection (1)(c) must certify on the document that the registered medical practitioner has provided the person giving the advance care directive with professional medical advice sufficient to enable the person to make an informed decision about each statement in the directive."

2. Clause 22, lines 23 to 30, omit all the words and expressions on these lines and insert—
  - (c) whether a statement in an advance care directive should be applicable because the practical effect of the statement would not be consistent with the preferences and values of the person who gave the directive because at least one of the following applies—
    - (i) circumstances have changed since the advance care directive was given;
    - (ii) when the person gave the advance care directive, the person did not foresee circumstances that have later arisen;
    - (iii) when the person gave the advance care directive, the person relied on incorrect information or made an incorrect assumption;".
3. Clause 23, lines 11 to 21, omit all the words and expressions on these lines and insert—
  - (b) the practical effect of the instructional directive would no longer be consistent with the preference and values of the person who gave it because at least one of the following applies—
    - (i) circumstances have changed since the advance care directive was given;
    - (ii) when the person gave the advance care directive, the person did not foresee circumstances that have later arisen;
    - (iii) when the person gave the advance care directive, the person relied on incorrect information or made an incorrect assumption."
4. Heading to clause 51, after "**directive**" insert "**or a medical treatment decision maker's decision**".
5. Clause 51, line 6, before "A" insert "(1)".
6. Clause 51, lines 9 to 13, omit all the words and expressions on these lines and insert—
  - (a) the practical effect of the instructional directive would not be consistent with the preference and values of the person who gave it because at least one of the following applies—
    - (i) circumstances have changed since the advance care directive was given;
    - (ii) when the person gave the advance care directive, the person did not foresee circumstances that have later arisen;
    - (iii) when the person gave the advance care directive, the person relied on incorrect information or made an incorrect assumption;".
7. Clause 51, after line 17 insert—
  - (2) A health practitioner may treat a person despite a medical treatment decision maker's refusal to consent to medical treatment, or failure to make a medical treatment decision, if the health practitioner believes on reasonable grounds that—
    - (a) either—
      - (i) the Public Advocate has been notified in accordance with section 62 in relation to the refusal; or
      - (ii) VCAT would make an order under section 66 to limit the medical treatment decision maker's authority to make the medical treatment decision or to declare that the person is not the medical treatment decision maker of the person; and
    - (b) the delay that would be caused by an application to VCAT under section 65 or 67 would result in a significant deterioration of the person's condition."

8. Clause 52, line 31, omit "A" and insert "Subject to subsection (4), a".
9. Clause 52, page 42, after line 16 insert—  
"(4) Nothing in subsection (2) prevents a health practitioner administering medical treatment to a person if the health practitioner believes on reasonable grounds that the person has attempted to commit suicide."

\* \* \* \* \*

## **2. COMPENSATION LEGISLATION AMENDMENT BILL 2016**

### *Amendments to be moved by Ms Pulford*

1. Clause 2, line 5, omit "11(2)".
2. Clause 2, line 11, omit "11(3)" and insert "11(2)".
3. Clause 20, line 22, omit "11(3)" and insert "11(2)".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 101, 102 and 103

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#### No. 101 — Tuesday, 6 December 2016

- 1 The President took the Chair, 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 29 November 2016, given the Royal Assent to the following Acts presented to her by the Deputy Clerk of the Legislative Assembly:  
*Medical Treatment Planning and Decisions Act 2016*  
*Road Legislation Further Amendment Act 2016*  
*Transport (Compliance and Miscellaneous) Amendment (Abolition of the Penalty Fares Scheme) Act 2016*  
*Working with Children Amendment Act 2016.*

- 3 **PETITIONS** —

**BAN FRACKING** — Mr Leane presented a Petition bearing 38 signatures from certain citizens of Victoria requesting that the Legislative Council support the Andrews Government decision to permanently ban the exploration and extraction of onshore unconventional gas (fracking) by unanimously voting for the corresponding legislation when it is introduced into the House.  
Ordered to lie on the Table.

\* \* \* \* \*

**COUNTRY FIRE AUTHORITY** — Ms Lovell presented a Petition bearing 1 signature from a citizen of Victoria requesting that the Legislative Council urges the Andrews Government to not hand control of the Country Fire Authority to the United Firefighters Union.  
Ordered to lie on the Table.

\* \* \* \* \*

**ORMOND STATION RESIDENTIAL TOWER** — Ms Crozier presented a Petition bearing 17 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its plans for the inappropriate over-development of the Ormond station site and instead proceed with a development that is smaller in scale and more in keeping with the low-rise village atmosphere of Ormond.  
Ordered to lie on the Table.

\* \* \* \* \*

**GOULBURN MURRAY IRRIGATION DISTRICT** — Ms Lovell presented a Petition bearing 1 signature from a citizen of Victoria requesting that the Legislative Council urges the Andrews Government to ban any further water being traded out of the Goulburn Murray Irrigation District and conduct a thorough review of ownership and trading.  
Ordered to lie on the Table.

**4 PAPERS —**

**ECONOMY AND INFRASTRUCTURE COMMITTEE — DOMESTIC ANIMALS AMENDMENT (PUPPY FARMS AND PET SHOPS) BILL 2016** — Mr Morris presented a Report from the Economy and Infrastructure Committee on the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016 (including Appendices, Extracts from the Proceedings of the Committee and Minority Reports), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Morris moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 17 of 2016 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

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**ACCOUNTABILITY AND OVERSIGHT COMMITTEE — VICTORIAN OVERSIGHT AGENCIES, 2015-16** — Ms Symes presented a Report from the Accountability and Oversight Committee on Victorian oversight agencies, 2015–16.

Ordered to lie on the Table and to be published.

Ms Symes moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders, dated 6 November 2016, for the following approvals for a —

Lease at Mordialloc-Mentone Beach Park.

Licence at Flagstaff Gardens.

National Environmental Protection Council — Report, 2014-15.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Bayside Planning Scheme — Amendment C124.

Greater Geelong Planning Scheme — Amendment C316.

Knox Planning Scheme — Amendment C137.

Melbourne Planning Scheme — Amendments C259 and C270.

Melbourne and Port Phillip Planning Schemes — Amendment GC59.

Melton Planning Scheme — Amendment C145.

Mildura Planning Scheme — Amendment C89.

Monash Planning Scheme — Amendment C128.

South Gippsland Planning Scheme — Amendment C81.

Victoria Planning Provisions — Amendment VC131.

Whittlesea Planning Scheme — Amendment C205.

Statutory Rules under the following Acts of Parliament —

Confiscation Act 1997 — No. 141.

Environment Protection Act 1970 — No. 136.

Magistrates' Court Act 1989 — No. 137.

Supreme Court Act 1986 — Nos. 138 to 141.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 134, 135 and 137 to 141.

Victorian Environmental Assessment Council Act 2001 — Minister's letter of request for an assessment by the Victorian Environmental Assessment Council into fibre and wood supply from state forests, pursuant to section 26C of the Act.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Livestock Disease Control Amendment Act 2016 — Part 1 and sections 3, 5, 11 and 12 — 1 January 2017 (*Gazette No. S368, 29 November 2016*).

Police and Justice Legislation Amendment (Miscellaneous) Act 2016 — Parts 2 and 3 (except section 23) — 1 December 2016 (*Gazette No. S368, 29 November 2016*).

Primary Industries Legislation Amendment Act 2016 — Parts 4 and 7 (except sections 22 and 24) — 1 December 2016; Part 8 — 1 January 2017 (*Gazette No. S368, 29 November 2016*).

**5 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 7 December 2016:

- (1) Order of the Day No. 1, second reading of the Corrections Amendment (Parole) Bill 2016;
- (2) Order of the Day No. 2, second reading of the Children, Youth and Families Amendment (Youth Offenders) Bill 2016;
- (3) Order of the Day No. 3, second reading of the Summary Offences Amendment (Begging or Gathering Alms) Bill 2016;
- (4) Notice of Motion given this day by Ms Wooldridge in relation to public holiday documentation;
- (5) Order of the Day No. 29, resumption of debate on motion relating to the two-year anniversary of the Andrews Labor Government;
- (6) Notice of Motion No. 349 standing in the name of Mr Young relating to a moratorium on the establishment of Great Forest National Park;
- (7) Notice of Motion No. 331 standing in the name of Mr O'Donohue relating to Victorian prisons; and
- (8) Notice of Motion No. 339 standing in the name of Ms Bath relating to Hazelwood Power Station.

Question — put and agreed to.

**6 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 335 to 348 be postponed until later this day.

**9 EQUAL OPPORTUNITY AMENDMENT (RELIGIOUS EXCEPTIONS) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**HAZELWOOD POWER STATION CLOSURE — IMPACT ON SMALL BUSINESS** — Mr Dalidakis having given answers to a question without notice and supplementary question relating to the impact of the Hazelwood Power Station closure on small business —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Assault on young offender at Malmesbury Youth Justice Centre** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 7 December 2016.

- **Callinan Review recommendations implementation** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 7 December 2016.
- **North-South Pipeline works** — substantive question asked by Mr O'Sullivan — response from Ms Pulford due Wednesday, 7 December 2016.
- **Special advisor role of Member for Footscray** — substantive question asked by Mr Ondarchie — response from Mr Dalidakis due Wednesday, 7 December 2016.
- **School placement for child with autism** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Tierney due Thursday, 8 December 2016.
- **Nuclear power for Portland** — supplementary question asked by Mr Purcell — response from Ms Pulford due Thursday, 8 December 2016.

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**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Parkville Youth Justice Centre staff secondment to CPSU** — supplementary question asked by Ms Crozier on Thursday, 24 November 2016 — further response from Ms Mikakos due Wednesday, 7 December 2016.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**12 EQUAL OPPORTUNITY AMENDMENT (RELIGIOUS EXCEPTIONS) BILL 2016** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Ms Hartland and Mr Melhem*)

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr O'Sullivan and Mr Ramsay*)

The Ayes and Noes being equal, the question was negatived.

Bill returned to the Assembly with a Message informing them that the Council have rejected the Bill.

**13 COMPENSATION LEGISLATION AMENDMENT BILL 2016** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**14 BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

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Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Debate continued.

Question — put.

The Council divided — The President in the Chair.



## AYES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springler; Ms Symes; Ms Tierney.  
(Tellers: Ms Dunn and Mr Mulino)

## NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Mr Bourman and Mr O'Donohue)

The Ayes and Noes being equal, the question was negatived.

Bill returned to the Assembly with a Message informing them that the Council have rejected the Bill.

- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Government Business, Order of the Day, No. 3 be postponed until later this day.
- 16 HOUSING AMENDMENT (VICTORIAN HOUSING REGISTER AND OTHER MATTERS) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Ms Mikakos declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

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Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole on the next day of meeting.

- 17 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 9.00 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 102 — Wednesday, 7 December 2016

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — DOMAIN STATION CONSTRUCTION** — Ms Fitzherbert presented a Petition bearing 1,157 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Government to use deep cavern mining construction for the Domain Station to minimise the impact on one of Melbourne's great boulevards during construction, and retain as many of St Kilda Road's trees as is possible.  
Ordered to lie on the Table.

- 3 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILOT OF SAFE CONSUMPTION ROOM AND PILL TESTING) BILL 2016** — Ms Patten introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the pilot of a safe consumption room at a specific location and for the pilot of the testing of specified substances by certain authorised health practitioners at public events and for other purposes.*
- On the motion of Ms Patten, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 4 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
- Auditor-General's Reports on —  
 Access to Public Dental Services in Victoria, December 2016 (*Ordered to be published*).  
 Managing the Performance of Rail Franchisees, December 2016 (*Ordered to be published*).
- Commission for Children and Young People — Neither seen nor heard: Inquiry into issues of family violence in child deaths, December 2016 (*Ordered to be published*).
- Crown Land (Reserves) Act 1978 — Ministerial Order for approval in relation to Treasury Gardens granting a licence, dated 20 November 2016.
- Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Inquiry into the Impact on Victorian Government Service Delivery of Changes to National Partnership Agreements.
- 5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 7 CORRECTIONS AMENDMENT (PAROLE) BILL 2016** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- Mr O'Donohue moved, That the Bill be now read a second time.
- Debate ensued.
- Mr O'Donohue 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 Ms Symes, the debate was adjourned until the next day of meeting.
- 8 CHILDREN, YOUTH AND FAMILIES AMENDMENT (YOUTH OFFENDERS) BILL 2016** — Ms Crozier laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- Ms Crozier moved, That the Bill be now read a second time.
- Debate ensued.
- On the motion of Ms Symes, the debate was adjourned until the next day of meeting.
- 9 SUMMARY OFFENCES AMENDMENT (BEGGING OR GATHERING ALMS) BILL 2016** — Ms Pennicuik laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
- Ms Pennicuik moved, That the Bill be now read a second time.
- Debate ensued.
- On the motion of Ms Symes, the debate was adjourned until the next day of meeting.
- 10 PRODUCTION OF DOCUMENTS — PUBLIC HOLIDAYS** — Ms Wooldridge moved, That, in accordance with Standing Order 11.01, the Leader of the Government table in the Council by 12 noon on Monday, 6 February 2017 —
- (1) a copy of the Minister for Small Business, Innovation and Trade's post-holiday evaluation into each of the 2015 and 2016 Grand Final Eve public holidays and related departmental briefs, documents or submissions;

- (2) correspondence, departmental briefs, documents or submissions to or from Department of Economic Development, Jobs, Transport and Resources or Department of Premier and Cabinet relating to Christmas Day 2016 being declared a public holiday;
  - (3) briefs, documents or correspondence to or from the Department of Health and Human Services which detail the actual or estimated additional cost to Victorian health services of the 2015 Grand Final Eve, 2016 Grand Final Eve and 2016 Christmas Day public holiday;
  - (4) specific details of the calculation of the 2015-16 and 2016-17 weighted inlier equivalent separation (WIES) funding model, and how the impact of the additional public holiday has been taken into account;
- and any response from the Leader of the Government should conform with Standing Orders 11.02(3) and 11.03(1)(a).

Debate ensued.

Question — put and agreed to.

**11 ANDREWS LABOR GOVERNMENT TWO-YEAR ANNIVERSARY** — Debate resumed on the question, That this House notes —

- (1) the two-year anniversary of the Andrews Labor Government has been categorised by two years of divisive government;
- (2) that ordinary Victorians have been left behind and ignored by the Andrews Labor Government at the expense of union mates, Labor Party figures and a Socialist Left agenda; and
- (3) that in only two years, the Andrews Government has, amongst many failures, lost three Ministers, as well as delivered increased crime, economic vandalism and budget deficits, public service wage blowouts, desalination disasters, water bill increases, planning and heritage mismanagement, cuts to frontline police, chaos in prisons, loss of Victorian major events, cuts to cancer beds and operating theatres, Ambulance response time blowouts, paid \$1.2 billion not to build Melbourne's most required road, young kids exposed to cage fighting, public transport strikes and chaos, decline in TAFE enrolments, punished Victorian small businesses, double crossed Victorian industry, increased traffic congestion and chauffeured dogs.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**12 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Access to abortion services** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Tuesday, 7 February 2017.
- **Registered Adler shotguns** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Tuesday, 7 February 2017.
- **20-hour lockdowns in youth justice facilities** — substantive and supplementary questions asked by Ms Springle — response from Ms Mikakos due Thursday, 8 December 2016.
- **Aboriginal children in Barwon Prison** — substantive question asked by Ms Springle — response from Ms Mikakos due Thursday, 8 December 2016.
- **Childcare licence application** — substantive and supplementary questions asked by Ms Wooldridge — response from Ms Mikakos due Thursday, 8 December 2016.
- **Victorian training guarantee contracts** — substantive and supplementary questions asked by Ms Fitzherbert — response from Ms Tierney due Thursday, 8 December 2016.
- **Aviation training courses** — substantive and supplementary questions asked by Ms Bath — response from Ms Tierney due Thursday, 8 December 2016.
- **Assaults at Barwon Prison** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Thursday, 8 December 2016.

- **Administration of medication – Malmsbury Youth Justice Centre** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 8 December 2016.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**14 ANDREWS LABOR GOVERNMENT TWO-YEAR ANNIVERSARY** — Debate continued on the question, That this House notes —

- (1) the two-year anniversary of the Andrews Labor Government has been categorised by two years of divisive government;
- (2) that ordinary Victorians have been left behind and ignored by the Andrews Labor Government at the expense of union mates, Labor Party figures and a Socialist Left agenda; and
- (3) that in only two years, the Andrews Government has, amongst many failures, lost three Ministers, as well as delivered increased crime, economic vandalism and budget deficits, public service wage blowouts, desalination disasters, water bill increases, planning and heritage mismanagement, cuts to frontline police, chaos in prisons, loss of Victorian major events, cuts to cancer beds and operating theatres, Ambulance response time blowouts, paid \$1.2 billion not to build Melbourne's most required road, young kids exposed to cage fighting, public transport strikes and chaos, decline in TAFE enrolments, punished Victorian small businesses, double crossed Victorian industry, increased traffic congestion and chauffeured dogs.

On the motion of Mr Ondarchie, the debate was adjourned until later this day.

**15 GREAT FOREST NATIONAL PARK** — Mr Young moved, That this House calls on the Government to impose a moratorium for a period of five years on the establishment of the Great Forest National Park or any other national park in the Central Highlands of Victoria to allow for investigations to —

- (1) determine the additional resourcing (and source of funds) required by Parks Victoria to manage a park of this type and size, noting that the inadequate management of existing national parks and public land has been a concern in regional Victoria;
- (2) provide an assurance that the proposal for the Great Forest National Park will not negatively impact access or use of land by any existing user group or stakeholder;
- (3) demonstrate that adequate fire management can still take place in these areas and will not be negatively impacted by any change in land tenure; and
- (4) demonstrate that adequate management of invasive species can still take place in these areas and will not be negatively impacted by any change in land tenure.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Mr Davis and Mr O'Donohue)

NOES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

(Tellers: Mr Melhem and Mr Somyurek)

The Ayes and Noes being equal, the question was negatived.

**16 VICTORIAN PRISON SYSTEM** — Mr O'Donohue moved, That this House notes the chaos and dysfunction in the Victorian prison system under the Andrews Government, including —

- (1) prisoners caught cultivating and growing drugs in a prison garden;
- (2) the significant recent increase in the number of deaths in custody;

- (3) prisoners refusing to work and striking at the maximum security Barwon Prison;
- (4) the recently reported vicious attacks on the hard working Prison Officers and staff;
- (5) the worst prison riot in Victoria's history at the Metropolitan Remand Centre last June, costing the taxpayer \$95 million and taking hundreds of maximum security beds off line;
- (6) increased numbers of prisoners not being presented to court in contravention of a court order, delaying justice for victims and increasing costs for taxpayers;
- (7) a number of recent prison escapes, including the first escape from a walled medium or maximum security prison since 16 June 2001;
- (8) a prisoner recidivism rate of over 40 per cent;
- (9) an increase in the number of prisoners in police cells from less than 100 in November 2014, to at times in excess of 300;
- (10) a flood of contraband into the prison system, including reports of drugs and other items being thrown over the prison wall at Port Phillip Prison in tennis balls for prisoners to access; and
- (11) regular drone incursions over Victorian prisons.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Symes.*

**17 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**18 JUSTICE LEGISLATION AMENDMENT (PAROLE REFORM AND OTHER MATTERS) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Corrections Act 1986 to provide for a presumption against parole for prisoners serving terms of imprisonment for certain fatal offences where the victim is a police officer or where the body or remains of the victim have not been located and to amend the Sentencing Act 1991 to permit a court to take such factors into account in such circumstances and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned until the next day of meeting.

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

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6:06 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 103 — Thursday, 8 December 2016

1 The President took the Chair and read the Prayer.

**2 COUNTRY FIRE AUTHORITY AMENDMENT (PROTECTING VOLUNTEER FIREFIGHTERS) BILL 2016** — Mr O'Donohue introduced *A Bill for an Act to amend the Country Fire Authority Act 1958 to ensure the protection of volunteer firefighters and for other purposes*.

On the motion of Mr O'Donohue, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**3 PAPERS —**

**SUPREME COURT OF VICTORIA** — Ms Tierney presented, by command of the Governor, the Report of the Supreme Court of Victoria for the year 2014-15.

The Report was presented by Ms Tierney and ordered to lie on the Table.

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**ENVIRONMENT AND PLANNING COMMITTEE — FIRE SEASON PREPAREDNESS, INTERIM REPORT** — Mr Davis presented an Interim Report from the Environment and Planning Committee on Fire Season Preparedness.

Ordered to lie on the Table and to be published.

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

Debate ensued.

Question — put and agreed to.

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**ENVIRONMENT AND PLANNING COMMITTEE — RATE CAPPING POLICY, THIRD REPORT** — Mr Davis presented the Third Report from the Environment and Planning Committee on Rate Capping Policy (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and to be published.

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

Debate ensued.

Question — put and agreed to.

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**ENVIRONMENT AND PLANNING COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO RATE CAPPING POLICY, SECOND REPORT** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Environment and Planning Committee's Inquiry into Rate Capping Policy, Second Report.

**LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO REPORT ON END OF LIFE CHOICES** — Pursuant to Standing Order 23.30, Mr Jennings laid on the Table a copy of the Government Response to the Legal and Social Issues Committee's Inquiry into End of Life Choices.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Infrastructure Victoria Act 2015 — Victoria's 30-Year Infrastructure Strategy, December 2016, pursuant to section 35 of the Act.

National Health Funding Pool Administrator — Report, 2015-16.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C183.

Bayside Planning Scheme — Amendment C129.

Campaspe Planning Scheme — Amendment C103.

Colac Otway, Hepburn, Indigo, Macedon Ranges, Manningham, Moorabool, Mount Alexander, Murrindindi, Nillumbik, Surf Coast and Yarra Ranges Planning Schemes — Amendment GC57.

Glen Eira Planning Scheme — Amendment C145.

Macedon Ranges Planning Scheme — Amendment C105.

Mitchell Planning Scheme — Amendment C107.

Surf Coast Planning Scheme — Amendment C115.

Yarra Planning Scheme — Amendment C224.

Subordinate Legislation Act 1994 — A Legislative Instrument and related documents under section 16B in respect of the Education and Training Reform Act 2006 — Power of school council to grant a licence in relation to school lands or buildings, dated 6 December 2016.

- 4 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 7 February 2017.  
Question — put and agreed to.
- 5 LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE — EXTENSION TO REPORTING DATE** — Ms Patten moved, by leave, That the Resolution of the Council of 11 November 2015 requiring the Law Reform, Road and Community Safety Committee to inquire into and report by 3 March 2017 on illicit and synthetic drugs and prescription medication, be amended so as to now require the Committee to present its report by 9 March 2018.  
Question — put and agreed to.
- 6 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE** — Mr Davis moved, by leave, That the Resolution of the Council of 31 August 2016 requiring the Environment and Planning Committee to inquire into and report by 14 February 2017 on the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016, be amended so as to now require the Committee to present its report by 25 May 2017.  
Question — put and agreed to.
- 7 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE** — Ms Shing moved, by leave, That the Resolution of the Council of 9 November 2016 requiring the Environment and Planning Committee to inquire into and report by 7 March 2017 on the Owners Corporation Amendment (Short-stay Accommodation) Bill 2016, be amended so as to now require the Committee to present its report by 11 May 2017.  
Question — put and agreed to.
- 8 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.
- 9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 335 to 348 be postponed until later this day.
- 11 JUSTICE LEGISLATION AMENDMENT (PAROLE REFORM AND OTHER MATTERS) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 12 noon pursuant to Sessional Orders —*
- 12 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Corrections system resourcing and costs** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 7 February 2017.
- **Category one incident classification** — substantive question asked by Ms Crozier — response from Ms Mikakos due Tuesday, 7 February 2017.
- **Member for Footscray special advisor role costs** — substantive question asked by Mr Ondarchie — response from Mr Dalidakis due Wednesday, 8 February 2017.
- **Youth justice rehabilitation services** — substantive question asked by Ms Springle — response from Ms Mikakos due Tuesday, 7 February 2017.
- **Respectful relationships program – early learning implementation** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Mikakos due Wednesday, 8 February 2017.

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**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Assaults at Barwon Prison** — substantive question asked by Mr O'Donohue on Wednesday, 7 December 2016 — matter having been redirected by the President, further response from Ms Mikakos due Tuesday, 7 February 2017.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**14 JUSTICE LEGISLATION AMENDMENT (PAROLE REFORM AND OTHER MATTERS) BILL 2016** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Leane and Ms Lovell)*

NOES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Pennicuik and Ms Springle)*

Question 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.

**15 HOUSING AMENDMENT (VICTORIAN HOUSING REGISTER AND OTHER MATTERS) BILL 2016** — Bill further considered in 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.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3 be postponed until later this day.

**17 FAMILY VIOLENCE REFORM IMPLEMENTATION MONITOR BILL 2016** — 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.

**18 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5:48 p.m., adjourned until Tuesday, 7 February 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 101, 102 and 103.

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### HOUSING AMENDMENT (VICTORIAN HOUSING REGISTER AND OTHER MATTERS) BILL 2016

*Committed Tuesday, 6 December 2016.*

**Clause 1** — Debate commenced.

*Business interrupted at the conclusion of the declared extension pursuant to Standing Orders.*

**Progress reported.**

*Further considered in Committee of the whole Thursday, 8 December 2016*

**Clause 1** — Debate resumed.

**Clause 1** — put and agreed to.

**Clauses 2 to 11** — put and agreed to.

**Bill reported without amendments.**

\* \* \* \* \*

### JUSTICE LEGISLATION AMENDMENT (PAROLE REFORM AND OTHER MATTERS) BILL 2016

*Committed Thursday, 8 December 2016*

**Clauses 1 to 11** — put and agreed to.

**Bill reported without amendments.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 104, 105 and 106

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#### No. 104 — Tuesday, 7 February 2017

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **BOURKE STREET TRAGEDY** — Mr Jennings moved, by leave, That this House extends our thoughts, prayers, and support to the victims of the Bourke Street tragedy and their loved ones; expresses our gratitude to emergency service personnel for their unwavering professionalism; and pays tribute to the everyday Victorians who, in the face of unimaginable tragedy, showed the most remarkable courage and compassion.

And other Members and the President having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

Mr Jennings moved, by leave, That as a further mark of respect to those affected by the Bourke Street tragedy, in particular the families of those who were killed, the sitting will be suspended until 2.00 p.m.

Question — put and agreed to.

*[Sitting suspended from 1.02 p.m. until 2.05 p.m.]*

- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 13 December 2016, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Compensation Legislation Amendment Act 2016*

*Family Violence Reform Implementation Monitor Act 2016*

*Housing Amendment (Victorian Housing Register and Other Matters) Act 2016*

*Justice Legislation Amendment (Parole Reform and Other Matters) Act 2016.*

- 4 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Youth justice centres – transport assistance for families** — substantive question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 8 February 2017.
- **Proposed new youth justice facility in Werribee** — supplementary question asked by Mr Finn — response from Ms Mikakos due Wednesday, 8 February 2017.
- **Traralgon fire incident** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Dalidakis due Thursday, 9 February 2017.
- **Government administration of youth justice** — substantive and supplementary questions asked by Ms Springle — response from Ms Mikakos due Wednesday, 8 February 2017.

- **Logging coupe availability and lockout protocols** — substantive question asked by Mr Young — response from Ms Pulford due Wednesday, 8 February 2017.
- **Heroin-related ambulance attendances** — substantive question asked by Ms Patten — response from Ms Mikakos due Thursday, 9 February 2017.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Member for Footscray special advisor role costs** — substantive question asked by Mr Ondarchie on Thursday, 8 December 2016 — further response from Mr Dalidakis due Thursday, 9 February 2017.

**5 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**6 CLIMATE CHANGE BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to repeal and re-enact with amendments the Climate Change Act 2010, to establish greenhouse gas emissions reduction targets for Victoria, to set out policy objectives and guiding principles, to provide for climate change planning and reporting, to provide for forestry rights and carbon sequestration rights and to make consequential amendments to the Environment Protection Act 1970 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**7 CREATIVE VICTORIA BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish the office of the Chief Executive, Creative Victoria, to repeal the Arts Victoria Act 1972 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

**8 OWNER DRIVERS AND FORESTRY CONTRACTORS AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Owner Drivers and Forestry Contractors Act 2005 in relation to certain industry councils and their membership and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned for one week.

**9 URBAN RENEWAL AUTHORITY VICTORIA AMENDMENT (DEVELOPMENT VICTORIA) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Urban Renewal Authority Victoria Act 2003 to abolish the Urban Renewal Authority Victoria, to establish Development Victoria as its successor in law, to set out a*

*process for the transfer of certain nominated projects under the Project Development and Construction Management Act 1994 to Development Victoria for it to develop or manage the development of the projects, to consequentially amend other Acts and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 10 WRONGS AMENDMENT (ORGANISATIONAL CHILD ABUSE) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Wrongs Act 1958 to impose a duty of care that forms part of a cause of action in negligence on organisations exercising care, supervision or authority over children to prevent the physical abuse or sexual abuse of those children committed by individuals associated with those organisations, to make consequential amendments to the Victoria Police Act 2013 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

## **11 PETITIONS —**

**BAN FRACKING** — Mr Leane presented a Petition bearing 18 signatures from certain citizens of Victoria requesting that the Legislative Council support the Andrews Government decision to permanently ban the exploration and extraction of onshore unconventional gas (fracking) by unanimously voting for the corresponding legislation when it is introduced into the House.

Ordered to lie on the Table.

\* \* \* \* \*

**NO SKYTOWER IN ORMOND** — Ms Crozier presented a Petition bearing 41 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its plans for the inappropriate over-development of the Ormond station site and instead proceed with a development that is smaller in scale and more in keeping with the low-rise village atmosphere of Ormond.

Ordered to lie on the Table.

- 12 SPENT CONVICTIONS BILL 2017** — Ms Pennicuik introduced *A Bill for an Act to provide that a person's conviction for certain offences is spent if the person completes a period of crime-free behaviour, to prohibit the unlawful disclosure of a person's spent record, to prohibit the taking into account of a person's spent conviction, to make consequential amendments to certain other Acts, and for other purposes.*

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

- 13 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILOT MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2017** — Ms Patten introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the licencing and operation of a medically supervised injecting centre for a trial period of 18 months.*

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

**14 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 1 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

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**BUDGET UPDATE 2016-17** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the Budget Sector Update, 2016-17.

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**IBAC COMMISSIONER — SPECIAL REPORT CONCERNING ILLICIT DRUG USE BY VICTORIA POLICE OFFICERS: OPERATIONS APSLEY, HOTHAM AND YARROWITCH** — Pursuant to section 162(11)(a) of the *Independent Broad-based Anti-corruption Commission Act 2011*, the Clerk laid on the Table a copy of the Special report concerning illicit drug use by Victoria Police officers: Operations Apsley, Hotham and Yarrowitch, December 2016 (*Ordered to be published*).

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION INTO THE TRANSPARENCY OF LOCAL GOVERNMENT DECISION MAKING** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on an Investigation into the transparency of local government decision making, December 2016 (*Ordered to be published*).

\* \* \* \* \*

**IBAC COMMISSIONER — SPECIAL REPORT CONCERNING OPERATION DUNHAM: AN INVESTIGATION INTO THE CONDUCT OF OFFICERS OF THE DEPARTMENT OF EDUCATION AND TRAINING, INCLUDING DARRELL FRASER, IN CONNECTION WITH THE ULTRANET PROJECT AND RELATED MATTERS** — Pursuant to section 162(11)(a) of the *Independent Broad-based Anti-corruption Commission Act 2011*, the Clerk laid on the Table a copy of Operation Dunham: An investigation into the conduct of officers of the Department of Education and Training, including Darrell Fraser, in connection with the Ultranet project and related matters, January 2017 (*Ordered to be published*).

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**OMBUDSMAN — INVESTIGATION INTO THE REGISTRY OF BIRTHS, DEATHS AND MARRIAGES' HANDLING OF A COMPLAINT** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on an Investigation into the Registry of Births, Deaths and Marriages' handling of a complaint, January 2017 (*Ordered to be published*).

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**OMBUDSMAN — REPORT ON YOUTH JUSTICE FACILITIES AT THE GREVILLEA UNIT OF BARWON PRISON, MALMSBURY AND PARKVILLE, FEBRUARY 2017** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on Youth Justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville, February 2017 (*Ordered to be published*).

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Order, dated 2 December 2016, for the approval of a licence at Trentham Public Park and Recreation Reserve.

Education and Care Services National Law Act 2010 — Education and Care Services National Amendment Regulations 2016 pursuant to section 303 of the Act.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32 in relation to Statutory Rule No. 147/2016.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Alpine Planning Scheme — Amendment C51.

Ballarat Planning Scheme — Amendments C193, C194 and C205.

Baw Baw Planning Scheme — Amendment C89 (Part 1).

- Brimbank Planning Scheme — Amendments C126 (Part 1), C173 (Part 2) and C191.  
Brimbank, Hobsons Bay, Mornington Peninsula and Northern Grampians Planning Schemes — Amendment GC51.
- Boroondara Planning Scheme — Amendment C257.
- Cardinia Planning Scheme — Amendment C217.
- Casey Planning Scheme — Amendment C190.
- Greater Geelong Planning Scheme — Amendments C328 (Part 1), C335, C345, C346, C347 and C348.
- Hepburn Planning Scheme — Amendment C54.
- Horsham Planning Scheme — Amendment C74.
- Hume Planning Scheme — Amendment C216.
- Knox Planning Scheme — Amendment C152.
- Latrobe Planning Scheme — Amendment C87 (Part 2).
- Macedon Ranges Planning Scheme — Amendment C109.
- Macedon Ranges and Port Phillip Planning Schemes — Amendment GC58.
- Mansfield Planning Scheme — Amendment C37.
- Maribyrnong, Melbourne, Port Phillip and Stonnington Planning Schemes — Amendment GC45.
- Melbourne Planning Scheme — Amendment C277.
- Mitchell Planning Scheme — Amendment C111.
- Moonee Valley Planning Scheme — Amendments C162 and C168.
- Mornington Peninsula Planning Scheme — Amendment C203.
- Moyne Planning Scheme — Amendment C61.
- Murrindindi Planning Scheme — Amendment C058.
- Pyrenees Planning Scheme — Amendments C41 and C42.
- Stonnington Planning Scheme — Amendment C246.
- Swan Hill Planning Scheme — Amendment C58.
- Whitehorse Planning Scheme — Amendments C185 and C188.
- Whittlesea Planning Scheme — Amendments C90, C199 and C202.
- Wodonga Planning Scheme — Amendment C123.
- Wyndham Planning Scheme — Amendment C211.
- Project Development and Construction Management Act 1994 — Nomination order and application order, 14 December 2016, and statement of reasons for making a nomination order, 14 December 2016, in relation to the Geelong Performing Arts Centre Redevelopment – Stage 2 Project.
- Statutory Rules under the following Acts of Parliament —
- Assisted Reproductive Treatment Act 2008 — No. 153/2016.
  - County Court Act 1958 — No. 144/2016.
  - Eastlink Project Act 2004 — No. 150/2016.
  - Environment Protection Act 1970 — No. 152/2016.
  - Liquor Control Reform Act 1998 — No. 146/2016.
  - Livestock Disease Control Act 1994 — No. 145/2016.
  - Marine Safety Act 2010 — No. 143/2016.
  - Planning and Environment Act 1987 — No. 148/2016.
  - Professional Boxing and Combat Sports Act 1985 — No. 151/2016.
  - Sex Offenders Registration Act 2004 — No. 154/2016.
  - Subordinate Legislation Act 1994 — No. 142/2016.
  - Transport (Compliance and Miscellaneous) Act 1983 — Nos. 149/2016 and 155/2016.
  - Victorian Energy Efficiency Target Act 2007 — No. 147/2016.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rules Nos. 136/2016 and 142 to 155/2016.
  - Legislative instruments and related documents under section 16B in respect of —
    - City of Greater Geelong Act 1993 — Greater Geelong City Council — Mayoral and Deputy Mayoral Allowances — Alteration, dated 15 November 2016.

- City of Melbourne Act 2001 — Melbourne City Council — Lord Mayoral, Deputy Lord Mayoral and Councillor Allowances — Alteration, dated 15 November 2016.
- Education and Training Reform Act 2006 —  
 Ministerial Order No. 956 — Exemptions from Attendance and Enrolment at School (Amendment) Order 2016, dated 12 December 2016.  
 Ministerial Order No. 957 — Amendment to Order Fixing of Fees Administered by the Victorian Regulations and Qualifications Authority, dated 12 December 2016.
- Gambling Regulation Act 2003 —  
 Amendment of the Category 1 Public Lottery Licence issued to Tattersall's Sweep Pty Ltd, dated 22 December 2016.  
 Notice fixing the value of the gaming machine supervision charge for venue operations for 2015-16 under section 3.6.5A of the Act, dated 23 December 2016.  
 Amendment to the Victorian Pre-Commitment Player Account Equipment Technical Requirements Document, December 2016, Version 2, pursuant to section 10.1.5A of the Act.
- Livestock Disease Control Act 1994 — Exemption Order under section 6(3A) of the Act, dated 13 December 2016.
- National Electricity (Victoria) Act 2005 — F-Factor Scheme Order 2016, dated 20 December 2016.
- Road Safety Act 1986 — Specification of Electric Personal Transporter Use Area — Geelong Foreshore, dated 3 January 2017.
- Water Act 1989 — Abolition of the Bungaree Groundwater Supply Protection Area, Wandin Yallock Groundwater Supply Protection Area and Barwon Water Supply Protection Area, dated 30 November 2016.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Alpine Resorts Legislation Amendment Act 2016 — 1 January 2017 (*Gazette No. S381, 13 December 2016*).
- Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Act 2016 — 1 January 2017 (*Gazette No. S381, 13 December 2016*).
- Crimes Amendment (Carjacking and Home Invasion) Act 2016 — 7 December 2016 (*Gazette No. S375, 6 December 2016*).
- Family Violence Reform Implementation Monitor Act 2016 — 1 January 2017 (*Gazette No. S389, 20 December 2016*).
- Housing Amendment (Victorian Housing Register and Other Matters) Act 2016 — 21 December 2016 (*Gazette No. S389, 20 December 2016*).
- Melbourne and Olympic Parks Amendment Act 2016 — 12 December 2016 (*Gazette No. S375, 6 December 2016*).
- Melbourne College of Divinity Amendment Act 2016 — 1 January 2017 (*Gazette No. S381, 13 December 2016*).
- Road Legislation Further Amendment Act 2016 — Part 2, Divisions 3 and 5 of Part 3, remaining provisions of Part 4 and Part 5 — 1 January 2017 (*Gazette No. S389, 20 December 2016*).
- Sentencing (Community Correction Order) and Other Acts Amendment Act 2016 — whole Act other than Part 5 — 20 March 2017 (*Gazette No. S17, 31 January 2017*).
- Transport (Compliance and Miscellaneous) Amendment (Abolition of the Penalty Fares Scheme) Act 2016 — 1 January 2017 (*Gazette No. S389, 20 December 2016*).

## 15 PRODUCTION OF DOCUMENTS —

**CHRISTMAS AND GRAND FINAL EVE PUBLIC HOLIDAYS** — The Clerk laid on the Table a letter from the Attorney-General, dated 3 February 2017 in response to the Resolution of the Council of 7 December 2016 seeking the production of documents relating to Christmas and Grand Final Eve public holidays, advising that the Council's deadline of 6 February 2017 does not allow sufficient time to respond and that the Government would respond to the Council's resolution as soon as possible.



**DEPARTMENT OF HEALTH AND HUMAN SERVICES** — The Clerk laid on the Table 29 documents in full and 25 documents in part received in response to the Resolution of the Council of 23 November 2016 relating to Department of Health and Human Services weekly compendium briefings.

The Clerk also laid on the Table a letter from the Attorney-General, dated 3 February 2017 stating that —

- the Government has identified 54 documents that fall within the scope of the order and assessed these against the factors listed in letters of 14 April 2015 and 29 April 2016, which refer to the Government's process for assessing documents for potential executive privilege;
- executive privilege was claimed in relation to parts of 25 of the documents on the basis their disclosure would be contrary to the public interest; and
- in compliance with Standing Orders 11.02(3) and 11.03(1)(a), the attached schedules refer to the documents that are produced in full and in respect of those for which a claim of executive privilege is made.

**16 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 8 February 2017:

- (1) Order of the Day No. 1, second reading of the Country Fire Authority Amendment (Protecting Volunteer Firefighters) Bill 2016;
- (2) Order of the Day for the second reading of the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017;
- (3) Notice of Motion given this day by Ms Crozier in relation to the Minister for Families and Children;
- (4) Notice of Motion given this day by Ms Dunn referring a matter to the Economy and Infrastructure Committee; and
- (5) Notice of Motion given this day by Mr Davis in relation to the Melbourne Metro Rail Project.

Question — put and agreed to.

**17 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**18 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**19 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 335 to 355 and Order of the Day, Government Business, No.1 be postponed until later this day.

**20 ENERGY LEGISLATION AMENDMENT (FEED-IN TARIFFS AND IMPROVING SAFETY AND MARKETS) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 22

Mr Barber; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Mr Young.

(Tellers: Mr Barber and Mr Elasmarr)

NOES, 14

Ms Crozier; Ms Bath; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr Ondarchie and Mr O'Sullivan)

Question agreed to.

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

House in Committee.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in 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.

**21 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3 be postponed until later this day.

**22 TRANSPORT INTEGRATION AMENDMENT (HEAD, TRANSPORT FOR VICTORIA AND OTHER GOVERNANCE REFORMS) BILL 2016** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Pulford declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in a Committee of the whole.

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Pulford moved, That the sitting be extended.

Question — put and agreed to.

Bill further considered in a Committee of the whole.

House in Committee.

Bill reported with an 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 with an amendment.

**23 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 9.14 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## **No. 105— Wednesday, 8 February 2017**

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**DOMAIN STATION CONSTRUCTION** — Ms Fitzherbert presented a Petition bearing 1,166 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Government to use deep cavern mining construction for the Domain Station to

minimise the impact on one of Melbourne's great boulevards during construction, and retain as many of St Kilda Road's trees as is possible.

Ordered to lie on the Table.

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**NEIGHBOURHOOD WATCH** — Mr Davis presented a Petition bearing 29 signatures from certain citizens of Victoria requesting that the Legislative Council implore the Victorian Government to support local crime prevention through funding the establishment of a neighbourhood watch group serving Prahran, Windsor, South Yarra and St Kilda East.

Ordered to lie on the Table.

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**NORTH EAST LINK** — Ms Wooldridge presented a Petition bearing 250 signatures from certain citizens of Victoria requesting that the Legislative Council urge the Government to immediately plan, fund and construct the North East Link without further delay.

Ordered to lie on the Table.

### 3 PAPERS —

**HIGH CAPACITY METRO TRAINS PROJECT** — Ms Pulford moved, by leave, That there be laid before this House a copy of the High Capacity Metro Trains Project — Project Summary, February 2017.

Question — put and agreed to.

The Report was presented by Ms Pulford and ordered to lie on the Table.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Managing Community Corrections Orders, February 2017 (*Ordered to be published*).

Regulating Gambling and Liquor, February 2017 (*Ordered to be published*).

Climate Change Act 2010 — Victoria's Climate Change Adaptation Plan, 2017-2020 pursuant to section 16 of the Act.

**4 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILOT OF SAFE CONSUMPTION ROOM AND PILL TESTING) BILL 2016** — Ms Patten moved, by leave, That Order of the Day, General Business No. 4 relating to the Drugs, Poisons and Controlled Substances Amendment (Pilot of Safe Consumption Room and Pill Testing) Bill 2016, be read and discharged and the Bill be withdrawn.

Question — put and agreed to.

**5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 COUNTRY FIRE AUTHORITY AMENDMENT (PROTECTING VOLUNTEER FIREFIGHTERS) BILL 2016** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Ms Pulford, the debate was adjourned for two weeks.

**8 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILOT MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2017** — Ms Patten laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Patten moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Ms Pulford, the debate was adjourned for two weeks.

**9 MINISTER FOR FAMILIES AND CHILDREN** — Ms Crozier moved, That the Minister for Families and Children no longer possesses the confidence of this House due to the Minister's failure to —

- (1) accept responsibility for the ongoing crisis engulfing Victoria's youth justice system;
- (2) act on the numerous reports and reviews commissioned by her into the youth justice system;
- (3) comply with the *Children Youth and Families Act 2005* in relation to the transfer of young offenders from Parkville Youth Justice Centre to Barwon Prison; and
- (4) provide accurate and timely information to this House and to the Victorian public in relation to youth justice incidents.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Drug seizure information from Victoria Police** — substantive question asked by Ms Hartland — response from Ms Tierney due on Tuesday, 21 February 2017.
- **Gatwick Hotel, St Kilda** — substantive and supplementary questions asked by Ms Fitzherbert — response from Ms Tierney due on Thursday, 9 February 2017.
- **Treasury Corp Victoria, Deputy Chair travel expenses** — substantive and supplementary questions asked by Ms Crozier — response from Mr Jennings due on Tuesday, 21 February 2017.
- **Audit of Cabinet members' mobile devices — information sought by Privacy Commissioner** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Jennings due on Thursday, 9 February 2017.
- **Cost of legal action in Ombudsman investigation case** — substantive question asked by Mr Rich-Phillips — response from Mr Jennings due on Tuesday, 21 February 2017.

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**QUESTIONS DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed further written responses be provided to certain questions without notice pursuant to Sessional Order 5 as follows:

- **Government administration of youth justice** — substantive and supplementary questions asked by Ms Springle on 7 February 2017 — further response from Ms Mikakos due on Thursday, 9 February 2017.
- **Registered Adler shotguns** — substantive question asked by Mr Bourman on 7 December 2016 — further response from Ms Tierney due on Tuesday, 21 February 2017.

**11 TRANSPORT INTEGRATION AMENDMENT (HEAD, TRANSPORT FOR VICTORIA AND OTHER GOVERNANCE REFORMS) BILL 2016** — The President read a message from the Assembly informing the Council that they had agreed to the amendment made by the Council in this Bill.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 MINISTER FOR FAMILIES AND CHILDREN** — Debate continued on the question, That the Minister for Families and Children no longer possesses the confidence of this House due to the Minister's failure to —

- (1) accept responsibility for the ongoing crisis engulfing Victoria's youth justice system;
- (2) act on the numerous reports and reviews commissioned by her into the youth justice system;
- (3) comply with the *Children Youth and Families Act 2005* in relation to the transfer of young offenders from Parkville Youth Justice Centre to Barwon Prison; and

- (4) provide accurate and timely information to this House and to the Victorian public in relation to youth justice incidents.

On the motion of Ms Dunn, the debate was adjourned until later this day.

**14 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE** — Ms Dunn moved, That pursuant to Sessional Order 6 this House requires the Economy and Infrastructure Committee to inquire into, consider and report, no later than 14 December 2017, on —

- (1) the potential benefits of widespread uptake of electric vehicles in Victoria to the environment, including greenhouse gas emissions, air quality, noise and amenity, whereby electric vehicles are defined as vehicles that both:
  - (a) use one or more electric motors as their sole means of propulsion; and
  - (b) require recharge from an off-board electricity source;
- (2) the regulatory, infrastructure, economic, employment and incentive options for supporting the uptake of privately owned electric vehicles;
- (3) the applicability of electric vehicles in public transport bus fleets and public sector fleets;
- (4) options for supporting the manufacture and assembly of electric vehicles in Victoria, including transition of workers and suppliers affected by the closure of vehicle manufacturing in Victoria; and
- (5) the applicability of electric vehicles to the car share providers market

Debate ensued.

Question — put and agreed to.

**15 MINISTER FOR FAMILIES AND CHILDREN** — Debate resumed on the question, That the Minister for Families and Children no longer possesses the confidence of this House due to the Minister's failure to —

- (1) accept responsibility for the ongoing crisis engulfing Victoria's youth justice system;
- (2) act on the numerous reports and reviews commissioned by her into the youth justice system;
- (3) comply with the *Children Youth and Families Act 2005* in relation to the transfer of young offenders from Parkville Youth Justice Centre to Barwon Prison; and
- (4) provide accurate and timely information to this House and to the Victorian public in relation to youth justice incidents.

Ms Springle moved, as an amendment, That in paragraph (2) omit "by her".

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Fitzherbert.*

**16 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**17 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 5:56 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 106 — Thursday, 9 February 2017

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**VICTORIAN LAW REFORM COMMISSION FUNERAL AND BURIAL INSTRUCTIONS** — Ms Tierney moved, by leave, That there be laid before this House a copy of the Victorian Law Reform Commission's Funeral and Burial Instructions Report, September 2016.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table and to be published.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Duties Act 2000 — Treasurer's report of foreign purchaser additional duty exemptions for 1 June 2016 to 31 December 2016.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Kingston Planning Scheme — Amendment No. C147.

Port Phillip Planning Scheme — Amendment No. C136.

Wangaratta Planning Scheme — Amendment No. C69.

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of Public Holidays Act 1993 — Minister's Order appointing public holiday, dated 24 November 2016.

**3 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 21 February 2017.

Question — put and agreed to.

**4 ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATE** — Mr Jennings moved, by leave, That the resolution of the Council of 6 May 2015 and the further resolution of 12 April 2016 requiring the Environment, Natural Resources and Regional Development Committee to inquire into and report by 31 March 2017 on the sustainability and operational challenges of Victoria's Rural and Regional Councils, be amended so as to now require the Committee to present its report by 21 September 2017.

Question — put and agreed to.

**5 COMMITTEES MEMBERSHIP** — Mr Jennings moved, by leave, That —

- (1) Mr Elasmr be a participating member of the Standing Committee on Legal and Social Issues;
- (2) Mr Melhem be a participating member of the Standing Committee on the Economy and Infrastructure;
- (3) Ms Symes be a participating member of the Standing Committee on the Environment and Planning;
- (4) Mr Morris be discharged from the Standing Committee on the Economy and Infrastructure;
- (5) Mr O'Sullivan be appointed to the Standing Committee on the Economy and Infrastructure;
- (6) Ms Crozier be a participating member of the Standing Committee on Legal and Social Issues;
- (7) Mr Rich-Phillips be a participating member of the Standing Committee on the Economy and Infrastructure;
- (8) Mr O'Donohue be discharged from the Privileges Committee; and
- (9) Mr O'Sullivan be appointed to the Privileges Committee.

Question — put and agreed to.

**6 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 OMBUDSMAN REFERRAL** — Mr Jennings moved, That, further to the resolution of the Council of 25 November 2015, this House —

- (1) pursuant to section 16 of the *Ombudsman Act 1973*, refers the following matter to the Ombudsman for investigation and report:

In relation to Members of the Legislative Council of the Parliament of Victoria representing the Liberal Party of Australia – Victoria Division, the National Party of Australia – Victoria and the Australian Greens – Victoria —

- (a) the nature of staff pooling arrangements entered into by those parties, or those Members individually; and
  - (b) whether any arrangements entered into by those Members contravene the terms of the Members Guide relating to political or party duties, or have seen the diversion of the electorate office budget resources, in particular the communication allocation, in breach of the electorate expenditure guidelines; and
- (2) requires the Ombudsman to investigate and report on this matter concurrently with the matter previously referred on 25 November 2015.

Debate ensued.

Mr Rich-Phillips moved, That the debate be adjourned until the next day of meeting.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Atkinson; Mr Barber; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

(Tellers: Ms Bath and Mr Davis)

NOES, 14

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

(Tellers: Mr Mulino and Ms Symes)

Question agreed to.

- 9 TRANSPARENCY IN GOVERNMENT BILL 2015** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Serious sex offenders new facility** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 21 February 2017.
- **Prison violence** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 21 February 2017.
- **Children in residential care – incident data** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Tuesday, 21 February 2017.
- **Parkville Youth Justice Centre – recent incidents** — substantive and supplementary question asked by Ms Crozier — response from Ms Mikakos due Tuesday, 21 February 2017.
- **Aboriginal children – family violence** — substantive question asked by Ms Springle — response from Ms Mikakos due Tuesday, 21 February 2017.
- **VicForests logging – leadbeaters possum coupes** — substantive question asked by Ms Dunn — response from Ms Pulford due Tuesday, 21 February 2017.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Gatwick Hotel, St Kilda** — substantive and supplementary questions asked by Ms Fitzherbert on 8 February 2017 — further response from Ms Tierney due Tuesday, 21 February 2017.

- 11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 12 TRANSPARENCY IN GOVERNMENT BILL 2015** — 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 ordered to be committed to a Committee of the whole on the next day of meeting.
- 13 FOOD AMENDMENT (KILOJOULE LABELLING SCHEME AND OTHER MATTERS) BILL 2016** — 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.  
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 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — The Acting President read a letter from Ms Emma Kealy MP resigning from the Family and Community Development Committee, effective from today.
- 15 FREEDOM OF INFORMATION AMENDMENT (OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.  
On the motion of Mr Barber, the debate was adjourned until the next day of meeting.
- 16 RESOURCES LEGISLATION AMENDMENT (FRACKING BAN) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Mineral Resources (Sustainable Development) Act 1990 and the Petroleum Act 1998 to prevent the exploration and mining of coal seam gas, to ban hydraulic fracturing and to impose a moratorium on petroleum exploration and production in onshore areas of Victoria, to enable the Minister to pay for the surrender of licences, leases and permits, to make consequential amendments to the Resources Legislation Amendment (BTEX Prohibition and Other Matters) Act 2014 and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Tierney, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Tierney laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.  
Ms Tierney moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mrs Peulich), the debate was adjourned for one week.
- 17 CHILDREN LEGISLATION AMENDMENT (REPORTABLE CONDUCT) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Child Wellbeing and Safety Act 2005 to establish a reportable conduct scheme, to make consequential and other amendments to the Commission for Children and Young People Act 2012, the Working with Children Act 2005, the Education and Training Reform Act 2006, the Children, Youth and Families Act 2005, the Disability Act 2006 and the Ombudsman Act 1973 and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Tierney, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Tierney laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.



On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

**18 REFERRAL TO OMBUDSMAN — ALLEGATIONS OF MISUSE OF MEMBERS' STAFF BUDGET ENTITLEMENTS** — The Acting President read a letter from the Speaker of the Legislative Assembly informing the President that the Assembly had agreed to a resolution asserting the rights and privileges of the Assembly in relation to exclusive cognisance as it relates to the matter referred to the Ombudsman by the Legislative Council on 25 November 2015.

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

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.57 p.m., adjourned until Tuesday, 21 February 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 104, 105 and 106

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### ENERGY LEGISLATION AMENDMENT (FEED-IN TARIFFS AND IMPROVING SAFETY AND MARKETS) BILL 2016

*Committed Tuesday, 7 February 2017.*

**Clauses 1 to 23** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### TRANSPORT INTEGRATION AMENDMENT (HEAD, TRANSPORT FOR VICTORIA AND OTHER GOVERNANCE REFORMS) BILL 2016

*Committed Tuesday, 7 February 2017.*

*Amendments circulated: Mr O'Donohue and Ms Dunn (see p 644).*

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Ms Dunn moved her Amendment No.1 — put and negatived.

Mr O'Donohue moved his Amendment No.1 — put and agreed to.

Clause 3, as amended — put and agreed to.

**Clauses 4 to 52** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported with an amendment.**

\* \* \* \* \*

### FOOD AMENDMENT (KILOJOULE LABELLING SCHEME AND OTHER MATTERS) BILL 2016

*Committed Thursday, 9 February 2017.*

**Clauses 1 to 17** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. TRANSPORT INTEGRATION AMENDMENT (HEAD, TRANSPORT FOR VICTORIA AND OTHER GOVERNANCE REFORMS) BILL 2016***Amendments circulated by Mr O'Donohue*

Clause 3, page 34, proposed section 65E, omit lines 10 to 14

*Amendments to be moved by Ms Dunn*

Clause 3, page 30, after line 14 insert—

- '(5) A copy of an Order in Council made under this Division must be laid before each House of Parliament on or before the 6th sitting day after the Order in Council is made.
- (6) An Order in Council made under this Division may be disallowed in whole or in part by either House of Parliament.
- (7) Part 5 of the **Subordinate Legislation Act 1994** applies to an Order in Council made under this Division as if—
  - (a) a reference in that Part to a "statutory rule" were a reference to the Order in Council; and
  - (b) a reference in section 23(1)(c) of that Part to "section 15(1)" were a reference to subsection (5).'



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 107, 108 and 109

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#### No. 107 — Tuesday, 21 February 2017

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **THE LATE MR PETER STEWART MCARTHUR** — The President advised the House of the death, on 2 February 2017, of Mr Peter Stewart McArthur, former Member for Ringwood between 1976 and 1982.  
Members stood in their places as a mark of respect to the memory of the late Mr Peter Stewart McArthur.
- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 14 February 2017, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:  
*Energy Legislation Amendment (Feed-In Tariffs and Improving Safety and Markets) Act 2017*  
*Food Amendment (Kilojoule Labelling Scheme and Other Matters) Act 2017*  
*Transport Integration Amendment (Head, Transport for Victoria and Other Governance Reforms) Act 2017.*
- 4 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 2 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be published.

\* \* \* \* \*

- PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
- Crimes (Assumed Identities) Act 2004 — Report, 2015-16 pursuant to section 31 by the Independent Broad-based Anti-corruption Commission.
  - Land Tax Act 2005 — Treasurer's report on land tax absentee owner surcharge exemptions for the period 1 June 2016 to 31 December 2016.
  - Major Sporting Events Act 2009 — Major sporting event orders, dated 20 December 2016, pursuant to section 22 of the Act.
  - Murray-Darling Basin Authority — Report, 2015-16.
  - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
    - Bass Coast Planning Scheme — Amendment C140.
    - Casey Planning Scheme — Amendments C220 and C250.
    - Darebin Planning Scheme — Amendment C153.
    - Greater Bendigo Planning Scheme — Amendment C212.
    - Greater Geelong Planning Scheme — Amendment C325.

Hume Planning Scheme — Amendments C196 and C213.  
 Indigo Planning Scheme — Amendment C68.  
 Knox Planning Scheme — Amendment C158.  
 Macedon Ranges Planning Scheme — Amendment C102.  
 Maroondah Planning Scheme — Amendment C102.  
 Mornington Peninsula Planning Scheme — Amendments C197 and C230.  
 Warrnambool Planning Scheme — Amendment C101.  
 Wodonga Planning Scheme — Amendment C120.  
 Wyndham Planning Scheme — Amendments C186 and C209 (Part 1).  
 Yarra Planning Scheme — Amendment C146.

Subordinate Legislation Act 1994 — Legislative instruments and related documents under section 16B in respect of —

Geographic Place Names Act 1998 — Naming rules for places in Victoria: Statutory requirements for naming roads, features and localities – 2016.

Kardinia Park Stadium Act 2016 — Event management declaration for Kardinia Park events, dated 20 December 2016.

Surveillance Devices Act 1999 — Report No. 1, 2016-17 pursuant to section 30Q by the Victorian Inspectorate.

**5 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 22 February 2017:

- (1) Order of the Day No. 25, motion relating to the Minister for Families and Children;
- (2) Notice of Motion No. 356 standing in the name of Mr Davis in relation to the Melbourne Metro Rail Project;
- (3) Order of the Day for the resumption of debate on the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017; and
- (4) Notice of Motion given this day by Mr O’Sullivan referring a matter to the Environment, Natural Resources and Regional Development Committee.

Question — put and agreed to.

**6 MINISTERS’ STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**VICTORIA POLYTECHNIC** — Ms Tierney having made a Ministers’ statement in relation to Victoria Polytechnic —

On the motion of Mrs Peulich, the Minister’s statement was ordered to be taken into consideration on the next day of meeting.

**MINISTERS’ STATEMENTS** — Ministers’ statements continued.

**7 MEMBERS’ STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 FREEDOM OF INFORMATION AMENDMENT (OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Werribee South Youth Justice Facility – alternative sites** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 22 February 2017.
- **Werribee South Youth Justice Facility – Member for Werribee** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 22 February 2017.

- **Werribee South Youth Justice Facility – Wyndham Council** — supplementary question asked by Mr Finn — response from Ms Mikakos due Wednesday, 22 February 2017.
- **Youth Justice centres — drug incidents** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 22 February 2017.
- **Drug overdoses – police resources** — substantive and supplementary questions asked by Ms Patten — response from Ms Tierney due Thursday, 23 February 2017.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 FREEDOM OF INFORMATION AMENDMENT (OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER) BILL 2016** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Mr Rich-Phillips moved, That the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016 be referred to the Legal and Social Issues Committee for inquiry, consideration and report by 21 March 2017.

Debate ensued.

Ms Symes moved, as an amendment, That for “Legal and Social Issues Committee” substitute “Accountability and Oversight Committee”.

Debate ensued.

Question — That the amendment moved by Ms Symes be agreed to — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Herbert and Mr Somyurek)*

NOES, 24

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O’Donohue; Mr Ondarchie; Mr O’Sullivan; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Dr Carling-Jenkins and Mr O’Sullivan)*

Question negatived

Original question — put and agreed to.

**12 CLIMATE CHANGE BILL 2016** — 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, 21

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Purcell and Ms Dunn)*

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O’Donohue; Mr Ondarchie; Mr O’Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Young and Mr Morris)*

Question agreed to.

Bill read a second time.

Mr Davis moved, That the Climate Change Bill 2016 be referred to the Environment and Planning Committee for inquiry, consideration and report by 25 May 2017.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson; Dr Carling-Jenkins; Ms Crozier; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr Finn and Mr Ondarchie)

NOES, 23

Mr Barber; Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

(Tellers: Mr Mulino and Mr Young)

Question negatived.

*Business having been interrupted at 6.30 p.m. pursuant to Standing Orders —*

Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Mr Jennings declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in a Committee of the whole.

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in a Committee of the whole on the next day of meeting.

- 13 VICTORIAN PLANNING AUTHORITY BILL 2016** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the Victorian Planning Authority, to amend the Planning and Environment Act 1987 to abolish the Growth Areas Authority, to make consequential and other amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

- 14 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 9.28 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council



## No. 108 — Wednesday, 22 February 2017

1 The President took the Chair and read the Prayer.

2 **PETITION — NO SKYTOWER IN ORMOND** — Ms Crozier presented a Petition bearing 31 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to abandon its plans for the inappropriate over-development of the Ormond station site and instead proceed with a development that is smaller in scale and more in keeping with the low-rise village atmosphere of Ormond.

Ordered to lie on the Table.

\* \* \* \* \*

3 **PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — REPORT ON THE STATUTE LAW REVISION BILL 2017** — Ms Bath presented a Report from the Scrutiny of Acts and Regulations Committee on the *Statute Law Revision Bill 2017* (including an Appendix).

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Statutory Rule No. 1 under the Fisheries Act 1995.

4 **MINISTER'S STATEMENTS** — Statements were made by a Minister pursuant to Sessional Order 2.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

6 **MINISTER FOR FAMILIES AND CHILDREN** — Debate resumed on the motion, That the Minister for Families and Children no longer possesses the confidence of this House due to the Minister's failure to —

- (1) accept responsibility for the ongoing crisis engulfing Victoria's youth justice system;
- (2) act on the numerous reports and reviews commissioned by her into the youth justice system;
- (3) comply with the *Children, Youth and Families Act 2005* in relation to the transfer of young offenders from Parkville Youth Justice Centre to Barwon Prison; and
- (4) provide accurate and timely information to this House and to the Victorian public in relation to youth justice incidents.

*And on the amendment moved by Ms Springle, That in paragraph (2) omit "by her".*

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

7 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**DAIRY DEVELOPMENT GRANTS PROGRAM** — Ms Pulford having given answers to a question without notice and supplementary question relating to the Dairy Development Grants Program —

On the motion of Ms Lovell, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Child protection agencies – FGM** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Mikakos due Thursday, 23 February 2017.
- **Western Distributor – Hyde Street residents** — substantive question asked by Ms Hartland — response from Ms Pulford due Tuesday, 7 March 2017.
- **Leadbeater's Possum – Special Protection Zone Review** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Thursday, 23 February 2017.

- **Hancock Victoria Plantations** — supplementary question asked by Ms Bath — response from Ms Pulford due Thursday, 23 February 2017.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Heroin-related ambulance attendances** — substantive and supplementary question asked by Ms Patten on 7 February 2017 — further response from Ms Mikakos due Tuesday, 7 March 2017.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**9 MINISTER FOR FAMILIES AND CHILDREN** — Debate continued on the motion, That the Minister for Families and Children no longer possesses the confidence of this House due to the Minister's failure to —

- (1) accept responsibility for the ongoing crisis engulfing Victoria's youth justice system;
- (2) act on the numerous reports and reviews commissioned by her into the youth justice system;
- (3) comply with the *Children, Youth and Families Act 2005* in relation to the transfer of young offenders from Parkville Youth Justice Centre to Barwon Prison; and
- (4) provide accurate and timely information to this House and to the Victorian public in relation to youth justice incidents.

*And on the amendment moved by Ms Springle, That in paragraph (2) omit "by her".*

On the motion of Mr Melhem, debate was adjourned until later this day.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 356, be postponed until later this day.

**11 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILOT MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Mr Purcell moved, as a reasoned amendment, That all the words after "That" be omitted with the view of inserting in their place "pursuant to Sessional Order 6 this Bill be referred to the Legal and Social Issues Committee for report, no later than 5 September 2017, on a review and consideration of the —

- (1) recommendations in Coroner Hawkins' *Finding – Inquest into the Death of Ms A*, delivered on 20 February 2017 and other relevant reports;
- (2) nature and extent of current, relevant regulations; and
- (3) nature and extent of associated, relevant policing policy."

Debate ensued.

Question — That the reasoned amendment moved by Mr Purcell be agreed to — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Springle and Ms Symes)*

NOES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Dalla-Riva and Mr Young)*

Reasoned amendment agreed to.

**12 MINISTER FOR FAMILIES AND CHILDREN** — Debate continued on the motion, That the Minister for Families and Children no longer possesses the confidence of this House due to the Minister's failure to —

- (1) accept responsibility for the ongoing crisis engulfing Victoria's youth justice system;
- (2) act on the numerous reports and reviews commissioned by her into the youth justice system;
- (3) comply with the *Children, Youth and Families Act 2005* in relation to the transfer of young offenders from Parkville Youth Justice Centre to Barwon Prison; and
- (4) provide accurate and timely information to this House and to the Victorian public in relation to youth justice incidents.

*And on the amendment moved by Ms Springle, That in paragraph (2) omit "by her".*

Debate ensued.

Question — That the amendment moved by Ms Springle be agreed to.

The Council divided — The Acting President in the Chair.

AYES, 21

Mr Barber; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

*(Tellers: Mr Dalla-Riva and Ms Dunn)*

NOES, 14

Mr Dalidakis; Mr Eideh; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Mulino and Mr Somyurek)*

Question agreed to.

Question — That the motion moved by Ms Crozier, as amended, be agreed to.

The Council divided — The Acting President in the Chair.

AYES, 20

Mr Barber; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

*(Tellers: Mr Barber and Mr Davis)*

NOES, 15

Mr Dalidakis; Mr Eideh; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Dalidakis and Ms Patten)*

Question agreed to.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

**13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**14 VICTORIAN PLANNING AUTHORITY BILL 2016** — Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Davis, the debate was adjourned for one week.

**15 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.00 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 109 — Thursday, 23 February 2017

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — BAN FRACKING** — Mr Leane presented a Petition bearing 17 signatures from certain citizens of Victoria requesting that the Legislative Council support the Andrews Government decision to permanently ban the exploration and extraction of onshore unconventional gas (fracking) by unanimously voting for the corresponding legislation when it is introduced into the House.  
Ordered to lie on the Table.
- 3 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 7 March 2017.  
Question — put and agreed to.
- 4 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 370 be postponed until later this day.
- 7 **CLIMATE CHANGE BILL 2016** — Bill further considered in a Committee of the whole House in Committee.  
Bill reported without amendment, the Report was adopted.  
Mr Jennings moved, That the Bill be now read a third time.  
Question — That the Bill be now read a third time and do pass — put.  
The Council divided — The Deputy President in the Chair.

AYES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Mr Dalidakis and Ms Springle*)

NOES, 18

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Davis and Mr Young*)

Question agreed to.

Bill read a third time.

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

- 8 **CHILDREN LEGISLATION AMENDMENT (REPORTABLE CONDUCT) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 9 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Grevillea Youth Justice Facility – behaviour management** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Tuesday, 7 March 2017.
- **New youth justice facility – criteria for selection of sites** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Tuesday, 7 March 2017.

- **Adult Parole Board – review recommendations** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 7 March 2017.
- **Special advisor for trade with the Middle East** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Dalidakis due Wednesday, 8 March 2017.
- **Desalination plant** — substantive and supplementary questions asked by Mr Barber — response from Mr Jennings due Wednesday, 8 March 2017.
- **Rushworth State Forest – access** — supplementary question asked by Mr Young — response from Mr Jennings due Wednesday, 8 March 2017.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 CHILDREN LEGISLATION AMENDMENT (REPORTABLE CONDUCT) BILL 2016** — 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 OMBUDSMAN REFERRAL** — Debate resumed on the question, That, further to the resolution of the Council of 25 November 2015, this House —

(1) pursuant to section 16 of the *Ombudsman Act 1973*, refers the following matter to the Ombudsman for investigation and report:

In relation to Members of the Legislative Council of the Parliament of Victoria representing the Liberal Party of Australia – Victoria Division, the National Party of Australia – Victoria and the Australian Greens – Victoria —

(a) the nature of staff pooling arrangements entered into by those parties, or those Members individually; and

(b) whether any arrangements entered into by those Members contravene the terms of the Members Guide relating to political or party duties, or have seen the diversion of the electorate office budget resources, in particular the communication allocation, in breach of the electorate expenditure guidelines; and

(2) requires the Ombudsman to investigate and report on this matter concurrently with the matter previously referred on 25 November 2015.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Dalidakis; Mr Eideh; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

(Tellers: Mr Leane and Mr Purcell)

NOES, 23

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

(Tellers: Ms Bath and Ms Hartland)

Question negatived.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

- 14 HERITAGE BILL 2016** — 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 on the next day of meeting.
- 15 CONSUMER ACTS AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Associations Incorporation Reform Act 2012, the Conveyancers Act 2006, the Motor Car Traders Act 1986, the Sale of Land Act 1962, the Second-Hand Dealers and Pawnbrokers Act 1989 and the Veterans Act 2005 and for other purposes* and requesting the agreement of the Council.  
 On the motion of Ms Tierney, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
 Ms Tierney laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
 On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.  
 Ms Tierney moved, That the Bill be now read a second time.  
 On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.
- 16 CRIMES (MENTAL IMPAIRMENT AND UNFITNESS TO BE TRIED) AMENDMENT BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 to implement recommendations of the Victorian Law Reform Commission arising out of its review of that Act, to amend that Act and the Mental Health Act 2014 to transfer functions of the Forensic Leave Panel to the Mental Health Tribunal, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.  
 On the motion of Ms Tierney, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
 Ms Tierney laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
 On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.  
 Ms Tierney moved, That the Bill be now read a second time.  
 On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.
- 17 ELECTRICITY SAFETY AMENDMENT (BUSHFIRE MITIGATION CIVIL PENALTIES SCHEME) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Safety Act 1998 and for other purposes* and requesting the agreement of the Council.  
 On the motion of Ms Tierney, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
 Ms Tierney laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
 On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.  
 Ms Tierney moved, That the Bill be now read a second time.  
 On the motion of Mr Ondarchie (for Mrs Peulich), the debate was adjourned for one week.
- 18 FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Fair Work (Commonwealth Powers) Act 2009 and for other purposes* and requesting the agreement of the Council.  
 On the motion of Ms Tierney, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
 Ms Tierney laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
 On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.  
 Ms Tierney moved, That the Bill be now read a second time.  
 On the motion of Mr Ondarchie, the debate was adjourned for one week.

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

Debate ensued.

And then the Council, at 6.22 p.m., adjourned until Tuesday, 7 March 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 107, 108 and 109

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### CLIMATE CHANGE BILL 2016

*Committed Tuesday, 21 February 2017.*

*Amendments circulated: Mr Davis (see p 659).*

**Clause 1** — put and agreed to.

**Clauses 2 to 51** — put and agreed to.

**Clause 52** — Mr Davis moved Amendment Nos.1 and 2.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Donohue and Mr Ramsay)*

NOES, 21

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Dalidakis and Ms Dunn)*

Question negatived.

### Progress Reported.

#### Thursday, 23 February 2017 —

*Progress having been reported on Tuesday, 21 February 2017, Bill further considered in Committee of the whole.*

**Clause 52** — put and agreed to.

**Clauses 53 and 54** — put and agreed to.

**Clause 55** — Mr Davis moved Amendment Nos. 3 and 4.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Ondarchie and Mr Rich-Phillips)*

## NOES, 19

Mr Barber; Ms Dunn; Mr Eideh; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane;  
Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell;  
Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(Tellers: Mr Herbert and Mr Somyurek)

Question negatived.

Clause 55 — put and agreed to.

**Clauses 56 to 102** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**CHILDREN LEGISLATION AMENDMENT (REPORTABLE CONDUCT) BILL 2016**

*Committed Thursday, 23 February 2017.*

*Amendments circulated: Ms Springle (see p 659).*

**Clause 1** — put and agreed to.

**Clauses 2 to 5** — put and agreed to.

**Clause 6** — Ms Springle moved her amendments Nos. 1 to 3.

Question — That the amendments moved by Ms Springle be agreed to — put and negatived.

Clause 6 — put and agreed to.

**Clauses 7 to 18** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. CLIMATE CHANGE BILL 2016**Amendments circulated by Mr Davis

1. Clause 52, line 15, omit "appropriate." and insert "appropriate; and".
2. Clause 52, after line 15 insert—
  - "(d) the new and cumulative cost impacts of any steps taken to reduce the State's greenhouse gas emissions on—
    - (i) the Victorian economy, including employment; and
    - (ii) Victorian households; and
    - (iii) Victorian businesses."
3. Clause 55, line 35, omit "appropriate." and insert "appropriate; and".
4. Clause 55, after line 35 insert—
  - "(h) the new and cumulative cost impacts of the implementation of this Act, including the cost of any steps taken to achieve the long-term emissions reduction target and any interim emissions reduction target, on—
    - (i) the Victorian economy, including employment; and
    - (ii) Victorian households; and
    - (iii) Victorian businesses."

**2. CHILDREN LEGISLATION AMENDMENT (REPORTABLE CONDUCT) BILL 2016**Amendments circulated by Ms Springle

1. Clause 6, page 25, line 17, omit "The" and insert "Subject to subsection (3), the".
2. Clause 6, page 26, after line 6 insert—
  - "(3) If the person to whom the information is to be disclosed is the subject of the reportable allegation, information disclosure under subsection (2) must be based on a risk assessment undertaken by the Commission aimed at preventing further risk to the child."
3. Clause 6, page 26, line 7, omit "(3)" and insert "(4)".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 110, 111 and 112

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#### No. 110 — Tuesday, 7 March 2017

- 1 The President took the Chair, 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 28 February 2017, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Children Legislation Amendment (Reportable Conduct) Act 2017*  
*Climate Change Act 2017.*

- 3 **PETITIONS** —

**PROPOSED WERRIBEE SOUTH YOUTH JUSTICE CENTRE** — Mr Finn presented a Petition bearing 466 signatures from certain citizens of Victoria requesting that the Legislative Council call on Minister Tim Pallas, Minister Jill Hennessy, Minister Jenny Mikakos and Premier Daniel Andrews to reverse the decision to build a youth justice centre in Werribee South.

Ordered to lie on the Table.

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

\* \* \* \* \*

**UPPER GULLY STRATEGIC PLAN AMENDMENT C141** — Mr O'Donohue presented a Petition bearing 2,010 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Government to intervene on behalf of the Knox community and approve Amendment C141 with the mandatory maximum building height controls of 8.5 metres as recommended by Planning Panels Victoria.

Ordered to lie on the Table.

On the motion of Mr O'Donohue, the petition was ordered to be taken into consideration on the next day of meeting.

- 4 **PAPERS** —

**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO RETIREMENT HOUSING** —

Ms Fitzherbert presented a Report from the Legal and Social Issues Committee on the Inquiry into Retirement Housing (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Fitzherbert moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 3 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

- Australian Children's Education and Care Quality Authority — Report, 2015-16.
- Crown Land (Reserves) Act 1978 — Ministerial Orders for approval for leases in relation to Phillip Island Nature Park, dated 24 February 2017.
- Education and Care Services Ombudsman, National Education and Care Services Freedom of Information and Privacy Commissioners — Report, 2015-16.
- Essential Services Commission Act 2001 —  
Review of the Act pursuant to section 66(3).  
Government response to the Review of the Essential Services Commission Act 2001.
- Interpretation of Legislation Act 1984 — Notices pursuant to section 32(4) in relation to Dangerous Goods (Explosives) Regulations 2011, Dangerous Goods (Storage and Handling) Regulations 2012, Dangerous Goods (Transport by Road or Rail) Regulations 2008 and Occupational Health and Safety Regulations 2007 and Statutory Rule No. 2.
- Municipal Association of Victoria — Report, 2015-16.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —  
Banyule, Boroondara, Manningham, Nillumbik, Stonnington and Yarra Planning Schemes — Amendment GC48.  
Whitehorse Planning Scheme — Amendment C212.  
Whittlesea Planning Scheme — Amendment C187.
- Professional Standards Act 2003 — Instrument amending RICS Valuers Limited Scheme pursuant to section 14(2) of the Act, dated 7 February 2017.
- Statutory Rules under the following Acts of Parliament —  
Dangerous Goods Act 1985 — No. 2.  
Victorian Civil and Administrative Tribunal Act 1998 — No. 3.
- Subordinate Legislation Act 1994 —  
Documents under section 15 in respect of Statutory Rules Nos. 1 to 5.  
Legislative Instruments and related documents under section 16B in respect of —  
Assisted Reproductive Treatment Amendment Act 2016 — Guidelines pursuant to section 100A of the Act, dated 27 February 2017.  
Victorian Commission for Gambling and Liquor Regulation Act 2011 — Approval of premises as suitable for gaming, dated 13 February 2017.
- Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice No. 1/2017, Gazetted 23 February 2017.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Estate Agents Amendment (Underquoting) Act 2016 — 1 May 2017 (*Gazette No. S35, 21 February 2017*).
- Traditional Owner Settlement Amendment Act 2016 — Parts 1 and 3 and sections 4 to 10, 25 and 27 — 28 February 2017 (*Gazette No. S44, 28 February 2017*).

**5 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 8 March 2017:

- (1) Notice of Motion given this day by Ms Crozier calling for business case documents for the Werribee youth justice prison;
- (2) Notice of Motion No. 356 standing in the name of Mr Davis in relation to the Melbourne Metro Rail Project;
- (3) Notice of Motion given this day by Ms Springle in relation to vilification and discrimination in Victoria;
- (4) Notice of Motion given this day by Ms Fitzherbert in relation to the second residence allowance; and
- (5) Notice of Motion No. 362 standing in the name of Mr O'Sullivan referring a matter to the Environment, Natural Resources and Regional Development Committee.

Question — put and agreed to.

**6 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 374 be postponed until later this day.

**9 RESOURCES LEGISLATION AMENDMENT (FRACKING BAN) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Member for Melton – recovery of funds** — substantive question asked by Ms Wooldridge — response from Mr Jennings due Wednesday, 8 March 2017.
- **Second residence allowances – review of regulations** — supplementary question asked by Mr Rich-Phillips — response from Mr Jennings due Wednesday, 8 March 2017.
- **State Election ballot papers – indication of suburb of Assembly candidates** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Jennings due Wednesday, 8 March 2017.
- **Compensation scheme for taxi licence owners** — substantive and supplementary questions asked by Ms Patten — response from Ms Pulford due Thursday, 9 March 2017.
- **Supervised injecting centres** — substantive and supplementary questions asked by Ms Hartland — response from Ms Mikakos due Thursday, 9 March 2017.
- **Victoria Police – evidentiary expertise** — supplementary question asked by Mr Bourman — response from Ms Tierney due Thursday, 9 March 2017.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Treasury Corp Victoria, Deputy Chair travel expenses** — substantive question asked by Ms Crozier on 8 February 2017 — response from Mr Jennings due Thursday, 9 March 2017.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**12 RESOURCES LEGISLATION AMENDMENT (FRACKING BAN) BILL 2016** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

*The Acting President having ruled that certain amendments proposed to be moved in Committee by Mr Rich-Phillips were outside the scope of the Bill —*

Mr Rich-Phillips moved, That it be an instruction to the Committee that they have the power to consider an amendment and a New Clause to amend the *Petroleum Act 1988* to provide that any petroleum extracted from land in Victoria, or petroleum recovered from any reservoir in Victoria if that petroleum was originally extracted from land in Victoria, must not be supplied other than to the Victorian market.

Question — put and agreed to.

Bill 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.

**13 CRIMES LEGISLATION FURTHER AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

Ms Tierney declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

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 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 7.20 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 111— Wednesday, 8 March 2017

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**NORTH EAST LINK** — Ms Wooldridge presented a Petition bearing 63 signatures from certain citizens of Victoria requesting that the Legislative Council urge the Government to immediately plan, fund and construct the North East Link without further delay.

Ordered to lie on the Table.

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

\* \* \* \* \*

**PROPOSED WERRIBEE SOUTH YOUTH JUSTICE CENTRE** — Mr Finn presented a Petition bearing 372 signatures from certain citizens of Victoria requesting that the Legislative Council call on Minister Tim Pallas, Minister Jill Hennessy, Minister Jenny Mikakos and Premier Daniel Andrews to reverse the decision to build a youth justice centre in Werribee South.

Ordered to lie on the Table.

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

3 **PAPERS** —

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Managing Public Sector Records, March 2017 (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Alpine Planning Scheme — Amendment C38.

Baw Baw Planning Scheme — Amendment C89 (Part 2).

Colac Otway Planning Scheme — Amendment C92.



Melbourne and Moonee Valley Planning Schemes — Amendment GC40.  
 Greater Bendigo Planning Scheme — Amendment C227.  
 Greater Geelong Planning Scheme — Amendments C272 and C328 (Part 2).  
 Latrobe Planning Scheme — Amendment C90.  
 Melbourne Planning Scheme — Amendments C288, C290 and C310.  
 Monash Planning Scheme — Amendment C132.  
 Mount Alexander Planning Scheme — Amendment C81.  
 Port Phillip Planning Scheme — Amendment C146.  
 Stonnington Planning Scheme — Amendments C247 and C253.  
 Surf Coast Planning Scheme — Amendment C113.  
 Swan Hill Planning Scheme — Amendment C71.  
 Yarra Ranges Planning Scheme — Amendment C157.

Statutory Rules under the following Acts of Parliament —

County Court Act 1958 — No. 5.

Legal Profession Uniform Law Application Act 2014 — No. 4.

#### **4 ACCOUNTABILITY AND OVERSIGHT COMMITTEE —**

The President read a letter from Ms Bath resigning from the Accountability and Oversight Committee, effective from 7 March 2017.

Ms Pulford moved, by leave, That Mr O'Sullivan be a member of the Accountability and Oversight Committee.

Question — put and agreed to.

#### **5 MINISTERS' STATEMENTS —** Statements were made by Ministers pursuant to Sessional Order 2.

#### **6 MEMBERS' STATEMENTS —** Statements were made by Members pursuant to Standing Order 5.13.

#### **7 PRODUCTION OF DOCUMENTS — PROPOSED NEW YOUTH JUSTICE FACILITY —** Ms Crozier moved, That —

(1) in accordance with Standing Order 11.01, this House requires the Minister for Families and Children to table in the Council by 12 noon on Wednesday, 22 March 2017 a copy of the business case for the proposed new youth justice facility for Victoria, including any attachments or appendices; and

(2) any response should conform with Standing Orders 11.02(3) and 11.03(1)(a).

Debate ensued.

Question — put and agreed to.

#### **8 MELBOURNE METRO RAIL PROJECT — AMENDMENT GC45 —** Mr Davis moved, That, in relation to the Melbourne Metro Rail Project (the Project), this House —

(1) notes the joint Inquiry and Advisory Committee (IAC) report regarding the Melbourne Metro Rail Project and the response of the Minister for Planning;

(2) notes Planning Scheme Amendment GC45 was gazetted on 5 January 2017;

(3) pursuant to section 38(2) of the *Planning and Environment Act 1987* —

(a) revokes provisions of Amendment GC45 so far as to exclude the Minister for Planning from being the responsible authority for administering and enforcing the provisions of the Stonnington Planning Scheme as they relate to the Project; and

(b) as a result of (3)(a) revokes any consequential provisions to Amendment GC45.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

#### **9 QUESTIONS —** Questions without notice were taken pursuant to Sessional Order 3 and an Answer to a certain question on notice was circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE —** The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Princess Highway, South-West Victoria** — substantive question asked by Mr Purcell — response from Ms Pulford due Tuesday, 21 March 2017.

- **Wetlands survey by Game Management Authority** — supplementary question asked by Mr Barber — response from Ms Pulford due Thursday, 9 March 2017.
- **Public transport tender process** — substantive question asked by Ms Dunn — response from Ms Pulford due Tuesday, 21 March 2017.
- **LaunchVic CEO salary** — substantive question asked by Ms Crozier — response from Mr Dalidakis due Thursday, 9 March 2017.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 11 MELBOURNE METRO RAIL PROJECT — AMENDMENT GC45** — Debate continued on the question, That, in relation to the Melbourne Metro Rail Project (the Project), this House —
- (1) notes the joint Inquiry and Advisory Committee (IAC) report regarding the Melbourne Metro Rail Project and the response of the Minister for Planning;
  - (2) notes Planning Scheme Amendment GC45 was gazetted on 5 January 2017;
  - (3) pursuant to section 38(2) of the *Planning and Environment Act 1987* —
    - (a) revokes provisions of Amendment GC45 so far as to exclude the Minister for Planning from being the responsible authority for administering and enforcing the provisions of the Stonnington Planning Scheme as they relate to the Project; and
    - (b) as a result of (3)(a) revokes any consequential provisions to Amendment GC45.

On the motion of Ms Dunn, the debate was adjourned until later this day.

- 12 RELIGIOUS VILIFICATION AND DISCRIMINATION** — Ms Springle moved, That this House takes note of the rising vilification of and discrimination against Victorian Muslims and calls on all political parties to take a stand against this and to preference One Nation last on the ballot at the 2018 Victorian State election.

Debate ensued.

Mrs Peulich moved, as an amendment, “That all the words after “Victorian Muslims” be omitted with the view of inserting in their place “, Jewish and Christian communities and calls on all political parties to take a stand against left wing and right wing extremism.”.

Debate ensued.

On the motion of Ms Pulford, the debate was adjourned until later this day.

- 13 MELBOURNE METRO RAIL PROJECT — AMENDMENT GC45** — Debate continued on the question, That, in relation to the Melbourne Metro Rail Project (the Project), this House —
- (1) notes the joint Inquiry and Advisory Committee (IAC) report regarding the Melbourne Metro Rail Project and the response of the Minister for Planning;
  - (2) notes Planning Scheme Amendment GC45 was gazetted on 5 January 2017;
  - (3) pursuant to section 38(2) of the *Planning and Environment Act 1987* —
    - (a) revokes provisions of Amendment GC45 so far as to exclude the Minister for Planning from being the responsible authority for administering and enforcing the provisions of the Stonnington Planning Scheme as they relate to the Project; and
    - (b) as a result of (3)(a) revokes any consequential provisions to Amendment GC45.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Ms Crozier; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O’Donohue; Mr Ondarchie; Mr O’Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.  
(Tellers: Ms Bath and Mr O’Sullivan)

NOES, 23

Mr Barber; Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.  
(Tellers: Mr Melhem and Mr Somyurek)

Question negatived.

- 14 MEMBER FOR MELTON — SECOND RESIDENCE ALLOWANCE** — Ms Fitzherbert moved, That this House calls on the Special Minister of State, as the Minister responsible for the Parliamentary Salaries and Superannuation (Allowances) Regulations 2013, to take whatever action is necessary to allow recovery of any second residence allowance that was claimed by the Member for Melton based on his Ocean Grove home base.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders — the debate stood adjourned in the name of Mr Barber.*

- 15 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 16 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 374 be postponed until later this day.

- 17 STANDING ORDERS — E-PETITIONS** — Ms Pulford moved, That the proposed Standing Order recommended by the Procedure Committee in its E-Petitions Report, November 2016 be adopted to come into effect upon an e-Petition system going live on the Legislative Council website.

Debate ensued.

Question — put and agreed to.

- 18 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.33 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 112 — Thursday, 9 March 2017

- 1** The President took the Chair and read the Prayer.

- 2 ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE** — The President read a letter from Mr Don Nardella, MP, resigning from the Economic, Education, Jobs and Skills Committee, effective from 8 March 2017.

- 3 PETITION — PROPOSED WERRIBEE SOUTH YOUTH JUSTICE CENTRE** — Mr Finn presented a Petition bearing 405 signatures from certain citizens of Victoria requesting that the Legislative Council call on Minister Tim Pallas, Minister Jill Hennessy, Minister Jenny Mikakos and Premier Daniel Andrews to reverse the decision to build a youth justice centre in Werribee South.

Ordered to lie on the Table.

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

- 4 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Commissioner for Environmental Sustainability Act 2003 — Strategic audit of the implementation of environmental management systems in Victorian Government, 2015-16.

Independent Broad-based Anti-corruption Commission — Special report concerning Operation Liverpool: An investigation into the conduct of two officers of Bendigo Health, Adam Hardinge and John Mulder, March 2017 (*Ordered to be published*).

- 5 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 21 March 2017.

Question — put and agreed to.

- 6 COMMITTEES MEMBERSHIP** — Mr Jennings moved, by leave, That Mr Barber be a participating member of the Standing Committees on Economy and Infrastructure and on Legal and Social Issues.

Question — put and agreed to.

- 7 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 374 be postponed until later this day.

- 10 HERITAGE BILL 2016** — Bill 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.

- 11 URBAN RENEWAL AUTHORITY VICTORIA AMENDMENT (DEVELOPMENT VICTORIA) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

Debate continued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 12 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Gas prices and supply** — supplementary question asked by Mr Rich-Phillips — response from Mr Jennings due Wednesday, 22 March 2017.
- **Melbourne Polytechnic TAFE** — supplementary question asked by Ms Wooldridge — response from Ms Tierney due Tuesday, 21 March 2017.
- **New facility for serious sex offenders** — substantive question asked by Mr Morris — response from Ms Tierney due Tuesday, 21 March 2017.
- **Malmsbury youth justice centre — maintenance works** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Tuesday, 21 March 2017.
- **Duck hunting bag limits** — supplementary question asked by Mr Young — response from Ms Pulford due Tuesday, 21 March 2017.
- **Safe Schools Program in specialist schools** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Tierney due Wednesday, 22 March 2017.

- 13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 14 URBAN RENEWAL AUTHORITY VICTORIA AMENDMENT (DEVELOPMENT VICTORIA) BILL 2016** — 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 with amendments, the Report was adopted.

Mr Jennings moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

## AYES, 23

Mr Barber; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

(Tellers: Mr Bourman and Ms Patten)

## NOES, 15

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Ms Fitzherbert and Mr O'Sullivan)

Question agreed to.

Bill read a third time.

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

**15 TRANSPARENCY IN GOVERNMENT BILL 2015** — 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.

**16 ADMINISTRATION AND PROBATE AND OTHER ACTS AMENDMENT (SUCCESSION AND RELATED MATTERS) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Administration and Probate Act 1958 in relation to intestacy and other matters relating to the administration of estates, including fees and commissions, to amend that Act, the Guardianship and Administration Act 1986 and the Powers of Attorney Act 2014 in relation to ademption, to consequentially amend other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**17 EDUCATION AND CARE SERVICES NATIONAL LAW AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Care Services National Law set out in the Schedule to the Education and Care Services National Law Act 2010, the Children's Services Act 1996 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

**18 COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to impose a levy on the provision of commercial passenger vehicle services, to amend the Transport (Compliance and Miscellaneous) Act 1983, the Transport Integration Act 2010, the Bus Safety Act 2009, the*

*Road Safety Act 1986 and the Taxation Administration Act 1997 and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.

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

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

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

**19 BUILDING AMENDMENT (ENFORCEMENT AND OTHER MEASURES) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993 to improve the enforcement of that Act, to provide for the further regulation of building practitioners and to reform the building permit process and to amend the Domestic Building Contracts Act 1995 to further regulate entry into domestic building contracts, to make consequential and other miscellaneous amendments to other Acts and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**20 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 8.17 p.m., adjourned until Tuesday, 21 March 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 110, 111 and 112

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### RESOURCES LEGISLATION AMENDMENT (FRACKING BAN) BILL 2016

*Committed Tuesday, 7 March 2017.*

*Amendments circulated: Mr Rich-Phillips (see pp 676-8)*

**Clause 1** — Mr Rich-Phillips moved Amendment No.1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
*(Tellers: Mr O'Sullivan and Mr Ramsay)*

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
*(Tellers: Mr Barber and Ms Mikakos)*

Question negated

Mr Rich-Phillips moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
*(Tellers: Ms Crozier and Mr Ondarchie)*

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
*(Tellers: Mr Purcell and Ms Tierney)*

Question negated

Clause 1 — put and agreed to.

**Clauses 2 to 9** — put and agreed to.

**Clause 10** — Mr Rich-Phillips moved Amendment No.4.

Question — That Clause 10 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
*(Tellers: Ms Shing and Ms Springle)*

## NOES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Davis and Mr Young*)

Question agreed to.

**Clauses 11 to 13** — put and agreed to.

**Bill reported to the House without amendment.**

\* \* \* \* \*

**HERITAGE BILL 2016**

*Committed Thursday, 9 March 2017.*

*Amendments circulated: Ms Dunn (see pp 678-9)*

**Clause 1** — put and agreed to.

**Clauses 2 to 29** — put and agreed to.

**Clause 30** — Ms Dunn moved her Amendment Nos. 1 and 2.

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

Clause 30 — put and agreed to.

**Clauses 31 to 48** — put and agreed to.

**Clause 49** — Ms Dunn moved her Amendment No. 3.

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

Clause 49 — put and agreed to.

**Clauses 50 to 93** — put and agreed to.

**Clause 94** — Ms Dunn moved her Amendment Nos. 4, 5 and 6.

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

Clause 94 — put and agreed to.

**Clauses 95 to 105** — put and agreed to.

**New Clause following Clause 95** — Ms Dunn moved her Amendment No. 7.

Question — That the new clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Barber; Ms Dunn; Ms Hartland; Ms Springle.  
(*Tellers: Mr Barber and Ms Springle*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Dalla-Riva and Mr Somyurek*)

Question negatived.

**Clauses 106 to 309** — put and agreed to.



**Schedule 1** — put and agreed to.

**Bill reported to the House without amendment.**

\* \* \* \* \*

**URBAN RENEWAL AUTHORITY VICTORIA AMENDMENT (DEVELOPMENT VICTORIA) BILL  
2016**

*Committed Thursday, 9 March 2017.*

*Amendments circulated: Mr Davis and Ms Dunn (see p 679)*

**Clause 1** — put and agreed to.

**Clauses 2 to 17** — put and agreed to.

**Clause 18** — Mr Davis moved Amendment No.1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr Ondarchie)*

NOES, 21

Mr Barber; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Mr Purcell; Ms Shing; Ms Springlet; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Ms Pennicuik)*

Question negated.

Ms Dunn moved Amendment No. 1.

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

Clause 18, as amended — put and agreed to.

**Clause 19** — put and agreed to.

**New Clause following Clause 19** — Ms Dunn moved Amendment No. 2.

Question — That the new clause stand part of the Bill — put and agreed to.

**Clauses 20 to 39** — put and agreed to.

**Bill reported to the House with amendments.**

\* \* \* \* \*

**TRANSPARENCY IN GOVERNMENT BILL 2015**

*Committed Thursday, 9 March 2017.*

*Amendments circulated: Mr Jennings and Mr Rich-Phillips (see pp 680-2)*

**Clause 1** — put and agreed to.

**Clause 2** — Mr Jennings moved Amendment No.1.

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

Clause 2, as amended — put and agreed to.

**Clause 3** — Mr Jennings moved Amendment Nos. 2 and 3.

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

Mr Rich-Phillips moved Amendment Nos.1 and 3.

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

Clause 3, as amended — put and agreed to.

**Clauses 4 to 10** — put and agreed to.

**Heading to Clause 11** — Mr Rich-Phillips moved Amendment No. 5.

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

Heading to Clause 11, as amended — put and agreed to.

**Clause 11** — Mr Rich-Phillips moved Amendment Nos. 6 to 8.

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

Clause 11, as amended — put and agreed to.

**Clause 12** — put and agreed to.

**Heading to Clause 13** — Mr Rich-Phillips moved Amendment No. 9.

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

Heading to Clause 13, as amended — put and agreed to.

**Clause 13** — Mr Rich-Phillips moved Amendment No. 10.

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

Mr Rich-Phillips moved Amendment No. 11.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Mr Morris)*

NOES, 18

Mr Barber; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springler; Ms Symes; Ms Tierney.

*(Tellers: Mr Barber and Mr Mulino)*

Question agreed to.

Mr Rich-Phillips moved Amendment Nos. 12 and 13.

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

Clause 13, as amended — put and agreed to.

**Clause 14** — Mr Rich-Phillips moved Amendment No. 14.

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

Clause 14, as amended — put and agreed to.

**Clauses 15 and 16** — put and agreed to.

**Clause 17** — Mr Jennings moved Amendment Nos. 4 and 5.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Barber; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Mr Herbert and Ms Springle*)

NOES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Ramsay and Mr Young*)

Question negatived.

Mr Rich-Phillips moved Amendment Nos. 15 and 16.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Ms Bath and Mr Purcell*)

NOES, 18

Mr Barber; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Melhem; Ms Mikakos; Mr Jennings; Mr Leane; Mr Mulino; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Ms Mikakos and Ms Tierney*)

Question agreed to.

Clause 17, as amended — put and agreed to.

**Clause 18** — put and agreed to.

**Heading to Clause 19** — Mr Rich-Phillips moved Amendment No. 17.

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

Heading to Clause 19, as amended — put and agreed to.

**Clause 19** — Mr Rich-Phillips moved Amendment Nos. 18 and 19.

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

Clause 19, as amended — put and agreed to.

**Clauses 20 and 21** — put and agreed to.

**Clause 22** — Mr Rich-Phillips moved Amendment Nos. 20 and 21.

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

Clause 22, as amended — put and agreed to.

**New Clauses following Clause 22** — Mr Rich-Phillips moved Amendment No. 22.

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

**Clauses 23 and 24** — put and agreed to.

**Clause 25** — Mr Jennings moved Amendment No. 6.

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

Clause 25, as amended — put and agreed to.

**Bill reported to the House with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. RESOURCES LEGISLATION AMENDMENT (FRACKING BAN) BILL 2016***Amendments circulated by Mr Rich-Phillips*

1. Clause 1, page 2, lines 10 to 13, omit all words and expressions on those lines and insert—
- "() to provide that the Minister may only grant a production licence if the applicant has the consent of the owners and occupiers of the land on which any well-head is or is to be located within the area for which the licence is sought to carry out petroleum production in that area; and".

2. Clause 1, page 2, after line 13 insert—
- "() to provide that any petroleum extracted from land in Victoria, or petroleum recovered from any reservoir in Victoria if that petroleum was originally extracted from land in Victoria, must not be supplied other than to the Victorian market; and".

## NEW CLAUSE

3. Insert the following New Clause to follow clause 9—

**"A Factors determining grant of application**

- (1) In section 49(2)(b) of the **Petroleum Act 1998**, for "the licence" substitute "the licence; and".

- (2) After section 49(2)(b) of the **Petroleum Act 1988** insert—

"(c)if the application for the licence is made on or after 1 July 2017, the Minister is satisfied that the applicant has obtained the consent of the owners and occupiers of the land on which any well-head is or is to be located within the area in respect of which the licence is sought for the applicant—

- (i) to carry out petroleum production in that area; and
- (ii) to do any thing in that area that is necessary for, or incidental to, the carrying out of petroleum production."."

4. Clause 10, omit this clause.

## NEW CLAUSE

5. Insert the following New Clause before clause 11—

**"B New Division 4 inserted in Part 11**

After Division 3 of Part 11 of the **Petroleum Act 1998** insert—

**"Division 4 Supply of petroleum****182ASupply of petroleum**

(1)This section applies to the holder of a production licence if that licence was granted on or after 1 July 2017.

(2)The holder of a production licence must not supply petroleum extracted from land in Victoria or, if the petroleum was originally extracted from land in Victoria, petroleum recovered from any reservoir in Victoria other than to a person or an entity that will—

- (a) consume the petroleum within Victoria; or
- (b) supply the petroleum to a person who, or an entity that, will consume the petroleum within Victoria.

Penalty: 240 penalty units.

Default penalty: 10 penalty units.

(3) The holder of a production licence must ensure that any contract for the supply by the holder of petroleum extracted from land in Victoria or, if the petroleum was originally extracted from land in Victoria, petroleum recovered from any reservoir in Victoria, includes a condition that the person to whom, or entity to which, the petroleum is to be supplied must not further supply that petroleum other than to a person or an entity that will—

(a) consume the petroleum within Victoria; or

(b) supply the petroleum to a person who, or an entity that, will consume the petroleum within Victoria.

Penalty: 240 penalty units.

### **182B Exemption from restriction on supply of petroleum**

(1) The holder of a production licence to which section 182A applies may apply to the Minister for an exemption from the application of that section for a period specified in the application.

(2) Subject to subsections (3) and (4), the Minister may grant or refuse to grant an exemption under subsection (1).

(3) The Minister may grant an exemption under subsection (1) for the period specified in the application or any shorter period.

(4) The Minister must not grant an exemption under subsection (1) unless the Minister reasonably considers that—

(a) enough petroleum will be produced in Victoria to satisfy the needs of the Victorian market for petroleum during the period of the exemption if the exemption is granted; or

(b) the licence holder has taken all reasonable steps to comply with section 182A but it will not be commercially viable for the licence holder to comply with that section during the period of the exemption."."

6. Clause 11, lines 20 to 25, omit all words and expressions on those lines.
7. Clause 11, line 26, omit "(c)" and insert "(a)".
8. Clause 11, line 27, after "plan" insert "under which hydraulic fracturing is proposed to be carried out".
9. Clause 11, line 28, omit "(d)" and insert "(b)".
10. Clause 11, line 29, after "condition" insert "relating to hydraulic fracturing".
11. Clause 11, line 30, omit "(e)" and insert "(c)".
12. Clause 11, line 31, after "condition" insert "relating to hydraulic fracturing".
13. Clause 11, page 12, line 1, omit "(f)" and insert "(d)".
14. Clause 11, page 12, line 2, after "operation" insert "that involves hydraulic fracturing".
15. Clause 11, page 12, line 4, omit "(g)" and insert "(e)".
16. Clause 11, page 12, line 5, after "operation" insert "that involves hydraulic fracturing".

17. Clause 11, page 12, line 6, omit "(h)" and insert "(f)".
18. Clause 11, page 12, line 8, omit all words and expressions on that line.
19. Clause 11, page 12, line 9, omit "(ii)" and insert "(i)".
20. Clause 11, page 12, line 10, after "condition" insert "relating to hydraulic fracturing".
21. Clause 11, page 12, line 12, omit "(iii)" and insert "(ii)".
22. Clause 11, page 12, line 14, after "operation" insert "that involves hydraulic fracturing".
23. Clause 11, page 12, line 15, omit "(iv)" and insert "(iii)".
24. Clause 11, page 12, line 16, after "operation" insert "that involves hydraulic fracturing".
25. Clause 11, page 12, line 17, omit "(i)" and insert "(g)".
26. Clause 11, page 12, line 21, omit "(1)(b), (c), (d), (e), (f) and (g)" and insert "(1)(a), (b), (c), (d) and (e)".
27. Clause 11, page 12, line 29, omit "(h) and (i)" and insert "(f) and (g)".

#### AMENDMENT OF LONG TITLE

28. Long title, omit "to impose a moratorium on petroleum exploration and production in onshore areas of Victoria,".

## 2. HERITAGE BILL 2016

### Amendments circulated by Ms Dunn

1. Clause 30, line 32, after "section 29" insert ", or any other person,".
2. Clause 30, page 31, line 25, after "applicant" insert "or other person"
3. Clause 49, page 44, line 6, after "authority for" insert "interim planning scheme protection to allow".
4. Clause 94, line 32, omit "14 days" and insert "28 days".
5. Clause 94, page 80, line 5, omit "14 days" and insert "28 days".
6. Clause 94, page 80, lines 7 to 10, omit "(2) with the agreement of the applicant and the owner or government asset manager of the registered place or registered object." and insert "(2).".

#### NEW CLAUSE

7. Insert the following Division heading and clause to follow clause 105—

#### **"Division 4A—Reviews of determinations to approve permit applications**

##### **A Review of a determination to approve a permit application**

- (1) Any person may make a written request to the Heritage Council to review a determination by the Executive Director to approve a permit application and issue a permit.
- (2) The Heritage Council must determine a review within 60 days after the request is made.
- (3) The Heritage Council may make a determination on the review to—

- (a) affirm the determination under review; or
- (b) vary the determination under review; or
- (c) set aside the determination under review and make another determination in substitution for it."

### 3. URBAN RENEWAL AUTHORITY VICTORIA AMENDMENT (DEVELOPMENT VICTORIA) BILL 2016

#### Amendments circulated by Mr Davis

1. Clause 18, after line 32 insert—
    - '(3) After section 49(2) of the Principal Act **insert**—
      - "(3) Development Victoria must not enter into an agreement under subsection (1) concerning the use or development of land without the consent of the municipal council for the municipal district in which the land is located."!
- NEW CLAUSE
2. Insert the following New Clause to follow Clause 19—
    - 'A. **Annual report**
    - In section 69 of the Principal Act—
      - (a) in paragraph (b), for "completed." **substitute** "completed; and"; and
      - (b) after paragraph (b) **insert**—
        - "(c) a detailed report on the status of each declared project; and
        - (d) a report on the financial status of each declared project."!

#### Amendments circulated by Ms Dunn

1. Clause 18, after line 32 insert—
    - '(3) After section 49(2) of the Principal Act **insert**—
      - "(3) Development Victoria must consult with the municipal district in which the land is located before entering into an agreement under subsection (1) concerning the use or development of that land."!
- NEW CLAUSE
2. Insert the following New Clause to follow Clause 19—
    - 'A **Annual report**
    - In section 69 of the Principal Act—
      - (a) in paragraph (b), for "completed." **substitute** "completed; and";
      - (b) after paragraph (b) **insert**—
        - "(c)in respect of each declared project being delivered by the Authority during the financial year, details of value creation and capture, including—
          - (i) community services, benefits and infrastructure;
          - (ii) increase in social capital;
          - (iii) enhancements to public amenity;
          - (iv) commercial outcomes;
          - (v) productivity enhancements;
        - (d)a report on the financial status of each declared project."!

#### 4. TRANSPARENCY IN GOVERNMENT BILL 2015

##### Amendments circulated by Mr Jennings

1. Clause 2, line 5, omit "2016" and insert "2017".
2. Clause 3, page 3, after line 14 insert—
 

**"DHSV means Dental Health Services Victoria established under the Health Services Act 1988;"**.
3. Clause 3, page 5, after line 14 insert—
 

"(d) in relation to a public hospital, a statement of priorities agreed to by the board of the public hospital and the Department Head (within the meaning of the **Public Administration Act 2004**) of the Department of Health and Human Services;"
4. Clause 17, page 23, line 2, omit "Division." and insert "Division including in relation to the following performance indicator categories—".
5. Clause 17, page 23, after line 2 insert—
 

(a) performance indicators for public health services, public hospitals and denominational hospitals;

(b) performance indicators for DHSV."
6. Clause 25, line 11, omit "2017" and insert "2018".

##### Amendments circulated by Mr Rich-Philips

1. Clause 3, lines 20 to 23, omit all words and expressions on these lines and insert—
 

**"board** means—

(a) in relation to a public health service, a board of directors established in respect of a public health service under section 65S of the **Health Services Act 1988**;

(b) in relation to a public hospital, a board of management established in respect of a public hospital under section 33 of the **Health Services Act 1988**;"
2. Clause 3, page 3, after line 14 insert—
 

**"dental service** means a dental service provided by a service listed in Schedules 1 to 5 to the **Health Services Act 1988** or a registered community health centre within the meaning of that Act;"
3. Clause 3, page 4, after line 21 insert—
 

**"public hospital** has the same meaning as in the **Health Services Act 1988**;"
4. Clause 3, page 5, after line 14 insert—
 

"(d) in relation to a public hospital, a statement of priorities prepared by a public hospital and agreed to by the board of the public hospital and the Department Head (within the meaning of the **Public Administration Act 2004**) of the Department of Health and Human Services;"
5. Heading to clause 11, after **"service"** insert **"and public hospital"**.
6. Clause 11, line 22, omit "(2)" and insert "(3)".
7. Clause 11, after line 29 insert—



- "() The Minister administering the **Health Services Act 1988** must cause any statement of priorities in relation to a public hospital to be published on a website managed and administered by the relevant government department on or before 1 November in the financial year to which the statement of priorities relates."
8. Clause 11, page 16, line 10, omit "(2)" and insert "(3)".
  9. Heading to clause 13, after "**service**" insert "**and public hospital**".
  10. Clause 13, line 12, after "service" insert ", and any public hospital in respect of which a statement of priorities has been agreed to,".
  11. Clause 13, lines 21 to 23, omit all words and expressions on these lines and insert—
    - "() A report prepared under this section—
      - (a) must, if data has not been reported in respect of a performance indicator and the performance indicator is not an excepted performance indicator within the meaning of section 18, provide reasons for the omission of the data; and
      - (b) must provide an explanation for how the data in respect of each performance indicator has been calculated; and
      - (c) in relation to a public health service, may present data in respect of individual hospitals that constitute the public health service."
  12. Clause 13, line 28, after "service" insert "or public hospital".
  13. Clause 13, page 19, line 1, after "service" insert "or public hospital".
  14. Clause 14, lines 20 to 22, omit all words and expressions on these lines and insert—
    - "() A report prepared under this section—
      - (a) must, if data has not been reported in respect of a performance indicator and the performance indicator is not an excepted performance indicator within the meaning of section 18, provide reasons for the omission of the data; and
      - (b) must provide an explanation for how the data in respect of each performance indicator has been calculated; and
      - (c) may present data in respect of individual hospitals that constitute the denominational hospital."
  15. Clause 17, page 23, line 2, omit "Division." and insert "Division including in relation to the following performance indicator categories—".
  16. Clause 17, page 23, after line 2 insert—
    - "(a) performance indicators for public health services, public hospitals and denominational hospitals with emergency departments or with funded urgent care centres;
    - (b) performance indicators for public health services, public hospitals and denominational hospitals with 2 or more operating theatres;
    - (c) performance indicators for each dental service."
  17. Heading to clause 19, after "**service**" insert ", **public hospital**".
  18. Clause 19, line 19, omit "service" and insert "service, public hospital".
  19. Clause 19, line 24, omit "service" and insert "service, public hospital".
  20. Clause 22, line 7, omit "health service" and insert "health service, public hospital".
  21. Clause 22, line 19, omit "service" and insert "service, public hospital".

## NEW CLAUSES

22. Insert the following New Clauses to follow clause 22—

**"A Requirement to make statutory declaration in relation to accuracy of report**

- (1) A Minister who is required to cause the preparation and publication of a report under this Act and the Secretary to the relevant government department of the Minister must each make a statutory declaration in respect of that report providing that the Minister or the Secretary (as appropriate) is not aware of any circumstances which would render any of the particulars in the report inaccurate or misleading.
- (2) A statutory declaration made by a Minister or a Secretary under subsection (1) must be published with, and may be incorporated in, the report to which the statutory declaration relates.

**B Further publication requirements for reports**

- (1) Any report prepared under this Act must be published in a recognised machine-readable format.
- (2) Any report published under this Act must remain accessible to the public on the website managed and administered by the relevant government department or Emergency Management Victoria (as appropriate).
- (3) For the purposes of subsection (2), if a report published under this Act is updated, any iteration of the report published before the incorporation of the update (a *previous iteration*) must also be accessible on the website managed and administered by the relevant government department or Emergency Management Victoria (as appropriate).
- (4) For the purposes of subsection (3), any previous iteration of a report must be annotated to note that it is a previous iteration."



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 113, 114 and 115

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#### No. 113 — Tuesday, 21 March 2017

- 1 The President took the Chair, 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 15 March 2017, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:  
*Crimes Legislation Further Amendment Act 2017*  
*Heritage Act 2017*  
*Resources Legislation Amendment (Fracking Ban) Act 2017.*
- 3 **SECOND RESIDENCE ALLOWANCE — AUDIT COMMITTEE — LETTER FROM PRESIDENT** — The President read a letter from himself to the Speaker regarding the Audit Committee's findings in relation to second residence allowances paid to the Members for Melton and Tarneit.
- 4 **ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE — RESIGNATIONS** — The President read letters from the following Members resigning from the Environment, Natural Resources and Regional Development Committee —
  - (1) Mr Tim McCurdy, MP, effective from 20 March 2017;
  - (2) Mr Bill Tilley, MP, effective from 21 March 2017; and
  - (3) Ms Vicki Ward, MP, effective from 21 March 2017.
- 5 **PETITION — MYKI CARD OUTLET** — Ms Crozier presented a Petition bearing 191 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Government to enable the sale of Myki cards in an outlet closer to McKinnon Station and grant McKinnon Newsagency a licence to sell Myki cards.  
Ordered to lie on the Table.
- 6 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 4 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be published.  
\* \* \* \* \*
- LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO THE FREEDOM OF INFORMATION AMENDMENT (OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER) BILL 2016** — Ms Fitzherbert presented a Report from the Legal and Social Issues Committee on the Inquiry into the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016 (including Transcripts of Evidence and Appendices).  
Ordered to lie on the Table and the Report to be published.

Ms Fitzherbert moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**2016-17 MID-YEAR FINANCIAL REPORT** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the 2016-17 Mid-Year Financial Report (incorporating Quarterly Financial Report No.2).

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION INTO ALLEGATIONS OF IMPROPER CONDUCT BY OFFICERS AT THE MOUNT BULLER AND MOUNT STIRLING RESORT MANAGEMENT BOARD** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report of the investigation into allegations of improper conduct by officers at the Mount Buller and Mount Stirling Resort Management Board, March 2017.

Report ordered to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Judicial Entitlements Act 2015 — Recommendation statement in relation to the Own Motion Recommendation Report of the Judicial Entitlements Panel pursuant to section 34 of the Act.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Banyule, Darebin, Nillumbik, Whittlesea and Yarra Planning Schemes — Amendment GC60.

Campaspe Planning Scheme — Amendment C109.

Cardinia Planning Scheme — Amendments C212 and C219.

Greater Geelong Planning Scheme — Amendment C301.

Greater Shepparton Planning Scheme — Amendment C187.

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2015-16.

Statutory Rules under the following Acts of Parliament —

Motor Car Traders Act 1986 — No. 8.

Residential Tenancies Act 1997 — No. 7.

Rooming House Operators Act 2016 — No. 6.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 6 to 8.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice No. 2/2017, Gazetted 10 March 2017.

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**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Rooming House Operators Act 2016 — 26 April 2017 (*Gazette No. S57, 7 March 2017*).

**7 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 22 March 2017:

- (1) Notice of Motion given this day by Mr Rich-Phillips relating to the production of the PricewaterhouseCoopers report to the Audit Committee on the second residence allowance;
- (2) Notice of Motion No. 359 standing in the name of Ms Bath relating to the Heyfield Mill;
- (3) Notice of Motion given this day by Mr Bourman relating to the contribution of hunters and shooters to the economy and environment;
- (4) Notice of Motion given this day by Mrs Peulich relating to the matters surrounding the Audit Committee on the second residence allowance; and
- (5) Notice of Motion No. 362 standing in the name of Mr O'Sullivan referring a matter to the Environment, Natural Resources and Regional Development Committee.

Question — put and agreed to.

- 8 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Ms Mikakos moved, by leave, That Ms Patten be a member of the Public Accounts and Estimates Committee.

Question — put and agreed to.

- 9 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

- 10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 374 be postponed until later this day.

- 12 PARLIAMENTARY BUDGET OFFICER BILL 2016** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 13 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Heyfield Mill – proposed Government purchase** — supplementary question asked by Mr Rich-Phillips — response from Mr Jennings due Wednesday, 22 March 2017.
- **Local government – farm rate discount** — substantive question asked by Mr Purcell — response from Mr Dalidakis due Thursday, 23 March 2017.

- 14 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 15 PARLIAMENTARY BUDGET OFFICER BILL 2016** — Bill further considered in 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.

- 16 URBAN RENEWAL AUTHORITY VICTORIA AMENDMENT (DEVELOPMENT VICTORIA) BILL 2016** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 17 ATTENDANCE OF MINISTER BEFORE STANDING COMMITTEE OF THE LEGISLATIVE COUNCIL** — The President read a Message from the Assembly informing the Council that they have not agreed to the request to grant leave to the Treasurer to appear before the Economy and Infrastructure Committee.

- 18 WRONGS AMENDMENT (ORGANISATIONAL CHILD ABUSE) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Springle were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

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Ms Tierney declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in a 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.

**19 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 7.21 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 114 — Wednesday, 22 March 2017

1 The President took the Chair and read the Prayer.

2 **MAJOR SPORTING EVENTS AMENDMENT (AFL GRAND FINAL TICKETS) BILL 2017** — Ms Springle introduced *A Bill for an Act to amend the Major Sporting Events Act 2009 to provide for the AFL Grand Final to be a sports ticketing event and to set out specific ticketing requirements for that event and for other purposes.*

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

3 **PAPERS** —

**LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE — INQUIRY INTO LOWERING THE PROBATIONARY DRIVING AGE IN VICTORIA TO SEVENTEEN** —

Ms Patten presented a Report from the Law Reform, Road and Community Safety Committee on the Inquiry into Lowering the Probationary Driving Age in Victoria to Seventeen (including Appendices, Extracts of Proceedings and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Patten moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of an Act of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Effectiveness of the Environmental Effects Statement Process, March 2017 (*Ordered to be published*).

Managing Victoria's Planning System for Land Use and Development, March 2017 (*Ordered to be published*).

4 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

6 **PRODUCTION OF DOCUMENTS — AUDIT COMMITTEE REPORT** — Mr Rich-Phillips moved, That this House requires the President to table the PricewaterhouseCoopers report to the Audit Committee in relation to the second residence allowance used by the Members for Melton and Tarneit by Thursday, 23 March 2017.

Debate ensued.

Mr Jennings moved, That debate be adjourned until the next day of meeting.

Debate ensued.

Question — put and agreed to.

- 7 HEYFIELD MILL** — Ms Bath moved, That this House calls on Premier Daniel Andrews to respect the views of the 1,000 people who met at Heyfield on Wednesday, 1 February 2017 and keep his word that he will fight for every job to ensure that —
- (1) the Heyfield Mill will stay open and its 250 staff will keep their jobs;
  - (2) the town of Heyfield and the surrounding areas, businesses and communities have a future;
  - (3) the thousands of businesses that rely on Australian Sustainable Hardwoods' (ASH) products will also have a future;
  - (4) Australian-made, high-quality, hardwood timber products from Australian-grown, environmentally-sustainable and commercially-managed regrowth forests are not replaced by imported products; and
  - (5) over 7,000 indirect jobs and affected families in Victoria are saved from the flow-on effects of this disaster.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 8 PRODUCTION OF DOCUMENTS — PROPOSED NEW YOUTH JUSTICE FACILITY** — The Clerk laid on the Table a letter from the Attorney-General dated 22 March 2017 in response to the Resolution of the Council of 8 March 2017 seeking the production of documents relating to the business case for the proposed new youth justice facility for Victoria, advising that:
- The Government has identified two documents that fall within the scope of the Council's order and notes the limits on the Council's power to call for documents and the Government's approach to claiming executive privilege;
  - The Government has determined to withhold both documents on the basis that their disclosure would be contrary to the public interest; and
  - In compliance with Standing Order 11.03(a), the attached schedule refers to the documents in respect of which a claim of executive privilege is made.

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

- 9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Duck shooting** — substantive question asked by Ms Pennicuik — response from Ms Pulford due Thursday, 23 March 2017.
- **Drug policy – Australia 21 report** — substantive question asked by Ms Hartland — response from Ms Mikakos due Tuesday, 2 May 2017.
- **Prison officers** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Thursday, 23 March 2017.
- **Prison and cell overcrowding** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Thursday, 23 March 2017.
- **Ravenhall Prison – indigenous service provider** — substantive and supplementary questions asked by Mr Finn — response from Ms Tierney due Thursday, 23 March 2017.

- 10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 11 HEYFIELD MILL** — Debate continued on the question, That this House calls on Premier Daniel Andrews to respect the views of the 1,000 people who met at Heyfield on Wednesday, 1 February 2017 and keep his word that he will fight for every job to ensure that —
- (1) the Heyfield Mill will stay open and its 250 staff will keep their jobs;

- (2) the town of Heyfield and the surrounding areas, businesses and communities have a future;
- (3) the thousands of businesses that rely on Australian Sustainable Hardwoods' (ASH) products will also have a future;
- (4) Australian-made, high-quality, hardwood timber products from Australian-grown, environmentally-sustainable and commercially-managed regrowth forests are not replaced by imported products; and
- (5) over 7,000 indirect jobs and affected families in Victoria are saved from the flow-on effects of this disaster.

On the motion of Mr Ramsay, the debate was adjourned until later this day.

**12 RECREATIONAL HUNTING AND SHOOTING** – Mr Bourman moved, That this House —

- (1) acknowledges the legitimate recreational pursuits of sporting shooters and hunters;
- (2) recognises the contribution made to the economy and environment by recreational and sporting shooters in Victoria; and
- (3) notes that changes currently being proposed to the National Firearms Agreement would place unfair conditions on law-abiding firearm owners who have already proven to abide by stringent regulations that limit the use of firearms in shooting sports, recreational hunting and pest control.

Debate ensued.

Ms Pulford moved, as an amendment, That all the words after “notes” be omitted with the view of inserting in their place the words “that the State of Victoria, like all other Australian jurisdictions, continues to support the National Firearms Agreement as it provides a nationally agreed and consistent set of conditions that provide certainty for law-abiding firearm owners and maximizes public safety outcomes.”.

Debate ensued.

Question, That the amendment moved by Ms Pulford be agreed to — put and negated.

Original question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Mr Dalla-Riva and Mr Morris)

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(Tellers: Ms Dunn and Mr Mulino)

Question negated.

**13 SECOND RESIDENCE ALLOWANCE** — Mrs Peulich moved, That this House —

- (1) takes note of the matters surrounding the Audit Committee on second residence allowance pursuant to the Parliamentary Salaries and Superannuation (Allowance) Regulations 2013;
- (2) calls on the Government to immediately amend those Regulations to provide that in addition to existing requirements, Members claiming a second residence allowance must have their home base within the electorate they represent; and
- (3) calls on the Government to amend the *Members of Parliament (Register of Interests) Act 1978* to require claims for the second residence allowance to be disclosed annually in the Register of Interests.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders — the debate stood adjourned in the name of Mr Barber.*



**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE** — Mr Dalidakis moved, by leave, That Mr O’Sullivan be appointed to the Environment, Natural Resources and Regional Development Committee.

Question — put and agreed to.

**16 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.12 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 115 — Thursday, 23 March 2017

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**PARLIAMENT OF VICTORIA REVIEW OF MEMBERS’ SECOND RESIDENCE ALLOWANCE**

– **PHASE 1** — The President moved, by leave, That there be laid before this House a copy of the Parliament of Victoria Review of Members’ Second Residence Allowance – Phase 1.

Question — put and agreed to.

The Report was presented by the President and ordered to lie on the Table and be published.

On the motion of Ms Wooldridge, the Report was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO RIDE SOURCING SERVICES** — Mr Finn presented a Report from the Economy and Infrastructure Committee on the Inquiry into Ride Sourcing Services (including Appendices, Extracts of Proceedings, Minority Reports and Transcripts of Evidence).

Ordered to lie on the Table and the Report to be published.

Mr Finn moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO THE ROAD SAFETY ROAD RULES 2009 (OVERTAKING BICYCLES) BILL 2015** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee’s Inquiry into the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015.

Ms Dunn moved, That the Response be taken into consideration on the next day of meeting.

Debate ensued.

Question – put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Commission for Children and Young People — The Same Four Walls: Inquiry into the use of isolation, separation and lockdowns in the Victorian youth justice system, March 2017 (*Ordered to be published*).

Essential Services Commission — The Network Value of Distributed Generation: Distributed Generation Inquiry Stage 2 Final Report, February 2017.

Northern Victoria Fresh Tomato Industry Development Committee — Minister’s report of receipt of 2015-16 report.

A Statutory Rule under the following Act of Parliament — Pipelines Act 2005 — No. 9.  
Victorian Environmental Assessment Council Act 2001 —

Conservation values of state forests Assessment Report, February 2017.

Minister's request for the Victorian Environmental Assessment Council to carry out an investigation into public land in Central West Victoria pursuant to section 16(1)(a) of the Act.

Response to submissions on the proposed terms of reference for the investigation into public land in Central West Victoria pursuant to section 16(2) of the Act.

- 3 SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 2 May 2017.

Question — put and agreed to.

- 4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 374 be postponed until later this day.

- 7 EDUCATION AND CARE SERVICES NATIONAL LAW AMENDMENT BILL 2017**— 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.

- 8 VICTORIAN PLANNING AUTHORITY BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Proposed youth justice facility – Little River site** — supplementary question asked by Mr Finn — response from Ms Mikakos due Tuesday, 9 May 2017.
- **Proposed youth justice facility – cultural heritage issues** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Tuesday, 9 May 2017.
- **Port Phillip Prison incident – prisoner management** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 2 May 2017.
- **Duck shooting – economic benefit** — supplementary question asked by Mr Young — response from Ms Pulford due Tuesday, 2 May 2017.
- **Children under Departmental care – child pornography** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Tuesday, 2 May 2017.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Duck shooting** — substantive question asked by Ms Pennicuik on Wednesday, 22 March 2017 — further response from Ms Pulford due Tuesday, 2 May 2017.

- 10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 11 VICTORIAN PLANNING AUTHORITY BILL 2016** — 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 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.52 p.m., adjourned until Tuesday, 2 May 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 113, 114 and 115

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### PARLIAMENTARY BUDGET OFFICER BILL 2016

*Committed Tuesday, 21 March 2017*

*Amendments circulated: Mr Jennings and Mr Rich-Phillips (see pp 693-4).*

**Clause 1** — put and agreed to.

**Clauses 2 to 18** — put and agreed to.

**Clause 19** — Mr Rich-Phillips moved Amendments No. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Morris)*

NOES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Ms Pennicuik)*

Question agreed to.

Clause 19, as amended — put and agreed to.

**Clauses 20 to 35** — put and agreed to.

**Clause 36** — Mr Rich-Phillips moved Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Sullivan and Mr Ramsay)*

NOES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Dunn and Ms Tierney)*

Question agreed to.

Clause 36, as amended — put and agreed to.

**Clause 37** — Mr Rich-Phillips moved Amendments No. 4 and 5.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 21

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Finn and Ms Patten)*

## NOES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Barber and Mr Somyurek)*

Question agreed to.

Clause 37, as amended — put and agreed to.

**Clause 38** — put and agreed to.

**Clause 39** — Mr Rich-Phillips moved Amendments No. 6 and 7 — put and agreed to.

Clause 39, as amended — put and agreed to.

**Clause 40** — put and agreed to.

**Clause 41** — Mr Rich-Phillips moved Amendment No. 8.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Ondarchie and Mrs Peulich)*

## NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Melhem and Ms Springle)*

The Ayes and Noes being equal, the question was negatived.

Mr Rich-Phillips moved Amendments No. 9 and 10 — put and agreed to.

Clause 41, as amended — put and agreed to.

**Clauses 42 to 44** — put and agreed to.

**Clause 45** — Mr Rich-Phillips moved Amendments No. 11 and 12 — put and agreed to.

Clause 45, as amended — put and agreed to.

**Clauses 46 to 53** — put and agreed to.

**Clause 54** — put and agreed to.

**Clause 55** — Mr Rich-Phillips moved Amendment No. 13.

Question — That the amendment be agreed to — put.

The Council divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Dr Carling-Jenkins and Mr Young)

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Herbert; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

(Tellers: Ms Hartland and Mr Mulino)

The Ayes and Noes being equal, the question was negatived.

Clause 55 — put and agreed to.

**Clauses 56 to 62** — put and agreed to.

**Clause 63** — Postponed.

By leave, clause 2 recommitted.

**Clause 2** — Mr Jennings moved Amendment Nos. 1 to 4 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clause 63** — Mr Jennings moved Amendment No. 5 — put and agreed to.

Clause 63, as amended — put and agreed to.

Bill reported with amendments.

\* \* \* \* \*

## **WRONGS AMENDMENT (ORGANISATIONAL CHILD ABUSE) BILL 2016**

*Committed Tuesday, 21 March 2017*

*Amendments circulated: Ms Springle (see p 695).*

**Clause 1** — put and agreed to.

**Clause 2** — put and agreed to.

**Clause 3** — Ms Springle moved Amendments No. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(Tellers: Mr Barber and Ms Patten)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(Tellers: Mr Melhem and Mr Purcell)

Question negatived.

Ms Springle moved Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Pennicuik)*

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmr; Mr Finn; Ms Fitzherbert; Mr Herbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr Elasmr)*

Question negatived.

Clause 3 — put and agreed to.

**Clauses 4 and 5** — put and agreed to.

**Bill reported without amendment.**



**AMENDMENTS CIRCULATED IN RELATION TO —****1. PARLIAMENTARY BUDGET OFFICER BILL 2016**Amendments circulated by Mr Jennings

1. Clause 2, line 14, before "This" insert "(1)".
2. Clause 2, line 14, omit "This" and insert "Subject to subsection (2), this".
3. Clause 2, line 14, omit "1 July 2016." and insert "a day or days to be proclaimed."
4. Clause 2, after line 14 insert—

"( ) If a provision of this Act does not come into operation before 1 July 2017, it comes into operation on that day."
5. Clause 63, line 21, omit "2017." and insert "2018."

Amendments circulated by Mr Rich-Phillips

1. Clause 19, page 19, line 4, omit "This section does" and insert "Subsections (1) and (2) do".
2. Clause 19, page 19, after line 10 insert—

"( ) In making a request to any person (other than the parliamentary leader concerned) for information for the purposes of preparing a costing, a PBO officer must, as far as practicable, not disclose any information that is not in the public domain regarding—

  - (a) the policy that is the subject of the costing; or
  - (b) the identity of the parliamentary leader who requested the costing.

( ) In making a request to any person (other than the member of Parliament concerned) for information for the purposes of preparing analysis, advice or a briefing that is to be provided under section 47, a PBO officer must, as far as practicable, not disclose any information that is not in the public domain regarding—

  - (a) the matter that is the subject of the analysis, advice or briefing; or
  - (b) the identity of the member of Parliament who requested the analysis, advice or briefing."
3. Clause 36, line 8, omit "Tuesday" and insert "Wednesday".
4. Clause 37, page 37, line 26, omit "provision." and insert "provision; and".
5. Clause 37, page 37, after line 26 insert—

"(h) must include the following information if the costing was prepared using financial information or economic or other assumptions contained in a financial report or budget update that has been prepared, but not yet released, under Part 5 of the **Financial Management Act 1994**—

  - (i) a statement to that effect; and
  - (ii) a statement identifying the nature of that information or assumption."

6. Clause 39, page 42, line 9, omit "provision." and insert "provision; and".
7. Clause 39, page 42, after line 9 insert—
- "(h) must include the following information if the pre-election report was prepared using financial information or economic or other assumptions contained in a financial report or budget update that has been prepared, but not yet released, under Part 5 of the **Financial Management Act 1994**—
- (i) a statement to that effect; and
- (ii) a statement identifying the nature of that information or assumption."
8. Clause 41, line 28, omit "publicly announced" and insert "published in writing".
9. Clause 41, page 45, line 14, omit "provision." and insert "provision; and".
10. Clause 41, page 45, after line 14 insert—
- "(g) must include the following information if the post-election report was prepared using financial information or economic or other assumptions contained in a financial report or budget update that has been prepared, but not yet released, under Part 5 of the **Financial Management Act 1994**—
- (i) a statement to that effect; and
- (ii) a statement identifying the nature of that information or assumption."
11. Clause 45, page 50, line 26, omit "provision." and insert "provision; and".
12. Clause 45, page 50, after line 26 insert—
- "(h) must include the following information if the costing was prepared using financial information or economic or other assumptions contained in a financial report or budget update that has been prepared, but not yet released, under Part 5 of the **Financial Management Act 1994**—
- (i) a statement to that effect; and
- (ii) a statement identifying the nature of that information or assumption."
13. Clause 55, after line 28 insert—
- "() Despite subsection (1), a member of Parliament who receives information referred to in subsection (1) in relation to a costing requested by the member may publish that information—
- (a) after notifying the Parliamentary Budget Officer that the member intends to do so; and
- (b) whether or not the Parliamentary Budget Officer consents to that publication.
- () A notification referred to in subsection (3)(a)—
- (a) must be in writing; and
- (b) may be given by email."

**2. WRONGS AMENDMENT (ORGANISATIONAL CHILD ABUSE) BILL 2016**Amendments circulated by Ms Springle

- 1 Clause 3, line 16, omit "or sexual abuse" and insert ", sexual abuse or psychological abuse".
- 2 Clause 3, page 3, after line 9 insert—  

***"psychological abuse*** means an action that results in, or appears likely to result in, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged;".
- 3 Clause 3, page 8, line 3, omit "may" and insert "must".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 116

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#### No. 116 — Tuesday, 2 May 2017

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **RESIGNATION OF MEMBER** — The President announced that he had received the following communication:

6 April 2017

The Hon Bruce Atkinson MLC  
President  
Legislative Council  
Parliament House  
MELBOURNE VIC 3002

The Governor transmits to the Legislative Council notification of the resignation of the Honourable Steve Herbert, Member for Northern Victoria Region in the Legislative Council.

Yours sincerely

Linda Dessau AC  
Governor of Victoria

- 3 **ASSENT TO ACTS** — The President read Messages from the Governor informing the Council that she had, on 27 March 2017, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Education and Care Services National Law Amendment Act 2017*  
*Urban Renewal Authority Victoria Amendment (Development Victoria) Act 2017*  
*Victorian Planning Authority Act 2017*  
*Wrongs Amendment (Organisational Child Abuse) Act 2017.*

- 4 **DRUGS, POISONS AND CONTROLLED SUBSTANCES MISCELLANEOUS AMENDMENT BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to psychoactive substances, methylamphetamine and opioid substitution therapy and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 5 FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Family Violence Protection Act 2008, the Coroners Act 2008, the County Court Act 1958, the Crimes Act 1958, the Criminal Procedure Act 2009, the Magistrates' Court Act 1989 and the Public Health and Wellbeing Act 2008, to repeal the Family Violence Protection Amendment Act 2014, to make consequential amendments to the National Domestic Violence Order Scheme Act 2016 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 6 JURY DIRECTIONS AND OTHER ACTS AMENDMENT BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Jury Directions Act 2015, the Criminal Procedure Act 2009, the Evidence Act 2008, the Evidence (Miscellaneous Provisions) Act 1958 and the Juries Act 2000 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 7 PORTS AND MARINE LEGISLATION AMENDMENT BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Marine Safety Act 2010, the Marine (Drug, Alcohol and Pollution Control) Act 1988, the Port Management Act 1995 and the Road Safety Act 1986 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 8 PETITION — JUSTICE REFORMS** — Mr Rich-Phillips presented a Petition bearing 422 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to increase police numbers in Greater Dandenong, reform bail laws and not tolerate poor behaviour from young offenders when incarcerated in juvenile justice centres.

Ordered to lie on the Table.

- 9 PAPERS —**

**PARLIAMENT OF VICTORIA REVIEW OF MEMBER'S SECOND RESIDENCE ALLOWANCE** — The President moved, by leave, That there be laid before this House copies of the —

Parliament of Victoria Review of Member's Second Residence Allowance, Phase 2; and  
Parliament of Victoria Review of Member's Second Residence Allowance, Phase 3.

Question — put and agreed to.

The Reports were presented by the President and ordered to lie on the Table and to be published.

**UNIVERSITY OF DIVINITY, REPORT 2016** — Ms Tierney moved, by leave, That there be laid before this House a copy of the University of Divinity Report, 2016.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 5 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**ELECTORAL MATTERS COMMITTEE — INQUIRY INTO ELECTRONIC VOTING** — Ms Patten presented a Report from the Electoral Matters Committee on the Inquiry into Electronic Voting (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Patten moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**IBAC COMMISSIONER — SPECIAL REPORT OPERATION NEPEAN: AN INVESTIGATION INTO THE CONDUCT OF FORMER EMPLOYEE OF DAME PHYLLIS FROST CENTRE, JEFF FINLOW, APRIL 2017** — Pursuant to section 162 of the *Independent Broad-based Anti-corruption Commission Act 2011*, the Clerk laid on the Table a copy of the Special report concerning Operation Nepean: An investigation into the conduct of former employee of Dame Phyllis Frost Centre, Jeff Finlow, April 2017 (*Ordered to be published*).

\* \* \* \* \*

**OMBUDSMAN — APOLOGIES** — Pursuant to section 25AA of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report titled Apologies, April 2017 (*Ordered to be published*).

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Bendigo Kangan Institute — Report, 2016.

Box Hill Institute of TAFE — Report, 2016.

Centre for Adult Education — Report, 2016.

Chisholm Institute — Report, 2016.

Deakin University — Report, 2016.

Falls Creek Alpine Resort Management Board — Minister's report of failure to submit 2016 report to the Minister within the prescribed period and the reason therefor.

Federation University Australia — Report, 2016.

GOTEC Limited — Report, 2016.

Goulburn Ovens Institute of TAFE — Report, 2016.

Holmesglen Institute — Report, 2016.

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32 in relation to Statutory Rule No. 9.

Notices pursuant to section 32(4) in relation to the Environment Protection (Ships' Ballast Water) Regulations 2006 and Waste Management Policy (Ships' Ballast Water) 2004.

Lake Mountain Alpine Resort Management Board — Minister's report of failure to submit 2016 report to the Minister within the prescribed period and the reason therefor.

La Trobe University — Report, 2016.

Melbourne Polytechnic — Report, 2016.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations Notified between 7 December 2016 and 28 April 2017 (*Ordered to be published*).

Monash University — Report, 2016.

- Mount Baw Baw Alpine Resort Management Board — Minister's report of failure to submit 2016 report to the Minister within the prescribed period and the reason therefor.
- Mount Buller and Mount Stirling Alpine Resort Management Board — Minister's report of failure to submit 2016 report to the Minister within the prescribed period and the reason therefor.
- Mount Hotham Alpine Resort Management Board — Report, 2016.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
- Ballarat Planning Scheme — Amendment C200.
  - Bass Coast Planning Scheme — Amendment C148.
  - Boroondara Planning Scheme — Amendments C236, C239 and C259.
  - Cardinia Planning Scheme — Amendment C224.
  - Colac Otway Planning Scheme — Amendment C91.
  - Frankston Planning Scheme — Amendment C115.
  - Glen Eira Planning Scheme — Amendments C147 and C148.
  - Greater Shepparton Planning Scheme — Amendment C112.
  - Manningham Planning Scheme — Amendment C111.
  - Mildura Planning Scheme — Amendment C82.
  - Mitchell Planning Scheme — Amendment C118.
  - Moreland Planning Scheme — Amendment C158.
  - Northern Grampians Planning Scheme — Amendment C54.
  - Port Phillip Planning Scheme — Amendment C145.
  - Stonnington Planning Scheme — Amendment C233.
  - Strathbogie Planning Scheme — Amendment C75.
  - Surf Coast Planning Scheme — Amendment C106.
  - Swan Hill Planning Scheme — Amendment C59.
  - Victorian Planning Provisions — Amendments VC110, VC134, VC135 and VC136.
  - Wodonga Planning Scheme — Amendment C124.
  - Wyndham Planning Scheme — Amendment C190.
  - Yarra Planning Scheme — Amendments C198 and C229.
- Professional Standards Act 2003 — Instruments pursuant to section 14 of the Act amending the —
- Law Society of South Australia Professional Standards Scheme, dated 15 April 2017.
  - South Australian Bar Association Inc Professional Standards Scheme, dated 15 April 2017.
- Racing Victoria Limited — Modification of Racing Victoria Limited Constitution pursuant to section 3B(2) of the Racing Act 1958.
- Royal Melbourne Institute of Technology — Report, 2016.
- Statutory Rules under the following Acts of Parliament —
- Children, Youth and Families Act 2005 — Nos. 19 and 20.
  - Domestic Building Contracts Act 1995 — No. 18.
  - Drugs, Poisons and Controlled Substances Act 1981 — No. 13.
  - Fisheries Act 1995 — Nos. 10 and 11.
  - Gambling Regulation Act 2003 — No. 12.
  - National Parks Act 1975 — No. 16.
  - Powers of Attorney Act 2014 — No. 17.
  - Supreme Court Act 1986 — Nos. 14 and 15.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rules Nos. 9 to 15, 17, 18, 20 and 21.
  - Legislative instruments and related documents under section 16B in respect of —
- Environmental Protection Act 1970 — Variation to the Protocol for Environmental Management — Domestic Ballast Water Management in Victorian State Waters, dated 15 March 2017.
- Estate Agents Act 1980 — Determination of the Melbourne Metropolitan Area, dated 12 April 2017.



- Estate Agents Act 1980 — Guidelines for Selecting Comparable Property Sales — residential property, dated 12 April 2017.
- Workplace Injury Rehabilitation and Compensation Act 2013 — Ministerial Order in relation to the Workers' Compensation (Corresponding Laws) Order, dated 23 March 2017.
- South West Institute of TAFE — Report, 2016.
- Sunraysia Institute of TAFE — Report, 2016.
- Swinburne University of Technology — Report, 2016.
- University of Melbourne — Report, 2016.
- Victoria University — Report, 2016.
- Wildlife Act 1975 —
- Wildlife (Prohibition of Game Hunting) Notice No. 4/2017, Gazetted 21 March 2017.
- Wildlife (Prohibition of Game Hunting) Notice Nos. 8/2017 and 10/2017, Gazetted 3 April 2017.
- William Angliss Institute of TAFE — Report, 2016.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Building Legislation (Consumer Protection) Act 2016 — sections 3, 6 to 13, 14(2), 15 and 59 to 68 — 26 April 2017 (*Gazette No. S94, 27 March 2017*).
- Food Amendment (Kilojoule Labelling Scheme and Other Matters) Act 2017 — Parts 2 and 3 — 1 May 2018 (*Gazette No. S111, 4 April 2017*).
- National Domestic Violence Order Scheme Act 2016 — Parts 1 and 9 — 5 April 2017 (*Gazette No. S111, 4 April 2017*).
- Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Act 2016 — remaining provisions — 10 April 2017 (*Gazette No. S111, 4 April 2017*).
- Transport Integration Amendment (Head, Transport for Victoria and Other Governance Reforms) Act 2017 — Whole Act except sections 1 and 2 — 12 April 2017 (*Gazette No. S117, 12 April 2017*).
- Urban Renewal Authority Victoria Amendment (Development Victoria) Act 2017 — 1 April 2017 (*Gazette No. S94, 27 March 2017*).
- Working with Children Amendment Act 2016 — Parts 1 and 3 — 1 May 2017 (*Gazette No. S111, 4 April 2017*).

**10 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE** —

The President read a letter from the Chair of the Environment and Planning Standing Committee advising that the Committee on 2 May 2017 resolved to extend the reporting date for the Inquiry into Fire Season Preparedness to 22 June 2017.

**11 SITTING OF THE COUNCIL** — Mr Dalidakis moved, That the Council, at its rising, adjourn until Tuesday, 9 May 2017.

Question — put and agreed to.

**12 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE** —

Mr Davis moved, by leave, That the resolution of the House of 8 December 2016 requiring the Environment and Planning Committee to inquire into and report by 11 May 2017 on the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016, be amended so as to now require the Committee to present its report by 8 June 2017.

Question — put and agreed to.

**13 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 374 be postponed until later this day.

**15 LORD MAYOR'S CHARITABLE FOUNDATION BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

*And the President having ruled the Bill to be a Private Bill* —

On the motion of Ms Mikakos, this Bill was ordered to be dealt with as a Public Bill.

Debate continued.

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.

- 16 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2 be postponed until later this day.

- 17 CREATIVE VICTORIA BILL 2016** — 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.

- 18 BUDGET PAPERS, 2017-18** —

Pursuant to section 27E of the *Financial Management Act 1994*, Mr Jennings laid on the Table a copy of —

- (1) Budget Paper No. 2: Strategy and Outlook;
- (2) Budget Paper No. 3: Service Delivery; and
- (3) Budget Paper No. 5: Statement of Finances (incorporating Quarterly Financial Report No. 3).

Mr Jennings moved, by leave, That there be laid before this House a copy of —

- (1) Budget Paper No. 1: Treasurer's Speech;
- (2) Budget Paper No. 4: State Capital Program;
- (3) the Victorian Budget 2017-18 Overview;
- (4) the Rural and Regional Budget Information Paper;
- (5) the Suburban Budget Information Paper; and
- (6) the Gender Equality Statement Budget Information Paper.

Question put and agreed to.

The papers were presented by Mr Jennings and ordered to lie on the Table.

On the motion of Mr Jennings, the Budget Papers 2017-18 were ordered to be taken into consideration on the next day of meeting.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 19 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Maximum security prison beds** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 9 May 2017.
- **Alcoa Portland Smelter** — substantive and supplementary questions asked by Mr Barber — response from Mr Jennings due Wednesday, 10 May 2017.
- **Child Forced Marriage** — substantive and supplementary questions asked by Ms Patten — response from Ms Tierney due Wednesday, 10 May 2017.
- **Supervised Safe Injecting Centre** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Wednesday, 10 May 2017.

- 20 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 21 CONSUMER ACTS AMENDMENT BILL 2016** — 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.

**22 STATUTE LAW REPEALS BILL 2014** — 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.

**23 SMALL BUSINESS COMMISSION BILL 2016** — 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.

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.

**24 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.03 p.m., adjourned until Tuesday, 9 May 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes No. 116

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### **SMALL BUSINESS COMMISSION BILL 2016**

*Committed Tuesday, 2 May 2017.*

**Clause 1** — put and agreed to.

**Clauses 2 to 72** — put and agreed to.

**Bill reported without amendment.**





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 117, 118 and 119

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#### No. 117 — Tuesday, 9 May 2017

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **CRIMES LEGISLATION AMENDMENT (PUBLIC ORDER) BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Summary Offences Act 1966, the Control of Weapons Act 1990 and the Crimes Act 1958 to provide Victoria Police with appropriate powers to deal with disturbances of public order and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.
- 3 **STATUTE LAW REVISION BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to revise the statute law of Victoria* and requesting the agreement of the Council.

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

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.
- 4 **PAPERS** —  
**GEELONG CITIZENS' JURY FINAL REPORT, JANUARY 2017 AND GOVERNMENT RESPONSE TO GEELONG CITIZENS' JURY FINAL REPORT, JANUARY 2017** —  
Mr Dalidakis moved, by leave, That there be laid before this House a copy of:
  - (1) Geelong Citizens' Jury Final Report, January 2017; and
  - (2) Government Response to the Geelong Citizens' Jury Final Report, January 2017.

Question — put and agreed to.

The Reports were presented by Mr Dalidakis and ordered to lie on the Table.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Ms Bath presented Alert Digest No. 6 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Drugs, Poisons and Controlled Substances Act 1981 — Report pursuant to section 96 by Victoria Police for 2016.

Planning and Environment Act 1987 — Notice of Approval of the Macedon Ranges Planning Scheme — Amendment C110 (Part 1).

Statutory Rules under the following Acts of Parliament —  
Borrowing and Investment Powers Act 1987 — No. 25.

Country Court Act 1958 — No. 21.

Dangerous Goods Act 1985 — No. 22.

Equipment (Public Safety) Act 1994 — No. 23.

Occupational Health and Safety Act 2004 — No. 22.

Supported Residential Services (Private Proprietors) Act 2010 — No. 24.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 19 and 22 to 26.

**5 FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2017** — Ms Tierney moved, by leave, That in relation to the Family Violence Protection Amendment Bill 2017 —

- (1) the statement of compatibility with the *Charter of Human Rights and Responsibilities Act 2006* be tabled in lieu of that tabled on Tuesday, 2 May 2017;
- (2) the second reading speech be incorporated into Hansard in lieu of that incorporated on Tuesday, 2 May 2017; and
- (3) the statement of compatibility with the *Charter of Human Rights and Responsibilities Act 2006* and the second reading speech incorporated on Tuesday, 2 May 2017 be expunged from Hansard.

Question — put and agreed to.

**6 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 10 May 2017:

- (1) Notice of Motion given this day by Ms Wooldridge in relation to the production of Department of Health and Human Services Public Accounts and Estimates Committee documents;
- (2) Notice of Motion No. 362 standing in the name of Mr O'Sullivan referring a matter to the Environment, Natural Resources and Regional Development Committee;
- (3) Order of the Day No. 13, resumption of debate on the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015;
- (4) Order of the Day No. 19, resumption of debate on motion relating to Heyfield Mill; and
- (5) Notice of Motion given this day by Mr Rich-Phillips to establish a Select Committee to inquire into the use of the second residence allowance.

Question — put and agreed to.

**7 LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO YOUTH JUSTICE CENTRES** — Ms Crozier moved, by leave, That the Resolution of the Council of 9 November 2016 requiring the Legal and Social Issues Committee to inquire into youth justice centres and report by 1 August 2017, be amended so as to now require the Committee to present its report by 6 September 2017.

Question — put and agreed to.

**8 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.



**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 374 be postponed until later this day.

**11 COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Mr O'Donohue moved, That —

- (1) debate on this Bill be adjourned until the Economy and Infrastructure Committee tables a report into this Bill; and
- (2) the Commercial Passenger Vehicle Industry Bill 2017 be referred to the Economy and Infrastructure Committee for inquiry, consideration and report by Tuesday, 8 June 2017.

Debate ensued.

Question — put and agreed to.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 and 3 be postponed until later this day.

**13 FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Springle were circulated.

Debate continued.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**14 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**TAFE FUNDING** — Ms Tierney having given answers to a question without notice and supplementary question relating to TAFE funding —

On the motion of Mrs Peulich, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Coghlan Bail Review Report** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 10 May 2017.
- **TAFE funding** — supplementary question asked by Mrs Peulich — response from Ms Tierney due Wednesday, 10 May 2017.
- **Federation training** — substantive and supplementary questions asked by Ms Bath — response from Ms Tierney due Wednesday, 10 May 2017.
- **Ararat Prison** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 10 May 2017.
- **Kangan Institute** — substantive and supplementary questions asked by Mr O'Sullivan — response from Ms Tierney due Wednesday, 10 May 2017.
- **Energy efficient household lighting – regional Victoria** — supplementary question asked by Mr Purcell — response from Mr Jennings due Thursday, 11 May 2017.
- **Firearms regulations** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 11 May 2017.
- **Yarraville property acquisitions** — substantive question asked by Ms Hartland — response from Ms Pulford due Thursday, 11 May 2017.

**15 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**16 FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2017** — 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 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.

**17 FREEDOM OF INFORMATION AMENDMENT (OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER) BILL 2016** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 6.30 p.m. pursuant to Standing Orders —*

Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in a Committee of the whole.

Bill reported with amendments, the Report was adopted.

Mr Jennings moved, That the Bill be now read a third time.

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

The Council divided — The Deputy President in the Chair.

AYES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Melhem and Ms Hartland)*

NOES, 18

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Ondarchie)*

Question agreed to.

Bill read a third time.

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

**18 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 7:32 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 118 — Wednesday, 10 May 2017

1 The President took the Chair and read the Prayer.

2 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Public Participation and Community Engagement: Local Government Sector, May 2017  
*(Ordered to be published).*

Public Participation in Government Decision-Making, May 2017 *(Ordered to be published).*

- Federation Training — Minister's report of failure to submit —  
 2015 report to the Minister within the prescribed period and the reason therefor.  
 2016 report to the Minister within the prescribed period and the reason therefor.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
- Bayside Planning Scheme — Amendment C148.
  - Boroondara Planning Scheme — Amendment C230.
  - Brimbank and Hume Planning Schemes — Amendment GC46.
  - Frankston Planning Scheme — Amendment C113.
  - Greater Bendigo Planning Scheme — Amendment C224.
  - Greater Dandenong Planning Scheme — Amendment C191.
  - Knox Planning Scheme — Amendment C145.
  - Melbourne Planning Scheme — Amendment C273.
  - Moira Planning Scheme — Amendment C84.
  - Moorabool Planning Scheme — Amendment C58.
  - Port Phillip Planning Scheme — Amendment C117.
  - South Gippsland Planning Scheme — Amendment C113.
  - Stonnington Planning Scheme — Amendments C225 and C240.
  - Whittlesea Planning Scheme — Amendment C175.
  - Yarra Planning Scheme — Amendments C173 (Part 2), C197 (Part 2) and C240.
  - Yarra Ranges Planning Scheme — Amendment C162.
- A Statutory Rule under the following Act of Parliament — Evidence (Miscellaneous Provisions) Act 1958 — No. 26.
- Wodonga Institute of TAFE — Minister's report of failure to submit 2016 report to the Minister within the prescribed period and the reason therefor.

**3 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**5 PRODUCTION OF DOCUMENTS — DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE DOCUMENTS** — Ms Wooldridge

moved, That in accordance with Standing Order 11.01, this House requires the Minister for Families and Children to table in the Council by 9.30 a.m. on Wednesday, 24 May 2017 —

(1) a copy of the Public Accounts and Estimates Committee (PAEC) briefing folder provided to and used by the Secretary of the Department of Health and Human Services when appearing before the PAEC Inquiry into the 2013-14 and 2014-15 Financial and Performance Outcomes on 18 February 2016;

(2) a copy of the PAEC briefing folder provided to and used by the Secretary of the Department of Health and Human Services when appearing before the PAEC Inquiry into the 2015-16 Financial and Performance Outcomes on 15 February 2017;

and any response should conform with Standing Orders 11.02(3) and 11.03(1)(a).

Debate ensued.

Question — put and agreed to.

**6 ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE**

**REFERENCE** — Mr O'Sullivan moved, That, pursuant to section 33 of the *Parliamentary Committees Act 2003*, this House requires the Environment, Natural Resources and Regional Development Committee to inquire into, consider and report, no later than 27 November 2017, on the management, governance and use of environmental water in Victoria including, but not limited to —

(1) the assessment of the role of environmental water management in preventing or causing 'blackwater' events;

(2) how environmental water and environmental water managers interact with, and utilise, management tools such as carryover and whether the carryover of environmental water impacts on the availability of water for irrigators;

- (3) consideration of what barriers exist to the more efficient use of environmental water and how these may be addressed; and
- (4) assessment of fees and charges applied to environmental water and whether these differ from those imposed on other water users.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 7 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Youth justice facility in Werribee** — supplementary question asked by Ms Springle — response from Ms Mikakos due Thursday, 11 May 2017.
- **Young people in custody** — substantive and supplementary questions asked by Ms Springle — response from Ms Mikakos due Thursday, 11 May 2017.
- **Voluntary assisted dying advisory panel** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Mikakos due Wednesday, 24 May 2017.
- **Duck hunting in Lake Cooper** — substantive question asked by Mr Young — response from Ms Pulford due Thursday, 11 May 2017.
- **Private training providers** — substantive and supplementary questions asked by Mrs Peulich — response from Ms Tierney due Thursday, 11 May 2017.
- **Melbourne Polytechnic student enrolments** — supplementary question asked by Mr Ondarchie — response from Ms Tierney due Thursday, 11 May 2017.
- **Cost of young people in care** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 11 May 2017.

- 8 FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2017** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 10 ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE REFERENCE** — Debate continued on the question, That, pursuant to section 33 of the *Parliamentary Committees Act 2003*, this House requires the Environment, Natural Resources and Regional Development Committee to inquire into, consider and report, no later than 27 November 2017, on the management, governance and use of environmental water in Victoria including, but not limited to —

- (1) the assessment of the role of environmental water management in preventing or causing 'blackwater' events;
- (2) how environmental water and environmental water managers interact with, and utilise, management tools such as carryover and whether the carryover of environmental water impacts on the availability of water for irrigators;
- (3) consideration of what barriers exist to the more efficient use of environmental water and how these may be addressed; and
- (4) assessment of fees and charges applied to environmental water and whether these differ from those imposed on other water users.

On the motion of Mr Barber, the debate was adjourned until later this day.

- 11 ROAD SAFETY ROAD RULES 2009 (OVERTAKING BICYCLES) BILL 2015** — 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.

Bill reported with amendments, the Report was adopted.

Ms Dunn moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson; Mr Barber; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

(Tellers: Ms Dunn and Mr Ondarchie)

NOES, 17

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.

(Tellers: Mr Somyurek and Ms Symes)

Question agreed to.

Bill read a third time.

Bill transmitted to the Assembly with a Message requesting their agreement.

## 12 ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

**REFERENCE** — Debate resumed on the question, That, pursuant to section 33 of the *Parliamentary Committees Act 2003*, this House requires the Environment, Natural Resources and Regional Development Committee to inquire into, consider and report, no later than 27 November 2017, on the management, governance and use of environmental water in Victoria including, but not limited to —

- (1) the assessment of the role of environmental water management in preventing or causing 'blackwater' events;
- (2) how environmental water and environmental water managers interact with, and utilise, management tools such as carryover and whether the carryover of environmental water impacts on the availability of water for irrigators;
- (3) consideration of what barriers exist to the more efficient use of environmental water and how these may be addressed; and
- (4) assessment of fees and charges applied to environmental water and whether these differ from those imposed on other water users.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Ms Bath and Mr Purcell)

NOES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

(Tellers: Ms Springle and Mr Mulino)

The Ayes and Noes being equal, the question was negatived.

## 13 HEYFIELD MILL — Debate resumed on the question, That this House calls on Premier Daniel Andrews to respect the views of the 1,000 people who met at Heyfield on Wednesday, 1 February 2017 and keep his word that he will fight for every job to ensure that —

- (1) the Heyfield Mill will stay open and its 250 staff will keep their jobs;

- (2) the town of Heyfield and the surrounding areas, businesses and communities have a future;
- (3) the thousands of businesses that rely on Australian Sustainable Hardwoods' (ASH) products will also have a future;
- (4) Australian-made, high-quality, hardwood timber products from Australian-grown, environmentally-sustainable and commercially-managed regrowth forests are not replaced by imported products; and
- (5) over 7,000 indirect jobs and affected families in Victoria are saved from the flow-on effects of this disaster.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Bourman.*

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 ADJOURNMENT** — The President proposed the question, That the House do now adjourn. Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.10 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 119 — Thursday, 11 May 2017

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 10 May 2017, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
  - Consumer Acts Amendment Act 2017*
  - Creative Victoria Act 2017*
  - Lord Mayor's Charitable Foundation Act 2017*
  - Small Business Commission Act 2017*
  - Statute Law Repeals Act 2017.*
- 3 **ROAD SAFETY ROAD RULES 2009 (OVERTAKING BICYCLES) BILL 2015** — The President read a Message from the Assembly informing the Council that the Assembly has rejected the Bill '*for an Act to amend the Road Safety Road Rules 2009 in relation to the overtaking of bicycles and for other purposes*'.
- 4 **PETITION — BUCKLEY STREET LEVEL CROSSING** — Mr Finn presented a Petition bearing 1,108 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to not proceed with the road under rail crossing at Buckley Street Level Crossing, explore the Moonee Valley City Council's rail under road proposal, provide as much financial investment in the Essendon level crossing removal as in marginal electorates and to not proceed with any proposal without community support and consideration of long term consequences.  
Ordered to lie on the Table.  
On the motion of Mr Finn, the petition was ordered to be taken into consideration on the next day of meeting.
- 5 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Auditor-General's Reports on —
    - Board Performance, May 2017 (*Ordered to be published*).
    - Managing School Infrastructure, May 2017 (*Ordered to be published*).
  - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 16.

- 6 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Wednesday, 24 May 2017.  
Question — put and agreed to.
- 7 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 374 be postponed until later this day.
- 10 ELECTRICITY SAFETY AMENDMENT (BUSHFIRE MITIGATION CIVIL PENALTIES SCHEME) BILL 2017** — 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
- 11 DRUGS, POISONS AND CONTROLLED SUBSTANCES MISCELLANEOUS AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.  
Debate continued.  
*Business having been interrupted at 12 noon pursuant to Sessional Orders —*
- 12 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.  
\* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:
- **Malmsbury Youth Justice Facility** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 24 May 2017.
  - **Education of young offenders at Grevillea Unit** — substantive question asked by Ms Wooldridge — response from Mr Jennings due Wednesday, 24 May 2017.
  - **Grevillea Unit – Supreme Court decision** — supplementary question asked by Ms Springle — response from Ms Mikakos due Wednesday, 24 May 2017.
  - **TAC drug driving campaign** — substantive and supplementary questions asked by Ms Patten — response from Ms Pulford due Thursday, 25 May 2017.
  - **Electricity supply information** — substantive and supplementary questions asked by Mr Bourman — response from Mr Jennings due Thursday, 25 May 2017.
- 13 FREEDOM OF INFORMATION AMENDMENT (OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER) BILL 2016** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 14 ECONOMY AND INFRASTRUCTURE COMMITTEE — SELF REFERRAL** — The President read a letter from the Chair of the Economy and Infrastructure Standing Committee advising that the Committee, pursuant to Sessional Order 6, commenced a self-referenced inquiry on 10 May 2017 into VicForests Operations.
- 15 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 16 DRUGS, POISONS AND CONTROLLED SUBSTANCES MISCELLANEOUS AMENDMENT BILL 2017** — 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 ordered to be committed to a Committee of the whole on the next day of meeting.

- 17 BUILDING AMENDMENT (ENFORCEMENT AND OTHER MEASURES) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Mr Davis were circulated.  
Debate continued.  
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.
- 18 APPROPRIATION (2017-2018) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2017/2018 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Jennings the second reading speech was incorporated into Hansard.  
Mr Jennings moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.
- 19 FAMILY VIOLENCE PROTECTION AMENDMENT (INFORMATION SHARING) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Family Violence Protection Act 2008 to establish an information sharing scheme designed to enable specified entities to share family violence information in a timely and effective manner such that it prevents or reduces family violence, to provide for a framework for achieving consistency in family violence risk assessment and family violence risk management, to make consequential and miscellaneous amendments to other Acts and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.  
Mr Jennings moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.
- 20 APPROPRIATION (PARLIAMENT 2017-2018) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2017/2018 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.  
Mr Jennings moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.
- 21 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT (LATROBE VALLEY MINE REHABILITATION COMMISSIONER) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Mineral Resources (Sustainable Development) Act 1990 to establish the Latrobe Valley Mine*



*Rehabilitation Commissioner, to provide for the making of a regional rehabilitation strategy and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mrs Peulich), the debate was adjourned for one week.

**22 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.01 p.m., adjourned until Wednesday, 24 May 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 117, 118 and 119

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### **FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2017**

*Committed Tuesday, 9 May 2017.*

*Amendments circulated: Mr Rich-Phillips and Ms Springle (see pp 722).*

**Clause 1** — Mr Rich-Phillips moved his Amendment No. 1 — put and negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 29** — put and agreed to.

**Clause 30** — Ms Springle moved her Amendment No. 1 — put and agreed to.

Clause 30, as amended — put and agreed to.

**Clauses 31 to 39** — put and agreed to.

**Clause 40** — Ms Springle moved her Amendment Nos. 2 and 3 — put and agreed to.

Clause 40, as amended — put and agreed to.

**Clauses 41 to 53** — put and agreed to.

**Clause 54** —

Question — That the clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Barber and Mr Leane)*

NOES, 18

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Morris and Mr Young)*

Question agreed to.

**Clause 55** —

Question — That the clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Somyurek and Ms Springle)*

## NOES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Ms Fitzherbert and Mr Ramsay*)

Question agreed to.

**Clauses 56 to 66** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**FREEDOM OF INFORMATION AMENDMENT (OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER) BILL 2016**

*Committed Tuesday, 9 May 2017.*

*Amendments circulated: Mr Jennings and Mr Rich-Phillips (see pp 722-5).*

**Clause 1** — put and agreed to.

**Clause 2** — Mr Jennings moved his Amendment Nos. 1 to 3 — put and agreed to.

Mr Jennings moved his Amendment No. 4 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clauses 3 to 5** — put and agreed to.

**Clause 6** — Mr Rich-Phillips moved his Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 18

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Davis and Mr Finn*)

## NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Mr Dalidakis and Mr Purcell*)

Question negatived.

Question — That the clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Mr Mulino and Ms Patten*)

## NOES, 18

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Ms Bath and Ms Crozier*)

Question agreed to.

**Clause 7** — put and agreed to.

**Clause 8** — Mr Rich-Phillips moved his Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Finn and Mrs Peulich*)

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Ms Pennicuik and Ms Tierney*)

Question negatived.

Clause 8 — put and agreed to.

**Clauses 9 to 41** — put and agreed to.

**Clause 42** — Mr Jennings moved his Amendments Nos. 5 and 6 — put and agreed to.

Clause 42, as amended — put and agreed to.

**Clauses 43 and 44** — put and agreed to.

**Clause 45** — Mr Jennings moved his Amendment No. 7 — put and agreed to.

Clause 45, as amended — put and agreed to.

**Clauses 46 to 63** — put and agreed to.

**Clause 64** — Mr Jennings moved his Amendment No. 8 — put and agreed to.

Clause 64, as amended — put and agreed to.

**Clauses 65 to 76** — put and agreed to.

**Clause 77** — Mr Rich-Phillips moved his Amendment No. 4.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Morris and Mr O'Donohue*)

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Mr Elasmr and Ms Mikakos*)

Question negatived.

Clause 77 — put and agreed to.

**Clauses 78 and 79** — put and agreed to.

**Clause 80** — Mr Rich-Phillips moved his Amendment Nos. 5 and 6 — put and negatived.

Clause 80 — put and agreed to.

**Clauses 81 to 95** — put and agreed to.

**Clause 96** — Mr Jennings moved his Amendment No. 9 — put and agreed to.  
 Clause 96, as amended — put and agreed to.

**Clause 97** — Mr Jennings moved his Amendment No. 10.  
 Question — That the amendment be agreed to — put and agreed to.  
 Clause 97, as amended — put and agreed to.

**Clause 98** — Mr Jennings moved his Amendment No. 11 — put and agreed to.  
 Clause 98, as amended — put and agreed to.

**Clauses 99 to 104** — put and agreed to.

**Clause 105** — Mr Rich-Phillips moved his Amendment No. 7 — put and negatived.  
 Clause 105 — put and agreed to.

**Clauses 106 to 132** — put and agreed to.

**Division heading preceding Clause 133** — put and agreed to.

**Clause 133** — put and agreed to.

**Division heading preceding Clause 134** — put and agreed to.

**Clause 134** — put and agreed to.

**Clause 133** — Recommitted, by leave.  
 Question — that the clause stands part of the Bill — put and negatived.

**Clause 134** — Recommitted, by leave.  
 Question — That the clause stands part of the Bill — put and negatived.

**Clauses 135 and 136** — put and agreed to.

**Clause 137** — Mr Jennings moved his Amendment No. 16 — put and agreed to.  
 Clause 137, as amended — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**ROAD SAFETY ROAD RULES 2009 (OVERTAKING BICYCLES) BILL 2015**

*Committed Wednesday, 10 May 2017.*

*Amendments circulated: Ms Dunn (see p 725).*

**Clause 1** — Ms Dunn moved her Amendment No. 1 — put and agreed to.  
 Clause 1, as amended — put and agreed to.

**Clause 2** — Ms Dunn moved her Amendment No. 2 — put and agreed to.  
 Clause 2, as amended — put and agreed to.

**Clause 3** — Ms Dunn moved her Amendment Nos. 3 to 9 — put and agreed to.  
 Clause 3, as amended — put and agreed to.

**Heading to Clause 4** — Ms Dunn moved her Amendment No.10 — put and agreed to.  
 Heading to Clause 4, as amended — put and agreed to.

**Clause 4** — Ms Dunn moved her Amendment Nos.11 to 14 — put and agreed to.  
Clause 4, as amended — put and agreed to.

**Clause 5** — Ms Dunn moved her Amendment Nos.15 to 17 — put and agreed to.  
Clause 5, as amended — put and agreed to.

**Clauses 6 and 7** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**BUILDING AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL 2016**

*Committed Thursday, 11 May 2017.*

*Amendments circulated: Mr Davis (see pp 725-6).*

**Clauses 1 to 19** — put and agreed to.

**Clause 20** — Mr Davis moved his Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn;  
Ms Fitzherbert; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich;  
Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Finn and Mr O'Sullivan)*

NOES, 21

Mr Barber; Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland;  
Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten;  
Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes;  
Ms Tierney; Mr Young.

*(Tellers: Mr Barber and Mr Mulino)*

Question negatived.

Clause 20 — put and agreed to.

**Clause 21** — Mr Davis moved his Amendment Nos. 4 and 5.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn;  
Ms Fitzherbert; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich;  
Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Mr Dalla-Riva)*

NOES, 21

Mr Barber; Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland;  
Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten;  
Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes;  
Ms Tierney; Mr Young.

*(Tellers: Mr Elasmarr and Ms Patten)*

Question negatived.

Clause 21 — put and agreed to.

**Clauses 22 to 113** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2017***Amendments circulated by Mr Rich-Phillips*

1. Clause 1, page 2, lines 25 to 28, omit all words and expressions on these lines.
2. Clause 2, line 11, omit "7" and insert "6".
3. Clause 2, line 11, omit "8" and insert "7".
4. Part heading preceding clause 54, omit this heading.
5. Clause 54, omit this clause.
6. Clause 55, omit this clause.
7. Clause 58, line 20, omit "6" and insert "5".
8. Clause 58, line 24, omit "6" and insert "5".

**AMENDMENT OF LONG TITLE**

9. Long title, omit "the **Crimes Act 1958**".

*Amendments circulated by Ms Springle*

1. Clause 30, line 7, omit "230" and insert "230A".
2. Clause 40, page 31, line 9, omit 'Officer.'" and insert "Officer.".
3. Clause 40, page 31, after line 9 insert—

**'230A Review of amendments to first mention date for family violence safety notices**

- (1) The Minister must cause an independent review to be conducted into the operation of section 31(3) as amended by section 32 of the amending Act for the period commencing on the day on which section 32 of the amending Act comes into operation and ending on the day that is 2 years later.
- (2) The Minister must cause a copy of the review to be laid before each House of the Parliament within 6 months after the end of the 2 year period.
- (3) The review must give particular consideration to any unintended or adverse effects of the amendments made to section 31(3) by section 32 of the amending Act, including any increased risk to affected family members."!

**2. FREEDOM OF INFORMATION AMENDMENT (OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER) BILL 2016***Amendments circulated by Mr Jennings*

1. Clause 2, lines 19 to 31, omit all words and expressions on those lines.
2. Clause 2, line 32, omit "Division 2" and insert "Division 1".
3. Clause 2, page 4, line 5, omit "subsection (2), (3), (4) or (5)" and insert "subsection (2)".
4. Clause 2, page 4, line 6, omit "July" and insert "September".



5. Clause 42, line 12, omit '29A;"' and insert "29A;".
6. Clause 42, after line 12 insert—
  - '(ea) a decision of an agency or a Minister refusing to grant access to a document or refusing to amend a document, or a decision of a principal officer refusing to specify a document in a statement, that is taken to have been made under section 53;"'.
7. Clause 45, after line 23 insert—
  - '(2) In section 53(1) of the Principal Act, for the words and expressions commencing "the principal officer" and ending at the end of the subsection **substitute** "for the purposes of making an application to the Tribunal under section 50(1)(ea), the agency or Minister is taken to have made a decision refusing to grant access to the document in accordance with the request or, in the case of a request under section 39, refusing to amend the document in accordance with the request, on the last day of the relevant period."
  - (3) After section 53(1) of the Principal Act **insert**—
    - "(2) Subject to this section, where—
      - (a) a notice has been served on the principal officer under section 12(1); and
      - (b) the time period provided in section 12(2) has elapsed; and
      - (c) notice of the principal officer's decision has not been received by the applicant—

for the purposes of making an application to the Tribunal under section 50(1)(ea), the principal officer is taken to have made a decision refusing to specify the document in a statement on the last day of that period."
    - (4) In section 53(5) of the Principal Act, for ", other than a decision to grant, without deferment, access to the document in accordance with the request, is given," **substitute** "is given, subject to subsection (5A)".
    - (5) After section 53(5) of the Principal Act **insert**—
      - "(5A) Subsection (5) does not apply to—
        - (a) a decision of the agency or Minister to grant access to the document without deferment; or
        - (b) in the case of a request under section 39, a decision of the agency or Minister to amend the document in accordance with the request; or
        - (c) in the case of a notice under section 12(1), a decision of the principal officer to specify the document in a statement."
      - (6) Section 53(8) of the Principal Act is **repealed**.'
  8. Clause 64, line 23, omit "Services" and insert "Complaints".
  9. Clause 96, line 14, omit "section 8D(1)(e)" and insert "section 8D(1)(d)".
  10. Clause 97, line 19, omit "or (h)" and insert "and (i)".
  11. Clause 98, line 24, omit "or (h)" and insert "and (i)".
  12. Division heading preceding clause 133, omit this heading.
  13. Clause 133, omit this clause.
  14. Division heading preceding clause 134, omit this heading.
  15. Clause 134, omit this clause.
  16. Clause 137, line 3, omit "July" and insert "September".

Amendments circulated by Mr Rich-Phillips

1. Clause 6, page 16, line 18, omit "or remove".
2. Clause 6, page 16, lines 29 to 34, omit all words and expressions on these lines and insert—
  - "(2) The Minister must cause a full statement of the grounds of suspension to be presented to each House of Parliament within 7 sitting days of that House after the suspension.
  - (3) The Public Access Deputy Commissioner must be removed from office by the Governor in Council if each House of Parliament, within 20 sitting days after the day on which the statement is presented to it, declares by resolution that the Public Access Deputy Commissioner ought to be removed from office.
  - (4) The Governor in Council must remove the suspension and restore the Public Access Deputy Commissioner to office unless each House makes a declaration of the kind specified in subsection (3) within the time specified in that subsection.
  - (5) If the Public Access Deputy Commissioner is suspended from office under subsection (1), the Public Access Deputy Commissioner is taken not to be the Public Access Deputy Commissioner during the period of suspension."
3. Clause 8, lines 15 to 24, omit all words and expressions on these lines and insert—
  - "(2) An agency or Minister may extend the period for deciding a request referred to in subsection (1)(a) by a period of not more than 30 days, as agreed by the applicant."
4. Clause 77, page 81, lines 27 to 29, omit all words and expressions on these lines and insert—
 

"and the person holding that office is taken to be the Public Access Deputy Commissioner appointed under section 6D—

  - (i) for the period equivalent to the remaining period that the person would have held office as the Freedom of Information Commissioner except for this clause; and
  - (ii) on the terms and conditions, including remuneration, that applied to the person's appointment as the Freedom of Information Commissioner immediately before the commencement day; and"
5. Clause 80, page 100, line 15, omit "or remove".
6. Clause 80, page 100, lines 26 to 31, omit all words and expressions on these lines and insert—
  - "(2) The Minister must cause a full statement of the grounds of suspension to be presented to each House of Parliament within 7 sitting days of that House after the suspension.
  - (3) The Privacy and Data Protection Deputy Commissioner must be removed from office by the Governor in Council if each House of Parliament, within 20 sitting days after the day on which the statement is presented to it, declares by resolution that the Privacy and Data Protection Deputy Commissioner ought to be removed from office.
  - (4) The Governor in Council must remove the suspension and restore the Privacy and Data Protection Deputy Commissioner to office unless each House makes a declaration of the kind specified in subsection (3) within the time specified in that subsection.
  - (5) If the Privacy and Data Protection Deputy Commissioner is suspended from office under subsection (1), the Privacy and Data Protection Deputy Commissioner is taken not to be the Privacy and Data Protection Deputy Commissioner during the period of suspension."
7. Clause 105, lines 21 to 23, omit "and the person holding that office and any person acting in that office go out of office; and" and insert—

"and the person holding that office is taken to be the Privacy and Data Protection Deputy Commissioner appointed under section 8H—

- (i) for the period equivalent to the remaining period that the person would have held office as the Commissioner for Privacy and Data Protection except for this clause; and
- (ii) on the terms and conditions, including remuneration, that applied to the person's appointment as the Commissioner for Privacy and Data Protection immediately before the commencement day; and".

### **3. ROAD SAFETY ROAD RULES 2009 (OVERTAKING BICYCLES) BILL 2015**

#### Amendments circulated by Ms Dunn.

1. Clause 1, line 5, after "overtaking" insert "or passing".
2. Clause 2, line 10, omit "2016" and insert "2018".
3. Clause 3, line 5, after "**overtaking**" insert "**or passing**".
4. Clause 3, line 8, after "overtake" insert "or pass".
5. Clause 3, line 10, after "overtake" insert "or pass".
6. Clause 3, line 12, after "overtake" insert "or pass".
7. Clause 3, line 14, after "overtake" insert "or pass".
8. Clause 3, line 16, after "overtake" insert "or pass".
9. Clause 3, line 18, after "overtake" insert "or pass".
10. Heading to clause 4, after "**Overtaking**" insert "**or passing**".
11. Clause 4, line 25, after "overtaking" insert "or passing".
12. Clause 4, line 30, after "overtaking" insert "or passing".
13. Clause 4, page 3, line 3, after "overtaking" insert "or passing".
14. Clause 4, page 3, line 8, after "overtaking" insert "or passing".
15. Clause 5, line 34, after "overtaking" insert "or passing".
16. Clause 5, page 4, line 3, after "overtaking" insert "or passing".
17. Clause 5, page 4, line 7, after "overtaking" insert "or passing".

### **4. BUILDING AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL 2016**

#### Amendments circulated by Mr Davis.

1. Clause 20, line 15, after "ensure" insert ", so far as is reasonably practicable,".
2. Clause 20, line 27, after "ensure" insert ", so far as is reasonably practicable,".
3. Clause 20, page 51, line 2, after "ensure" insert ", so far as is reasonably practicable,".

4. Clause 21, page 52, line 6, after "must not" insert ", with the intention of obtaining financial advantage,".
5. Clause 21, page 52, line 21, after "must not" insert ", with the intention of obtaining financial advantage,".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 120 and 121

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#### No. 120 — Wednesday, 24 May 2017

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **THE LATE MR WILLIAM (BILL) THOMAS EBERY** — The President advised the House of the death, on 10 May 2017, of Mr William (Bill) Thomas Ebery, former Member for Midlands between 1973 and 1985.  
Members stood in their places as a mark of respect to the memory of the late Mr Ebery.
- 3 **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 16 May 2017 —  
*Electricity Safety Amendment (Bushfire Mitigation Civil Penalties Scheme) Act 2017.*  
*Family Violence Protection Amendment Act 2017.*  
*Freedom of Information Amendment (Office of the Victorian Information Commissioner) Act 2017.*  
On 23 May 2017 —  
*Building Amendment (Enforcement and Other Measures) Act 2017.*
- 4 **LEGISLATIVE COUNCIL VACANCY — NORTHERN VICTORIA REGION** — The President read a letter from the State Secretary of the ALP Victorian Branch advising that Mr Mark Gepp is the Party's nominee for the casual vacancy in the Legislative Council for Northern Victoria Region.
- 5 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The President read a letter from Mr Danny O'Brien resigning from the Public Accounts and Estimates Committee, effective from 22 May 2017.
- 6 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Ms Bath presented Alert Digest No. 7 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be published.  
\* \* \* \* \*  
**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2015-16 FINANCIAL AND PERFORMANCE OUTCOMES** — Ms Pennicuik presented a Report from the Public Accounts and Estimates Committee on the 2015-16 Financial and Performance Outcomes (including Appendices), together with Transcripts of Evidence.  
Ordered to lie on the Table and the Report to be published.  
Ms Pennicuik moved, That the Council take note of the Report.  
Debate ensued.

Question — put and agreed to.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on ICT Strategic Planning in the Health Sector, May 2017 (*Ordered to be published*).

Crimes Act 1958 — Chief Commissioner of Police's forensic sampling authorisations pursuant to section 464Z(2) of the Act.

Crown Land (Reserves) Act 1978 — Ministerial Order for approval of a licence in relation to Alexandra Park, dated 13 April 2017.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32 in relation to Statutory Rules Nos. 22 and 23.

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2016-17 Budget Estimates.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendments C258 and C260.

East Gippsland Planning Scheme — Amendment C130.

Maroondah Planning Scheme — Amendment C109.

Mornington Peninsula Scheme — Amendment C205.

Queenscliffe Planning Scheme — Amendment C27.

South Gippsland Planning Scheme — Amendment C88.

Whitehorse Planning Scheme — Amendment C195.

Whittlesea Planning Scheme — Amendment C197.

Statutory Rules under the following Acts of Parliament —

Drugs, Poisons and Controlled Substances Act 1981 — No. 29.

Environment Protection Act 1970 — No. 28.

Transfer of Land Act 1958 — No. 27.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 27 and 28.

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

Housing Act 1983 — Victorian Housing Register — Determinations of eligibility criteria, priority categories and priority criteria for applicants for social housing, dated 16 May 2017.

Meat Industry Act 1993 —

Determining licence categories and fixing fees for meat processing facilities, dated 3 May 2017.

Fixing of fees for meat transport vehicle licence, dated 3 May 2017.

Seafood Safety Act 2003 — Determining classes of licences and fixing fees for seafood safety licences, dated 3 May 2017.

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**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Victorian Planning Authority Act 2017 — 1 July 2017 (*Gazette No. S150, 16 May 2017*).

- 7 PRODUCTION OF DOCUMENTS — DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE DOCUMENTS** — The Clerk laid on the Table a letter from the Attorney-General dated 23 May 2017 in response to the Resolution of the Council of 10 May 2017 seeking the production of documents relating to Department of Health and Human Services Public Accounts and Estimates Committee briefing folder, advising that the Council's deadline of 24 May 2017 does not allow sufficient time to respond and indicating that the Government would respond to the Council's resolution as soon as possible.

**8 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 24 May 2017:

- (1) Notice of Motion No. 393 standing in the name of Mr Rich-Phillips in relation to the production of certain documents;
- (2) Notice of Motion No. 351 standing in the name of Mr Davis in relation to the proposed Markham Estate development in Ashburton;
- (3) Notice of Motion No. 394 standing in the name of Dr Carling-Jenkins in relation to children's education;
- (4) Notice of Motion given this day by Mrs Peulich in relation to TAFE; and
- (5) Notice of Motion given this day by Ms Bath in relation to job losses in Gippsland.

Question — put and agreed to.

**9 ENVIRONMENT AND PLANNING COMMITTEE — EXTENSION TO REPORTING DATE** — Mr Davis moved, by leave, That the resolutions of the Council of 31 August 2016 and 8 December 2016 requiring the Environment and Planning Committee to inquire into and report by 25 May 2017 on the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016, be amended so as to now require the Committee to present its report by 8 June 2017.

Question — put and agreed to.

**10 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**12 PRODUCTION OF DOCUMENTS — LISTING OF ANAKIE YOUANG ON THE VICTORIAN ABORIGINAL HERITAGE REGISTER** — Mr Rich-Phillips moved, in an amended form, That in accordance with Standing Order 11.01, the Leader of the Government table in the Council by 12 noon on Wednesday, 21 June 2017 the following documents relating to the listing of Anakie Youang (VAHR 7722-1105) on the Victorian Aboriginal Heritage Register —

- (1) all expert reports or other evidence relied upon in consideration of the listing and review of the listing;
- (2) all correspondence between the office of the Minister for Aboriginal Affairs and Aboriginal Victoria;
- (3) all briefs within the Department of Premier and Cabinet or Aboriginal Victoria; and any response should conform with Standing Orders 11.02(3) and 11.03(1)(a).

Debate ensued.

Question — put and agreed to.

**13 MARKHAM ESTATE, ASHBURTON — PROPOSED REDEVELOPMENT** — Mr Davis moved, That this House —

- (1) expresses its grave concern at the lack of influence afforded to the neighbouring community over the proposed height and density of the Andrews Labor Government's planned intensification and overdevelopment of public land that was previously dedicated to public housing at the Markham Estate in Ashburton;
- (2) recognises the legitimate desire of the local community to be consulted;
- (3) recognises that the City of Boroondara is best placed to be the responsible authority for any planning decisions affecting the redevelopment of the Markham Estate;
- (4) notes the Government intends to privatise the majority of the Markham Estate redevelopment, realising what have been described in government emails obtained under Freedom of Information requests as "super profits";

and calls on the Minister for Planning to absent himself from any decisions relating to the proposed redevelopment of the Markham Estate.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**14 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Garvoc – Warrnambool level crossings** — substantive and supplementary questions asked by Mr Purcell — response from Ms Pulford due Tuesday, 6 June 2017.
- **Seymour College redevelopment** — substantive and supplementary questions asked by Mr Young — response from Ms Tierney due Tuesday, 6 June 2017.
- **Lobbyist code of conduct** — substantive question asked by Mr Barber — response from Mr Jennings due Thursday, 25 May 2017.
- **Corrections bed costs** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Thursday, 25 May 2017.
- **Malmsbury SIRT team** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 25 May 2017.
- **Grevillea Unit – cost of legal proceedings** — substantive question asked by Ms Wooldridge — response from Ms Mikakos due Thursday, 25 May 2017.
- **Parkville Youth Justice Facility restoration works** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 25 May 2017.
- **Grevillea Unit staff selection process** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 25 May 2017.

**15 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**16 MARKHAM ESTATE, ASHBURTON — PROPOSED REDEVELOPMENT** — Debate continued on the question, That this House —

- (1) expresses its grave concern at the lack of influence afforded to the neighbouring community over the proposed height and density of the Andrews Labor Government's planned intensification and overdevelopment of public land that was previously dedicated to public housing at the Markham Estate in Ashburton;
- (2) recognises the legitimate desire of the local community to be consulted;
- (3) recognises that the City of Boroondara is best placed to be the responsible authority for any planning decisions affecting the redevelopment of the Markham Estate;
- (4) notes the Government intends to privatise the majority of the Markham Estate redevelopment, realising what have been described in government emails obtained under Freedom of Information requests as "super profits";

and calls on the Minister for Planning to absent himself from any decisions relating to the proposed redevelopment of the Markham Estate.

On the motion of Ms Pennicuik, the debate was adjourned until later this day.

**17 EDUCATION PROGRAMS AND REGULATIONS** — Dr Carling-Jenkins moved, That this House —

- (1) notes —
  - (a) the United Nations Declaration of Human Rights (1948) Article 26(3) states that 'parents have a prior right to choose the kind of education that shall be given to their children';
  - (b) the Government has limited this right by failing to sufficiently consult parents in the implementation of the Safe Schools and Respectful Relationships programs in Victorian schools and early childhood education;
  - (c) imminent changes to home education regulations are being pursued without sufficient parental consultation;
  - (d) ongoing parental concerns with these programs and regulations as they roll out have largely been ignored;
- (2) affirms —



- (a) the rights of parents to freely choose their children's education; and
- (b) these rights should be supported and not inhibited by the State.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Sullivan and Mr Young)*

NOES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Dunn and Mr Melhem)*

Question negatived.

*In accordance with Standing Order 16.06, the President having advised of confusion or error concerning the numbers reported, the Council proceeded to a second division.*

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Morris)*

NOES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Mulino and Mr Somyurek)*

The Ayes and Noes being equal, the question was negatived.

**18 MARKHAM ESTATE, ASHBURTON — PROPOSED REDEVELOPMENT** — Debate resumed on the question, That this House —

- (1) expresses its grave concern at the lack of influence afforded to the neighbouring community over the proposed height and density of the Andrews Labor Government's planned intensification and overdevelopment of public land that was previously dedicated to public housing at the Markham Estate in Ashburton;
- (2) recognises the legitimate desire of the local community to be consulted;
- (3) recognises that the City of Boroondara is best placed to be the responsible authority for any planning decisions affecting the redevelopment of the Markham Estate;
- (4) notes the Government intends to privatise the majority of the Markham Estate redevelopment, realising what have been described in government emails obtained under Freedom of Information requests as "super profits";  
and calls on the Minister for Planning to absent himself from any decisions relating to the proposed redevelopment of the Markham Estate.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Atkinson; Mr Barber; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris;

Mr O'Donohue; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

(Tellers: Ms Fitzherbert and Ms Springle)

NOES, 16

Mr Bourman; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.

(Tellers: Mr Leane and Mr Purcell)

Question agreed to.

**19 VICTORIA'S TRAINING SYSTEM** — Mrs Peulich moved, That this House —

- (1) expresses its grave concern at the decline of Victoria's training system noting that under the Andrews Labor Government, 123,000 students have disappeared from the training system in the past two years and students graduating with a vocational qualification are now less likely to get a job;
- (2) notes that Federation Training is in breach of the *Financial Management Act 1994* by failing to provide to Parliament annual reports for 2015 or 2016;
- (3) calls on the Andrews Labor Government to immediately provide data on TAFE student enrolments, contestable funding and staffing for the 2015 and 2016 years; and
- (4) notes that the Andrews Labor Government has broken its promise to increase funding to TAFE, by spending hundreds of millions of dollars less on student training.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mrs Peulich.*

**20 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**21 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.11 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 121 — Thursday, 25 May 2017

1 The President took the Chair and read the Prayer.

**2 ECONOMY AND INFRASTRUCTURE COMMITTEE — THIRD REPORT ON INFRASTRUCTURE PROJECTS** — Mr Finn presented the Third Report from the Standing Committee on the Economy and Infrastructure on the Inquiry into Infrastructure Projects (including Appendices and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Finn moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**3 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 6 June 2017.

Question — put and agreed to.

**4 JOINT SITTING — LEGISLATIVE COUNCIL VACANCY** — Mr Jennings moved, by leave, That this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation

of Mr Steven Herbert and proposes that the time and place of such a meeting be the Legislative Assembly Chamber on Wednesday, 7 June 2017 at 6.15 p.m..

Debate ensued.

Question — put and agreed to.

**5 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 403 be postponed until later this day.

**8 FAMILY VIOLENCE PROTECTION AMENDMENT (INFORMATION SHARING) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Springle were circulated.

Debate continued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Contraband seizures in youth justice centres** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Tuesday, 6 June 2017.
- **Heyfield Sawmill – business case** — substantive and supplementary questions asked by Mr O'Sullivan — response from Ms Pulford due Tuesday, 6 June 2017.
- **Ministerial Advisory Panel on Assisted Dying** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Mikakos due Wednesday, 7 June 2017.
- **Waste and resource recovery infrastructure plan** — supplementary question asked by Ms Springle — response from Mr Jennings due Wednesday, 7 June 2017.
- **VicForests – Leadbeater's Possum** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Wednesday, 7 June 2017.
- **Training of Protective Services Officers** — substantive and supplementary questions asked by Ms Patten — response from Ms Tierney due Wednesday, 7 June 2017.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Grevillea Unit staff selection process** — supplementary question asked by Ms Crozier on Wednesday, 24 May 2017 — further response from Ms Mikakos due Tuesday, 6 June 2017.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 FAMILY VIOLENCE PROTECTION AMENDMENT (INFORMATION SHARING) BILL 2017** — 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 ordered to be committed to a Committee of the whole later this day.

**12 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT (LATROBE VALLEY MINE REHABILITATION COMMISSIONER) BILL 2017** — 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.

- 13 MESSAGE FROM THE ASSEMBLY — JOINT SITTING — LEGISLATIVE COUNCIL VACANCY** — The Acting President read a message from the Assembly acquainting the Council that they had agreed to the Council's proposal for a joint sitting on Wednesday, 7 June 2017 at 6.15 p.m. in the Legislative Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Steven Herbert.
- 14 FAMILY VIOLENCE PROTECTION AMENDMENT (INFORMATION SHARING) BILL 2017** — 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.
- 15 CITY OF GREATER GEELONG AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the City of Greater Geelong Act 1993 to make amendments to the method of election of the Mayor and Deputy Mayor of Greater Geelong City Council and the constitution of that Council and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Mikakos, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.  
Ms Mikakos moved, That the Bill be now read a second time.  
On the motion of Mr Rich-Phillips (for Mr Davis), the debate was adjourned for one week.
- 16 CORRECTIONS LEGISLATION MISCELLANEOUS AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to the Corrections Act 1986, the Children, Youth and Families Act 2005 and the Serious Sex Offenders (Detention and Supervision) Act 2009 and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Mikakos, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.  
Ms Mikakos moved, That the Bill be now read a second time.  
On the motion of Mr Rich-Phillips (for Mr O'Donohue), the debate was adjourned for one week.
- 17 SEX OFFENDERS REGISTRATION AMENDMENT (MISCELLANEOUS) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to the Sex Offenders Registration Act 2004, to amend the Crimes Act 1958 to provide for the taking of DNA samples from sex offenders, to make consequential amendments to the Criminal Procedure Act 2009, the Serious Sex Offenders (Detention and Supervision) Act 2009 and the Working with Children Act 2005 and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Mikakos, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.  
Ms Mikakos moved, That the Bill be now read a second time.  
On the motion of Mr Rich-Phillips (for Mr O'Donohue), the debate was adjourned for one week.

**18 STATE TAXATION ACTS AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 2005, the Payroll Tax Act 2007, the Planning and Environment Act 1987, the Taxation Administration Act 1997, the Unclaimed Money Act 2008, the Valuation of Land Act 1960 and certain other Acts as a consequence of the amendments made to the Valuation of Land Act 1960 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Mikakos, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

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

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

**19 APPROPRIATION (2017-2018) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr Elasmarr, the debate was adjourned until the next day of meeting.

**20 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 7.21 p.m., adjourned until Tuesday, 6 June 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 120 and 121

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### **FAMILY VIOLENCE PROTECTION AMENDMENT (INFORMATION SHARING) BILL 2017**

*Committed Thursday, 25 May 2017.*

*Amendments circulated: Mr Jennings and Ms Springle (see pp 738-40).*

**Clauses 1 to 6** — put and agreed to.

**Clause 7** — Ms Springle moved her Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Springle.

*(Tellers: Ms Dunn and Ms Barber)*

NOES, 27

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmr; Mr Finn; Ms Fitzherbert; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Mr Morris; Mr Mulino; Mr O'Donohue; Mr O'Sullivan; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Mr Mulino)*

Question negatived.

Mr Jennings moved his Amendment Nos. 1 to 12 — put and agreed to.

Ms Springle moved her Amendment No. 8 — put and agreed to.

Clause 7, as amended — put and agreed to.

**Clauses 8 to 45** — put and agreed to.

**Bill reported with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. FAMILY VIOLENCE PROTECTION AMENDMENT (INFORMATION SHARING) BILL  
2017***Amendments circulated by Mr Jennings*

1. Clause 7, page 21, after line 16 insert—

**"Note**

An information sharing entity must comply with guidelines issued under section 144P(1) relating to child consent to the collection, use or disclosure of confidential information about the child."

2. Clause 7, page 27, line 4, omit "may" and insert "must".

3. Clause 7, page 27, after line 11 insert—

"(2) Without limiting subsection (1), guidelines issued must address child consent to the collection, use or disclosure of confidential information about the child in accordance with this Part.

(3) Before issuing guidelines under subsection (1), the Minister must publish, on an appropriate Internet site—

(a) a draft of the proposed guidelines; and

(b) a statement that submissions may be made to the Minister on or before a specified date, being at least 28 days after the day on which the draft guidelines are published."

4. Clause 7, page 27, lines 12 to 15, omit all words and expressions on these lines and insert—

"(4) As soon as practicable after finalising draft guidelines, the Minister must publish the guidelines on an appropriate Internet site."

5. Clause 7, page 27, line 16, omit "(3)" and insert "(5)".

6. Clause 7, page 27, line 16, omit "(4)" and insert "(6)".

7. Clause 7, page 27, line 21, omit "(4)" and insert "(6)".

8. Clause 7, page 27, line 21, omit "(3)" and insert "(5)".

9. Clause 7, page 27, line 25, omit "(5)" and insert "(7)".

10. Clause 7, page 27, after line 28 insert—

"(8) The Minister may review guidelines issued under subsection (1) at any time, and may issue amended guidelines as the Minister considers necessary.

(9) If the Minister considers that an amendment to the guidelines is significant or substantial, the requirements of subsection (3) must be met before the amended guidelines may be issued."

11. Clause 7, page 32, after line 26 insert—

"(5) A person does not commit an offence against this section only for the reason that the person uses or discloses confidential information in a way that does not comply with guidelines issued under section 144P(1).

**Note**

Despite non-compliance not being an offence—



- (a) this does not preclude non-compliance being taken into account in dealing with a complaint made under the **Privacy and Data Protection Act 2014**, the **Health Records Act 2001** or the **Privacy Act 1988** of the Commonwealth; and
- (b) non-compliance may lead to a person or body ceasing to be prescribed as an information sharing entity."
12. Clause 7, page 34, after line 7 insert—

"(4) A person does not commit an offence against this section only for the reason that the person uses or discloses confidential information in a way that does not comply with guidelines issued under section 144P(1).

**Note**

Despite non-compliance not being an offence—

- (a) this does not preclude non-compliance being taken into account in dealing with a complaint made under the **Privacy and Data Protection Act 2014**, the **Health Records Act 2001** or the **Privacy Act 1988** of the Commonwealth; and
- (b) non-compliance may lead to a person or body ceasing to be prescribed as an information sharing entity."

Amendments circulated by Ms Springle

1. Clause 7, line 24, omit "means express or implied consent" and insert "(other than in section 144N) means express consent".
2. Clause 7, page 19, line 15, omit "**Consent**" and insert "**Express or implied consent**".
3. Clause 7, page 19, line 20, before "consent" insert "express or implied".
4. Clause 7, page 19, lines 27 and 28, omit "**who is an adult**".
5. Clause 7, page 19, line 32, omit "who is an adult".
6. Clause 7, page 21, lines 1 to 28, omit all words and expressions on these lines.
7. Clause 7, page 21, line 29, omit "**144ND**" and insert "**144NC**".
8. Clause 7, page 34, lines 9 to 18, omit all words and expressions on these lines and insert—

**"144S Review of operation of Part after 2 years of operation**

- (1) The Minister must cause an independent review to be conducted of the first 2 years of operation of this Part.
- (2) The Minister must cause a copy of the review to be laid before each House of the Parliament within 6 months after the end of the 2 year period.
- (3) The review must include consideration of any adverse effects of this Part.
- (4) The review may include any recommendations on any matter addressed in the review.

**144SA Review of operation of Part after 5 years of operation**

- (1) The Minister must cause an independent review to be conducted of the 3rd to 5th years of operation of this Part.
- (2) The Minister must cause a copy of the review to be laid before each House of the Parliament within 6 months of the end of the 5th year of operation of this Part.
- (3) The review must include consideration of any adverse effects of this Part.

- (4) The review may include any recommendations on any matter addressed in the review."
9. Clause 37, line 19, omit "144ND(3)" and insert "144NC(3)".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 122, 123 and 124

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#### No. 122 — Tuesday, 6 June 2017

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **THE LATE MR ANTHONY FOSTER** — The President advised the House of the death, on 2 June 2017, of Anthony Foster.

Members and the President having addressed the House stood in their places as a mark of respect to the memory of the late Mr Anthony Foster.

- 3 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, on 30 May 2017, given the Royal Assent to the following Act presented to her by the Clerk of the Parliaments:  
*Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Act 2017.*

- 4 **PETITIONS** —

**JACKSONS CREEK VALLEY DEVELOPMENT** — Mr Finn presented a Petition bearing 690 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ensure no housing or other buildings (other than a tourist/museum/education centre) are built in the Jacksons Creek Valley between Jacksons Creek at the rear of Rupertswood Mansion to the boundary of the Emu Bottom Wetlands, across to Racecourse Road and 400 metres East of the well-defined ridge line that follows Jacksons Creek Sunbury, and the green wedge and rural conservation zones to remain.

Ordered to lie on the Table.

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

\* \* \* \* \*

**KILMORE BUS SERVICE** — Ms Symes presented a Petition bearing 386 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide a bus service that meets every train at Kilmore Railway Station and takes a circular route throughout Kilmore, including to Kilmore Hospital.

Ordered to lie on the Table.

\* \* \* \* \*

**TATURA POLICE PRESENCE** — Ms Lovell presented a Petition bearing 405 signatures from certain citizens of Victoria requesting that the Legislative Council ensure that the Government urgently provide an improved police presence permanently assigned to the Tatura Police station to service the Tatura and neighbouring communities.

Ordered to lie on the Table.

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

**5 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —** Mr Dalla-Riva presented Alert Digest No. 8 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE — REVIEW OF THE PROTECTED DISCLOSURE ACT 2012 —** Ms Symes presented a Report from the Independent Broad-based Anti-corruption Commission Committee on A Review of the Protected Disclosure Act 2012 (including Appendices, Extracts of Proceedings and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Symes moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**ENVIRONMENT AND PLANNING COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO RATE CAPPING POLICY, THIRD REPORT —** Pursuant to Standing Order 23.30, Mr Dalidakis laid on the Table a copy of the Government Response to the Environment and Planning Committee's Inquiry into Rate Capping Policy, Third Report.

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**ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO THE DOMESTIC ANIMALS AMENDMENT (PUPPY FARMS AND PET SHOPS) BILL 2016 —** Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee's Inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016.

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**PAPERS PURSUANT TO STATUTE —** The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 25 May 2017 giving approval to the granting of a lease at Albert Park.

Minister's Order of 2 June 2017 giving approval to the granting of a licence at Yarra Bend Park.

Health Services Act 1988 — Ministerial determination of intention to grant a licence pursuant to section 69AAE, Gazetted 1 June 2017.

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3) in relation to Statutory Rule No. 31.

Notice pursuant to section 32(4) in relation to Statutory Rule No. 28.

Parliamentary Committees Act 2003 — Government response to the Accountability and Oversight Committee's Report into Victorian Oversight Agencies, 2015–16.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C170.

Banyule Planning Scheme — Amendment C110.

Darebin Planning Scheme — Amendment C137.

East Gippsland Planning Scheme — Amendment C133.

Golden Plains Planning Scheme — Amendment C67 (Part 1).

Greater Geelong Planning Scheme — Amendment C341.

Hume Planning Scheme — Amendments C194 and C215.

Hume and Moreland Planning Schemes — Amendment GC63.

Melton Planning Scheme — Amendment C178.

Nillumbik Planning Scheme — Amendment C114.

Stonnington Planning Scheme — Amendment C238.

Surf Coast Planning Scheme — Amendments C116 and C117.

Victoria Planning Provisions — Amendment VC133.

Whitehorse Planning Scheme — Amendment C157 (Part 2).

Whittlesea Planning Scheme — Amendment C123.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 31.

County Court Act 1958 — No. 36.

Subordinate Legislation Act 1994 — No. 30.

Supreme Court Act 1986 — Nos. 32, 33 and 34.

Victorian Civil and Administrative Tribunal Act 1998 — No. 35.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 29 to 35.

Legislative instrument and related documents under 16B in respect of the Financial Management Act 1994 — Order declaring a specified entity.

**6 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 7 June 2017:

- (1) Notice of Motion given this day by Mr Rich-Phillips in relation to the production of certain Country Fire Authority and Metropolitan Fire Brigade documents;
- (2) Notice of Motion given this day by Mr O'Donohue in relation to crime and police funding in Victoria;
- (3) Notice of Motion No. 384 standing in the name of Mr Barber in relation to the establishment of an independent Parliamentary Commissioner for Standards;
- (4) Order of the Day No. 31, resumption of debate on Victoria's training system; and
- (5) Notice of Motion No. 404 standing in the name of Mr Barber seeking to revoke Yarra Planning Scheme Amendment C240.

Question — put and agreed to.

**7 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That Standing and Sessional Orders be suspended to the extent necessary to enable the sitting of the Council on Wednesday, 7 June 2017 to commence at 9.30 a.m. and the order of business be —

- (1) Messages;
- (2) Formal Business;
- (3) Ministers' Statements (up to 5 Ministers);
- (4) Members' Statements (up to 15 Members);
- (5) General business;
- (6) At 12 noon Questions;
- (7) Answers to Questions on Notice;
- (8) General Business (continues);
- (9) At 5.00 p.m. Statements on reports and papers (30 minutes);
- (10) At 5.30 p.m. Adjournment (up to 20 Members).

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 374 be postponed until later this day.

**10 APPROPRIATION (2017-2018) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Brighton terror incident – ankle bracelet** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 7 June 2017.

- **Brighton terror incident – conditions of parole order** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 7 June 2017.
- **Prisoners with known terror links in Victorian corrections facilities** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 7 June 2017.
- **Holsworthy Barracks incident – Adult Parole Board** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 7 June 2017.
- **Brighton terror incident – offences notified to Adult Parole Board** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 7 June 2017.
- **Callinan Review – intelligence system recommendation** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 7 June 2017.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 APPROPRIATION (2017-2018) BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

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Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

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.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2 be postponed until later this day.

**15 CORRECTIONS LEGISLATION MISCELLANEOUS AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Ms Tierney declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Debate continued.

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.

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

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 8.57 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 123 — Wednesday, 7 June 2017

- 1 The President took the Chair and read the Prayer.
- 2 **GAME MANAGEMENT AUTHORITY AMENDMENT BILL 2017** — Mr Young introduced *A Bill for an Act to amend the Game Management Authority Act 2014 to make provision in relation to the Game Management Authority and for other purposes.*  
On the motion of Mr Young, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 3 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Auditor-General's Reports on —
    - Technical and Further Education Institutes: 2016 Audit Snapshot, June 2017 (*Ordered to be published*).
    - Universities: 2016 Audit Snapshot, June 2017 (*Ordered to be published*).
  - Racing Victoria Limited — Modification of Racing Victoria Limited Constitution pursuant to section 3B(2) of the Racing Act 1958.
  - Statutory Rule under an Act of Parliament — Rooming House Operators Act 2016 — No. 37.
  - Victorian Environmental Assessment Council Act 2001 — Government response to the Victorian Environmental Assessment Council's Historic Places Investigation, Final Report, 2017.
  - Victorian Law Reform Commission — Review of the Adoption Act 1984, February 2017 (*Ordered to be published*).
- 4 **LEGAL AND SOCIAL ISSUES COMMITTEE — MEMBERSHIP** — Ms Wooldridge moved, by leave, That —
  - (1) Mr O'Donohue be discharged from the Standing Committee on Legal and Social Issues; and
  - (2) Mr Morris be appointed to the Standing Committee on Legal and Social Issues.Question — put and agreed to.
- 5 **MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.
- 6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 7 **PRODUCTION OF DOCUMENTS — COUNTRY FIRE AUTHORITY AND METROPOLITAN FIRE BRIGADE** — Mr Rich-Phillips moved, That in accordance with Standing Order 11.01, the Leader of the Government table in the Council by 12 noon on Monday, 7 August 2017 the following documents relating to the proposed changes to the Country Fire Authority (CFA) and Metropolitan Fire Brigade (MFB) in the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 —
  - (1) all expert reports relied upon in consideration for the changes of the CFA structure;
  - (2) all expert reports relied upon to establish a panel to review the current fire services boundaries;
  - (3) all correspondence between the office of the Minister for Emergency Services and —
    - (a) Emergency Management Victoria;
    - (b) Country Fire Authority;
    - (c) Metropolitan Fire Brigade;
    - (d) Volunteers Fire Brigades Victoria;
    - (e) United Firefighters Union;
  - (4) all briefs within the Department of Premier and Cabinet or Emergency Services Victoria;
  - (5) any correspondence regarding the contract of the Chief Executive Officer of the CFA including additional bonuses to remain in the role;and any response should conform with Standing Orders 11.02(3) and 11.03(1)(a).  
Debate ensued.  
Question — put and agreed to.

**8 POLICE STATIONS AND COMMUNITY SAFETY** — Mr O'Donohue moved, That this House notes —

- (1) the failure of the Minister for Police, Lisa Neville, to commit to reopening the police stations that have either been closed or had their opening hours cut under Premier Daniel Andrews;
- (2) that several closed police stations have been attacked with graffiti, including recently at Burwood and Heidelberg West;
- (3) that the Minister for Police, Lisa Neville, has failed to honour her promise, made repeatedly both prior to and after the 2014 election, that the Portarlington, Drysdale and Queenscliff Police stations would be open 16 hours a day, every day;
- (4) that under Premier Daniel Andrews, crime is up over 20 per cent in just two years while the number of police per capita has been cut;
- (5) the comments of the Minister for Police, Lisa Neville, who admitted in March 2017 that Victorians are living in fear in their own homes;
- (6) that Victoria currently has a part time Minister for Police and a part time Minister for Corrections with other unrelated portfolio responsibilities;
- (7) that according to the most recent Victoria Police figures, the number of Protective Service Officers has been cut;

and calls on the Premier, Daniel Andrews, to make community safety the number one priority of the Government.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to an order of the Council on 6 June 2017 —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Home education regulation** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Tierney due Tuesday, 20 June 2017.
- **VicForests timber mill contract** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Thursday, 8 June 2017.
- **Winton wetlands rehabilitation** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Tuesday, 20 June 2017.
- **Prisoners with terrorist links** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Thursday, 8 June 2017.
- **Parolees – anti-radicalisation programs** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Thursday, 8 June 2017.
- **Radicalised prisoners management regime** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Thursday, 8 June 2017.
- **Parolees – electronic monitoring bracelets** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Thursday, 8 June 2017.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 POLICE STATIONS AND COMMUNITY SAFETY** — Debate continued on the question, That this House notes —

- (1) the failure of the Minister for Police, Lisa Neville, to commit to reopening the police stations that have either been closed or had their opening hours cut under Premier Daniel Andrews;
- (2) that several closed police stations have been attacked with graffiti, including recently at Burwood and Heidelberg West;



- (3) that the Minister for Police, Lisa Neville, has failed to honour her promise, made repeatedly both prior to and after the 2014 election, that the Portarlington, Drysdale and Queenscliff Police stations would be open 16 hours a day, every day;
- (4) that under Premier Daniel Andrews, crime is up over 20 per cent in just two years while the number of police per capita has been cut;
- (5) the comments of the Minister for Police, Lisa Neville, who admitted in March 2017 that Victorians are living in fear in their own homes;
- (6) that Victoria currently has a part time Minister for Police and a part time Minister for Corrections with other unrelated portfolio responsibilities;
- (7) that according to the most recent Victoria Police figures, the number of Protective Service Officers has been cut;

and calls on the Premier, Daniel Andrews, to make community safety the number one priority of the Government.

On the motion of Mrs Peulich, the debate was adjourned until later this day.

## **12 PROCEDURE COMMITTEE REFERENCE — INDEPENDENT PARLIAMENTARY COMMISSIONER FOR STANDARDS** — Mr Barber moved, That this House —

- (1) notes the Legislative Assembly Standing Orders Committee inquiry into the establishment of an independent Parliamentary Commissioner for Standards in Victoria conducted in 2014, in consultation with the Procedure Committee, was unable to be completed before the expiration of the 57<sup>th</sup> Parliament; and
- (2) requires the Procedure Committee, in consultation with the Legislative Assembly Standing Orders Committee, to inquire into, consider and report on, by no later than 14 November 2017, the establishment of an independent Parliamentary Commissioner for Standards in Victoria.

Debate ensued.

Question — put and agreed to.

## **13 POLICE STATIONS AND COMMUNITY SAFETY** — Debate resumed on the question, That this House notes —

- (1) the failure of the Minister for Police, Lisa Neville, to commit to reopening the police stations that have either been closed or had their opening hours cut under Premier Daniel Andrews;
- (2) that several closed police stations have been attacked with graffiti, including recently at Burwood and Heidelberg West;
- (3) that the Minister for Police, Lisa Neville, has failed to honour her promise, made repeatedly both prior to and after the 2014 election, that the Portarlington, Drysdale and Queenscliff Police stations would be open 16 hours a day, every day;
- (4) that under Premier Daniel Andrews, crime is up over 20 per cent in just two years while the number of police per capita has been cut;
- (5) the comments of the Minister for Police, Lisa Neville, who admitted in March 2017 that Victorians are living in fear in their own homes;
- (6) that Victoria currently has a part time Minister for Police and a part time Minister for Corrections with other unrelated portfolio responsibilities;
- (7) that according to the most recent Victoria Police figures, the number of Protective Service Officers has been cut;

and calls on the Premier, Daniel Andrews, to make community safety the number one priority of the Government.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Mr O'Sullivan and Mr Purcell)

## NOES, 18

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Somyurek and Ms Symes)*

Question agreed to.

- 14 VICTORIA'S TRAINING SYSTEM** — Debate resumed on the question, That this House —
- (1) expresses its grave concern at the decline of Victoria's training system noting that under the Andrews Labor Government, 123,000 students have disappeared from the training system in the past two years and students graduating with a vocational qualification are now less likely to get a job;
  - (2) notes that Federation Training is in breach of the *Financial Management Act 1994* by failing to provide to Parliament annual reports for 2015 or 2016;
  - (3) calls on the Andrews Labor Government to immediately provide data on the TAFE's student enrolments, contestable funding and staffing for the 2015 and 2016 years; and
  - (4) notes that the Andrews Labor Government has broken its promise to increase funding to TAFE by spending hundreds of millions of dollars less on student training.

*Business having been interrupted at 5.00 p.m. pursuant to an order of the Council on 6 June 2017, the debate stood adjourned in the name of Ms Pennicuik.*

- 15 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

*Business having been interrupted at 5.30 p.m. pursuant to an order of the Council of 6 June 2017.*

- 16 FAMILY VIOLENCE PROTECTION AMENDMENT (INFORMATION SHARING) BILL 2017** — 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.

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

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.04 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 124 — Thursday, 8 June 2017

- 1 The President took the Chair and read the Prayer.
- 2 **JOINT SITTING — CASUAL COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly on Wednesday, 7 June 2017 to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Steven Herbert and that Mr Mark Gepp was elected to hold the vacant place in the Legislative Council.
- 3 **DECLARATION OF ALLEGIANCE** — Mr Mark Gepp, having been introduced, approached the Table and took and subscribed the affirmation required by law.
- 4 **PETITIONS** —  
**DOMAIN STATION DEVELOPMENT** — Mr Davis presented a Petition bearing 44 signatures from certain citizens of Victoria requesting that the Legislative Council calls on the Government to use deep tunnelling techniques for construction and properly examine the construction of and location of the Domain station, to minimise the impact on Australia's greatest boulevard, St. Kilda Road, preserving the precinct and minimising impact on residents.

Ordered to lie on the Table.

**BUCKLEY STREET LEVEL CROSSING IN ESSENDON** — Mr Finn presented a Petition bearing 1,256 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to not proceed with the road under rail crossing at Buckley Street Level Crossing, explore the Moonee Valley City Council's rail under road proposal, provide as much financial investment in the Essendon level crossing removal as in marginal electorates and to not proceed with any proposal without community support and consideration of long term consequences.

Ordered to lie on the Table.

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

## 5 PAPERS —

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017** — Mr Finn presented a Report from the Standing Committee on the Economy and Infrastructure on the Inquiry into the Commercial Passenger Vehicle Industry Bill 2017 (including an Appendix and Transcripts of Evidence).

Ordered to lie on the Table and the Report to be published.

Mr Finn moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO THE ENVIRONMENT PROTECTION AMENDMENT (BANNING PLASTIC BAGS, PACKAGING AND MICROBEADS) BILL 2016** — Mr Davis presented a Report from the Standing Committee on the Environment and Planning on the Inquiry into the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016 (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

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

Debate ensued.

Question — put and agreed to.

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**ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO THE OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016** — Mr Davis presented a Report from the Standing Committee on the Environment and Planning on the Inquiry into the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016 (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

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

Debate ensued.

Question — put and agreed to.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Office — Annual Plan, 2017-18.

Auditor-General's Report on Effectiveness of the Victorian Public Sector Commission, June 2017 (*Ordered to be published*).

South Australian-Victorian Border Groundwaters Agreement Review Committee — Report, 2015-16.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 38.

Victorian Environmental Assessment Council Act 2001 —

Fibre and wood supply Assessment report, April 2017.

Statewide Assessment of Public Land, Final Report, May 2017.

Wodonga Institute of TAFE — Report, 2016.

**6 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 20 June 2017.

Question — put and agreed to.

**7 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 407 be postponed until later this day.

**10 CORRECTIONS LEGISLATION MISCELLANEOUS AMENDMENT BILL 2017** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Muir Report** — substantive question asked by Ms Crozier — response from Ms Mikakos due Tuesday, 20 June 2017.
- **Federation Training staff** — substantive question asked by Ms Bath — response from Ms Tierney due Tuesday, 20 June 2017.
- **Anti-radicalisation programs** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Tuesday, 20 June 2017.
- **Callinan Review** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 20 June 2017.
- **Anti-radicalisation programs – prisoner numbers** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 20 June 2017.
- **Environment Protection Authority Review** — substantive question asked by Ms Hartland — response from Mr Jennings due Wednesday, 21 June 2017.
- **Youth justice centres reviews** — substantive and supplementary questions asked by Ms Springle — response from Ms Mikakos due Tuesday, 20 June 2017.
- **Coghlan Bail review** — substantive and supplementary questions asked by Ms Patten — response from Ms Tierney due Wednesday, 21 June 2017.

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**QUESTIONS DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed further written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Parole conditions** — substantive and supplementary questions asked by Mr O'Donohue on Tuesday, 6 June 2017 — further response from Ms Tierney due Tuesday, 20 June 2017.
- **Information provided to Adult Parole Board** — substantive and supplementary questions asked by Mr O'Donohue on Tuesday, 6 June 2017 — further response from Ms Tierney due Tuesday, 20 June 2017.
- **Offender monitoring** — substantive and supplementary questions asked by Mr O'Donohue on Tuesday, 6 June 2017 — further response from Ms Tierney due Tuesday, 20 June 2017.
- **Further information provided by Adult Parole Board** — substantive and supplementary questions asked by Mr O'Donohue on Tuesday, 6 June 2017 — further response from Ms Tierney due Tuesday, 20 June 2017.

- **Tampering with electronic bracelets** — substantive and supplementary questions asked by Mr O'Donohue on Wednesday, 7 June 2017 — further response from Ms Tierney due Tuesday, 20 June 2017.
- **Prisoners and terrorism** — substantive and supplementary questions asked by Mr O'Donohue on Wednesday, 7 June 2017 — further response from Ms Tierney due Tuesday, 20 June 2017.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 CORRECTIONS LEGISLATION MISCELLANEOUS AMENDMENT BILL 2017** — Bill further considered in Committee of the whole.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

**15 CITY OF GREATER GEELONG AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

*The President having ruled that an amendment proposed to be moved in Committee by Mr Davis was outside the scope of the Bill —*

Mr Davis moved, That it be an instruction to the Committee that they have power to consider a New Clause to amend the *City of Greater Geelong Act 1993* to provide that the City of Greater Geelong may be referred to as Victoria's second city.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Ms Crozier; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Mr Ramsay)*

NOES, 22

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Dr Carling-Jenkins and Mr Somyurek)*

Question negatived.

Bill 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.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4 be postponed until later this day.

**17 SEX OFFENDERS REGISTRATION AMENDMENT (MISCELLANEOUS) BILL 2017** — 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.

- 18 BAIL AMENDMENT (STAGE ONE) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Bail Act 1977 to make fresh provision about the circumstances in which bail may be granted or refused and who may grant bail, to amend the Family Violence Protection Act 2008, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 19 CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 in relation to recruiting children to engage in criminal activity, to amend the Children, Youth and Families Act 2005 in relation to the hearing of proceedings, sentencing, the removal to and from, and detention of, persons at remand centres, youth residential centres and youth justice centres, and to deal with offences committed at those centres, to further provide for management of detainees and youth offenders, to provide for the increase of penalties for certain offences, to make provision in relation to information sharing, to amend the Sentencing Act 1991 and other Acts in relation to serious youth offences, to amend the Corrections Act 1986 and other Acts in relation to remand, and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

- 20 DISABILITY AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Disability Act 2006 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

- 21 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide a rebuttable presumption for career firefighters and volunteer firefighters suffering from specified forms of cancer for the purposes of claiming compensation under the Workplace Injury Rehabilitation and Compensation Act 2013, to amend the Metropolitan Fire Brigades Act 1958, the Country Fire Authority Act 1958 and certain other Acts to reform fire services and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 22 SENTENCING AMENDMENT (SENTENCING STANDARDS) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Sentencing Act 1991 to repeal the baseline sentencing scheme, provide for standard sentences for indictable offences and enhance the scheme in that Act for the giving of guideline judgments, to amend the Crimes Act 1958 and the Drugs, Poisons and Controlled Substances Act 1981 to remove references to the baseline sentencing scheme and fix a standard sentence for certain offences against those Acts and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 23 APPROPRIATION (2017-2018) BILL 2017** — Bill committed to a Committee of the whole. House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

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Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in a Committee of the whole. House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

---

Mr Jennings declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

---

Bill further considered in a Committee of the whole. House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders and the Council having continued to sit after 12 midnight —*

FRIDAY, 9 JUNE 2017

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Mr Jennings moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 13

Mr Dalidakis; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Tierney.  
(Tellers: Mr Leane and Mr Purcell)

NOES, 22

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue;

Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mr Ramsay; Mr Rich-Phillips;  
Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Sullivan and Ms Patten)*

Question negatived.

Bill to be further considered in Committee of the whole on the next day of meeting.

**24 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 12.19 a.m., adjourned until Tuesday, 20 June 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 122, 123 and 124

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### **CORRECTIONS LEGISLATION MISCELLANEOUS AMENDMENT BILL 2017**

*Committed Thursday, 8 June 2017.*

#### **Clause 1 —**

Mr O'Donohue moved, That the Deputy President report progress and ask leave to sit again.

Question — put and agreed to.

#### **Progress reported.**

\* \* \* \* \*

### **CITY OF GREATER GEELONG AMENDMENT BILL 2017**

*Committed Thursday, 8 June 2017.*

*Amendments circulated: Mr Davis (see pp 757-8).*

**Clauses 1 to 4 —** put and agreed to.

**Clause 5 —** Mr Davis moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell;  
Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay;  
Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Mr O'Donohue)*

NOES, 23

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr;  
Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino;  
Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek;  
Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Elasmarr and Ms Springle)*

Question negatived.

Clause 5 — put and agreed to.

**Clause 6 —** Mr Davis moved further Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Ondarchie and Mr Finn)*

NOES, 23

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Ms Dunn and Mr Melhem)*

Question negated.

Clause 6 — put and agreed to.

**Clauses 7 to 12** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**APPROPRIATION (2017-2018) BILL 2017**

*Committed Thursday, 8 June 2017.*

**Clauses 1 to 10** — put and agreed to.

**Schedule 1** —

**Progress reported.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. CITY OF GREATER GEELONG AMENDMENT BILL 2017**Amendments circulated by Mr Davis —

1. Insert the following New Clause to precede Clause 4—

**"A. Constitution of City of Greater Geelong**

After section 5(1) of the Principal Act insert—

"(2) The City of Greater Geelong may be referred to as Victoria's second city."

2. Clause 5, lines 10 to 22, omit all words and expressions on these lines and insert—

"(1) From the general election, to be held in October 2017, the Council consists of—

- (a) a Mayor elected to represent the City of Greater Geelong as a representative of the municipal district as a whole; and
- (b) a Deputy Mayor elected to represent the City of Greater Geelong as a representative of the municipal district as a whole; and
- (c) 9 Councillors elected to represent 3 individual wards, with each ward being represented by 3 Councillors.

(2) The Mayor and the Deputy Mayor are Councillors of the Council.

(3) The constitution of the Council as specified in subsection (1) and (2)—

- (a) may be altered as specified in section 9(2); and
- (b) applies until an alteration is made as specified in section 9(2).

(4) The boundaries of the wards referred to in subsection (1)(c) are to be determined by the Victorian Electoral Commission and reviewed by the Commission from time to time."

3. Clause 6, omit this clause.

4. Clause 7, omit this clause.

5. Clause 8, omit this clause.

6. Clause 9, lines 2 to 29 and page 7, lines 1 to 19, omit all words and expressions on these lines and insert—  
"Section 11C(1) and (2) of the Principal Act are **repealed**."

7. Clause 10, line 23, omit "by the Council".

Further amendments circulated by Mr Davis —

1. Clause 6, line 22, omit "23 months, but no later than 24 months" and insert "11 months, but no later than 12 months".

2. Clause 7, line 18, omit "from office." and insert "from office; or".

3. Clause 7, after line 18 insert—  
"(g) one year after the Mayor is elected under section 10."

4. Clause 9, line 12, omit "23 months, but no later than 24 months" and insert "11 months, but no later than 12 months".

5. Clause 9, lines 28 to 29, omit all words and expressions on the lines and insert—
  - '(c) in paragraph (e), for "any period." **substitute** "any period under the **Local Government Act 1989**; or";
6. Clause 9, after line 29 insert—
  - '(d) after paragraph (e) insert—
    - "(f) one year after the Deputy Mayor is elected under this section.".'.



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 125, 126, 127 and 128

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#### No. 125 — Tuesday, 20 June 2017

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **THE LATE MRS MARGARET ELIZABETH RAY** — The President advised the House of the death on 31 May 2017 of Mrs Margaret Elizabeth Ray, Member of the Legislative Assembly for the Electoral District of Box Hill from 1982 to 1992.  
Members stood in their places as a mark of respect to the memory of the late Mrs Margaret Elizabeth Ray.
- 3 **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 14 June 2017 —  
*Family Violence Protection Amendment (Information Sharing) Act 2017*  
On 20 June 2017 —  
*City of Greater Geelong Amendment Act 2017*  
*Sex Offenders Registration Amendment (Miscellaneous) Act 2017.*
- 4 **PETITIONS** —  
**PREVENT QUEEN VICTORIA MARKET REDEVELOPMENT** — Ms Patten presented a Petition bearing 1,444 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Victorian Government to urgently legislate to prevent the dismantling and excavation of the Queen Victoria Market, put a moratorium on future market development until there has been proper consultation and consider the impact of any changes to the market based on the livelihoods of traders, the heritage value and ongoing viability of the Queen Victoria Market.  
Ordered to lie on the Table.

\* \* \* \* \*

- COLLINGWOOD PLANNING AND HERITAGE PRESERVATION** — Ms Dunn presented a Petition bearing 235 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Planning, the Hon. Richard Wynne, and the Minister for Local Government, the Hon. Natalie Hutchins, to save Collingwood from over-development by taking immediate and effective action to introduce height limits to all zones, ensure new developments include family friendly units and affordable housing, increase green spaces and ensure meaningful preservation of the heritage buildings and streetscapes.  
Ordered to lie on the Table.

**TATURA POLICE PRESENCE** — Ms Lovell presented a Petition bearing 60 signatures from certain citizens of Victoria requesting that the Legislative Council ensure that the Government urgently provide an improved police presence permanently assigned to the Tatura Police station to service the Tatura and neighbouring communities.

Ordered to lie on the Table.

- 5 CRIMES AMENDMENT (RAMMING OF POLICE VEHICLES) BILL 2017** — Mr O'Donohue introduced *A Bill for an Act to amend the Crimes Act 1958 to create an offence relating to ramming police vehicles, to amend the Sentencing Act 1991 to make provision for sentencing for that offence, and for other purposes.*

On the motion of Mr O'Donohue, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**6 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 9 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**ENVIRONMENT AND PLANNING COMMITTEE — RATE CAPPING, FOURTH REPORT** —

Mr Davis presented the Fourth Report from the Environment and Planning Committee on the Inquiry into Rate Capping Policy (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

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

Debate ensued.

Question — put and agreed to.

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**ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE — INQUIRY INTO THE CONTROL OF INVASIVE ANIMALS ON CROWN LAND** —

Mr Ramsay presented a Report from the Environment, Natural Resources and Regional Development Committee on the Inquiry into the Control of Invasive Animals on Crown Land (including Appendices), together with a Summary Booklet and Transcripts of Evidence.

Ordered to lie on the Table and the Report and Summary Booklet to be published.

Mr Ramsay moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**OMBUDSMAN — REPORT INTO ALLEGATIONS OF CONFLICT OF INTEREST OF AN OFFICER AT THE METROPOLITAN FIRE AND EMERGENCY SERVICES BOARD, JUNE 2017** — Pursuant to section 25AA of the Ombudsman Act 1973, the Clerk laid on the Table a copy of the Ombudsman's Report into allegations of conflict of interest of an officer at the Metropolitan Fire and Emergency Services Board, June 2017.

Report ordered to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Federation Training — Report, 2015.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Brimbank Planning Scheme — Amendment C157.

Maribyrnong, Melbourne, Port Phillip and Stonnington Planning Schemes — Amendment GC67.

Melton Planning Scheme — Amendment C143.

Yarra Planning Scheme — Amendment C260.

Road Management Act 2004 — Code of practice for operational responsibility for public roads, dated 30 May 2017.

Statutory Rules under the following Acts of Parliament —

Crimes Act 1958 — No. 39.

Judicial Commission of Victoria Act 2016 — No. 38.

Road Safety Act 1986 — Nos. 41 and 42.

Transport Accident Act 1986 — No. 40.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 37, 39 and 47.

A Legislative Instrument and related documents under section 16B in respect of —  
Kardinia Park Stadium Act 2016 — Event management declaration for Kardinia Park events, dated 16 May 2017.

Victorian Electoral Commission — Report on the 2016 Local Government Elections.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Amendment Notice, Gazetted 5 June 2017.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Act 2017 — Whole Act (other than Part 3) — 15 June 2017  
(*Gazette No. S195, 14 June 2017*).

## 7 PRODUCTION OF DOCUMENTS —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE BRIEFING FOLDERS** — The Clerk laid on the Table a letter from the Attorney-General dated 19 June 2017 in response to the Resolution of the Council of 10 May 2017 seeking the production of documents relating to the Public Accounts and Estimates Committee (PAEC) briefing folders provided to and used by the Secretary of the Department of Health and Human Services when appearing before the PAEC Inquiries into Financial and Performance Outcomes of 2013-14, 2014-15 on 18 February 2016, and of 2015-16 on 15 February 2017, advising the Government has —

- identified two briefing folders that fall within the scope of the Legislative Council's order;
- assessed these documents against the factors listed in letters dated 14 April 2015 and 29 April 2016 noting the limits of the Council's power to call for documents; and
- determined to not produce the documents on the grounds of executive privilege set out in the schedule enclosed.

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

\* \* \* \* \*

**ANAKIE YOUANG** — The Clerk laid on the Table a letter from the Attorney-General dated 19 June 2017 in response to the Resolution of the Council of 24 May 2017 seeking the production of documents relating to the listing of Anakie Youang on the Victorian Aboriginal Heritage Register, advising that the Council's deadline of 21 June 2017 does not allow sufficient time to respond and indicating that the Government would respond to the Council's resolution as soon as possible.

\* \* \* \* \*

**2015 AND 2016 GRAND FINAL EVE AND CHRISTMAS DAY 2016 PUBLIC HOLIDAYS** — The Clerk laid on the Table 346 documents in full and 12 documents in part received in response to the Resolution of the Council of 7 December 2016 seeking the production of documents relating to the 2015 and 2016 Grand Final Eve and Christmas Day 2016 public holidays, the Clerk also laid on the Table a letter from the Attorney-General dated 19 June 2017 advising that the Government has determined —

- 389 documents were identified as falling within the scope of the Legislative Council's order;
- to produce 346 documents in full;

- to produce 12 documents in part;
- not produce 31 documents in full; and
- makes a claim of executive privilege in relation to those documents or parts of those documents on the grounds set out in the schedule enclosed.

- 8 STANDING COMMITTEE MEMBERSHIP** — Mr Dalidakis moved, by leave, That —
- (1) Mr Eideh be discharged from the Standing Committee on Environment and Planning;
  - (2) Mr Elasmr be discharged from the Standing Committee on Economy and Infrastructure;
  - (3) Mr Elasmr be appointed to the Standing Committee on Environment and Planning; and
  - (4) Mr Gepp be appointed to the Standing Committee on Economy and Infrastructure.

Question — put and agreed to.

- 9 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 21 June 2017:
- (1) Second reading of the Crimes Amendment (Ramming of Police Vehicles) Bill 2017 introduced and first read today by Mr O'Donohue;
  - (2) Notice of Motion No. 410 standing in the name of Mr Rich-Phillips seeking to establish a select committee in relation to the restructuring of Victoria's fire services;
  - (3) Notice of Motion given this day by Mrs Peulich seeking to refer a matter in relation to anti-radicalisation strategies and programs to the Legal and Social Issues Committee;
  - (4) Notice of Motion No. 406 standing in the name of Mr Young in relation to the production of certain documents;
  - (5) Notice of Motion given this day by Mrs Peulich seeking to refer a matter in relation to TAFE programs and outcomes to the Economy and Infrastructure Committee; and
  - (6) Order of the Day No. 33, resumption of debate on Victoria's training system.

Question — put and agreed to.

- 10 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

- 11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 407, and Orders of the Day, Government Business, Nos. 1 and 2 be postponed until later this day.

- 13 STATE TAXATION ACTS AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 14 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Brighton siege offender – break of parole conditions** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 21 June 2017.
- **Brighton siege offender – previous release from prison** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 21 June 2017.
- **Firearm used in Brighton siege** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Thursday, 22 June 2017.
- **Ramming of Police vehicles** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Thursday, 22 June 2017.
- **Proposed sale of Heyfield Mill** — substantive and supplementary questions asked by Mr O'Sullivan — response from Ms Pulford due Wednesday, 21 June 2017.



- **Law Reform Commission report into elder abuse** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Mikakos due Thursday, 22 June 2017.
- **Harm minimisation strategies at music festivals** — substantive and supplementary questions asked by Ms Patten — response from Ms Tierney due Thursday, 22 June 2017.
- **Rooming houses** — substantive and supplementary questions asked by Ms Springle — response from Mr Dalidakis due Thursday, 22 June 2017.

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**QUESTIONS DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed further written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Anti-radicalisation programs – prisoner numbers** — substantive question asked by Mr O'Donohue on Thursday, 8 June 2017 — further response from Ms Tierney due Wednesday, 21 June 2017.
- **Muir report** — substantive question asked by Ms Crozier on Thursday, 8 June 2017 — further response from Ms Mikakos due Wednesday, 21 June 2017.
- **Anti-radicalisation programs** — supplementary questions asked by Ms Crozier on Thursday, 8 June 2017 — further response from Ms Mikakos due Wednesday, 21 June 2017.

**15 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**16 STATE TAXATION ACTS AMENDMENT BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

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Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

---

Mr Jennings declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in a Committee of the whole.

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

The Deputy President reported progress and asked leave to sit again.

Bill to be further considered in Committee of the whole on the next day of meeting.

**17 PARLIAMENTARY BUDGET OFFICER BILL 2016** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**18 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 8.59 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 126 — Wednesday, 21 June 2017

1 The President took the Chair and read the Prayer.

**2 ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO THE COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee's Inquiry into the Commercial Passenger Vehicle Industry Bill 2017.

**3 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Managing Victoria's Public Housing, June 2017  
(*Ordered to be published*).

Professional Standards Act 2003 — Instrument pursuant to section 14 of the Act amending the Chartered Accountants Australia and New Zealand Professional Standards Scheme, dated 15 June 2017.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 36 and 40.

**4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 CRIMES AMENDMENT (RAMMING OF POLICE VEHICLES) BILL 2017** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Ms Symes, the debate was adjourned for two weeks.

**7 SELECT COMMITTEE — FIRE SERVICES** — Mr Rich-Phillips moved, That —

(1) a Select Committee of eight Members be appointed to inquire into, consider and report, no later than 31 August 2017, on the restructuring of Victoria's fire services as contemplated by the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 and, in particular, the —

(a) impact on fire service delivery across Victoria;

(b) effect on volunteer engagement and participation in fire service delivery;

(c) short term and long term cost impact on fire service provision;

(d) underlying policy rationale;

(2) the Committee will consist of three Members from the Government Party nominated by the Leader of the Government in the Council, three Members from the Opposition nominated by the Leader of the Opposition in the Council, one Member from the Greens nominated by the Leader of the Greens in the Council, and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;

(3) the Members will be appointed by lodgement of the names with the President no later than 12.00 p.m. on the day following the day on which this resolution is agreed to by the Council;

- (4) the first meeting of the Committee must be held no later than fourteen days after the day on which this resolution is agreed to by the Council;
- (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (6) one half of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;
- (7) the Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member;
- (8) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (9) the Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry;
- (10) the presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions; and
- (11) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

Debate ensued.

Ms Shing moved, as amendments, That —

- (1) In paragraph (1) omit "eight" and insert "nine".
- (2) In paragraph (1) omit "31 August 2017" and insert "8 August 2017".
- (3) In paragraph (2) omit "one Member" (where secondly occurring) and insert "two Members".
- (4) In paragraph (6) omit "one half" and insert "five".

Debate continued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Anglesea coal mine rehabilitation plan** — substantive and supplementary questions asked by Mr Barber — response from Ms Pulford due Friday, 23 June 2017.
- **Clyde Road elevated rail** — supplementary question asked by Mrs Peulich — response from Mr Jennings due Friday, 23 June 2017.
- **Kindergarten fund raising activities** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 22 June 2017.
- **Greyhound racing draft code of practice – staffing levels** — substantive question asked by Mr O'Sullivan — response from Ms Pulford due Thursday, 22 June 2017.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 10 SELECT COMMITTEE — FIRE SERVICES** — Debate continued on the question, That —

- (1) a Select Committee of eight Members be appointed to inquire into, consider and report, no later than 31 August 2017, on the restructuring of Victoria's fire services as contemplated by the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 and, in particular, the —
  - (a) impact on fire service delivery across Victoria;
  - (b) effect on volunteer engagement and participation in fire service delivery;
  - (c) short term and long term cost impact on fire service provision;
  - (d) underlying policy rationale;
- (2) the Committee will consist of three Members from the Government Party nominated by the Leader of the Government in the Council, three Members from the Opposition nominated by the Leader of the Opposition in the Council, one Member from the Greens

nominated by the Leader of the Greens in the Council, and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;

- (3) the Members will be appointed by lodgement of the names with the President no later than 12.00 p.m. on the day following the day on which this resolution is agreed to by the Council;
- (4) the first meeting of the Committee must be held no later than fourteen days after the day on which this resolution is agreed to by the Council;
- (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (6) one half of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;
- (7) the Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member;
- (8) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (9) the Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry;
- (10) the presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions; and
- (11) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

*And on the amendments moved by Ms Shing, That —*

- (1) In paragraph (1) omit "eight" and insert "nine".
- (2) In paragraph (1) omit "31 August 2017" and insert "8 August 2017".
- (3) In paragraph (2) omit "one Member" (where secondly occurring) and insert "two Members".
- (4) In paragraph (6) omit "one half" and insert "five".

On the motion of Dr Carling-Jenkins, the debate was adjourned until later this day.

#### **11 PRODUCTION OF DOCUMENTS — FIREARMS — Mr Young moved, That —**

- (1) in accordance with Standing Order 11.01, this House requires the Leader of the Government to table in the Council by 12 noon on Wednesday, 9 August 2017 a copy of all documents including advice and or information from Victoria Police to the Minister for Police in relation to firearms in the years 2015, 2016 and 2017 to date; and
- (2) any response should conform with Standing Orders 11.02(3) and 11.03(1)(a).

Debate ensued.

Question — put and agreed to.

#### **12 SELECT COMMITTEE — FIRE SERVICES — Debate resumed on the question, That —**

- (1) a Select Committee of eight Members be appointed to inquire into, consider and report, no later than 31 August 2017, on the restructuring of Victoria's fire services as contemplated by the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 and, in particular, the —
  - (a) impact on fire service delivery across Victoria;
  - (b) effect on volunteer engagement and participation in fire service delivery;
  - (c) short term and long term cost impact on fire service provision;
  - (d) underlying policy rationale;
- (2) the Committee will consist of three Members from the Government Party nominated by the Leader of the Government in the Council, three Members from the Opposition nominated by the Leader of the Opposition in the Council, one Member from the Greens nominated by the Leader of the Greens in the Council, and one Member from among the

- remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) the Members will be appointed by lodgement of the names with the President no later than 12.00 p.m. on the day following the day on which this resolution is agreed to by the Council;
  - (4) the first meeting of the Committee must be held no later than fourteen days after the day on which this resolution is agreed to by the Council;
  - (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
  - (6) one half of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;
  - (7) the Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member;
  - (8) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
  - (9) the Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry;
  - (10) the presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions; and
  - (11) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

*And on the amendments moved by Ms Shing, That —*

- (1) In paragraph (1) omit "eight" and insert "nine".
- (2) In paragraph (1) omit "31 August 2017" and insert "8 August 2017".
- (3) In paragraph (2) omit "one Member" (where secondly occurring) and insert "two Members".
- (4) In paragraph (6) omit "one half" and insert "five".

Question — That amendment (1) and (3) moved by Ms Shing be agreed to — put and negatived.

Question — That amendment (2) moved by Ms Shing be agreed to — put.

The Council divided — The Deputy President in the Chair.

AYES, 20

Mr Barber; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Ms Hartland; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Tierney.

*(Tellers: Mr Mulino and Mr Purcell)*

NOES, 16

Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Mr Ramsay)*

Question agreed to.

Question — That amendment (4) moved by Ms Shing be agreed to — put and agreed to.

Question — That the motion moved by Mr Rich-Phillips, as amended, be agreed to — put and agreed to.

- 13 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE** — Mrs Peulich moved, That, pursuant to Sessional Order 6, this House requires the Legal and Social Issues Committee to inquire into, consider and report, no later than Tuesday, 27 February 2018, on the Victorian Government policies, strategy and programs regarding social cohesion, community resilience and the prevention of violent extremism, including but not limited to —

- (1) the function and operations of the Victorian Multicultural Affairs Commission and the Office of Multicultural Affairs and Citizenship;
- (2) the operations and expenditure of the Research Institute on Social Cohesion and the Community Resilience Unit;
- (3) outcomes from the Social Cohesion and Community Resilience Ministerial Taskforce and Advisory Board; and
- (4) expenditure and outcomes of the Social Cohesion and Resilience Fund.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**15 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.20 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 127 — Thursday, 22 June 2017

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**HOME EDUCATION REGULATIONS** — Ms Bath presented a Petition bearing 2,319 signatures from certain citizens of Victoria requesting that the Legislative Council disallow the Education and Training Reform Regulations 2017 pertaining to Home Schooling (Part 6).

Ordered to lie on the Table.

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

\* \* \* \* \*

**NORSEMANS ROAD BEACH** — Mr O'Donohue presented a Petition bearing 293 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to protect the health and safety of the local community and surrounding citizens that use the Norsemans road beach, access track and car park in Coronet Bay by moving the horses to a more suitable area.

Ordered to lie on the Table.

\* \* \* \* \*

**REVERSE THE REINTRODUCTION OF LOGGING IN FAR SOUTH WEST VICTORIA** —

Ms Tierney presented a Petition bearing 264 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse the reintroduction of logging in far South West Victoria; remove the planned logging coupes; cease logging in other areas of Western Victoria; remove VicForests management in the west and work instead to place the remaining native forests and woodlands in secure parks and conservation reserves.

Ordered to lie on the Table.

3 **PAPERS** —

**ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO FIRE SEASON PREPAREDNESS** — Mr Davis presented a Report from the Environment and Planning Committee on the Inquiry into Fire Season Preparedness (including Appendices, Extract of Proceedings of the Committee and Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

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

Debate ensued.

Question — put and agreed to.

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — INQUIRY INTO SERVICES FOR PEOPLE WITH AUTISM SPECTRUM DISORDER** — Mr Finn presented a Report from the Family and Community Development Committee on the Inquiry into services for people with Autism Spectrum Disorder (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Finn moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Follow Up of Selected 2014-15 Performance Audits, June 2017  
(*Ordered to be published*).

Maintaining State-Controlled Roadways, June 2017 (*Ordered to be published*).

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations Notified between 8 May and 19 June 2017 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 43.

Victorian Government Report in Multicultural Affairs — Whole of Government Report, 2015-16.

**4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 407 be postponed until later this day.

**7 STATE TAXATION ACTS AMENDMENT BILL 2017** — Bill further considered in Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Kinship care – critical incident reports** — substantive question asked by Ms Crozier — response from Ms Mikakos due Friday, 23 June 2017.
- **Community consultation in regional Victoria** — substantive question asked by Mr Purcell — response from Ms Pulford due Tuesday, 8 August 2017.
- **VicForests timber supplies** — substantive question asked by Ms Dunn — response from Ms Pulford due in Friday, 23 June 2017.
- **Firearms amnesty** — substantive and supplementary questions asked by Mr Young — response from Ms Tierney due Tuesday, 8 August 2017.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 STATE TAXATION ACTS AMENDMENT BILL 2017** — Bill further considered in Committee of the whole.

House in Committee.

Bill reported with amendments, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

**11 BAIL AMENDMENT (STAGE ONE) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

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 CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Ms Crozier moved, as a reasoned amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be withdrawn and Part 3 redrafted so that certain of the proposed additional powers in Part 3 be instead made available for existing orders for young offenders”.

Debate ensued.

Amendments proposed to be moved in Committee by Ms Springle were circulated.

Debate continued.

On the motion of Mr Melhem, the debate was adjourned until later this day.

**13 COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Dunn were circulated.

Debate continued.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

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Ms Tierney declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Debate continued.

Further amendments proposed to be moved in Committee by Ms Dunn were circulated.

Debate continued.

On the motion of Mr Davis, the debate was adjourned until the next day of meeting.

**14 STATE TAXATION ACTS AMENDMENT BILL 2017** — The Deputy President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

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

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.59 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council



## No. 128 — Friday, 23 June 2017

1 The President took the Chair and read the Prayer.

2 **JUSTICE LEGISLATION AMENDMENT (COURT SECURITY, JURIES AND OTHER MATTERS) BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Appeal Costs Act 1998, the Children, Youth and Families Act 2005, the Confiscation Act 1997, the County Court Act 1958, the Court Security Act 1980, the Court Services Victoria Act 2014, the Courts (Case Transfer) Act 1991, the Judicial College of Victoria Act 2001, the Judicial Entitlements Act 2015, the Juries Act 2000, the Land Acquisition and Compensation Act 1986, the Legal Profession Uniform Law Application Act 2014, the Magistrates' Court Act 1989 and the Victorian Civil and Administrative Tribunal Act 1998, to make miscellaneous minor amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

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

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

3 **JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS AND OTHER MATTERS) BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend various Acts in relation to powers of protective services officers on duty at designated places, to provide for psychological fitness for duty assessments for police officers and protective services officers, to facilitate attendance of children held in police custody to and from courts and youth justice facilities, to amend the Second-Hand Dealers and Pawnbrokers Act 1989 to regulate payments for scrap metal and to provide for enforcement, to amend the Corrections Act 1986 to extend to police custody officer supervisors the powers under Part 9A of that Act, to amend the Victoria Police Act 2013 to establish the role of police custody officer supervisors in police gaols, to make consequential and other technical amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips, the debate was adjourned for one week.

4 **LAND LEGISLATION AMENDMENT BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Transfer of Land Act 1958 in relation to the conversion of general law land, recording of notices and instruments, and other matters relating to the recording of instruments in the Register, the Subdivision Act 1988 in relation to unlimited and limited owners corporations and the registration of plans, and the Valuation of Land Act 1960 in relation to the release of information from the valuation record and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Mr Davis), the debate was adjourned for one week.

- 5 WORKSAFE LEGISLATION AMENDMENT BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Accident Compensation Act 1985, the Dangerous Goods Act 1985, the Occupational Health and Safety Act 2004 and the Workplace Injury Rehabilitation and Compensation Act 2013 to further improve the operation of those Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Rich-Phillips (for Mr Davis), the debate was adjourned for one week.

- 6 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Falls Creek Alpine Resort Management Board — Report for the period 1 November 2015 to 31 December 2016.

Lake Mountain Alpine Resort Management Board — Report for the period 1 November 2015 to 31 December 2016.

Mount Baw Baw Alpine Resort Management Board — Report for the period 1 November 2015 to 31 December 2016.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the period 1 November 2015 to 31 December 2016.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C206.

Cardinia Planning Scheme — Amendment C206.

East Gippsland Planning Scheme — Amendment C135.

Greater Bendigo Planning Scheme — Amendment C231.

Macedon Ranges Planning Scheme — Amendments C98, C99 and C100.

Manningham Planning Scheme — Amendment C107.

Melbourne Planning Scheme — Amendment C303.

Stonnington Planning Scheme — Amendments C207 and C222.

Wangaratta Planning Scheme — Amendment C66 (Part 1).

Yarra Planning Scheme — Amendment C183.

Statutory Rules under the following Acts of Parliament —

Education and Training Reform Act 2006 — No. 44.

Environment Protection Act 1970 — No. 45.

Subordinate Legislation Act 1994 — No. 47.

Traditional Owner Settlement Act 2010 — No. 43.

Transport (Compliance and Miscellaneous) Act 1983 — Nos. 48 to 51.

Victorian Energy Efficiency Target Act 2007 — No. 46.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 44, 45 and 48 to 51.

- 7 SITTING OF THE COUNCIL** — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 8 August 2017.

Question — put and agreed to.

- 8 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 368 to 407 be postponed until later this day.

**10 COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**ABDUL NACER BENBRIKA – PRISONER TRANSFER** — Ms Tierney having given answers to a question without notice and supplementary question relating to Abdul Nacer Benbrika – Prisoner Transfer —

On the motion of Mr Leane, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Abdul Nacer Benbrika – anti-radicalisation program** — substantive question asked by Mrs Peulich — response from Ms Tierney due Tuesday, 8 August 2017.
- **Maximum security prisons** — substantive question asked by Ms Wooldridge — response from Ms Tierney due Tuesday, 8 August 2017.
- **Syringes sweep – North Richmond precinct** — substantive and supplementary questions asked by Ms Hartland — response from Ms Mikakos due Wednesday, 9 August 2017.
- **Braybrook Primary School** — substantive question asked by Ms Hartland — response from Ms Tierney due Wednesday, 9 August 2017.
- **Tower cladding fire risk** — substantive and supplementary questions asked by Ms Patten — response from Mr Dalidakis due Wednesday, 9 August 2017.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Bourman were circulated.

Debate continued.

Question — put.

The Council divided — The Deputy President in the Chair.

AYES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Tierney.

*(Tellers: Mr Dalidakis and Mr Purcell)*

NOES, 17

Ms Crozier; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr O'Sullivan)*

Question agreed to.

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

House in Committee.

*Business having been interrupted at 4.00 p.m. pursuant to Standing Orders —*

Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

---

Ms Pulford declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

- 14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2 be postponed until later this day.

- 15 APPROPRIATION (PARLIAMENT 2017-2018) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

---

Mr Jennings moved, That the sitting be extended.

Question — put and agreed to.

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Debate continued.

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.

- 16 COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017** — Bill further considered in a Committee of the whole.

House in Committee.

The Deputy President reported progress that the Committee had made amendments and suggested amendments for the consideration of the Assembly and asked leave to sit again.

Bill returned to the Assembly with a Message requesting that they make the amendments suggested by the Council.

Bill to be again considered in Committee of the whole on the next day of meeting.

- 17 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 7.47 p.m., adjourned until Tuesday, 8 August 2017.

ANDREW YOUNG  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 125, 126, 127 and 128

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### STATE TAXATION ACTS AMENDMENT BILL 2017

*Committed Tuesday, 20 June 2017.*

*Amendments circulated: Mr Jennings (see p 780).*

*Amendments and suggested amendments circulated: Mr Rich-Phillips (see pp 780-2).*

**Clause 1** — debate commenced.

### Progress reported

#### Thursday, 22 June 2017

*Progress having been reported on Tuesday, 20 June 2017, Bill further considered in Committee of the whole.*

**Clause 1** — postponed.

**Clause 2** — postponed.

**Division heading preceding clause 3** — Mr Rich-Phillips moved his suggested Amendment No. 12 — put and negatived.

Division heading preceding clause 3 — no question put pursuant to Standing Order 14.15(2).

**Clause 3** — no question put pursuant to Standing Order 14.15(2).

**Clauses 4 to 6** — Question — That clauses 4 to 6 be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Gepp and Mr Melhem)*

NOES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr O'Donohue)*

Question agreed to.

**Clauses 7 to 40** — no question put pursuant to Standing Order 14.15(2).

**Division heading preceding clause 41** — put and agreed to.

**Clause 41** — Question — That clause 41 be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Dalidakis and Ms Springle)*

## NOES, 18

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Ms Bath and Mr Dalla-Riva*)

Question agreed to.

**Clauses 42 to 45** — no question put pursuant to Standing Order 14.15(2).

**Division heading preceding clause 46** — put and agreed to.

**Clause 46** — Question — That clause 46 be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Ms Springle and Mr Mulino*)

## NOES, 17

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Ms Bath and Mr Young*)

Question agreed to.

**Clauses 47 to 49** — no question put pursuant to Standing Order 14.15(2).

**Part heading preceding clause 50** — put and agreed to.

**Clauses 50 to 67** — Question — That clauses 50 to 67 be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Mr Barber and Ms Mikakos*)

## NOES, 17

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Ms Fitzherbert and Mr Ondarchie*)

Question agreed to.

**Clauses 68 to 79** — no question put pursuant to Standing Order 14.15(2).

**Clauses 80 to 97** — put and agreed to.

**Part heading preceding clause 98** — put and negated.

**Division heading preceding clause 98** — put and negated.

**Clauses 98 to 136** — put and negated.

**Division heading preceding clause 137** — put and negated.

**Clauses 137 to 141** — put and negatived.

**Clause 142** — put and agreed to.

**Long Title** — Mr Jennings moved his Amendment No. 10 — put and agreed to.  
Long Title, as amended — put and agreed to.

**Postponed Clause 1** — Mr Jennings moved his Amendment Nos. 1 and 2 — put and agreed to.  
Clause 1, as amended — put and agreed to.

**Postponed Clause 2** — Mr Jennings moved his Amendment Nos. 3 and 4 — put and agreed to.  
Clause 2, as amended — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**BAIL AMENDMENT (STAGE ONE) BILL 2017**

*Committed Thursday, 22 June 2017.*

*Amendments circulated: Ms Pennicuik (see pp 782-4).*

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Ms Pennicuik moved her Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Springle)*

NOES, 31

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Ms Shing)*

Question negatived.

Ms Pennicuik moved her Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Patten)*

NOES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Ramsay and Mr Somyurek)*

Question negatived.

Ms Pennicuik moved her Amendment Nos. 3 and 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Patten; Ms Pennicuik; Ms Springle.

(Tellers: Mr Barber and Ms Springle)

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(Tellers: Mr Davis and Mr Gepp)

Question negatived.

Clause 5 — put and agreed to.

**Clauses 6 to 29** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

## **COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017**

*Committed Friday, 23 June 2017.*

*Amendments and suggested amendments circulated: Ms Patten (see p 784).*

*Suggested amendments circulated: Mr Bourman (see p 785).*

*Suggested amendments and further suggested amendments circulated: Ms Dunn (see pp 785-6).*

**Clause 1** — Mr Bourman moved his suggested Amendment No. 1.

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

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Ms Fitzherbert and Mr O'Sullivan)

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Ms Springle; Ms Symes; Ms Tierney.

(Tellers: Ms Tierney and Ms Patten)

Question negatived.

Ms Patten moved her Amendment Nos. 1 and 2 — put and agreed to.

Clause 1, as amended — put and agreed to.

**Clause 2** — put and agreed to.

**Clause 3** — Ms Patten moved her Amendment No. 3 — put and agreed to.

Clause 3, as amended — put and agreed to.

**Clauses 4 and 5** — put and agreed to.

**Clause 6** — no question put pursuant to Standing Order 14.15(2).

**Clauses 7 and 8** — put and agreed to.



**Clauses 9 to 11** — no question put pursuant to Standing Order 14.15(2).

**Clause 12** — Ms Patten moved her suggested Amendment Nos. 4 to 6 — put and agreed to.  
Clause 12 — postponed pursuant to Standing Order 14.15(3).

**Clauses 13 to 19**— no question put pursuant to Standing Order 14.15(2).

**Clause 20** — Ms Patten moved her suggested Amendment Nos. 7 and 8 — put and agreed to.  
Clause 20 — postponed pursuant to Standing Order 14.15(3).

**Clauses 21 to 80** — put and agreed to

**Progress reported with suggested amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. STATE TAXATION ACTS AMENDMENT BILL 2017***Amendments circulated by Mr Jennings.*

1. Clause 1, page 3, line 33, omit "information; and" insert "information."
2. Clause 1, page 4, lines 1 to 10, omit all words and expressions on these lines.
3. Clause 2, page 4, line 13, omit "7, 8 and 9" and insert "7 and 8".
4. Clause 2, page 4, line 24, omit all words and expressions on this line.
5. Part heading preceding clause 98, omit this heading.
6. Division heading preceding clause 98, omit this heading.
7. Clauses 98 to 136, omit these clauses.
8. Division heading preceding clause 137, omit this heading.
9. Clauses 137 to 141, omit these clauses.

## LONG TITLE

10. Long title, omit "1997, the **Unclaimed Money Act 2008**, the **Valuation of Land Act 1960** and certain other Acts as a consequence of the amendments made to the **Valuation of Land Act 1960**" and insert "1997 and the **Unclaimed Money Act 2008**".

*Amendments and suggested amendments circulated by Mr Rich-Phillips.*

1. **Suggested amendment to the Legislative Assembly -**  
Clause 1, line 5, omit "off-the-plan purchases,".
2. **Suggested amendment to the Legislative Assembly -**  
Clause 1, page 2, lines 8 to 11, omit all words and expressions on these lines.
3. **Suggested amendment to the Legislative Assembly -**  
Clause 1, page 2, lines 17 to 19, omit all words and expressions on these lines.
4. **Suggested amendment to the Legislative Assembly -**  
Clause 1, page 2, lines 28 and 29, omit all words and expressions on these lines.
5. **Suggested amendment to the Legislative Assembly -**  
Clause 1, page 3, lines 28 to 30, omit all words and expressions on these lines.
6. Clause 1, page 3, line 33, omit "information; and" insert "information."
7. Clause 1, page 4, lines 1 to 10, omit all words and expressions on these lines.
8. **Suggested amendment to the Legislative Assembly -**  
Clause 2, lines 12 and 13, omit "1 to 5 and 7 to 9 of Part 2 and Parts 3, 4, 5, 6, 7, 8 and 9" and insert "1 to 4 and 6 and 7 of Part 2 and Parts 3, 4, 5, 6 and 7".
9. **Suggested amendment to the Legislative Assembly -**  
Clause 2, lines 16 and 17, omit "9 of Part 2, Part 7 (except Division 5) and Parts 3, 5, 6, and 8" and insert "7 of Part 2 and Parts 3, 4, 5, 6 and 7".

10. **Suggested amendment to the Legislative Assembly -**  
Clause 2, line 20, omit "Divisions 5, 7 and 8 of Part 2 come" and insert "Division 6 of Part 2 comes".
11. **Suggested amendment to the Legislative Assembly -**  
Clause 2, lines 22 to 24, omit all words and expressions on these lines.
12. **Suggested amendment to the Legislative Assembly -**  
Division heading preceding clause 3, omit "**Off-the-plan purchases, principal**" and insert "**Principal**".
13. **Suggested amendment to the Legislative Assembly -**  
Clauses 4 to 6, omit these clauses.
14. **Suggested amendment to the Legislative Assembly -**  
Clause 12, page 11, line 2, omit "57JA;" and insert '57JA.'.
15. **Suggested amendment to the Legislative Assembly -**  
Clause 12, page 11, lines 3 to 5, omit all words and expressions on these lines.
16. **Suggested amendment to the Legislative Assembly -**  
Clause 13, lines 13 and 14, omit "rate, exemption or concession or an adjustment specified in subsection (2A)" and insert "rate or an exemption or concession from duty under section 57JA".
17. **Suggested amendment to the Legislative Assembly -**  
Clause 13, lines 20 to 32, omit all words and expressions on these lines and insert—  
(b) the duty on the original PPR transfer calculated at the rate set out in section 28(1).".
18. **Suggested amendment to the Legislative Assembly -**  
Clause 14, lines 5 to 13, omit all words and expressions on these lines and insert—  
(a) the PPR transfer is chargeable with duty at the rate set out in section 28(1) without any exemption or concession from duty under section 57JA, subject to any other exemption or concession; and".
19. **Suggested amendment to the Legislative Assembly -**  
Clause 14, line 24, omit "57JA;" and insert '57JA.'.
20. **Suggested amendment to the Legislative Assembly -**  
Clause 14, lines 25 and 26, omit all words and expressions on these lines.
21. **Suggested amendment to the Legislative Assembly -**  
Clause 15, page 13, line 5, omit "57JA;" and insert '57JA.'.
22. **Suggested amendment to the Legislative Assembly -**  
Clause 15, page 13, lines 6 and 7, omit all words and expressions on these lines.
23. **Suggested amendment to the Legislative Assembly -**  
Clause 30, page 23, lines 34 and 35, omit "in certain circumstances consideration is to be adjusted to exclude" and insert "consideration does not include".
24. **Suggested amendment to the Legislative Assembly -**  
Division heading preceding clause 41, omit this heading.
25. **Suggested amendment to the Legislative Assembly -**  
Clause 41, omit this clause.
26. **Suggested amendment to the Legislative Assembly -**  
Division heading preceding clause 46, omit this heading.

27. **Suggested amendment to the Legislative Assembly -**  
Clause 46, omit this clause.
28. **Suggested amendment to the Legislative Assembly -**  
Clause 47, lines 6 and 7, omit "**Off-the-plan purchases and principal**" and insert "**Principal**".
29. **Suggested amendment to the Legislative Assembly -**  
Clause 47, line 8, omit "21, 32B(6), 32V,".
30. **Suggested amendment to the Legislative Assembly -**  
Part heading preceding clause 50, omit this heading.
31. **Suggested amendment to the Legislative Assembly -**  
Clauses 50 to 67, omit these clauses.
32. **Suggested amendment to the Legislative Assembly -**  
Division heading preceding clause 90, omit this heading.
33. **Suggested amendment to the Legislative Assembly -**  
Clauses 90 to 92, omit these clauses.
34. Part heading preceding clause 98, omit this heading.
35. Division heading preceding clause 98, omit this heading.
36. Clauses 98 to 136, omit these clauses.
37. Division heading preceding clause 137, omit this heading.
38. Clauses 137 to 141, omit these clauses.

#### LONG TITLE

39. **Suggested amendment to the Legislative Assembly -**  
Long title, omit "the **Land Tax Act 2005**".
40. Long title, omit "**1997**, the **Unclaimed Money Act 2008**, the **Valuation of Land Act 1960** and certain other Acts as a consequence of the amendments made to the **Valuation of Land Act 1960**" and insert "**1997** and the **Unclaimed Money Act 2008**".

## 2. BAIL AMENDMENT (STAGE ONE) BILL 2017

### Amendments circulated by Ms Pennicuik.

1. Clause 5, lines 32 to 33, omit all words and expressions on these lines and insert—
  - (3) For section 4(2)(d)(i) of the **Bail Act 1977** substitute—
    - "(i) that there is an unacceptable risk that the accused if released on bail would—
      - (A) endanger the safety or welfare of any person; or
      - (B) commit an offence; or
      - (C) interfere with witnesses or otherwise obstruct the course of justice whether in relation to the accused or any other person; or
      - (D) fail to appear in court in answer to bail.".

2. Clause 5, page 6, lines 8 to 10, omit all words and expressions on these lines and insert—

'(6) For section 4(3) of the **Bail Act 1977 substitute—**

"(3) In determining whether to refuse bail under this section, a bail decision maker is to consider the following matters—

- (a) the nature and seriousness of the alleged offending, including whether or not it is a serious example of the offence;
- (b) the strength of the evidence against the accused;
- (c) the criminal history of the accused;
- (d) compliance by the accused with any previous grants of bail;
- (e) whether the accused is alleged to have committed the offence—
  - (i) while on bail for another offence; or
  - (ii) while subject to a summons to answer to a charge for another offence; or
  - (iii) while at large; or
  - (iv) during the period of a community correction order made in respect of the accused for another offence or while otherwise serving a sentence for another offence; or
  - (v) while released under a parole order;
- (f) the personal circumstances, associations, home environment and background of the accused;
- (g) any special vulnerability of the accused, including by reason of youth, being an Aboriginal person, ill health, cognitive impairment, intellectual disability or mental health;
- (h) the availability of bail support services;
- (i) any view, or likely view, of the alleged victim of the offence to the grant of bail;
- (j) the length of time the accused is likely to spend in custody if bail is refused;
- (k) the likely sentence should the accused be found guilty of the offence charged;
- (l) whether the accused has expressed publicly support for—
  - (i) a terrorist act or a terrorist organisation; or
  - (ii) the provision of resources to a terrorist organisation.

(3A) In this section—

*at large* means a person who has failed to appear at court and is subject to a warrant to arrest that has been issued but not yet executed.

(3B) A bail decision maker considering granting bail to an accused under this section must consider whether or not any conditions could be imposed to reduce any risks associated with the granting of bail."!

3. Clause 5, page 6, line 18, omit "compelling" and insert "good".

4. Clause 5, page 6, line 26, omit "compelling" and insert "good".
5. Clause 13, page 22, line 2, omit "compelling" and insert "good".

### 3. COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017

#### Amendments and suggested amendments circulated by Ms Patten.

1. Clause 1, line 6, omit "transactions; and" and insert "transactions—".
2. Clause 1, after line 6 insert—
  - "(i) to recover the cost of transitional assistance provided to certain participants in the commercial passenger vehicle industry; and
  - (ii) to partly fund the regulation of the commercial passenger vehicle industry; and".
3. Clause 3, page 5, after line 12 insert—
 

*"ESC* means the Essential Services Commission established by section 7 of the **Essential Services Commission Act 2001**;"
4. **Suggested amendment to the Legislative Assembly -**  
Clause 12, line 29, omit "\$2" and insert "\$1".
5. **Suggested amendment to the Legislative Assembly -**  
Clause 12, page 10, line 1, omit "regulations" and insert "regulations, in accordance with section 20(2)".
6. **Suggested amendment to the Legislative Assembly -**  
Clause 12, page 10, line 8, omit "\$2" and insert "\$1".
7. **Suggested amendment to the Legislative Assembly -**  
Clause 20, line 6, after "(b)" insert "subject to subsection (2)".
8. **Suggested amendment to the Legislative Assembly -**  
Clause 20, after line 13 insert—
  - "( ) The Minister must not recommend the making of regulations specifying an amount of \$1 or more as the amount of the levy unless the ESC recommends the specification of that amount in accordance with subsection (3).
  - ( ) The ESC must not recommend the specification of an amount unless the ESC is satisfied that it is the lowest amount that is reasonably likely to result in the total amount of the levy collected within 8 years of the commencement of this Part being equal to the money spent on transitional assistance.
  - ( ) For the purposes of subsection (3), the *money spent on transitional assistance* is the total amount paid by the State (whether as compensation or otherwise) to participants in the commercial passenger vehicle industry to assist those participants in relation to changes to the law that applies to that industry as compared with that law as in force immediately before the commencement of this Act."

Suggested amendments circulated by Mr Bourman.

1. **Suggested amendment to the Legislative Assembly -**  
Clause 1, line 6, omit "transactions;" and insert "transactions for journeys that begin or end in the Melbourne Metropolitan Zone;".
  2. **Suggested amendment to the Legislative Assembly -**  
Clause 3, page 5, lines 3 to 9, omit all words and expressions on these lines.
  3. **Suggested amendment to the Legislative Assembly -**  
Clause 3, page 5, after line 13 insert—  
  

*"metropolitan transaction* means the provision for a single fare of a commercial passenger vehicle service (whether booked or unbooked) in respect of carriage on a journey that begins or ends in the Melbourne Metropolitan Zone;

*Melbourne Metropolitan Zone* has the same meaning as it has in Part VI of the **Transport (Compliance and Miscellaneous) Act 1983**;".
  4. **Suggested amendment to the Legislative Assembly -**  
Clause 9, line 5, omit "commercial passenger vehicle service" and insert "metropolitan".
  5. **Suggested amendment to the Legislative Assembly -**  
Clause 10, lines 8 and 9, omit "commercial passenger vehicle service" and insert "metropolitan".
  6. **Suggested amendment to the Legislative Assembly -**  
Clause 12, lines 26 and 27, omit "commercial passenger vehicle service" and insert "metropolitan".
  7. **Suggested amendment to the Legislative Assembly -**  
Clause 15, lines 21 and 22, omit "commercial passenger vehicle service" and insert "metropolitan".
- SUGGESTED AMENDMENT TO LONG TITLE
8. **Suggested amendment to the Legislative Assembly -**  
Long title, omit "services," and insert "services in the Melbourne Metropolitan Zone,".

Suggested amendments circulated by Ms Dunn.

1. **Suggested amendment to the Legislative Assembly -**  
Clause 12, line 29, omit "\$2" and insert "\$1".
2. **Suggested amendment to the Legislative Assembly -**  
Clause 12, page 10, line 2, omit "\$2" and insert "\$1".
3. **Suggested amendment to the Legislative Assembly -**  
Clause 12, page 10, line 8, omit "\$2" and insert "\$1".
4. **Suggested amendment to the Legislative Assembly -**  
Clause 20, line 6, omit "\$2" and insert "\$1".

Further suggested amendments circulated by Ms Dunn.

1. **Suggested amendment to the Legislative Assembly -**  
Clause 1, line 4, after "of" insert "certain".
2. **Suggested amendment to the Legislative Assembly -**  
Clause 3, page 5, lines 3 to 9, omit all words and expressions on these lines.
3. **Suggested amendment to the Legislative Assembly -**  
Clause 3, page 5, after line 12 insert—

**"leviable transaction** means the provision for a single fare of a commercial passenger vehicle service (whether booked or unbooked) in respect of carriage on a journey that begins in a leviable zone (whether the journey ends in or outside a leviable zone);

**leviable zone** means—

- (a) the Melbourne Metropolitan Zone within the meaning of Part VI of the **Transport (Compliance and Miscellaneous) Act 1983**; and
- (b) the Urban and Large Regional Zone within the meaning of Part VI of the **Transport (Compliance and Miscellaneous) Act 1983**;

4. **Suggested amendment to the Legislative Assembly -**  
Clause 9, line 5, omit "commercial passenger vehicle service" and insert "leviable".
  5. **Suggested amendment to the Legislative Assembly -**  
Clause 10, lines 8 and 9, omit "commercial passenger vehicle service" and insert "leviable".
  6. **Suggested amendment to the Legislative Assembly -**  
Clause 12, lines 26 and 27, omit "commercial passenger vehicle service" and insert "leviable".
  7. **Suggested amendment to the Legislative Assembly -**  
Clause 15, lines 21 and 22, omit "commercial passenger vehicle service" and insert "leviable".
- SUGGESTED AMENDMENT TO LONG TITLE
8. **Suggested amendment to the Legislative Assembly -**  
Long title, after "provision of" insert "certain".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 129, 130 and 131

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#### No. 129 — Tuesday, 8 August 2017

- 1 The President took the Chair, 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 27 June 2017, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Bail Amendment (Stage One) Act 2017*  
*Parliamentary Budget Officer Act 2017*  
*State Taxation Acts Amendment Act 2017.*

On 27 June 2017, given the Royal Assent to the following Acts presented to her by the Speaker:

*Appropriation (2017-2018) Act 2017*  
*Appropriation (Parliament 2017-2018) Act 2017.*

- 3 **ACTING PRESIDENT** — The President laid on the Table the following Warrant amending the Acting President's panel:

LEGISLATIVE COUNCIL  
VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I hereby —

(1) nominate —

Mr James Purcell

to be an Acting President whenever requested to do so by the President or Deputy President; and

(2) discharge Mr Bernie Finn as an Acting President.

Given under my hand on 8 August 2017.

BRUCE ATKINSON

President of the Legislative Council

- 4 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The President read a letter from Ms Louise Staley MP, resigning from the Public Accounts and Estimates Committee, effective from 7 August 2017.
- 5 **PETITIONS** —  
**ELECTRICITY INDUSTRY INQUIRY** — Mr Rich-Phillips presented a Petition bearing 60 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately conduct a wide ranging regulatory inquiry into the electricity industry including privatised power companies.

Ordered to lie on the Table.

**NEIGHBOURHOOD WATCH FUNDING** — Mr O'Donohue presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reconsider its decision and match the Liberal Nationals Coalition commitment to provide \$2 million over four years to reinvigorate, support and expand Neighbourhood Watch programs across Victoria.

Ordered to lie on the Table.

\* \* \* \* \*

**TATURA POLICE PRESENCE** — Ms Lovell presented a Petition bearing 359 signatures from certain citizens of Victoria requesting that the Legislative Council ensure that the Government urgently provide an improved police presence permanently assigned to the Tatura Police station to service the Tatura and neighbouring communities.

Ordered to lie on the Table.

## 6 PAPERS —

**FIRE SERVICES BILL SELECT COMMITTEE — INTERIM REPORT** — Mr Rich-Phillips presented an Interim Report from the Fire Services Bill Select Committee on the Inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 (including an Appendix).

Ordered to lie on the Table and the Report to be published.

Mr Rich-Phillips moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 10 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and the Report to be published.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REVIEW 2016 REGULATIONS AND LEGISLATIVE INSTRUMENTS** — Mr Dalla-Riva presented a Report from the Scrutiny of Acts and Regulations Committee on Annual Review 2016 — Regulations and Legislative Instruments (including Appendices).

Ordered to lie on the Table and the Report to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals in relation to —

A licence in relation to Eureka Stockade Public Park and Recreation Reserve, dated 20 June 2017.

A lease in relation to W.G Little Reserve Portarlington, dated 16 July 2017.

Gambling and Lotteries Licence Independent Review Panel — Report on the Lotteries Licensing Process, 31 May 2017 (*Ordered to be published*).

Gambling Regulation Act 2003 — Public Lottery Licence and an Ancillary Agreement with Tattersall's Sweeps Pty. Ltd. pursuant to section 5.3.11 of the Act, dated 16 July 2017.

Interpretation of Legislation Act 1984 —

Notices pursuant to section 32 in relation to Statutory Rules Nos. 45, 50 and 52.

Melbourne City Link Act 1995 —

Melbourne City Link Thirty-Sixth Amending Deed pursuant to section 15(2) of the Act.

City Link and Extension Projects Integration and Facilitation Agreement Twenty-Fourth Amending Deed pursuant to section 15B(5) of the Act.

Exhibition Street Extension Seventeenth Amending Deed pursuant to section 15D(6) of the Act.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

- Ballarat Planning Scheme — Amendment C178.  
Banyule Planning Scheme — Amendment C111.  
Banyule, Baw Baw, Darebin, Mornington Peninsula and Whittlesea Planning Schemes — Amendment GC64.  
Boroondara Planning Scheme — Amendment C177.  
Brimbank Planning Scheme — Amendment C194.  
Cardinia Planning Scheme — Amendments C208, C214 and C221.  
Central Goldfields Planning Scheme — Amendment C27.  
East Gippsland Planning Scheme — Amendment C136.  
Frankston Planning Scheme — Amendment C116.  
Greater Dandenong Planning Scheme — Amendment C199.  
Horsham Planning Scheme — Amendment C77.  
Hume Planning Scheme — Amendments C212 and C219.  
Indigo Planning Scheme — Amendment C66.  
Knox Planning Scheme — Amendment C151.  
Latrobe Planning Scheme — Amendment C91.  
Manningham Planning Scheme — Amendments C112 and C121.  
Melbourne Planning Scheme — Amendments C311 and C312.  
Melbourne, Moreland, Port Phillip and Yarra Planning Schemes — Amendment GC68.  
Melton Planning Scheme — Amendments C176 and C187.  
Monash Planning Scheme — Amendments C134 and C135.  
Moreland Planning Scheme — Amendments C163 and C168.  
Mornington Peninsula Planning Scheme — Amendment C208.  
Mount Alexander Planning Scheme — Amendment C56.  
Murrindindi Planning Scheme — Amendment C64.  
South Gippsland Planning Scheme — Amendments C103 and C108.  
Stonnington Planning Scheme — Amendments C242, C254 and C256.  
Strathbogie Planning Scheme — Amendment C4 (Part 1).  
Surf Coast Planning Scheme — Amendment C119.  
Swan Hill and Yarra Planning Schemes — Amendment GC73.  
Victoria Planning Provisions — Amendment VC137.  
Wellington Planning Scheme — Amendments C51, C90 and C92 (Part 1).  
Whitehorse Planning Scheme — Amendments C182 and C189.  
Yarra Ranges Planning Scheme — Amendment C160.
- Public Interest Monitor — Report, 2016-17.
- Statutory Rules under the following Acts of Parliament —
- Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — Nos. 68 and 69.
  - Building Act 1993 — Nos. 65 and 66.
  - Child Wellbeing and Safety Act 2005 — No. 62.
  - Corrections Act 1986 — No. 60.
  - Country Fire Authority Act 1958 — No. 61.
  - Drugs, Poisons and Controlled Substances Act 1981 — No. 76.
  - Environment Protection Act 1970 — No. 72.
  - Fisheries Act 1995 — No. 58.
  - Heavy Vehicle National Law Application Act 2013 — No. 75.
  - Livestock Disease Control Act 1994 — No. 57.
  - Local Government Act 1989 — No. 64.
  - Marine Safety Act 2010 — No. 74.
  - Public Health and Wellbeing Act 2008 — No. 53.
  - Rail Safety (Local Operations) Act 2006 — Nos. 77 and 78.
  - Road Safety Act 1986 — No. 79.
  - Retirement Villages Act 1986 — No. 67.
  - Subordinate Legislation Act 1994 — Nos. 54, 56 and 70.
  - Tobacco Act 1987 — Nos. 63 and 73.
  - Treasury Corporation of Victoria Act 1992 — No. 80.

- Victorian Energy Efficiency Target Act 2007 — Nos. 52 and 71.  
 Witness Protection Act 1991 — No. 55.  
 Working with Children Act 2005 — No. 59.  
 Subordinate Legislation Act 1994 —  
 Documents under section 15 in respect of Statutory Rule Nos. 41, 42, 46, 52 to 74 and 76 to 82.  
 Legislative Instruments and related documents under section 16B in respect of —  
 Catchment and Land Protection Act 1994 — Declaration of Certain Plants to be State Prohibited Weeds, Regionally Prohibited Weeds, Regionally Controlled Weeds, or Restricted Weeds, dated 18 July 2017.  
 Fisheries Act 1995 — Amendment to Initial Abalone Quota Order, dated 4 July 2017.  
 Gambling Regulation Act 2003 — Amendment of a Standard — Keno Technical Standard Version 1.3, dated 6 June 2017.  
 Project Development and Construction Management Act 1994 — Order Divesting Land from the Melbourne Market Authority to the Crown, dated 18 July 2017.  
 Tobacco Act 1987 — Ministerial Guidelines for Certification of Specialist E-Cigarette Retail Premises, dated 8 June 2017.  
 Transport (Compliance and Miscellaneous)(Ticketing) Regulations 2017 — Specification of Railway Stations for the Purposes of the Definition of 'Compulsory Ticket Area', dated 13 June 2017.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Building Amendment (Enforcement and Other Measures) Act 2017 — sections 3(2), 17(1), 18(1), 19, 26, 27, 31 to 38, 49, 50(2), 51, 53, 55, 66(1) and 83 — 16 August 2017 (*Gazette No. S257, 1 August 2017*).  
 Children Legislation Amendment (Reportable Conduct) Act 2017 — 1 July 2017 (*Gazette No. S216, 27 June 2017*).  
 Corrections Legislation Amendment Act 2016 — section 16 — 28 June 2017 (*Gazette No. S216, 27 June 2017*).  
 Creative Victoria Act 2017 — 1 July 2017 (*Gazette No. S206, 20 June 2017*).  
 Lord Mayor's Charitable Foundation Act 2017 — 1 July 2017 (*Gazette No. S206, 20 June 2017*).  
 Small Business Commission Act 2017 — 1 July 2017 (*Gazette No. S216, 27 June 2017*).

## 7 PRODUCTION OF DOCUMENTS —

**COUNTRY FIRE AUTHORITY AND METROPOLITAN FIRE BRIGADE** — The Clerk laid on the Table 15 documents in full and four documents in part received in response to the Resolution of the Council of 7 June 2017 relating to the proposed changes to the Country Fire Authority and Metropolitan Fire Brigade in the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017.

The Clerk also laid on the Table a letter from the Attorney-General dated 7 August 2017 advising that the Government has determined to —

- produce 15 documents in full;
- produce four documents in part;
- not produce 28 documents in full; and
- not produce parts of the four documents referred to above.

**FIREARMS** — The Clerk laid on the Table a letter from the Attorney-General dated 7 August 2017 in response to the Resolution of the Council of 21 June 2017 seeking the production of documents relating to firearms in the years 2015, 2016 and 2017 to date, advising that the Council's deadline of 9 August 2017 does not allow sufficient time to respond and indicating that the Government would respond to the Council's resolution as soon as possible.

## 8 BUSINESS OF THE COUNCIL — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 9 August 2017:

- (1) Order of the Day No. 2, second reading of the Game Management Authority Amendment Bill 2017;
- (2) Order of the Day No. 1, resumption of debate on the Crimes Amendment (Ramming of Police Vehicles) Bill 2017;
- (3) Notice of Motion given this day by Mr Rich-Phillips in relation to the production of certain documents relating to the *Criminal Procedure Act 2009*;
- (4) Notice of Motion given this day by Ms Pennicuik seeking to refer a matter to the Legal and Social Issues Committee;
- (5) Notice of Motion No. 438 standing in the name of Ms Fitzherbert in relation to the production of the Muir Report into the youth justice riots;
- (6) Notice of Motion No. 442 standing in the name of Mr O'Donohue in relation to the production of certain documents relating to the Brighton siege; and
- (7) Notice of Motion given this day by Mr Davis in relation to crime in Stonnington.

Question — put and agreed to.

**9 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 374 to 407 be postponed until later this day.

**12 CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time, *and on the reasoned amendment moved by Ms Crozier*, That all the words after "That" be omitted with the view of inserting in their place "this Bill be withdrawn and Part 3 redrafted so that certain of the proposed additional powers in Part 3 be instead made available for existing orders for young offenders."

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**13 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Beechworth Prison escape** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 9 August 2017.
- **Victorian training market report** — supplementary question asked by Mrs Peulich — response from Ms Tierney due Wednesday, 9 August 2017.
- **'My environment' legal costs** — supplementary question asked by Mr O'Sullivan — response from Ms Pulford due Wednesday, 9 August 2017.
- **Parkville Youth Justice Facility – Westgate unit** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 9 August 2017.
- **Parkville Youth Justice Facility incident – staff response** — substantive question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 9 August 2017.
- **Victoria Police retirement benefits scheme** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Tierney due Thursday, 10 August 2017.
- **Coolaroo fire – EPA response** — substantive question asked by Ms Hartland — response from Mr Jennings due Thursday, 10 August 2017.
- **Waste recycling regulations** — substantive and supplementary questions asked by Ms Springle — response from Mr Jennings due Thursday, 10 August 2017.

**14 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 15 CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) BILL 2017** — Debate continued on the question, That the Bill be now read a second time, *and on the reasoned amendment moved by Ms Crozier.*

On the motion of Mr Mulino, the debate was adjourned until later this day.

- 16 DISABILITY AMENDMENT BILL 2017** — 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.

- 17 COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017** — The Acting President read a Message from the Assembly informing the Council that they had made the suggested amendments made by the Council in this Bill.

Ms Tierney moved, That the Message be referred to the Committee of the whole on the Bill later this day.

Question — put and agreed to.

- 18 SENTENCING AMENDMENT (SENTENCING STANDARDS) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

Ms Tierney declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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.

- 19 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 7.20 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 130 — Wednesday, 9 August 2017

- 1 The President took the Chair and read the Prayer.

- 2 **PETITIONS** —

**REVIEW AND REVERSE THE CENTRALISING OF POLICE RESOURCES** — Mr Davis presented a Petition bearing 237 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Police to review and reverse the Government's policy of centralising police resources and put police resources where they can respond to and protect local communities.

Ordered to lie on the Table.

\* \* \* \* \*

**REJECT THE REGIONAL DEVELOPMENT VICTORIA PLAN IN BALLARAT** — Mr Morris presented a Petition bearing 914 signatures from certain citizens of Victoria requesting that the Legislative Council call on the State Government to reject the current development plan proposed by Regional Development Victoria for Ballarat station, and instead convert the historic Goods Shed into a bus interchange with a formalised public car park and build an underpass with access to all public transport platforms.

Ordered to lie on the Table.

\* \* \* \* \*

**OPPOSE THE INTRODUCTION OF PHYSICIAN ASSISTED DYING / EUTHANASIA** — Mrs Peulich presented a Petition bearing 691 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Premier, Daniel Andrews, and the State Government to not proceed with the introduction of physician assisted dying/euthanasia until there has been a state or national plebiscite on this critical human issue.

Ordered to lie on the Table.

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

### 3 PAPERS —

**COMMISSION OF INQUIRY REPORT INTO ARARAT RURAL CITY COUNCIL** — Mr Dalidakis moved, by leave, That there be laid before this House a copy of the Commission of Inquiry into Ararat Rural City Council Report, 1 August 2017.

Question — put and agreed to.

The Report was presented by Mr Dalidakis and ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Internal Audit Performance, August 2017 (*Ordered to be published*).

V/Line Passenger Services, August 2017 (*Ordered to be published*).

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 81.

Magistrates' Court Act 1989 — No. 82.

Subordinate Legislation Act 1994 —

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

Education and Training Reform Act 2006 — Ministerial Order in relation to the Victorian Institute of Teaching Schedule of Registration Fees 2017-18.

**4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 GAME MANAGEMENT AUTHORITY AMENDMENT BILL 2017** — Mr Young laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Young moved, That the Bill be now read a second time.

On the motion of Ms Pulford, the debate was adjourned for one week.

**7 CRIMES AMENDMENT (RAMMING OF POLICE VEHICLES) BILL 2017** — 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, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Fitzherbert and Mr Purcell)*

## NOES, 19

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Hartland and Mr Mulino)*

Question agreed to.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**500 STARTUPS** — Mr Dalidakis having given answers to a question without notice and supplementary question relating to 500 Startups Government grant —

On the motion of Mr Ondarchie, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Medicinal cannabis** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Tuesday, 22 August 2017.
- **Police numbers in rural Victoria** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney Tuesday, 22 August 2017.
- **Skyrail production of documents** — substantive question asked by Mr Davis — response from Mr Jennings Tuesday, 22 August 2017.
- **Mr Eideh – Denial of entry to United States** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Jennings due Thursday, 10 August 2017.
- **Mr Eideh – Special adviser to Premier on Middle East – Travel to Syria** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Jennings Tuesday, 22 August 2017.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 CRIMES AMENDMENT (RAMMING OF POLICE VEHICLES) BILL 2017** — Mr O'Donohue moved, by leave, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

## AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Finn and Mr Young)*

## NOES, 18

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Mr Somyurek)*

Question agreed to.

Bill read a third time.



Bill transmitted to the Assembly with a Message requesting their agreement.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 446, be postponed until later this day.

**12 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE** — Ms Pennicuik moved in an amended form, by leave, That pursuant to Sessional Order 6, this House requires the Legal and Social Issues Committee to inquire into, consider and report, no later than 20 March 2018, on the Victorian Government's plan to sell a majority of the public land on existing public housing estates for private development under the Department of Health and Human Services (DHHS) Public Housing Renewal Program (PHRP), and, in particular the Committee should consider —

- (1) the adequacy of a proposed 10 per cent increase in public housing (or 1,100 public units) on the sites given the size of the waiting list for public housing;
- (2) the ability to cater for all demographics including families, couples and singles with the proposed housing mix;
- (3) the effects on current public housing tenants, including:
  - (a) whether they will be moved to accommodation that is secure, stable and fit for purpose;
  - (b) whether they will be moved to accommodation that is close to existing social support networks, educational, health and welfare services;
  - (c) whether current tenants will be able to return to the estates;
- (4) the allocation of parts of the sites between the proposed new public and private housing units;
- (5) the lack of public condition assessments of the estates or alternative options such as refurbishment of all or part of the existing housing units;
- (6) the proposed significant increase in density and heights and any local environmental impacts, such as the loss of open space and mature vegetation;
- (7) the removal of planning controls from local councils, and planning implications surrounding communities including existing neighbourhood character, traffic flow and provisions of services;
- (8) the proposed loss of third party appeal rights;
- (9) the transparency and genuine community consultation with affected residents, neighbouring communities and the broader Victorian community regarding the short, medium and long term implications of the PHRP model as currently proposed;
- (10) public housing estates where similar models are envisaged or underway, including —
  - (a) Markham Avenue, Ashburton;
  - (b) Koolkuna Lane, Hampton; and
  - (c) the corner of Stokes Street and Penola Street, Preston;
- (11) previous Victorian public housing renewal projects, including but not limited to the Kensington, Carlton and Prahran public housing estates;
- (12) best practice models for the provision of public housing from within Australia and overseas; and any other matters the Committee considers relevant.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Atkinson; Mr Barber; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.  
(Tellers: Ms Dunn and Mr Ramsay)

## NOES, 17

Mr Bourman; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.  
(Tellers: Mr Gepp and Mr Leane)

Question agreed to.

**13 PRODUCTION OF DOCUMENTS — ATTORNEY-GENERAL'S DECISION — ROBERTS CASE** — Mr Rich-Phillips moved, That —

- (1) in accordance with Standing Order 11.01, this House requires the Leader of the Government to table in the Council by 12 noon on Monday, 4 September 2017 the following documents relating to the Attorney-General's decision not to make a reference pursuant to section 327 of the *Criminal Procedure Act 2009* in relation to the conviction of Jason Roberts —
  - (a) all legal advice relied upon by the Attorney-General in making the decision;
  - (b) all briefs within the Department of Justice and Regulation or Department of Premier and Cabinet relating to the Roberts case or the Attorney-General's decision;
  - (c) all file notes relating to consultations, meetings, interviews, telephone discussions and other events concerning the review of the Roberts case or the Attorney-General's decision;
  - (d) all correspondence concerning the review of the Roberts case or the Attorney-General's decision; and
- (2) any response should conform with Standing Orders 11.02(3) and 11.03(1)(a).

Debate ensued.

Question — put and agreed to.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 438, be postponed until later this day.

**15 PRODUCTION OF DOCUMENTS — OFFICE OF CORRECTIONAL SERVICES REVIEW INTO BRIGHTON SIEGE** — Mr O'Donohue moved in an amended form, by leave, That —

- (1) in accordance with Standing Order 11.01, this House requires the Minister for Corrections to table in the Council by 9.30 a.m. on Tuesday, 5 September 2017 a copy of the Office of Correctional Services Review into the Brighton siege; and
- (2) any response should conform with Standing Orders 11.02(3) and 11.03(1)(a).

Debate ensued.

Question — put and agreed to.

**16 CRIME IN CITY OF STONNINGTON** — Mr Davis moved, That given the 22.4 per cent increase in crime in the City of Stonnington under the Andrews Labor Government, the general disorder, attacks and threats to residents and traders in particular in Chapel Street, Greville Street and Toorak Road and the lack of local police resources, this House calls upon the Andrews Labor Government in consultation with Victoria Police to —

- (1) act to immediately increase available police resources at the Prahran Police Station, including the provision of an additional available police car;
- (2) commit to the provision of expanded CCTV capacity in Chapel Street, Greville Street and Toorak Road;
- (3) immediately re-open the police cells at the Prahran Police Station closed by the current Government in June 2015;
- (4) commit to a local policing policy where additional police are available on the beat in Chapel Street, Greville Street, Commercial Road and Toorak Road and in the surrounding residential streets;

and calls upon the Minister for Corrections, as the Minister representing the Minister for Police, to report to the House in detail on the Government's response to this motion within 60 days of its passage.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Davis.*

- 17 CRIMES AMENDMENT (RAMMING OF POLICE VEHICLES) BILL 2017** — The Acting President read a Message from the Assembly informing the Council that they have rejected this Bill.

On the motion of Ms Wooldridge, the Message was ordered to be taken into consideration on the next day of meeting.

- 18 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 19 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and a response to a certain Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 6.21 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 131 — Thursday, 10 August 2017

- 1** The President took the Chair and read the Prayer.

- 2 EQUAL OPPORTUNITY AMENDMENT (IMPROVED PROTECTION) BILL 2017** — Ms Pennicuik introduced *A Bill to amend the Equal Opportunity Act 2010 to further extend protections against discrimination, to confer additional powers on the Commission including to conduct public inquiries, enter into enforceable undertakings and issue compliance notices, to make other amendments to enhance the administration and enforcement of the Act, and to make consequential amendments to certain other Acts, and for other purposes.*

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

- 3 PAPERS — OFFICE OF THE PUBLIC ADVOCATE COMMUNITY VISITORS REPORT 2015-16 — GOVERNMENT RESPONSE** — Ms Mikakos moved, by leave, That there be laid before this House a copy of the Victorian Government Response to the Office of the Public Advocate Community Visitors Report 2015-16.

Question — put and agreed to.

The Report was presented by Ms Mikakos and ordered to lie on the Table.

- 4 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 22 August 2017.

Question — put and agreed to.

- 5 FIRE SERVICES BILL SELECT COMMITTEE** — Mr Rich-Phillips moved, by leave, That the Resolution of the Council of 21 June 2017 establishing the Fire Services Bill Select Committee, be amended so —

- (1) as to allow the Chair of the Select Committee to transmit a report to the Legislative Council on a day when the Legislative Council is not sitting, by giving the report to the Clerk of the Legislative Council;
- (2) as to require the Clerk of the Legislative Council to —
  - (a) give a copy of the report to each member of the House as soon as practicable after the report is received under paragraph (1);
  - (b) cause the report to be published on the Committee's website as soon as practicable after receiving it;
  - (c) cause the report to be laid before the House on the next sitting day of the House;
- (3) the report that is given to the Clerk of the Legislative Council under paragraph (1) is to be taken to have been published by order, or under the authority, of the Houses of the Parliament; and
- (4) the publication of the Select Committee report under paragraph (2) is absolutely privileged and the provisions of sections 73 and 74 of the *Constitution Act 1975*, and any other enactment or rule of law relating to the publication of the proceedings of the Parliament

apply to and in relation to the publication of the report as if it were a report to which those sections applied and had been published by the Government Printer under the authority of the Parliament.

Question — put and agreed to.

**6 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 407 be postponed until later this day.

**9 CORRECTIONS LEGISLATION MISCELLANEOUS AMENDMENT BILL 2017** — Bill further considered in Committee of the whole.

*[Sitting suspended from 10.09 a.m. until 10.09 a.m.]*

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2 be postponed until later this day.

**11 CRIMES LEGISLATION AMENDMENT (PUBLIC ORDER) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**12 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**MICHAEL CARDAMONE** — Ms Tierney having given answers to a question without notice and supplementary question relating to Michael Cardamone —

On the motion of Mr O'Donohue, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Victims of youth crime** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Tuesday, 22 August 2017.
- **Heyfield Mill** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Tuesday, 22 August 2017.
- **Michael Cardamone** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 22 August 2017.
- **Michael Cardamone – supervision on parole** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 22 August 2017.
- **Ravenhall landfill – EPA decision** — substantive question asked by Ms Hartland — response from Mr Jennings due Wednesday, 23 August 2017.
- **Australian Paper – designated forest areas** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Tuesday, 22 August 2017.
- **Lake Boort – state game reserve** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Wednesday, 23 August 2017.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**14 CRIMES LEGISLATION AMENDMENT (PUBLIC ORDER) BILL 2017** — 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.

**15 COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017** — Bill further considered in Committee of the whole.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

**16 CORRECTIONS LEGISLATION MISCELLANEOUS AMENDMENT BILL 2017** — Bill further considered in Committee of the whole.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

**17 COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017** — Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Ms Pulford moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 21

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmir; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

(Tellers: Ms Patten and Ms Dunn)

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Mr Bourman and Mr O'Sullivan)

Question agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill including the amendments made by the Assembly on the suggestion of the Legislative Council, and that the Council have made amendments, with which they request the agreement of the Legislative Assembly.

**18 CORRECTIONS LEGISLATION MISCELLANEOUS AMENDMENT BILL 2017** — 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.

**19 PLANNING AND BUILDING LEGISLATION AMENDMENT (HOUSING AFFORDABILITY AND OTHER MATTERS) BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Planning and Environment Act 1987 to facilitate affordable housing supply and to modify the requirements for determining certain applications to amend wind farm planning permits, to make miscellaneous amendments to the Building Act*

*1993 and the Building Amendment (Enforcement and Other Measures) Act 2017 and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Mr Davis) the debate was adjourned for one week.

**20 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 4.51 p.m., adjourned until Tuesday, 22 August 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 129, 130 and 131

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### SENTENCING AMENDMENT (SENTENCING STANDARDS) BILL 2017

*Committed Tuesday, 8 August 2017.*

*Amendments circulated: Ms Pennicuik and Mr Rich-Phillips (see p 805).*

**Clause 1** — Ms Pennicuik moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Springle)*

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmar; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Mulino and Ms Patten)*

Question negated.

Mr Rich-Phillips moved Amendment No. 1 — put and negated.

Clause 1 — put and agreed to.

**Clauses 2 to 37** — put and agreed to.

**Clauses 38 to 41** —

Question — That the Clauses stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Ms Hartland; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Gepp and Ms Hartland)*

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Mrs Peulich)*

Question agreed to.

**Clauses 42 to 44** — put and agreed to.

**Bill reported without amendment.**

**CORRECTIONS LEGISLATION MISCELLANEOUS AMENDMENT BILL 2017***Committed Thursday, 8 June 2017.***Thursday, 10 August 2017 —***Progress having been reported on Thursday, 8 June 2017, Bill further considered in Committee of the whole.***Clause 1** — debate resumed.

Mr O'Donohue moved, That the Deputy President report progress and ask leave to sit again.

Question — put and agreed to.

**Progress reported.***Progress having been reported earlier this day, Bill further considered in Committee of the whole.***Clause 1** — debate resumed.**Progress reported.***Progress having been reported earlier this day, Bill further considered in Committee of the whole.***Clauses 1 to 65** — put and agreed to.**Bill reported without amendment.**

\* \* \* \* \*

**CRIMES LEGISLATION AMENDMENT (PUBLIC ORDER) BILL 2017***Committed Thursday, 10 August 2017.**Amendments circulated: Ms Hartland and Ms Pennicuik (see pp 805-6).***Clauses 1 to 5** — put and agreed to.**Clause 6** — Ms Pennicuik moved Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Dunn)*

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Leane and Mrs Peulich)*

Question negatived

Ms Hartland moved Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Mr Purcell; Ms Springle.

*(Tellers: Mr Barber and Mr Purcell)*



## NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Somyurek and Mr Young)*

Question negatived

Clause 6 — put and agreed to.

**Clauses 7 to 13** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017**

*Committed Friday, 23 June 2017.*

*Amendments and suggested amendments circulated: Ms Patten (see p 784).*

*Suggested amendments circulated: Mr Bourman.(see p 785).*

*Suggested amendments and further suggested amendments circulated: Ms Dunn (see pp 785-6).*

**Thursday, 10 August 2017 —**

*Progress having been reported on Friday, 23 June 2017, Bill further considered in Committee of the whole.*

*Suggested amendments and further suggested amendments circulated: Mr O'Donohue (see p 806).*

**Postponed Clause 12, as amended by the Assembly** — Mr O'Donohue moved Suggested Amendment No. 1.

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

The Committee divided — The Deputy President in the Chair.

## AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Ramsay and Ms Fitzherbert)*

## NOES, 21

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Barber and Mr Melhem)*

Question negatived.

Mr O'Donohue moved further Suggested Amendment Nos. 1 and 2.

**Progress reported.**

*Progress having been reported earlier this day, Bill further considered in Committee of the whole.*

**Postponed Clause 12, as amended by the Assembly —**

Question — That the further suggested amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Davis and Mr Finn*)

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Tierney.

(*Tellers: Ms Patten and Mr Somyurek*)

Question negatived.

Clause 12 — no question put pursuant to Standing Order 14.15(2).

**Postponed Clause 20, as amended by the Assembly — Mr O'Donohue moved further**

Suggested Amendment No. 4.

Question — That the further suggested amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Ms Bath; Mr Bourman; Ms Crozier; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Dalla-Riva and Mr O'Sullivan*)

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Tierney.

(*Tellers: Mr Gepp and Mr Mulino*)

Question negatived.

Clause 20 — no question put pursuant to Standing Order 14.15(2).

**Bill, as amended by the Assembly on the suggestion of the Council, reported without further amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. SENTENCING AMENDMENT (SENTENCING STANDARDS) BILL 2017**Amendments circulated by Ms Pennicuik

1. Clause 1, page 2, lines 1 and 2, omit all words and expressions on these lines.
2. Clause 1, page 2, lines 11 to 15, omit all words and expressions on these lines.
3. Clause 1, page 2, line 19, omit "scheme: and" and insert "scheme."
4. Clause 1, page 2, lines 20 to 22, omit all words and expressions on these lines.
5. Part heading preceding clause 17, omit this heading.
6. Division heading preceding clause 17, omit this heading.
7. Clauses 17 to 23, omit these clauses.
8. Division heading preceding clause 24, omit this heading.
9. Clauses 24 to 35, omit these clauses.
10. Division heading preceding clause 36, omit this heading.
11. Clauses 36 and 37, omit these clauses.
12. Clause 42, omit this clause.

## AMENDMENT OF LONG TITLE

13. Long title, omit ", provide for standard sentences for indictable offences".
14. Long title, omit "and fix a standard sentence for certain offences against those Acts".

Amendments circulated by Mr Rich-Phillips

1. Clause 1, page 2, lines 3 and 4, omit all words and expressions on these lines.
2. Part heading preceding clause 38, omit this heading.
3. Clauses 38 to 41, omit these clauses.

## AMENDMENT OF LONG TITLE

4. Long title, omit "and enhance the scheme in that Act for the giving of guideline judgments".

**2. CRIMES LEGISLATION AMENDMENT (PUBLIC ORDER) BILL 2017**Amendments circulated by Ms Hartland

1. Clause 6, page 6, after line 6 insert—
  - "(2) To avoid doubt, a police officer must not give a direction to a person under subsection (1) if the police officer is satisfied that the person is wearing a face covering primarily—
    - (a) for cultural or religious reasons; or

- (b) for medical reasons; or
- (c) for the purpose of political expression; or
- (d) for entertainment purposes; or
- (e) because the person is engaged in trade or employment where a face covering is required to ensure the physical safety of the person."

2. Clause 6, page 6, line 7, omit "(2)" and insert "(3)".
3. Clause 6, page 6, line 13, omit "(3)" and insert "(4)".

Amendments circulated by Ms Pennicuik

1. Clause 6, lines 24 to 30 and page 6, lines 1 to 6, omit all words and expressions on these lines.
2. Clause 6, page 6, line 7, omit "(2)" and insert "(1)".
3. Clause 6, page 6, line 13, omit "(3)" and insert "(2)".

**3. COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017**

Suggested amendments circulated by Mr O'Donohue

1. Clause 12, lines 26 to 32, and page 10, lines 1 to 27, omit all words and expressions on these lines and insert—
  - "The amount of the levy for a commercial passenger vehicle service transaction is nil.
2. Clause 20, lines 6 and 7, omit all words and expressions on these lines.
3. Clause 20, omit all of the amendments suggested by the Legislative Council in amendment No 5 and agreed to by the Legislative Assembly.

Further suggested amendments circulated by Mr O'Donohue

1. Clause 12, line 29, omit "\$1" and insert "nil".
2. Clause 12, page 10, line 8, omit "\$1" and insert "nil".
3. Clause 20, in the amendments to that clause suggested by the Legislative Council in amendment No 5 and agreed to by the Legislative Assembly, omit "of \$1 or more" and insert "(other than nil)".
4. Clause 20, after subclause (2) of that clause, insert—
  - "( ) Regulations made under this Part may be disallowed in whole or in part by resolution of either House of Parliament."



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 132, 133 and 134

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#### No. 132 — Tuesday, 22 August 2017

- 1 The President took the Chair, 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 15 August 2017, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Corrections Legislation Miscellaneous Amendment Act 2017*

*Crimes Legislation Amendment (Public Order) Act 2017*

*Disability Amendment Act 2017*

*Sentencing Amendment (Sentencing Standards) Act 2017.*

\* \* \* \* \*

On 22 August 2017, given the Royal Assent to the following Act presented to her by the Acting Clerk of the Parliaments:

*Commercial Passenger Vehicle Industry Act 2017.*

- 3 **COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017** — The President read a Message from the Assembly informing the Council that they have agreed to amendments made by the Council in this Bill.
- 4 **ENVIRONMENT PROTECTION BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the continuation of the Environment Protection Authority, to specify a new objective of the Authority, to provide for a new governance structure of the continued Authority, to provide for the Governing Board of the Authority and to make consequential amendments to the Environment Protection Act 1970 and the Public Administration Act 2004 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 5 **HEALTH LEGISLATION AMENDMENT (QUALITY AND SAFETY) BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Health Services Act 1988, the Ambulance Services Act 1986, the Mental Health Act 2014, the Public Health and Wellbeing Act 2008 and the Mental Health Amendment Act 2015 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

- 6 YARRA RIVER PROTECTION (WILIP-GIN BIRRARUNG MURRON) BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the establishment of an overarching policy and planning framework for the Yarra River, to establish the Birrarung Council, to provide for the declaration of the Greater Yarra Urban Parklands, to amend various Acts in relation to the management of the Yarra River and other Yarra River land and to make other consequential amendments and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

## 7 PETITIONS —

**OPPOSE EUTHANASIA AND/OR ASSISTED SUICIDE** — Dr Carling-Jenkins presented a Petition bearing 203 signatures from certain citizens of Victoria requesting that the Legislative Council oppose the legalisation of euthanasia and/or assisted suicide proposed by the Victorian Government and uphold the value for life in Victoria.

Ordered to lie on the Table.

On the motion of Dr Carling-Jenkins, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**CRIME POLICY** — Ms Crozier presented a Petition bearing 56 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to match the Coalition policy and introduce mandatory sentencing, toughen up the justice system and hold criminals to account.

Ordered to lie on the Table.

\* \* \* \* \*

**REVIEW AND REVERSE THE CENTRALISING OF POLICE RESOURCES** — Mr Davis presented a Petition bearing 34 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Police to review and reverse the Government's policy of centralising police resources and put police resources where they can respond to and protect local communities.

Ordered to lie on the Table.

\* \* \* \* \*

**SUPPORT THE CRIMES AMENDMENT (RAMMING OF POLICE VEHICLES) BILL 2017** — Mr O'Donohue presented a Petition bearing 80 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to adopt the Liberal Nationals Private Members Bill, Crimes Amendment (Ramming of Police Vehicles) Bill 2017, and create an offence for ramming police vehicles with a minimum two years in jail.

Ordered to lie on the Table.

\* \* \* \* \*

**END MUZZLING OF NON-RACING GREYHOUNDS** — Ms Pennicuik presented a Petition bearing 1,908 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Victorian Government and the Department of Economic Development, Jobs, Transport and Resources to observe the clear recommendations of the Inquiry into the

Legislative and Regulatory Framework Relating to Restricted Breed Dogs to remove the requirement for non-racing Greyhounds to be muzzled in Victoria and not wait until 2018 for the outcome of the superfluous Department of Economic Development, Jobs, Transport and Resources investigation to remove section 27 of the *Domestic Animals Act 1994*.

Ordered to lie on the Table.

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

## 8 PAPERS —

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE RSPCA VICTORIA** — Mr Finn presented a Report from the Economy and Infrastructure Committee on the Inquiry into the RSPCA Victoria (including Appendices and an Extract of the Proceedings) together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Finn moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Ms Bath presented Alert Digest No. 11 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**FIRE SERVICES BILL SELECT COMMITTEE — FINAL REPORT** — Pursuant to an Order of the Council on 10 August 2017, the Clerk laid on the Table the Final Report from the Fire Services Bill Select Committee on the Inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 (including Appendices, an Extract of the Proceedings and a Minority Report).

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION INTO VICTORIAN GOVERNMENT SCHOOL EXPULSIONS** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into Victorian government school expulsions, August 2017.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals —

A lease in relation to Sandringham Beach Park, dated 23 July 2017.

Licences in relation to Alexandra Gardens and the Mordialloc-Mentone Foreshore Reserve, dated 16 July 2017.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32 in relation to Statutory Rules Nos. 57 and 68.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C203.

Boroondara Planning Scheme — Amendment C183.

Cardinia Planning Scheme — Amendment C215.

Darebin Planning Scheme — Amendment C160.

Greater Dandenong Planning Scheme — Amendment C143.

Greater Geelong Planning Scheme — Amendment C354.

Kingston Planning Scheme — Amendment C154.

Knox Planning Scheme — Amendment C162.

Latrobe Planning Scheme — Amendments C87 (Part 1) and C87 (Part 3).

Monash Planning Scheme — Amendment C130.

Moonee Valley Planning Scheme — Amendment C164.

South Gippsland Planning Scheme — Amendment C110.

Stonnington Planning Scheme — Amendment C172.

Wangaratta Planning Scheme — Amendment C66 (Part 2).

Statutory Rules under the following Acts of Parliament —

Parliamentary Salaries and Superannuation Act 1968 — No. 84.

Radiation Act 2005 — No. 83.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 75, 83 and 84.

A Legislative Instrument and related documents under section 16B in respect of the Port Management Act 1995 — Approval of Wharfage Fees Determined by a Designated State Port Entity, dated 8 August 2017.

Surveyor-General — Report, 2016-17 on the Administration of the Survey Co-ordination Act 1958.

Water Act 1989 — Abolition of the Murrayville Groundwater Supply Protection Area and Revocation of the Murrayville Groundwater Supply Protection Area Management Plan, dated 6 July 2017.

- 9 LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE** — The President read a letter from Mr Eideh resigning from the Law Reform, Road and Community Safety Committee, effective from 22 August 2017.
- 10 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Mr Dalidakis moved, by leave, That Dr Carling-Jenkins be a member of the Family and Community Development Committee.  
Question — put and agreed to.
- 11 LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE** — Mr Dalidakis moved, by leave, That Mr Gepp be a member of the Law Reform, Road and Community Safety Committee.  
Question — put and agreed to.
- 12 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 23 August 2017:
- (1) Notice of Motion given this day by Ms Wooldridge in relation to the production of certain documents relating to the Victorian Heart Hospital;
  - (2) Notice of Motion No. 448 standing in the name of Mrs Peulich in relation to the disallowance of certain clauses of the Education and Training Reform Regulations 2017;
  - (3) Notice of Motion No. 450 standing in the name of Mr Purcell in relation to dairy and agriculture initiatives by the Victorian Government;
  - (4) Notice of Motion No. 438, standing in the name of Ms Fitzherbert in relation to the production of the Muir Reports into the youth justice riots;
  - (5) Order of the Day No. 33 in relation to crime in the City of Stonnington;
  - (6) Order of the Day No. 35 in relation to a Minister's answers to a question without notice and a supplementary question; and
  - (7) Notice of Motion given this day by Mr Davis in relation to the production of certain documents relating to the Pride Centre.
- Question — put and agreed to.
- 13 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE** — Ms Crozier moved, by leave, That the Resolution of the Council of 9 November 2016 and the further resolution of 9 May 2017 requiring the Legal and Social Issues Committee to inquire into youth justice centres and report by 6 September 2017, be amended so as to now require the Committee to present its report by 27 February 2018.  
Question — put and agreed to.
- 14 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.
- 15 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.



**16 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 407 be postponed until later this day.

**17 PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR COMMUNICATION STANDARDS) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**18 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **500 Start Ups – termination of partnership with Launch Vic** — supplementary question asked by Ms Wooldridge — response from Mr Dalidakis due Wednesday, 23 August 2017.
- **500 Start Ups contractual obligations** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Wednesday, 23 August 2017.
- **Young Street, Frankston project – impact on small business** — substantive and supplementary questions asked by Mrs Peulich — response from Mr Dalidakis due Thursday, 24 August 2017.
- **Pitcher Partners report on Metro Rail Project impact on businesses** — substantive and supplementary questions asked by Ms Crozier — response from Mr Dalidakis due Thursday, 24 August 2017.
- **Minister for Small Business travel reports** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Wednesday, 23 August 2017.
- **Door to door salespersons** — substantive question asked by Mr Purcell — response from Mr Dalidakis due Thursday, 24 August 2017.
- **Assessment of cashless gaming cards** — substantive and supplementary questions asked by Ms Hartland — response from Mr Dalidakis due Thursday, 24 August 2017.
- **Royal Commission into Child Abuse implementation of recommendations** — substantive and supplementary questions asked by Ms Pennicuik — response from Ms Tierney due Thursday, 24 August 2017.

**19 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**20 PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR COMMUNICATION STANDARDS) BILL 2016** — 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 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.

**21 JURY DIRECTIONS AND OTHER ACTS AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put and agreed to.

*The President having ruled that certain amendments proposed to be moved in Committee by Ms Pennicuik were outside the scope of the Bill —*

Ms Pennicuik moved, That it be an instruction to the Committee that they have power to consider amendments and new clauses to amend the *Jury Directions Act 2015* to change the circumstances in which directions on consent and reasonable belief in consent are to be given in a criminal proceeding relating to a sexual offence.

Question — put and agreed to.

Bill 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.

**22 JUSTICE LEGISLATION AMENDMENT (COURT SECURITY, JURIES AND OTHER MATTERS) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Bill read a second time and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

**23 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.47 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 133 — Wednesday, 23 August 2017

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**OPPOSE THE INTRODUCTION OF PHYSICIAN ASSISTED DYING/EUTHANASIA** —

Mrs Peulich presented a Petition bearing 680 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Premier, Daniel Andrews, and the State Government to not proceed with the introduction of physician assisted dying/euthanasia until there has been a state or national plebiscite on this critical human issue.

Ordered to lie on the Table.

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

\* \* \* \* \*

**HOME SCHOOLING REGULATIONS** — Ms Bath presented a Petition bearing 2,316 signatures from certain citizens of Victoria requesting that the Legislative Council support the disallowance motion on the Victorian Education and Training Reform Regulations 2017 pertaining to Home Schooling (Part 6).

Ordered to lie on the Table.

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

3 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Effectively Planning for Population Growth, August 2017  
(*Ordered to be published*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Banyule Planning Scheme — Amendment C98.

Bayside Planning Scheme — Amendment C139.  
 Brimbank Planning Scheme — Amendment C170.  
 Casey Planning Scheme — Amendment C227.  
 Greater Geelong Planning Scheme — Amendment C331.  
 Greater Shepparton Planning Scheme — Amendment C195.  
 Hepburn Planning Scheme — Amendment C67.  
 Manningham Planning Scheme — Amendment C119.  
 Melton Planning Scheme — Amendment C180.  
 Moonee Valley Planning Scheme — Amendments C163 and C170.  
 Whittlesea Planning Scheme — Amendment C207.

- 4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 LOCAL GOVERNMENT (CENTRAL GOLDFIELDS SHIRE COUNCIL) BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to dismiss the Central Goldfields Shire Council and provide for a general election for that Council and for other purposes* and requesting the agreement of the Council.  
 On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business to take precedence, Nos. 454, 448, 438, 450 and 455, Orders of the Day, General Business to take precedence, Nos. 1 and 2, Notices of Motion, Remaining General Business, Nos. 388 to 453, and Orders of the Day, General Business, Nos. 3 and 4 be postponed until later this day.
- 8 MAJOR SPORTING EVENTS AMENDMENT (AFL GRAND FINAL TICKETS) BILL 2017** — Ms Springle laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
 Ms Springle moved, That the Bill be now read a second time.  
 On the motion of Mr Leane, the debate was adjourned for two weeks.
- 9 PRODUCTION OF DOCUMENTS — VICTORIAN HEART HOSPITAL** — Ms Wooldridge moved, That in accordance with Standing Order 11.01, this House requires the Leader of the Government to table in the Council by 12 noon on Tuesday, 5 September 2017 —
- (1) a copy of the business case for the Victorian Heart Hospital, including any attachments or appendices;
  - (2) correspondence and departmental briefs to or from the Department of Health and Human Services or the Department of Premier and Cabinet about the Victorian Heart Hospital; and
  - (3) any response should conform with Standing Orders 11.02(3) and 11.03(1)(a).
- Debate ensued.  
 Question — put and agreed to.
- 10 EDUCATION AND TRAINING REFORM REGULATIONS 2017 — DISALLOWANCE** — Mrs Peulich moved, That in accordance with section 5.10.2(5) of the *Education and Training Reform Act 2006* the following clauses of the Education and Training Reform Regulations 2017 be disallowed —
- (1) 72(2);
  - (2) 72(3);
  - (3) 72(4);
  - (4) 72(5)(c)(ii);
  - (5) 72(5)(c)(iii);
  - (6) 73;
  - (7) 79; and
  - (8) 82(3).

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Heyfield Mill purchase** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Thursday, 24 August 2017.
- **Payments to Australian Paper** — substantive question asked by Ms Dunn — response from Ms Pulford due Thursday, 24 August 2017.
- **Haining Farm** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Tuesday, 5 September 2017.
- **Implementation of Ombudsman recommendations into deaths and harm in custody** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Thursday, 24 August 2017.
- **Vocational education and training student enrolments** — substantive and supplementary questions asked by Ms Lovell — response from Ms Tierney due Thursday, 24 August 2017.
- **Not-for-profit training organisations** — substantive question asked by Mr Ramsay — response from Ms Tierney due Thursday, 24 August 2017.
- **Terrorism convictions** — substantive and supplementary questions asked by Mr Morris — response from Ms Tierney due Thursday, 24 August 2017.
- **Westgate Tunnel modelling** — substantive and supplementary questions asked by Ms Patten — response from Ms Pulford due Tuesday, 5 September.

- 12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 13 EDUCATION AND TRAINING REFORM REGULATIONS 2017 — DISALLOWANCE** — Debate continued on the question, That in accordance with section 5.10.2(5) of the *Education and Training Reform Act 2006* the following clauses of the Education and Training Reform Regulations 2017 be disallowed —

- (1) 72(2);
- (2) 72(3);
- (3) 72(4);
- (4) 72(5)(c)(ii);
- (5) 72(5)(c)(iii);
- (6) 73;
- (7) 79; and
- (8) 82(3).

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Dalla-Riva and Mr Young)*

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Somyurek and Ms Springle)*

The Ayes and Noes being equal, the question was negatived.

**14 VICTORIAN GOVERNMENT DAIRY AND AGRICULTURE INITIATIVES** — Mr Purcell moved, That this House notes the results from the initiatives taken by the Victorian Government following the 2016 dairy clawback by Murray Goulburn and Fonterra, including —

- (1) if the results of the Victorian state funded initiatives for agriculture are working; and
- (2) whether other interstate or overseas models would help improve the viability of agriculture in Victoria.

Debate ensued.

Question — put and agreed to.

**15 PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR COMMUNICATION STANDARDS) BILL 2016** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**16 PRODUCTION OF DOCUMENTS — MUIR REPORTS** — Ms Fitzherbert moved, That this House —

- (1) notes that —
  - (a) the Legal and Social Issues Committee requested a copy of the Muir Reports from the Minister for Families and Children in writing in February and this was refused on the grounds of executive privilege;
  - (b) the Community and Public Sector Union gave evidence to the Committee on 30 May 2017 that it was provided with a copy of the Muir Report by the Department of Health and Human Services;
  - (c) on 8 June 2017 the Committee served a summons on the Secretary of the Department of Health and Human Services, requiring her to provide a copy of the reports to the Committee by Friday, 16 June 2017;
  - (d) the Secretary has advised she was directed by the Attorney-General not to comply with the summons, in a letter dated 16 June 2017;
  - (e) the Muir Reports are integral to the current inquiry into youth justice that is being undertaken by the Committee; and
- (2) in accordance with Standing Order 11.01, requires the Minister for Families and Children to table in the Council by 12 noon on Thursday, 7 September 2017 copies of the two security reviews of critical incidents in the youth justice system in October 2015 and March 2016 (the Muir reports), and any responses should conform with Standing Orders 11.02(3) and 11.03(1)(a).

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

**17 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**18 LOCAL GOVERNMENT (CENTRAL GOLDFIELDS SHIRE COUNCIL) BILL 2017** — Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time and, by leave, debated forthwith.

Debate ensued.

An amendment proposed to be moved in Committee by Ms Dunn was circulated.

Debate continued.

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.

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

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.45 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## **No. 134 — Thursday, 24 August 2017**

**1** The President took the Chair and read the Prayer.

**2 BUSINESS OF THE COUNCIL** — Mr Jennings moved, by leave, That so much of the Standing and Sessional Orders be suspended so as to provide that the following be the order of business of the Council today —

(1) a motion without leave pursuant to Standing Order 4.01(2);

(2) statements by Members in respect of the death of the Hon. Fiona Richardson, MP; and

(3) the President to declare the House stands adjourned, without debate.

Question — put and agreed to.

**3 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 5 September 2017.

Question — put and agreed to.

**4 THE HON. FIONA RICHARDSON, MP** — Statements were made by Members pursuant to an Order of the Council on 24 August 2017 in respect of the death of the Hon. Fiona Richardson, MP.

**5 ADJOURNMENT** — The President declared, at 9.48 a.m., that the House stands adjourned until Tuesday, 5 September 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 132, 133 and 134

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### PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR COMMUNICATION STANDARDS) BILL 2016

*Committed Tuesday, 22 August 2017.*

*Amendments circulated: Mr Jennings and Mr Rich-Phillips (see p 819)*

**Clause 1** — put and agreed to.

**Clause 2** — Mr Jennings moved Amendment No. 1 — put and agreed to.  
Clause 2, as amended — put and agreed to.

**Clauses 3 and 4** — put and agreed to.

**Clause 5** — Mr Rich-Phillips moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 26

Mr Atkinson; Mr Barber; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Mr Barber and Mr Ramsay)*

NOES, 14

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Gepp and Mr Somyurek)*

Question agreed to.

Clause 5, as amended — put and agreed to.

**Clause 6** — Mr Rich-Phillips moved Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Young)*

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Elasmarr and Ms Pennicuik)*

The Ayes and Noes being equal, the question was negated.

Clause 6 — put and agreed to.

**Clause 7** — Mr Jennings moved Amendment No. 2 — put and agreed to.

Clause 7, as amended — put and agreed to.

**Bill reported with amendments.**

**JURY DIRECTIONS AND OTHER ACTS AMENDMENT BILL 2017**

*Committed Tuesday, 22 August 2017.*

*Amendments circulated: Ms Pennicuik (see pp 819-21)*

**Clause 1** — Ms Pennicuik moved Amendment No. 1 — put and negatived.

Ms Pennicuik moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.  
*(Tellers: Ms Hartland and Ms Springle)*

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
*(Tellers: Mr Finn and Mr Leane)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 24** — put and agreed to.

**Bill reported without amendment.**

**LOCAL GOVERNMENT (CENTRAL GOLDFIELDS SHIRE COUNCIL) BILL 2017**

*Committed Wednesday, 23 August 2017.*

*Amendment circulated: Ms Dunn (see p 821)*

**Clauses 1 to 9** — put and agreed to.

**Clause 10** — Ms Dunn moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.  
*(Tellers: Ms Pennicuik and Ms Springle)*

NOES, 34

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
*(Tellers: Mr O'Sullivan and Ms Tierney)*

Question negatived.

Clause 10 — put and agreed to.

**Bill reported without amendment.**



**AMENDMENTS CIRCULATED IN RELATION TO —****1. PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR COMMUNICATION STANDARDS) BILL 2016***Amendments circulated by Mr Jennings*

1. Clause 2, page 2, line 2, omit "11 April" and insert "30 November".
2. Clause 7, line 13, omit "11 April" and insert "30 November".

*Amendments circulated by Mr Rich-Phillips*

1. Clause 5, page 4, line 6, omit "Parliament; and" and insert "Parliament; or".
2. Clause 5, page 4, after line 6 insert—
  - (iv) the current Government of the State; or
  - (v) the current Government of the Commonwealth; and".
3. Clause 6, page 6, line 7, after "in part by" insert "a House of".

**2. JURY DIRECTIONS AND OTHER ACTS AMENDMENT BILL 2017***Amendments circulated by Ms Pennicuik*

1. Clause 1, page 2, line 3, omit "victim" and insert "complainant".
2. Clause 1, page 2, line 11, after "directions" insert "relating to sexual offences, including directions".
3. Clause 2, line 10, omit "21 and 23" and insert "24 and 26".
4. Clause 4, omit this clause.
5. Clause 5, page 6, line 10, omit "victim of" and insert "complainant for".
6. Clause 5, page 6, line 16, omit "victim's" and insert "complainant's".
7. Clause 5, page 6, line 24, omit "victim of" and insert "complainant for".
8. Clause 5, page 7, line 14, omit "**victim's**" and insert "**complainant's**".
9. Clause 5, page 7, line 17, omit "**victim's**" and insert "**complainant's**".
10. Clause 5, page 7, line 21, omit "victim's" and insert "complainant's".
11. Clause 5, page 7, line 24, omit "victim's" and insert "complainant's".

## NEW CLAUSES

12. Insert the following New Clauses to follow clause 5—

**'A New section 45A inserted**

After section 45 of the **Jury Directions Act 2015** insert—

**"45A Part 3 does not apply**

Part 3 does not apply to this Part (except section 47A).".

**B Direction on consent**

- (1) For section 46(1) of the **Jury Directions Act 2015 substitute**—
 

"(1) If relevant to the facts in issue, the trial judge must direct the jury on consent."
- (2) In section 46(2) of the **Jury Directions Act 2015**, for "In making a request referred to in subsection (1), the prosecution or defence counsel (as the case requires) must specify" **substitute** "In directing the jury on consent, the trial judge must give".
- (3) In section 46(2)(a) and (b) of the **Jury Directions Act 2015 omit** "a request for".
- (4) In section 46(3) and (4) of the **Jury Directions Act 2015**, for "the prosecution or defence counsel may request that the trial judge" **substitute** "the trial judge must if relevant".
- (5) The note at the foot of section 46 of the **Jury Directions Act 2015 is repealed**.

**C Direction on reasonable belief in consent**

- (1) For section 47(1) of the **Jury Directions Act 2015 substitute**—
 

"(1) If relevant to the facts in issue, the trial judge must direct the jury on reasonable belief in consent."
- (2) Section 47(2) of the **Jury Directions Act 2015 is repealed**.
- (3) In section 47(3) of the **Jury Directions Act 2015**, for "For the purposes of subsection (2), the prosecution or defence counsel may request that the trial judge" **substitute** "In directing the jury on reasonable belief in consent, the trial judge must if relevant".
- (4) In section 47(3)(d) of the **Jury Directions Act 2015**, for "consent; or" **substitute** "consent."
- (5) Section 47(3)(e) of the **Jury Directions Act 2015 is repealed**.
- (6) Section 47(4) of the **Jury Directions Act 2015 is repealed**.
- (7) The note at the foot of section 47 of the **Jury Directions Act 2015 is repealed**.

**D New section 47A inserted**

- (1) After section 47 of the **Jury Directions Act 2015 insert**—

**"47A Additional direction on reasonable belief in consent**

- (1) If the trial judge gives, or proposes to give, a direction under section 47, the prosecution or defence counsel may request under section 12 that the trial judge direct the jury that in determining whether the accused had a reasonable belief in consent, the jury may take into account any personal attribute, characteristic or circumstance of the accused.
- (2) A good reason for not giving the requested direction is that the personal attribute, characteristic or circumstance—
  - (a) did not affect, or is not likely to have affected, the accused's perception or understanding of the objective circumstances; or
  - (b) was something that the accused was able to control; or

- (c) was a subjective value, wish or bias held by the accused, whether or not that value, wish or bias was informed by any particular culture, religion or other influence.

**Note**

Section 14 requires the trial judge to give this direction, if requested, unless there are good reasons for not doing so. Section 16 requires the trial judge to give a direction if the trial judge considers that there are substantial and compelling reasons for doing so.".

13. Clause 15, line 22, omit "11 and 12" and insert "14 and 15".
14. Clause 15, line 27, omit "13 and 14" and insert "16 and 17".
15. Clause 17, line 20, omit "victim of" and insert "complainant for".
16. Clause 18, line 8, omit "17" and insert "20".
17. Clause 18, line 14, omit "17" and insert "20".
18. Clause 18, line 19, omit "17" and insert "20".
19. Clause 20, line 12, omit "19" and insert "22".
20. Clause 20, line 17, omit "19" and insert "22".
21. Clause 23, line 7, omit "21" and insert "24".
22. Clause 23, line 11, omit "21" and insert "24".
23. Clause 23, line 13, omit "22" and insert "25".
24. Clause 23, line 17, omit "22" and insert "25".

**3. LOCAL GOVERNMENT (CENTRAL GOLDFIELDS SHIRE COUNCIL) BILL 2017****Amendment circulated by Ms Dunn**

1. Clause 10, line 26, omit "2020" and insert "2018".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 135, 136, 137 and 138

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#### No. 135 — Tuesday, 5 September 2017

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **THE LATE HON FIONA RICHARDSON MP** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on Wednesday, 23 August 2017, of the Honourable Fiona Richardson, MP, and places on record its acknowledgement of the valuable services rendered by her to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Northcote from 2006 to 2017, Minister for Women from 2014 to 2017 and Minister for the Prevention of Family Violence from 2014 to 2017.  
And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
- 3 **ADJOURNMENT** — As a further mark of respect to the memory of the late Hon Fiona Richardson MP, the House, at 2.00 p.m., suspended for the remainder of the sitting, and therefore adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

#### No. 136 — Wednesday, 6 September 2017

- 1 The President took the Chair and read the Prayer.
- 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 Acting Clerk of the Parliaments:  
On 25 August 2017 —  
*Local Government (Central Goldfields Shire Council) Act 2017.*  
On 29 August 2017 —  
*Jury Directions and Other Acts Amendment Act 2017*  
*Justice Legislation Amendment (Court Security, Juries and Other Matters) Act 2017*  
*Public Administration Amendment (Public Sector Communication Standards) Act 2017.*
- 3 **ELECTORAL MATTERS COMMITTEE** — The President read a letter from Mr Russell Northe, MP resigning from the Electoral Matters Committee, effective from 28 August 2017.
- 4 **PETITIONS** —  
**ELDER ABUSE IN VICTORIA** — Dr Carling-Jenkins presented a Petition bearing 112 signatures from certain citizens of Victoria requesting that the Legislative Council establish a committee to inquire into the issue of elder abuse in Victoria.

Ordered to lie on the Table.

On the motion of Dr Carling-Jenkins, the petition was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**CRIME POLICY** — Ms Crozier presented a Petition bearing 48 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to match the Coalition policy and introduce mandatory sentencing, toughen up the justice system and hold criminals to account.

Ordered to lie on the Table.

\* \* \* \* \*

**NEIGHBOURHOOD WATCH FUNDING** — Mr O'Donohue presented a Petition bearing 49 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to admit its mistake and match the commitment of the Liberal Nationals Coalition to provide \$2 million over four years to reinvigorate, support and expand the Neighbourhood Watch program across Victoria.

Ordered to lie on the Table.

## 5 PAPERS —

**PROCEDURE COMMITTEE — VIDEO ON DEMAND** — Ms Pennicuik presented a Report from the Procedure Committee on Video on demand.

Ordered to lie on the Table and to be published.

Ms Pennicuik moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 12 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Office — Report, 2016-17.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Banyule, Casey, Monash, Moreland, Port Phillip, Stonnington, Whitehorse and Yarra Planning Schemes — Amendment GC72.

Boroondara Planning Scheme — Amendment C250.

Brimbank Planning Scheme — Amendment C150.

Darebin and Manningham Planning Schemes — Amendment GC42.

Greater Bendigo Planning Scheme — Amendment C161 (Part 1).

Melbourne Planning Scheme — Amendment C245.

Victoria Planning Provisions — Amendment VC139.

Wangaratta Planning Scheme — Amendments C61 and C67.

Road Safety Camera Commissioner — Report, 2016-17.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 87.

Conservation, Forests and Lands Act 1987 — Nos. 88, 90 and 91.

County Court Act 1958 — No. 92.

Electricity Safety Act 1998 — No. 85.

Gas Safety Act 1997 — No. 89.

Local Government Act 1989 and City of Melbourne Act 2001 — No. 86.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 86 to 88 and 92.

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

Education and Training Reform Act 2006 —

Ministerial Order 1038 — Teaching Service (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2017, dated 28 August 2017.

Ministerial Order 1039 — School Council Employees (Employment Conditions, Salaries, Allowances and Selection) Order 2017, dated 28 August 2017.

Radiation Act 2005 —

Guidelines for the Verification of Identity under section 67A, dated 20 July 2017.

Specification of Security Standards for Security Plans and Transport Security Plans under section 67N, dated 20 July 2017.

Additional Matters to be Addressed in Security Plans and Transport Security Plans under section 67C, dated 20 July 2017.

Water Act 1989 — Groundwater Management Plan for the Katunga Water Supply Protection Area 2006 — Amendments 2017, dated 22 August 2017.

## 6 PRODUCTION OF DOCUMENTS —

**JASON ROBERTS CASE — ATTORNEY-GENERAL'S DECISION** — The Clerk laid on the Table a letter from the Attorney-General dated 4 September 2017 in response to the Resolution of the Council of 9 August 2017 seeking the production of documents relating to the Attorney-General's decision in the case of Jason Roberts, advising that the Council's deadline of 4 September 2017 does not allow sufficient time to respond and indicating that the Government would respond to the Council's resolution as soon as possible.

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**VICTORIAN HEART HOSPITAL** — The Clerk laid on the Table a letter from the Attorney-General dated 4 September 2017 in response to the Resolution of the Council of 23 August 2017 seeking the production of documents relating to the Victorian Heart Hospital, advising that the Council's deadline of 5 September 2017 does not allow sufficient time to respond and indicating that the Government would respond to the Council's resolution as soon as possible.

\* \* \* \* \*

**OFFICE OF CORRECTIONAL SERVICES REVIEW INTO BRIGHTON SIEGE** — The Clerk laid on the Table a letter from the Attorney-General dated 4 September 2017 in response to the Resolution of the Council of 9 August 2017 seeking the production of documents relating to the Office of Correctional Services Review into the Brighton Siege, advising that the Government has —

- identified three documents that fall within the scope of the Legislative Council's order;
- assessed these documents against the factors listed in letters dated 14 April 2015 and 29 April 2016 noting the limits of the Council's power to call for documents; and
- determined to not produce the documents on the grounds of executive privilege set out in the schedule enclosed.

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

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**ANAKIE YOUANG** — The Clerk laid on the Table 71 documents in full and two documents in part received in response to the Resolution of the Council of 24 May 2017 relating to the listing of Anakie Youang on the Victorian Aboriginal Heritage Register.

The Clerk also laid on the Table a letter from the Attorney-General dated 4 September 2017 referring to the Government's process of assessing documents for potential executive privilege or whether the release of documents is prejudicial to the public interest and advising that the Government has determined to —

- produce 71 documents in full;
- produce two documents in part;
- not produce 49 documents in full;
- not produce part of the two documents referred to above; and
- make a claim of executive privilege in relation to those documents or parts of those documents on the grounds set out in the schedule enclosed.

- 7 ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE — EXTENSION TO REPORTING DATE** — Mr O'Donohue moved, by leave, That the resolution of the Council of 14 September 2016 be amended to extend the reporting date for the Economic, Education, Jobs and Skills Committee's inquiry into fuel prices in regional Victoria to no later than 31 March 2018.

Question — put and agreed to.

- 8 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business today, Wednesday, 6 September 2017:

- (1) Notice of Motion No. 455 standing in the name of Mr Davis in relation to the production of certain documents relating to the Pride Centre business case;
- (2) Order of the Day No. 3, resumption of debate on the Game Management Authority Amendment Bill 2017;
- (3) Order of the Day No. 1, resumption of debate on the Major Sporting Events Amendment (AFL Grand Final Tickets) Bill 2017;
- (4) Notice of Motion No. 441 standing in the name of Mr Davis in relation to increased crime in the City of Stonnington;
- (5) Notice of Motion No. 456 standing in the name of Mrs Peulich in relation to the retention of Australia Day celebrations on 26 January; and
- (6) Order of the Day No. 30, consideration of Minister's answers to a question without notice and a supplementary question in relation to 500 Startups.

Debate ensued.

Question — put and agreed to.

- 9 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATE** — Dr Carling-Jenkins moved, by leave, That the resolutions of the Council of 16 September 2015 and 12 April 2016 be amended to extend the reporting date for the Family and Community Development Committee's inquiry into perinatal services to no later than 31 March 2018.

Question — put and agreed to.

- 10 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

- 11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 12 PRODUCTION OF DOCUMENTS — PRIDE CENTRE BUSINESS CASE** — Mr Davis moved, in an amended form, by leave, That this House —

- (1) notes the Andrews Government's stated commitment to openness and transparency, in particular its stated commitment to provide full business cases for important government projects;
- (2) expresses disappointment that the Minister for Equality, Martin Foley, refused to provide the Pride Centre business case at the Public Accounts and Estimates Committee hearing held on Wednesday, 31 May 2017 despite a request for the business case to be provided;
- (3) in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council by 12 noon on Thursday, 21 September 2017 —
  - (a) a copy of the full business case prepared for the Pride Centre;
  - (b) copies of all agendas and minutes of meetings for any advisory committees, the Minister, Departmental Officials or the Victorian Commissioner for Gender and Sexuality that considered, examined or discussed the Pride Centre and any consultancies, advices or studies that were obtained for, or formed part of, any decision making or discussion concerning the Pride Centre;

and any response should conform with Standing Orders 11.02(3) and 11.03(1)(a).

Debate ensued.

Question — put and agreed to.



**13 GAME MANAGEMENT AUTHORITY AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The Acting President in the Chair.

AYES, 18

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Ms Patten; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Ms Bath and Mr Ramsay*)

NOES, 16

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Somyurek; Ms Springle; Ms Symes.  
(*Tellers: Mr Mulino and Ms Pennicuik*)

Question agreed to.

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

Bill transmitted to the Assembly with a Message requesting their agreement.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day No. 1, General Business, be postponed until later this day.

**15 CRIME IN STONNINGTON** — Mr Davis moved, That this House notes —

- (1) the most recent data released by the Crime Statistics Agency Victoria on 15 June 2017 that shows crimes across Victoria are up 18.17 per cent;
- (2) crime in the Stonnington City Council area has risen 22.4 per cent since the Andrews Labor Government came to office;
- (3) the crime wave engulfing Victoria is putting at risk Melbourne's reputation as the world's most liveable city;
- (4) the concern of the community about the Andrews Labor Government's failure to control law and order in Victoria;

and calls on Premier Daniel Andrews and the State Labor Government to make community safety their number one priority to get the crime wave under control.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**16 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Safer roads for motorcyclists** — substantive question asked by Mr Purcell — response from Ms Pulford due Friday, 8 September 2017.
- **Taxi and hire car support fund** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Pulford due Friday, 8 September 2017.
- **Westgate Tunnel traffic modelling** — substantive question asked by Ms Hartland — response from Ms Pulford due Friday, 8 September 2017.
- **Minister's electorate office – printing expenses** — supplementary question asked by Mr Rich-Phillips — response from Ms Mikakos due Thursday, 7 September 2017.

**17 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**18 CRIME IN STONNINGTON** — Debate continued on the question, That this House notes —

- (1) the most recent data released by the Crime Statistics Agency Victoria on 15 June 2017 that shows crimes across Victoria are up 18.17 per cent;

- (2) crime in the Stonnington City Council area has risen 22.4 per cent since the Andrews Labor Government came to office;
- (3) the crime wave engulfing Victoria is putting at risk Melbourne's reputation as the world's most liveable city;
- (4) the concern of the community about the Andrews Labor Government's failure to control law and order in Victoria;

and calls on Premier Daniel Andrews and the State Labor Government to make community safety their number one priority to get the crime wave under control.

On the motion of Ms Pennicuik, the debate was adjourned until later this day.

**19 MAJOR SPORTING EVENTS AMENDMENT (AFL GRAND FINAL TICKETS) BILL 2017** — 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, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.  
(*Tellers: Mr Barber and Ms Dunn*)

NOES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Mr Somyurek; Ms Symes; Ms Wooldridge; Mr Young.  
(*Tellers: Mr O'Sullivan and Ms Patten*)

Question negatived.

**20 CRIME IN STONNINGTON** — Debate resumed on the question, That this House notes —

- (1) the most recent data released by the Crime Statistics Agency Victoria on 15 June 2017 that shows crimes across Victoria are up 18.17 per cent;
- (2) crime in the Stonnington City Council area has risen 22.4 per cent since the Andrews Labor Government came to office;
- (3) the crime wave engulfing Victoria is putting at risk Melbourne's reputation as the world's most liveable city;
- (4) the concern of the community about the Andrews Labor Government's failure to control law and order in Victoria;

and calls on Premier Daniel Andrews and the State Labor Government to make community safety their number one priority to get the crime wave under control.

Question — put and agreed to.

**21 RETENTION OF AUSTRALIA DAY CELEBRATIONS ON 26 JANUARY** — Mrs Peulich moved, That this House supports the retention of Australia Day on January 26 as a day to commemorate and celebrate our past, present and future achievements as a nation and encourages all councils to conduct Australia Day citizenship ceremonies on this special day.

Debate ensued.

Question — put.

The Council divided — The Acting President in the Chair.

AYES, 30

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Mr Somyurek; Ms Symes; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Davis and Mr Morris*)

## NOES, 5

Mr Barber; Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.  
(Tellers: Mr Barber and Ms Dunn)

Question agreed to.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

- 22 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 23 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.  
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.  
And then the Council, at 6.15 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 137 — Thursday, 7 September 2017

- 1 The President took the Chair and read the Prayer.
- 2 **DOMESTIC ANIMALS AMENDMENT (RESTRICTED BREED DOGS) BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Domestic Animals Act 1994 in relation to restricted breed dogs, dangerous dogs, payments to the Treasurer and to make minor and related amendments and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.  
Ms Pulford moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.
- 3 **JUSTICE LEGISLATION AMENDMENT (BODY-WORN CAMERAS AND OTHER MATTERS) BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Surveillance Devices Act 1999 in relation to the use of body-worn cameras and tablet computers by police and prescribed persons and the Judicial Proceedings Reports Act 1958 in relation to the disclosure of information and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.  
Ms Pulford moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.
- 4 **PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Environment Protection Act 1970, the Interpretation of Legislation Act 1984, the Mineral Resources (Sustainable Development) Act 1990, the National Parks Act 1975, the Reference Areas Act 1978, the Royal Botanic Gardens Act 1991, the Victorian Environmental Assessment Council Act 2001 and the Zoological Parks and Gardens Act 1995 to provide for the addition of the Anglesea Heath to the Great Otway National Park and to improve the administration of Crown land and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned until for one week.

**5 RACING AMENDMENT (MODERNISATION) BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Racing Act 1958 to make further provision for Racing Victoria and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned for one week.

**6 PETITIONS —**

**OPPOSE THE INTRODUCTION OF PHYSICIAN ASSISTED DYING/EUTHANASIA —**

Mrs Peulich presented a Petition bearing 322 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Premier, Daniel Andrews, and the State Government to not proceed with the introduction of physician assisted dying/euthanasia until there has been a state or national plebiscite on this critical human issue.

Ordered to lie on the Table.

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

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**PAROLE AND BAIL** — Mr Ramsay presented a Petition bearing 149 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Government to allocate more funding to increase the number of police in the Geelong and Bellarine region and implement legislation to enable tougher sentencing, parole and bail conditions.

Ordered to lie on the Table.

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

*[Sitting suspended from 9:58 a.m. until 10.03 a.m.]*

**7 PAPERS —**

**LEGAL AND SOCIAL ISSUES COMMITTEE — PILOT MEDICALLY SUPERVISED INJECTING CENTRE** — Ms Fitzherbert presented a Report from the Legal and Social Issues Committee on the Inquiry into the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017 (including Appendices, Extracts from the Proceedings of the Committee and Minority Reports), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Fitzherbert moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Land Tax Act 2005 — Treasurer's report on land tax absentee owner surcharge exemptions for the period 1 June 2016 to 30 June 2017.

Ombudsman — Enquiry into the provision of alcohol and drug rehabilitation services following contact with the criminal justice system, September 2017 (*Ordered to be published*).

**FIRE SERVICES BILL SELECT COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO THE FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017** — Pursuant to Standing Order 23.30, Mr Dalidakis laid on the Table a copy of the Government Response to the Select Committee Inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017.

**LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO THE RETIREMENT HOUSING SECTOR** — Pursuant to Standing Order 23.30, Ms Mikakos laid on the Table a copy of the Government Response to the Legal and Social Issues Committee Inquiry into the Retirement Housing Sector.

**8 ELECTORAL MATTERS COMMITTEE** — Ms Pulford moved, by leave, That Ms Bath be a member of the Electoral Matters Committee.

Question — put and agreed to.

**9 MINISTERS' STATEMENTS** — A statement was made by a Minister pursuant to Sessional Order 2.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**11 BUSINESS POSTPONED** — Mr Leane moved, That the consideration of Notice of Motion, Government Business, No. 407 be postponed until later this day.

Debate ensued.

Question — put and agreed to.

**12 OWNER DRIVERS AND FORESTRY CONTRACTORS AMENDMENT BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Ondarchie were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Pulford were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

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

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

**13 CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time *and on the reasoned amendment moved by Ms Crozier*, That all the words after "That" be omitted with the view of inserting in their place "this Bill be withdrawn and Part 3 redrafted so that certain of the proposed additional powers in Part 3 be instead made available for existing orders for young offenders."

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**14 PRODUCTION OF DOCUMENTS** —

**MUIR REPORTS** — The Clerk laid on the Table two documents in part received in response to the Resolution of the Council of 23 August 2017 relating to two security reviews of critical incidents in the youth justice system in October 2015 and March 2016 (the Muir Reports).

The Clerk also laid on the Table a letter from the Attorney-General dated 7 September 2017 referring to the Government's process of assessing documents for potential executive privilege or whether the release of documents is prejudicial to the public interest and advising that the Government has determined to —

- produce two documents in part; and
- makes a claim of executive privilege in relation to those parts of those documents on the grounds set out in the schedule enclosed.

**FIREARMS** — The Clerk laid on the Table 23 documents in full and one document in part received in response to the Resolution of the Council of 21 June 2017 relating to information from Victoria Police to the Minister for Police in relation to firearms in the years 2015, 2016 and 2017 to 21 June 2017.

The Clerk also laid on the Table a letter from the Attorney-General dated 7 September 2017 referring to the Government's process of assessing documents for potential executive privilege or whether the release of documents is prejudicial to the public interest and advising that the Government has determined to —

- produce 23 documents in full;
- produce one document in part;
- not produce three documents in full; and
- makes a claim of executive privilege in relation to those documents and parts of those documents on the grounds set out in the schedule enclosed.

**15 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and an Answer to a question on notice was circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Brighton terror suspect – parole** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Friday, 8 September 2017.
- **Greater Gliders – interim conservation order** — substantive question asked by Ms Dunn — response from Ms Pulford due Tuesday, 19 September 2017.
- **Child offences** — substantive and supplementary questions asked by Ms Springle — response from Ms Tierney due Tuesday, 19 September 2017.
- **Firearms classification** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Tuesday, 19 September 2017.
- **Land Titles Office** — substantive and supplementary questions asked by Ms Patten — response from Mr Jennings due Tuesday, 19 September 2017.

**16 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**17 CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) BILL 2017** — Debate continued on the question, That the Bill be now read a second time, *and on the reasoned amendment moved by Ms Crozier*, That all the words after "That" be omitted with the view of inserting in their place "this Bill be withdrawn and Part 3 redrafted so that certain of the proposed additional powers in Part 3 be instead made available for existing orders for young offenders."

Amendments proposed to be moved in Committee by Ms Mikakos were circulated.

Debate continued.

Question — That the reasoned amendment moved by Ms Crozier be agreed to — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr Finn and Mr O'Sullivan)

## NOES, 23

Mr Barber; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

(Tellers: Mr Dalidakis and Mr Eideh)

Question negatived.

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 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.

**18 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Mr O'Sullivan, the debate was adjourned until later this day.

**19 RESIDENTIAL TENANCIES AMENDMENT (LONG-TERM TENANCY AGREEMENTS) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Residential Tenancies Act 1997 to provide for tenancy agreements for a fixed term of more than 5 years, to make consequential amendments and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

**20 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REAL-TIME PRESCRIPTION MONITORING) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for a database relating to the monitoring of the supply of certain poisons and controlled substances, to provide for use of the database and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

**21 DRUGS, POISONS AND CONTROLLED SUBSTANCES MISCELLANEOUS AMENDMENT BILL 2017** — Ms Hartland moved, That —

- (1) the resolution of the Council of 11 May 2017 that the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017 be committed to a Committee of the whole on the next day of meeting be read and rescinded pursuant to Standing Order 7.07;
- (2) the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017 be referred to the Legal and Social Issues Committee for inquiry, consideration and report by 31 October 2017; and

- (3) consideration of the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017 be deferred until after the Committee has tabled its final report in accordance with paragraph (2).

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

(*Tellers: Ms Patten and Ms Pennicuik*)

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Mr Gepp and Mr Purcell*)

Question negatived.

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.

**22 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.31 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council.*

## No. 138 — Friday, 8 September 2017

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Duties Act 2000 — Treasurer's reports on —
    - Corporate consolidation exemptions and refunds for 2016-17.
    - Corporate reconstruction exemptions and refunds for 2016-17.
    - Foreign purchaser additional duty exemptions for the period 1 January 2017 to 30 June 2017.
  - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 85.
- 3 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 19 September 2017.
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 407 be postponed until later this day.
- 5 **ADMINISTRATION AND PROBATE AND OTHER ACTS AMENDMENT (SUCCESSION AND RELATED MATTERS) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

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.

- 6 LAND LEGISLATION AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 7 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Electorate office printing budgets** — substantive question asked by Ms Lovell — response from Mr Jennings due Tuesday, 19 September 2017.
- **500 Startups – Government grant** — supplementary question asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 19 September 2017.
- **LaunchVic contract** — supplementary question asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 19 September 2017.
- **Hazelwood pondage barramundi** — substantive question asked by Ms Bath — response from Ms Pulford due Tuesday, 19 September 2017.
- **Sex Industry Coordination Unit resourcing** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Tierney due Wednesday, 20 September 2017.
- **Tarrengower and Loddon Prisons – accommodation** — substantive and supplementary questions asked by Ms Pennicuik — response from Ms Tierney due Tuesday, 19 September 2017.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **West Gate Tunnel traffic modelling** — substantive question asked by Ms Hartland on Tuesday, 6 September 2017 — further response from Ms Pulford due Wednesday, 20 September 2017.

- 8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 9 LAND LEGISLATION AMENDMENT BILL 2017** — 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.

- 10 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Symes, debate was adjourned until the next day of meeting.

**11 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 3.45 p.m., adjourned until Tuesday, 19 September 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council.*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 135, 136, 137 and 138

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### **OWNER DRIVERS AND FORESTRY CONTRACTORS AMENDMENT BILL 2016**

*Committed Thursday, 7 September 2017.*

*Amendments circulated: Mr Ondarchie and Ms Pulford (see p 840).*

**Clause 1** — put and agreed to.

**Clause 2** — Ms Pulford moved Amendment No. 1 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clause 3** — put and agreed to.

**Clause 4** — Mr Ondarchie moved Amendment Nos. 1 and 2 — put and agreed to.

Clause 4, as amended — put and agreed to.

**Clause 5** — Mr Ondarchie moved Amendment Nos. 3 and 4 — put and agreed to.

Clause 5, as amended — put and agreed to.

**Clause 6** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

### **CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) BILL 2017**

*Committed Thursday, 7 September 2017.*

*Amendments circulated: Ms Mikakos and Ms Springle (see pp 840-1).*

**Clauses 1 to 64** — put and agreed to.

**New Part Heading preceding new clause** — Ms Mikakos moved Amendment No. 1.

Question — That the new Part Heading preceding the new clause stands part of the Bill — put and agreed to.

**New Clause** — Ms Mikakos moved Amendment No. 2.

Question — That the new clause stands part of the Bill — put and agreed to.

**Clause 65** — put and agreed to.

**Bill agreed to with amendments.**

\* \* \* \* \*

### **DRUGS, POISONS AND CONTROLLED SUBSTANCES MISCELLANEOUS AMENDMENT BILL 2017**

*Committed Thursday, 7 September 2017.*

*Amendments circulated: Mr O'Donohue (see p 841).*

**Clause 1** — Mr O'Donohue moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Mr Morris)*

NOES, 19

Mr Barber; Dr Carling-Jenkins; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Mulino and Ms Pulford)*

Question negated.

Clause 1 — put and agreed to.

**Clauses 2 to 10** — put and agreed to.

**Clause 11** — Mr O'Donohue moved Amendment Nos. 2 to 5.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Ramsay and Mr Young)*

NOES, 20

Mr Barber; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Ms Patten)*

Question negated.

Clause 11 — put and agreed to.

**Clauses 12 to 21** — put and agreed to.

**Clause 22** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Donohue and Mr Somyurek)*

NOES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Springle)*

Question agreed to.

**Clauses 23 to 26** — put and agreed to.

**Bill reported without amendment.**

**ADMINISTRATION AND PROBATE AND OTHER ACTS AMENDMENT (SUCCESSION AND RELATED MATTERS) BILL 2016**

*Committed Friday, 8 September 2017.*

*Amendments circulated: Mr Rich-Phillips (see p 842).*

**Clauses 1 to 15** — put and agreed to.

**Clause 16** — Mr Rich-Phillips moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Finn and Mr O'Sullivan)*

NOES, 23

Mr Barber; Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Melhem and Ms Springle)*

Question negatived.

Mr Rich-Phillips moved Amendment Nos. 2 and 3 — put and negatived.

Mr Rich-Phillips moved Amendment Nos. 4 and 5 — put and negatived.

Clause 16 — put and agreed to.

**Clause 17** — Mr Rich-Phillips moved Amendment No. 6 — put and negatived.

Mr Rich-Phillips moved Amendment Nos. 7 and 8 — put and negatived.

Mr Rich-Phillips moved Amendment No. 9 — put and negatived.

Mr Rich-Phillips moved Amendment No. 10 — put and negatived.

Mr Rich-Phillips moved Amendment No. 11 — put and negatived.

Mr Rich-Phillips moved Amendment Nos. 12 to 14 — put and negatived.

Mr Rich-Phillips moved Amendment Nos. 16 and 17 — put and negatived.

Clause 17 — put and agreed to.

**Clauses 18 to 31** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**LAND LEGISLATION AMENDMENT BILL 2017**

*Committed Friday, 8 September 2017.*

**Clauses 1 to 72** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. OWNER DRIVERS AND FORESTRY CONTRACTORS AMENDMENT BILL 2016**Amendments circulated by Mr Ondarchie

1. Clause 4, page 3, line 3, omit 'body.'" and insert "body."
2. Clause 4, page 3 after line 3 insert—  
'(2D) On the publication of a notice under subsection (2B), the alternative body specified in the notice is taken for the purposes of subsection (2A) to be a nominating body referred to in subsection (1)."'.
3. Clause 5, page 4, line 16, omit 'body.'" and insert "body."
4. Clause 5, page 4, after line 16 insert—  
'(2D) On the publication of a notice under subsection (2B), the alternative body specified in the notice is taken for the purposes of subsection (2A) to be a nominating body referred to in subsection (1)."'.

Amendments circulated by Ms Pulford

1. Clause 2, page 2, line 2, omit "September 2017" and insert "March 2018".

**2. CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) BILL 2017**Amendments circulated by Ms Mikakos

1. Page 80, before line 1, insert the following heading—

**"Part 11—Amendments relating to review of Act".**

## NEW CLAUSE

2. Insert the following New Clause to follow clause 64 and the heading proposed by amendment number 1—

**'A New Part 5.9 inserted**

After Part 5.8 of Chapter 5 of the Principal Act **insert—**

**"Part 5.9—Review of Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017****492B Review of Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017**

- (1) The Minister must undertake a review of the amendments made to this Act and other Acts by the **Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017** to determine whether the policy objectives of the **Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017** remain valid and whether the amendments made by that Act remain appropriate to achieve those objectives.
- (2) The review is to be undertaken as soon as possible after the third anniversary of the first day on which all the provisions of the **Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017** have commenced.

- (3) Without limiting the matters that the review may consider, the review must cover the following matters—
- (a) the effects of the amendments made by the **Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017**, whether adverse or otherwise, on the following—
    - (i) rates of offending and re-offending;
    - (ii) incarceration of young people;
    - (iii) community safety;
    - (iv) the long-term well-being of children and young people in contact with the justice system;
  - (b) the operation of youth control orders;
  - (c) the operation of youth diversion strategies and programs;
  - (d) the operation of the system known as the dual track system;
  - (e) the categorisation of certain offences as serious youth offences, and the effect of this categorisation on decisions about bail, non-custodial sentences and the placement of young adults in youth justice centres;
  - (f) whether the incarceration of Aboriginal or Torres Strait Islander children and young people has increased or decreased as a proportion of the total incarcerated population of young people in Victoria since the **Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017** received the Royal Assent;
  - (g) whether any additional legislative, administrative or policy reform is necessary to improve the operation of Victoria's youth justice system.
- (4) The Minister must cause a report on the review to be laid before each House of the Parliament not later than 12 months after the third anniversary of the first day on which all the provisions of the **Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017** have commenced.".

### 3. DRUGS, POISONS AND CONTROLLED SUBSTANCES MISCELLANEOUS AMENDMENT BILL 2017

#### Amendments circulated by Mr O'Donohue

1. Clause 1, page 2, line 11, after "quantities" insert "or automatic forfeiture quantities".
2. Clause 11, line 16, omit "750" and insert "500".
3. Clause 11, line 19, omit "750" and insert "500".
4. Clause 11, line 21, omit "3/5" and insert "9/10".
5. Clause 11, line 22, omit "10/5 or 2" and insert "23/10 or 2.3".
6. Clause 20, line 27, omit "500.0g 750.0g" and insert "375.0g 500.0g".
7. Clause 20, line 27, omit "30" and insert "15".

#### 4. ADMINISTRATION AND PROBATE AND OTHER ACTS AMENDMENT (SUCCESSION AND RELATED MATTERS) BILL 2016

##### Amendments circulated by Mr Rich-Phillips

1. Clause 16, line 27, omit "If" and insert "Subject to subsection (3), if".
2. Clause 16, page 34, line 11, omit "of—" and insert "of any person interested under the will or the estate, including any interested beneficiary; or".
3. Clause 16, page 34, lines 12 to 15, omit all words and expressions on these lines.
4. Clause 16, page 34, after line 16 insert—
  - "(3) If—
    - (a) the testator gave written informed consent under section 65B to the inclusion of a remuneration clause on which the executor or administrator seeks to rely; or
    - (b) all interested beneficiaries gave informed consent under section 65C to the fees or commission the executor or administrator proposes to receive—

the Court may only make an order under subsection (1) if satisfied that, despite the matters specified in paragraph (a) or (b), as the case requires, there are exceptional circumstances justifying making the order under subsection (1)."
5. Clause 16, page 34, line 17, omit "(3)" and insert "(4)".
6. Clause 17, line 24, after "an executor" insert "or administrator".
7. Clause 17, line 27, omit "unless—" and insert "unless the testator gave written informed consent to the inclusion of the remuneration clause."
8. Clause 17, lines 28 to 33, omit all words and expressions on these lines.
9. Clause 17, page 35, after line 20 insert—
  - '(3) In this section, a reference to "executor" includes "administrator".'
10. Clause 17, page 36, line 12, after "beneficiary" insert ", subject to section 65A(3),".
11. Clause 17, page 36, line 15, omit "65A(2)(a)(i)" and insert "65A(2)(a)".
12. Clause 17, page 37, line 5, omit "An" and insert "Subject to subsection (6), an".
13. Clause 17, page 37, after line 9 insert—
  - "(6) An executor who has acted honestly and in good faith on behalf of an estate is entitled to the fees, commission or percentage of the assets of the estate as the Court considers fair and reasonable."
14. Clause 17, page 37, line 10, omit "(6)" and insert "(7)".
15. Clause 17, page 37, after line 11 insert—
  - '(8) In this section, a reference to "executor" includes "administrator".'
16. Clause 17, page 37, lines 21 to 23, omit all words and expressions on these lines.
17. Clause 17, page 37, line 24, omit "(c)" and insert "(b)".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 139, 140 and 141

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#### No. 139 — Tuesday, 19 September 2017

- 1 The President took the Chair, 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 Acting Clerk of the Parliaments:
  - On 12 September 2017 —  
*Drugs, Poisons and Controlled Substances Miscellaneous Amendment Act 2017.*
  - On 19 September 2017 —  
*Administration and Probate and Other Acts Amendment (Succession and Related Matters) Act 2017*  
*Land Legislation Amendment Act 2017.*
- 3 **FIREARMS AMENDMENT (ADVERTISING) BILL 2017** — Mr Bourman introduced *A Bill for an Act to amend the Firearms Act 1996 to allow persons other than licensed firearms dealers to advertise that a firearm is for sale and for other purposes.*  
On the motion of Mr Bourman, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 4 **PAPERS** —  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 13 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.  
Ordered to lie on the Table and to be published.

\* \* \* \* \*

**ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE — COMMUNITY ENERGY PROJECTS** — Mr Elasmr presented a Report from the Economic, Education, Jobs and Skills Committee on the Inquiry into Community Energy Projects (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Elasmr moved, That the Council take note of the Report.

Question — put and agreed to.

\* \* \* \* \*

**SPECIAL REPORT OPERATION TONE: CONCERNING DRUG USE AND ASSOCIATED CORRUPT CONDUCT INVOLVING AMBULANCE VICTORIA PARAMEDICS, SEPTEMBER 2017** — Pursuant to section 162 of the *Independent Broad-based Anti-corruption Commission Act 2011*, the Clerk laid on the Table a copy of the Special report on Operation Tone: concerning drug use and associated corrupt conduct involving Ambulance Victoria paramedics, September 2017.

Report ordered to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals —

A licence in relation to the Edinburgh Gardens Reserve, dated 24 July 2017.

A lease in relation to the St Arnaud Horse and Pony Club (Bush Park Reserve), dated 23 July 2017.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to — Statutory Rule No. 44.

Ministerial Order 1039 — School Council Employees (Employment Conditions, Salaries, Allowances and Selection) Order 2017.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Baw Baw Planning Scheme — Amendment C114.

Boroondara Planning Scheme — Amendment C252.

Glen Eira Planning Scheme — Amendment C152.

Greater Shepparton Planning Scheme — Amendment C201.

Melton Planning Scheme — Amendments C162 and C183.

Wyndham Planning Scheme — Amendment C197.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 89 to 91.

Legislative Instrument and related documents under section 16B in respect of the Financial Management Act 1994 — An order declaring CenITex a specified entity pursuant to section 54AA of the Act, dated 24 August 2017.

Surveillance Devices Act 1999 — Report No. 2, 2016-17 pursuant to section 30Q by the Victorian Inspectorate.

Victoria Grants Commission — Report, 2016-17.

Victorian Broiler Industry Negotiation Committee — Report, 2016-17

Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2016-17 report.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Crimes Legislation Amendment (Public Order) Act 2017 — 13 September 2017 (*Gazette No. S303, 12 September 2017*).

Education and Care Services National Law Amendment Act 2017 — Part 1, Part 2 (except sections 30, 31 and 68), Part 3 and Part 4 — 1 October 2017; remaining provisions — 1 February 2018 (*Gazette No. S303, 12 September 2017*).

**5 ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATE** — Mr Jennings moved, by leave, That the resolution of the Council of 6 May 2016 and the further resolutions of 12 April 2016 and 9 February 2017 be amended to extend the reporting date for the Environment, Natural Resources and Regional Development Committee's inquiry into the sustainability and operational challenges of Victoria's rural and regional councils to no later than 30 March 2018.

Question — put and agreed to.

**6 LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE — EXTENSION TO REPORTING DATE** — Mr Purcell moved, by leave, That the resolution of the Council of 23 November 2016 be amended to extend the reporting date for the Law Reform, Road and Community Safety Committee's inquiry into VicRoads management of country roads to no later than 30 June 2018.

Question — put and agreed to.

**7 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 20 September 2017:

- (1) Notice of Motion No. 463 standing in the name of Mr Davis in relation to the production of certain documents;
- (2) Notice of Motion given this day by Mrs Peulich seeking to refer a matter to the Environment and Planning Committee;
- (3) Notice of Motion given this day by Ms Patten in relation to a suspension of Standing Orders;
- (4) Order of the Day No. 1, Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017, Question to be put;
- (5) Notice of Motion given this day by Ms Patten in relation to South Morang public transport;
- (6) Notice of Motion given this day by Mr Finn in relation to integrity issues; and
- (7) Notice of Motion No. 460 standing in the name of Ms Wooldridge in relation to the continuing failure of the Government to comply with certain orders for the production of documents.

Question — put and agreed to.

**8 SESSIONAL ORDERS — VIDEO ON DEMAND** — Mr Jennings moved, by leave, That, until the end of the Session, unless otherwise ordered by the Council —

Further to the Sessional Orders adopted by this House on 12 February 2015 and amended on 17 March 2015, 15 April 2015, 16 April 2015 and 31 August 2016, the following new Sessional Order be adopted, to come into effect upon a video on demand service for House proceedings of the Legislative Council, accessible by internal users only, being implemented —

A. Video on demand.

- (1) Council Members and Parliamentary Officers (authorised by the Clerk or the Secretary of the Department of Parliamentary Services) may republish audio-visual proceedings of the Council that are provided by the Hansard broadcast archive.
- (2) Audio-visual proceedings republished under this Sessional Order are subject to the following conditions:
  - (a) the material must only be used for the purposes of fair and accurate reports of proceedings and must not in any circumstances be used for —
    - (i) satire or ridicule; or
    - (ii) commercial sponsorship or commercial advertising;
  - (b) broadcast material must not be digitally manipulated;
  - (c) excerpts of proceedings are to be placed in context so as to avoid any misrepresentation; and
  - (d) remarks withdrawn are not to be rebroadcast unless the withdrawal is also rebroadcast.

Debate ensued.

Question — put and agreed to.

**9 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 407 be postponed until later this day.

**12 JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS AND OTHER MATTERS) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**13 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**SKY RAIL — CAULFIELD TO MURRUMBEENA** — Mr Jennings having given answers to a question without notice and supplementary question relating to Sky Rail, Caulfield to Murrumbeena —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Heyfield Timber Mill purchase** — substantive and supplementary questions asked by Ms Bath — response from Mr Jennings due Thursday, 21 September 2017.
- **Heyfield Timber Mill job losses** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Thursday, 21 September 2017.
- **Aboriginal Justice Agreement** — substantive and supplementary questions asked by Mr Morris — response from Mr Jennings due Thursday, 21 September 2017.
- **Sky Rail – Caulfield to Murrumbeena** — substantive and supplementary questions asked by Mr Davis — response from Mr Jennings due Thursday, 21 September 2017.
- **Sexual vilification laws** — substantive question asked by Ms Patten — response from Ms Tierney due Thursday, 21 September 2017.
- **Recreational boating licence fees** — substantive and supplementary questions asked by Mr Bourman — response from Ms Pulford due Thursday, 21 September 2017.

**14 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**15 OWNER DRIVERS AND FORESTRY CONTRACTORS AMENDMENT BILL 2016** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**16 JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS AND OTHER MATTERS) BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Ramsay and Ms Shing)*

NOES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Springle)*

Question 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.

**17 CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) BILL 2017** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

The President announced that he had received a report from the Acting Clerk of the Parliaments notifying that he had made the following correction in this Bill in accordance with Joint Standing Order 6(1):

In Clause 6, page 7, the quotation mark and second full stop has been omitted at the end of subsection (2) and a quotation mark and second full stop has been added at the end of subsection (3).

**18 PLANNING AND BUILDING LEGISLATION AMENDMENT (HOUSING AFFORDABILITY AND OTHER MATTERS) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

*The President having ruled that certain amendments proposed to be moved in Committee by Mr Davis were outside the scope of the Bill —*

Mr Davis moved, by leave, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Planning and Environment Act 1987* to provide for a power system reliability assessment report and to modify the approval process in respect of applications for wind farm planning permits.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 6.30 p.m. pursuant to Standing Orders —*

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Mr Dalidakis declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered 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.

**19 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 7.21 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## **No. 140 — Wednesday, 20 September 2017**

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**SUPPORT DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILOT MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2017** — Ms Patten presented a Petition bearing 439 signatures from certain citizens of Victoria requesting that the Legislative Council pass the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017.

Ordered to lie on the Table.

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

\* \* \* \* \*

**CRIME POLICY** — Ms Crozier presented a Petition bearing 144 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to match the Coalition policy and introduce mandatory sentencing, toughen up the justice system and hold criminals to account.

Ordered to lie on the Table.

\* \* \* \* \*

**RAILWAY STATION CARPARKS** — Ms Wooldridge presented a Petition bearing 188 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide additional parking at Greensborough, Montmorency and Eltham railway stations so that commuters can park and use public transport in a safe and convenient way.

Ordered to lie on the Table.

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

**3 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals —

A lease and licence in relation to Lower Reserve, dated 3 September 2017.

Leases in relation to Moorooduc Recreation Reserve and Williamstown Botanical Gardens, dated 3 September 2017.

Heritage Council of Victoria — Minister's report of receipt of 2016-17 report.

Statutory Rules under the following Acts of Parliament —

Borrowing and Investment Powers Act 1987 — No. 95.

Racing Act 1958 — No. 94.

Sex Work Act 1994 — No. 93.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 93.

Legislative Instrument and related documents under section 16B in respect of the City of Greater Geelong Act 1993 — Greater Geelong City Council — Mayoral and Deputy Mayoral Allowances, dated 12 September 2017.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**5 PRODUCTION OF DOCUMENTS — ALLARD REPORT, WEST GATE TUNNEL DISTRIBUTOR PROJECT** — Mr Davis moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council within 14 calendar days, a copy of the Allard Report into the critical modelling on the Government's West Gate tunnel/distributor project, including all traffic projections and appendices and modelling of toll collections, and any available associated projections of tolling payments over future decade(s) in the southern and eastern suburbs of Melbourne.

Debate ensued.

Question — put and agreed to.

**6 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE** — Mrs Peulich moved, That, pursuant to Sessional Order 6, this House requires the Environment and Planning Committee to inquire into, consider and report on, no later than 1 August 2018, issues relating to the impact of higher energy prices in Victoria for households, business, community, not-for-profits, hospitals, schools, aged-care facilities, and government, including, but not limited to the impact following the closure of the Hazelwood Power Station and any other matter the committee considers.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Camping fees – River Red Gum and Murray River Parks** — substantive question asked by Mr Young — response from Mr Jennings due Tuesday, 17 October 2017.
- **NuFarm chemical factory Fawkner** — substantive question asked by Ms Hartland — response from Mr Jennings due Tuesday, 17 October 2017.
- **Political donations – party transactions** — supplementary question asked by Ms Wooldridge — response from Mr Jennings due Thursday, 21 September 2017.
- **GOTAFE student training subsidies** — supplementary question asked by Ms Lovell — response from Ms Tierney due Thursday, 21 September 2017.
- **Small business school contracts** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 17 October 2017.

\* \* \* \* \*

**HAZELWOOD PONDAGE** — Ms Pulford having provided a written response to a question without notice on 8 September 2017 relating to Hazelwood Pondage —

On the motion of Ms Bath, the Minister's written response was ordered to be taken into consideration on the next day of meeting.

**8 PRODUCTION OF DOCUMENTS — PRIDE CENTRE** — The Clerk laid on the Table a letter from the Attorney-General dated 20 September 2017 in response to the Resolution of the Council of 6 September 2017 seeking the production of documents relating to the business case and other certain documents prepared for and in relation to the Pride Centre, advising that the Council's deadline of 21 September 2017 does not allow sufficient time to respond and that the Government would respond to the Council's resolution as soon as possible.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE** — Debate continued on the question, That, pursuant to Sessional Order 6, this House requires the Environment and Planning Committee to inquire into, consider and report on, no later than 1 August 2018, issues relating to the impact of higher energy prices in Victoria for households, business, community, not-for-profits, hospitals, schools, aged-care facilities, and government, including, but not limited to the impact following the closure of the Hazelwood Power Station and any other matter the committee considers.

On the motion of Mr Ramsay, the debate was adjourned until later this day.

**11 BUSINESS OF THE COUNCIL — DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILOT MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2017** — Ms Patten moved, That in relation to the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017, Standing Orders be suspended to the extent necessary to allow for further debate on the question "That the Bill be now read a second time" to which Members are limited to 15 minutes each.

Question — put and agreed to.

**12 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILOT MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Shing, the debate was adjourned until later this day.

**13 SOUTH MORANG TRAIN LINE TIMETABLING** — Ms Patten moved, That this House notes that —

- (1) there are no express services on the South Morang train line during the morning and afternoon peak travel periods (in the direction of peak travel);
- (2) all peak direction express services that run between Clifton Hill and Jolimont stations are Hurstbridge line services;

- (3) as a consequence of (1) and (2), South Morang line passengers are disadvantaged as compared to Hurstbridge line passengers both in relation to travel time and over-crowding;
  - (4) over-crowding during the morning peak has meant that some passengers are unable to board in-bound carriages at Merri and Rushall train stations;
  - (5) these issues stand to worsen once the Mernda extension is completed;
- and calls on the Minister for Public Transport and the Andrews Labor Government to work with Public Transport Victoria and Metro to amend the South Morang line timetabling to include express services at peak times.

Debate ensued.

Question — put and agreed to.

- 14 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE** — Debate resumed on the question, That, pursuant to Sessional Order 6, this House requires the Environment and Planning Committee to inquire into, consider and report on, no later than 1 August 2018, issues relating to the impact of higher energy prices in Victoria for households, business, community, not-for-profits, hospitals, schools, aged-care facilities, and government, including, but not limited to the impact following the closure of the Hazelwood Power Station and any other matter the committee considers.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Sullivan and Mrs Peulich)*

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Mulino and Ms Pennicuik)*

The Ayes and Noes being equal, the question was negatived.

- 15 INTEGRITY ISSUES** — Mr Finn moved, That this House notes the rorting of taxpayers' money by members of the Andrews Labor Government for political and personal benefit, including:
- (1) the rorting of staffing entitlements to employ Labor Party campaign workers;
  - (2) the rorting of ministerial vehicles to chauffeur pet dogs;
  - (3) the rorting of the second residence allowance by the former Speaker and former Deputy Speaker;
  - (4) the rorting of electorate office printing budgets to fund Labor Party branch stacking; and
  - (5) spending on failed Supreme and High Court actions to block the Ombudsman's investigation into Labor staffing rorts.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Finn.*

- 16 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

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

Debate ensued.

And then the Council, at 6.11 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council



## No. 141 — Thursday, 21 September 2017

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Adult, Community and Further Education Board — Report, 2016-17.
  - Adult Multicultural Education Services Australia — Report, 2016-17.
  - Australian Centre of the Moving Image — Report, 2016-17.
  - Australian Grand Prix Corporation — Report, 2016-17.
  - Barwon Region Water Corporation — Report, 2016-17.
  - Central Gippsland Region Water Corporation — Report, 2016-17.
  - Central Highlands Region Water Corporation — Report, 2016-17.
  - City West Water Corporation — Report, 2016-17.
  - Coliban Region Water Corporation — Report, 2016-17.
  - Corangamite Catchment Management Authority — Report, 2016-17.
  - Council of Trustees of the National Gallery of Victoria — Report, 2016-17.
  - Disability Services Commissioner — Report, 2016-17.
  - Docklands Studios Melbourne Pty Ltd — Report, 2016-17.
  - East Gippsland Catchment Management Authority — Report, 2016-17.
  - East Gippsland Region Water Corporation — Report, 2016-17.
  - Economic Development, Jobs, Transport and Resources Department — Report, 2016-17.
  - Education and Training Department — Report, 2016-17.
  - Emerald Tourist Railway Board — Report, 2016-17.
  - Emergency Services Superannuation Board — Report, 2016-17.
  - Energy Safe Victoria — Report, 2016-17.
  - Environment, Land, Water and Planning Department — Report, 2016-17.
  - Environmental Protection Authority — Report, 2016-17.
  - Fed Square Pty Ltd — Report, 2016-17.
  - Film Victoria — Report, 2016-17.
  - Financial Management Act 1994 — 2016-17 Financial Report for the State of Victoria (incorporating Quarterly Financial Report No. 4) (*Ordered to be published*).
  - Freedom of Information Commissioner — Report, 2016-17.
  - Geelong Performing Arts Centre — Report, 2016-17.
  - Gippsland and Southern Rural Water Corporation — Report, 2016-17.
  - Glenelg Hopkins Catchment Management Authority — Report, 2016-17.
  - Goulburn Broken Catchment Management Authority — Report, 2016-17.
  - Goulburn Murray Rural Water Corporation — Report, 2016-17.
  - Goulburn Valley Region Water Corporation — Report, 2016-17.
  - Grampians Wimmera Mallee Water Corporation — Report, 2016-17.
  - Independent Broad-based Anti-Corruption Commission — Report, 2016-17 (*Ordered to be published*).
  - Kardinia Park Stadium Trust — Report, 2016-17.
  - Library Board of Victoria — Report, 2016-17.
  - Lower Murray Urban and Rural Water Corporation — Report, 2016-17.
  - Mallee Catchment Management Authority — Report, 2016-17.
  - Melbourne and Olympic Parks Trust — Report, 2016-17.
  - Melbourne Convention and Exhibition Trust — Report, 2016-17.
  - Melbourne Cricket Ground Trust — Report, 2016-17.
  - Melbourne Port Lessor Pty Ltd — Report, 2016-17.
  - Melbourne Recital Centre — Report, 2016-17.
  - Melbourne Water Corporation — Report, 2016-17.
  - Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 2017 and Summary of Variations notified between 3 August 2017 and 20 September 2017 and Summary of Primary Return — 3 June 2017 (*Ordered to be published*).
  - Mental Health Complaints Commissioner — Report, 2016-17.
  - Mental Health Tribunal — Report, 2016-17.

Museums Board of Victoria — Report, 2016-17.  
 National Parks Act 1975 — Report on the working of the Act, 2016-17.  
 National Parks Advisory Council — Report, 2016-17.  
 North Central Catchment Management Authority — Report, 2016-17.  
 North East Catchment Management Authority — Report, 2016-17.  
 North East Region Water Corporation — Report, 2016-17.  
 Phillip Island Nature Parks — Report, 2016-17.  
 Places Victoria — Report, 2016-17.  
 Port of Hastings Development Authority — Report, 2016-17.  
 Port Phillip and Westernport Catchment Management Authority — Report, 2016-17.  
 Premier and Cabinet Department — Report, 2016-17.  
 Public Record Office Victoria — Report, 2016-17.  
 Roads Corporation (VicRoads) — Report, 2016-17.  
 Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2016-17.  
 Rolling Stock (Victoria-VL) Pty Ltd — Report, 2016-17.  
 Rolling Stock (VL-1) Pty Ltd — Report, 2016-17.  
 Rolling Stock (VL-2) Pty Ltd — Report, 2016-17.  
 Rolling Stock (VL-3) Pty Ltd — Report, 2016-17.  
 South East Water Corporation — Report, 2016-17.  
 State Electricity Commission of Victoria — Report, 2016-17.  
 State Sports Centre Trust — Report, 2016-17.  
 State Trustees Ltd — Report, 2016-17.  
 Subordinate Legislation Act 1994 — Documents under section 15 in respect of  
 Statutory Rule No. 94.  
 Transport Accident Commission — Report, 2016-17.  
 Treasury Corporation of Victoria — Report, 2016-17.  
 V/Line Corporation — Report, 2016-17.  
 Victorian Arts Centre Trust — Report, 2016-17.  
 Victorian Catchment Management Council — Report, 2016-17.  
 Victorian Coastal Council — Report, 2016-17.  
 Victorian Curriculum and Assessment Authority — Report, 2016-17.  
 Victorian Environmental Assessment Council — Report, 2016-17.  
 Victorian Funds Management Corporation — Report, 2016-17.  
 Victorian Government Purchasing Board — Report, 2016-17.  
 Victorian Institute of Teaching — Report 2016-17.  
 Victorian Managed Insurance Authority — Report, 2016-17.  
 Victorian Multicultural Commission — Report, 2016-17.  
 Victorian Planning Authority — Report, 2016-17.  
 Victorian Ports Corporation — Report, 2016-17.  
 Victorian Public Sector Commission — Report, 2016-17.  
 Victorian Rail Track — Report, 2016-17.  
 Victorian Regional Channels Authority — Report, 2016-17.  
 Victorian Registration and Qualifications Authority — Report, 2016-17.  
 Victorian WorkCover Authority — Report, 2016-17.  
 Victorian Veterans Council — Report, 2016-17.  
 VITS Languagelink — Report, 2016-17.  
 Wannon Region Water Corporation — Report, 2016-17.  
 West Gippsland Catchment Management Authority — Report, 2016-17.  
 Western Region Water Corporation — Report, 2016-17.  
 Wimmera Catchment Management Authority — Report, 2016-17.  
 Yarra Valley Water Corporation — Report, 2016-17.

- 3 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until  
 Tuesday, 17 October 2017.  
 Question — put and agreed to.

- 4 MINISTER'S STATEMENTS** — Statements were made by a Minister pursuant to Sessional Order 2.
- 5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 407 be postponed until later this day.
- 7 YARRA RIVER PROTECTION (WILIP-GIN BIRRARUNG MURRON) BILL 2017** — 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 having been interrupted at 12 noon pursuant to Sessional Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Forced marriages** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Tuesday, 17 October 2017.
- **Resignation of Aboriginal Victoria Executive Director** — supplementary question asked by Mr Rich-Phillips — response from Mr Jennings due Wednesday, 18 October 2017.
- **Building Cladding Advisory Taskforce** — supplementary question asked by Mr Davis — response from Mr Jennings due Wednesday, 18 October 2017.
- **Callinan Parole Review implementation of recommendation 13** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 17 October 2017.
- **CityLink tolling** — substantive question asked by Ms Hartland — response from Ms Pulford due Wednesday, 18 October 2017.
- **Psychiatric services for people in custody** — supplementary question asked by Ms Pennicuik — response from Ms Tierney due Tuesday, 17 October 2017.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 10 YARRA RIVER PROTECTION (WILIP-GIN BIRRARUNG MURRON) BILL 2017** — Bill further considered in 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.

- 11 DOMESTIC ANIMALS AMENDMENT (RESTRICTED BREED DOGS) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

*The President having ruled that certain amendments proposed to be moved in Committee by Ms Pennicuik were outside the scope of the Bill —*

Ms Pennicuik moved, That it be an instruction to the Committee that they have power to consider amendments and a New Clause to amend the *Domestic Animals Act 1994* to remove the

requirement for a non-racing greyhound to be muzzled when outside the premises of its owner.

Debate ensued.

Question — put and agreed to.

Bill 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 WORKSAFE LEGISLATION AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

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.

**13 CAULFIELD RACECOURSE RESERVE BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish a Trust to manage the Caulfield Racecourse Reserve for racing, recreation and public park purposes, to provide for related matters and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**14 CORRECTIONS LEGISLATION FURTHER AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Corrections Act 1986 and the Major Crime (Investigative Powers) Act 2004, to make consequential and minor amendments to the Bail Act 1977 and the Victoria Police Act 2013 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

**15 OATHS AND AFFIRMATIONS BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to re-enact and modernise the law relating to oaths, affirmations, affidavits and statutory declarations, to establish a scheme for the certification of copies of documents, to repeal Divisions 1 to 11 of Part IV and Part V and repeal or amend other provisions of the Evidence (Miscellaneous Provisions) Act 1958, to make consequential amendments to the Evidence Act 2008, the Constitution Act 1975, the Interpretation of*

*Legislation Act 1984 and other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 16 RENEWABLE ENERGY (JOBS AND INVESTMENT) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish renewable energy targets for Victoria, to support schemes to achieve targets under the Act and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mrs Peulich), the debate was adjourned for one week.

- 17 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (GOVERNANCE) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Serious Sex Offenders (Detention and Supervision) Act 2009 and the Corrections Act 1986, to consequentially amend other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 18 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 7.03 p.m., adjourned until Tuesday, 17 October 2017.

ANDREW YOUNG  
Clerk of the Legislative Council



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 139, 140 and 141

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### JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS AND OTHER MATTERS) BILL 2017

*Committed: Tuesday, 19 September 2017*

*Amendments circulated: Ms Pennicuik (see p 860).*

**Clause 1** — put and agreed to.

**Clause 2** — Ms Pennicuik moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Ms Dunn and Ms Springle)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Leane and Mr Morris)*

Question negatived.

Clause 2 — put and agreed to.

**Clauses 3 to 58** — put and agreed to.

**Clause 59** — Ms Pennicuik moved Amendment Nos. 4 to 8.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Barber; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Ms Springle.

*(Tellers: Mr Barber and Ms Patten)*

NOES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Somyurek and Mr Young)*

Question negatived.

Clause 59 — put and agreed to.

**Clauses 60 and 61** — put and agreed to.

**Bill reported without amendment.**

**PLANNING AND BUILDING LEGISLATION AMENDMENT (HOUSING AFFORDABILITY AND OTHER MATTERS) BILL 2017**

*Committed Tuesday, 19 September 2017.*

*Amendments circulated: Mr Davis (see pp 861-2).*

**Clause 1** — Mr Davis moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Dalla-Riva and Ms Fitzherbert*)

NOES, 20

Mr Barber; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Ms Mikakos and Mr Mulino*)

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 15** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**YARRA RIVER PROTECTION (WILIP-GIN BIRRARUNG MURRON) BILL 2017**

*Committed: Thursday, 21 September 2017.*

**Clauses 1 to 99** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**DOMESTIC ANIMALS AMENDMENT (RESTRICTED BREED DOGS) BILL 2017**

*Committed: Thursday, 21 September 2017.*

*Amendments circulated: Ms Pennicuik (see p 863).*

**Clauses 1 to 22** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**WORKSAFE LEGISLATION AMENDMENT BILL 2017**

*Committed: Thursday, 21 September 2017.*

*Amendments circulated: Mr Rich-Phillips (see p 863).*

**Clauses 1 to 9** — put and agreed to.

**Clause 10** — Mr Rich-Phillips moved Amendment No. 1 — put and negatived.

Question — That the clause stands part of the Bill — put.



The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Barber; Mr Bourman; Dr Carling-Jenkins; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Somyurek and Mr Young)*

NOES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Davis and Mr Morris)*

Question agreed to.

**Clause 11** — put and agreed to.

**Clause 12** — Mr Rich-Phillips moved Amendment No. 2 — put and negatived.

Question — That the clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Barber; Mr Bourman; Dr Carling-Jenkins; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Gepp and Ms Hartland)*

NOES, 15

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Finn and Ms Fitzherbert)*

Question agreed to.

**Clause 13** — Mr Rich-Phillips moved Amendment No. 3 — put and negatived.

Question — That the clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 23

Mr Barber; Mr Bourman; Dr Carling-Jenkins; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Melhem and Ms Patten)*

NOES, 15

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Ondarchie and Mr O'Sullivan)*

Question agreed to.

**Clauses 14 to 41** — put and agreed to.

**Bill reported without amendment.**

## AMENDMENTS CIRCULATED IN RELATION TO —

### 1. JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS AND OTHER MATTERS) BILL 2017

#### Amendments circulated by Ms Pennicuik

1. Clause 2, line 27, omit "60" and insert "62".
2. Clause 2, line 29, omit "60" and insert "62".
3. Insert the following new clauses before clause 59—

#### 'A Definitions—Children, Youth and Families Act 2005

In section 3(1) of the **Children, Youth and Families Act 2005** insert the following definition—

**"Victorian Aboriginal Legal Service** means the Victorian Aboriginal Legal Service Co-operative Limited ABN 45 926 675 900;"

#### B Child in custody to be placed in remand centre

(1) In section 347(2) of the **Children, Youth and Families Act 2005**—

- (a) in paragraph (a), for "are entitled to" **substitute** "must";
- (b) in paragraph (b), for "are entitled to" **substitute** "must";
- (c) in paragraph (c), for "are entitled" **substitute** "must be permitted";
- (d) in paragraph (d), for "are entitled to" **substitute** "must";
- (e) in paragraph (f), for "are entitled to" **substitute** "must".

(2) For section 347(3) of the **Children, Youth and Families Act 2005** **substitute**—

"(3) It is the responsibility of the Chief Commissioner of Police to make sure that—

- (a) subsection (2) is complied with; and
- (b) in the case of an Aboriginal child, the Victorian Aboriginal Legal Service is notified that the child has been remanded in custody in a police gaol under this section."!

4. Clause 59, line 18, omit "is entitled to" and insert "must".
5. Clause 59, line 22, omit "is entitled" and insert "must be permitted".
6. Clause 59, line 26, omit "is entitled to" and insert "must".
7. Clause 59, page 44, line 6, omit "is entitled to" and insert "must".
8. Clause 59, page 44, lines 8 to 10, omit all words and expressions on these lines and insert—

'(3) It is the responsibility of the Chief Commissioner of Police to make sure that—

- (a) subsection (2) is complied with; and
- (b) in the case of an Aboriginal child, the Victorian Aboriginal Legal Service is notified that the child is held in custody in a police gaol under this section."!

## 2. PLANNING AND BUILDING LEGISLATION AMENDMENT (HOUSING AFFORDABILITY AND OTHER MATTERS) BILL 2017

### Amendments circulated by Mr Davis

1. Clause 1, page 2, after 3 insert—
  - "(iii) to provide that a responsible authority or the Minister must not grant or amend a permit for the use or development of land as a wind energy facility unless a power system reliability assessment report has been published in respect of the facility; and".
2. Division heading preceding clause 7, omit "**Applications to amend referred wind**" and insert "**Wind**".
3. Clause 7, after line 23 insert—
 

' "**AEMO** has the same meaning as in the National Electricity (Victoria) Law;  
**national electricity system** has the same meaning as in the National Electricity (Victoria) Law;  
**power system reliability assessment report** means a report referred to in section 47A(1)(a);  
**Victorian power system** means the system for the generation, transmission and distribution of electricity in Victoria and includes a part of that system;'
4. Clause 7, line 24, omit ' "**referred**' and insert "**referred**".

### NEW CLAUSES

5. After clause 8 insert—
 

**'A New section 47A inserted**  
 After section 47 of the **Planning and Environment Act 1987** insert—

**"47A Applicants for permits for wind energy facility to arrange publication of power system reliability assessment report**

  - (1) An applicant for a permit for the use or development of a land as a wind energy facility must—
    - (a) as soon as practicable after making the application, prepare a report (**a power system reliability assessment report**) that—
      - (i) assesses the impacts on the reliability and power system security of the Victorian power system and national electricity system arising from the connection of that facility to each of those systems and the operation of the facility; and
      - (ii) specifies whether arrangements have been made for additional electricity to be dispatched into the Victorian power system when the facility will not be generating electricity so that there is sufficient electricity available to meet Victoria's base load at those times; and
      - (iii) specifies how the operator of the facility will comply with any generator reliability requirements under the National Electricity (Victoria) Law or National Electricity Rules; and
      - (iv) specifies whether and how the operator of the facility will be involved in any national electricity system planning by AEMO that relates to the renewable energy industry; and

- (v) sets out how the facility will comply with any other requirements relating to the reliability and power system security of the Victorian power system imposed under the **Electricity Industry Act 2000** or any licence under that Act under which the operator of the facility will generate electricity; and
  - (b) as soon as practicable after preparing a power system reliability assessment report, give, in electronic form, the report to the secretary.
- (2) As soon as practicable after receiving a power system reliability assessment report, the secretary must—
- (a) publish the report on the Department's website; and
  - (b) publish in the Government Gazette notice of the report's publication date specifying that date; and
  - (c) give written notice to the responsible authority of the report's publication date specifying that date."

**B Decision on application**

After section 61(3) of the **Planning and Environment Act 1987** insert—

"(3A) The responsible authority must refuse to grant a permit for the use or development of land as a wind energy facility unless a power system reliability assessment report has been published in respect of the facility by the secretary under section 47A(2)."

**C Decision on Minister**

After section 97F(1) of the **Planning and Environment Act 1987** insert—

"(1A) The Minister must refuse to grant a permit for the use or development of land as a wind energy facility unless a power system reliability assessment report has been published in respect of the facility by the secretary under section 47A(2)."

6. After clause 9 insert—

**D Decision on amendment**

At the end section 97J(1) of the **Planning and Environment Act 1987** insert—

"(2) The Minister must refuse to amend a permit for the use or development of land as a wind energy facility unless a power system reliability assessment report has been published in respect of the facility by the secretary under section 47A(2)."

AMENDMENT OF LONG TITLE

7. Long title, omit "modify the requirements for determining certain applications to amend wind farm planning permits" and insert "make further provision in relation to the granting and amending of permits for the use or development of land as wind energy facilities".

### 3. DOMESTIC ANIMALS AMENDMENT (RESTRICTED BREED DOGS) BILL 2017

#### Amendments circulated by Ms Pennicuik

1. Clause 1, after line 8 insert—

"() to remove the requirement for non-racing greyhounds to be muzzled; and".

#### NEW CLAUSE

2. Insert the following new clause to follow clause 5—

##### 'A Restraint of greyhounds

- (1) In section 27(1) of the Principal Act, for "and is not—" **substitute** "and—".
- (2) In section 27(1)(a) of the Principal Act, for "muzzled" **substitute** "in the case of a GRV greyhound, the greyhound is not muzzled".
- (3) In section 27(1)(b) of the Principal Act, for "under" **substitute** "in the case of any greyhound, the greyhound is not under".'

#### AMENDMENT OF LONG TITLE

3. Long title, after "dangerous dogs," insert "greyhounds,".

### 4. WORKSAFE LEGISLATION AMENDMENT BILL 2017

#### Amendments circulated by Mr Rich-Phillips

1. Clause 10, lines 13 to 16, omit all words and expressions on these lines.
2. Clause 12, page 11, lines 1 to 15, omit subclauses (2) and (3).
3. Clause 13, lines 20 to 33, omit subclauses (2) and (3).





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 142, 143, 144 and 145

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#### No. 142 — Tuesday, 17 October 2017

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **THE LATE MR DONALD MACKINNON** — The President advised the House of the death on 1 October 2017, of Mr Donald Mackinnon, Member of the Legislative Assembly for the Electoral District of Box Hill from 1976 to 1982.  
Members stood in their places as a mark of respect to the memory of the late Mr Donald Mackinnon.
- 3 **DEPUTY PRESIDENT — DUTIES** — The President advised the House that he had on 17 October 2017 received a letter from Mr Khalil Eideh, Deputy President, temporarily standing aside from the position of Deputy President:

17 October 2017

Hon. Bruce Atkinson, MLC  
President of the Legislative Council Parliament of Victoria  
Spring Street  
East Melbourne VIC 3002

Dear Mr President

Duties as Deputy President

As you know, matters relating to my electorate office have recently been referred to IBAC. As I have previously stated, I have not knowingly done anything that would lead to an adverse finding against me and I continue to profess my innocence of any wrong-doing.

Notwithstanding my innocence, I am conscious that allegations about matters involving my electorate office result in unhelpful speculation about my role as Deputy President, which may detract from the standing of the House. I am keen to protect the reputation of the House, just as I am keen to protect my own reputation.

I am faced with the problem of knowing that a matter has been referred to IBAC, but not knowing much more about what IBAC's intention and focus is, and if I did know, I may not be permitted to advise others.

Accordingly, I advise you that I wish to stand aside from my duties as Deputy President, commencing immediately and until the reported outcome of any IBAC process. In standing aside from these duties, I request that I cease to receive the additional salary and expense

allowance applied to the position of Deputy President for the period that I stand aside. I regret that this course of action leaves the House without an active Deputy President for an uncertain length of time, but I believe that this course of action is the only way to uphold both my reputation and the reputation of the House.

Yours sincerely

Mr Khalil Eideh MLC  
Member for Western Metropolitan Region  
Deputy President of the Legislative Council

**4 RESIGNATION OF MEMBER** — The President announced that he had received the following communication:

28<sup>th</sup> September 2017

The Hon Bruce Atkinson MP  
President, Legislative Council  
Parliament House  
MELBOURNE VIC 3002

Dear President

I advise that I have today received from Mr Greg Barber his written resignation as a Member of the Victorian Legislative Council.

I enclose for your information a copy of his letter. I will also send a copy to the Hon. Acting Premier.

Yours sincerely

The Hon. Marilyn Warren, AC  
Lieutenant-Governor

**5 JOINT SITTING — COUNCIL VACANCY** — Mr Jennings moved, by leave, That —

- (1) this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Greg Barber and proposes that the time and place of such a meeting be the Legislative Assembly Chamber on Wednesday, 18 October 2017 at 6.30 p.m.; and
- (2) Standing and Sessional Orders be suspended to the extent necessary to provide that on Wednesday, 18 October 2017 the order of business will be —
  - Messages
  - Formal Business
  - Members' Statements (up to 15 Members)
  - General Business
  - At **12 noon** Questions
  - Answers to Questions on Notice
  - General Business (continues)
  - At **5.00 p.m.** Statements on reports and papers (45 minutes)
  - At **5.45 p.m.** Adjournment (up to 20 members)

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.

**6 ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 26 September 2017, given the Royal Assent to the following Acts presented to her by the Acting Clerk of the Parliaments:

*Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017*



*Domestic Animals Amendment (Restricted Breed Dogs) Act 2017*  
*Justice Legislation Amendment (Protective Services Officers and Other Matters) Act 2017*  
*Owner Drivers and Forestry Contractors Amendment Act 2017*  
*Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017*  
*Worksafe Legislation Amendment Act 2017*  
*Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017.*

## 7 PETITIONS —

**IMPLEMENT CONTAINER DEPOSIT SCHEME IN VICTORIA** — Ms Springle presented a Petition bearing 157 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to implement a 10 cent container deposit scheme, similar to the one in New South Wales which is about to start this year.

Ordered to lie on the Table.

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

\* \* \* \* \*

**WHITTLESEA POLICE STATION** — Ms Lovell presented a Petition bearing 855 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide a written guarantee that there will be no reduction to the current authorised strength of police at Whittlesea Police Station and that Whittlesea Police Station will not be closed following the opening of the new Mernda Police Station.

Ordered to lie on the Table.

\* \* \* \* \*

**CRIME POLICY** — Ms Lovell presented a Petition bearing six signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to match the Coalition policy and introduce mandatory sentencing, toughen up the justice system and hold criminals to account.

Ordered to lie on the Table.

\* \* \* \* \*

**OPPOSE THE INTRODUCTION OF PHYSICIAN ASSISTED DYING/EUTHANASIA** — Mrs Peulich presented a Petition bearing 282 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Premier, Daniel Andrews and the State Government to not proceed with the introduction of physician assisted dying/euthanasia until there has been a state or national plebiscite on this critical human issue.

Ordered to lie on the Table.

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

## 8 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 14 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

Mr Dalla-Riva moved, That the Council take note of the Report.

Question — put and agreed to.

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION INTO THE MANAGEMENT AND PROTECTION OF DISABILITY GROUP HOME RESIDENTS BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND AUTISM PLUS** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on the investigation into the management and protection of disability group home residents by the Department of Health and Human Services and Autism Plus, September 2017 (*that has been amended by direction of the Ombudsman to correct errors in the report circulated on 25 September 2017 pursuant to section 25AA(4)(b) of the Ombudsman Act 1973*).

Report ordered to be published.

**OMBUDSMAN — ANNUAL REPORT 2017** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Annual Report 2016-17.

Report ordered to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals —

Leases in relation to —

Boatshed Restaurant, Lake Wendouree Public Recreation Reserve, Ballarat, dated 16 January 2017.

W.G Little Reserve, Portarlington, dated 3 September 2017.

Licences in relation to —

Lake Wendouree Public Recreation Reserve and Public Gardens Reserve, dated 16 July 2017.

Point Leo Foreshore, dated 3 September 2017.

Education and Care Services National Law Act 2010 — Education and Care Services National Amendment Regulations 2017 pursuant to section 303 of the Act.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32 in relation to Statutory Rule No. 89.

Land Acquisition and Compensation Act 1986 — Certification pursuant to section 7(1)(c) of the Act to not require the service of a notice of intention to acquire land.

Major Sporting Events Act 2009 — Major sporting event order pursuant to section 22 of the Act, dated 15 August 2017.

Office of the National Rail Safety Regulator — Report, 2016-17.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Alpine, Alpine Resorts, Ararat, Ballarat, Banyule, Bass Coast, Baw Baw, Benalla, Buloke, Campaspe, Cardinia, Casey, Central Goldfields, Colac Otway, Corangamite, East Gippsland, Frankston, French Island and Sandstone Island, Gannawarra, Glenelg, Golden Plains, Greater Bendigo, Greater Geelong, Greater Shepparton, Hepburn, Hindmarsh, Horsham, Hume, Indigo, Knox, Latrobe, Loddon, Macedon Ranges, Manningham, Mansfield, Maroondah, Melton, Mildura, Mitchell, Moira, Moorabool, Mornington Peninsula, Mount Alexander, Moyne, Murrindindi, Nillumbik, Northern Grampians, Pyrenees, Queenscliff, South Gippsland, Southern Grampians, Strathbogie, Surf Coast, Swan Hill, Towong, Wangaratta, Warrnambool, Wellington, West Wimmera, Whitehorse, Whittlesea, Wodonga, Yarra Ranges and Yarriambiack Planning Schemes — Amendment GC13.

Bayside and Kingston Planning Schemes — Amendment GC70.

Benalla Planning Scheme — Amendment C37.

Boroondara Planning Scheme — Amendments C243 (Part 1), C251, C265 and C269.

Brimbank, Hobsons Bay, Melton and Wyndham Planning Schemes — Amendment GC74.

East Gippsland Planning Scheme — Amendment C138.

Glen Eira Planning Scheme — Amendments C150 and C170.

Greater Geelong Planning Scheme — Amendments C342 and C361.

Greater Shepparton Planning Scheme — Amendment C188.

Hobsons Bay Planning Scheme — Amendment C111.

Maribyrnong Planning Scheme — Amendment C146.

Melton and Moorabool Planning Schemes — Amendment GC69.

Mitchell Planning Scheme — Amendments C109 and C117 (Part 1).

Moonee Valley Planning Scheme — Amendment C183.

Port Phillip Planning Scheme — Amendments C132 and C135.

Stonnington Planning Scheme — Amendments C248 and C263.

Victoria Planning Provisions — Amendment VC132.

- Whittlesea Planning Scheme — Amendments C210 and C211.  
 Professional Standards Act 2003 — Instrument pursuant to section 14 of the Act in relation to the Institute of Public Accountants Professional Standards Scheme, dated 9 October 2017.  
 Public Transport Development Authority — Report, 2016-17.  
 South Gippsland Region Water Corporation — Report, 2016-17.  
 Statutory Rules under the following Acts of Parliament —  
   Children's Services Act 1996 — No. 96.  
   Road Safety Act 1986 — No. 100.  
   Supreme Court Act 1986 — Nos. 97 and 98.  
   Victoria State Emergency Services Act 2005 — No. 99.  
 Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 96 to 101 and 103.  
 Taxi Services Commission — Report, 2016-17.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Commercial Passenger Vehicle Industry Act 2017 — Division 1 of Part 3 — 9 October 2017 (*Gazette No. S331, 3 October 2017*).  
 Drugs, Poisons and Controlled Substances Miscellaneous Amendment Act 2017 — Part 1 and sections 6, 7, 19, 21, 22 and 23 — 21 October 2017 (*Gazette No. S340, 10 October 2017*).  
 Justice Legislation Amendment (Court Security, Juries and Other Matters) Act 2017 — Part 6 — 11 October 2017 (*Gazette No. S331, 3 October 2017*).  
 Public Administration Amendment (Public Sector Communications Standards) Act 2017 — 26 September 2017 (*Gazette No. S325, 26 September 2017*).  
 Sex Offenders Registration Amendment (Miscellaneous) Act 2017 — Part 1 and section 49 — 23 September 2017 (*Gazette No. S314, 19 September 2017*).

**9 PRODUCTION OF DOCUMENTS — ALLARD REPORT, WEST GATE TUNNEL AND DISTRIBUTOR PROJECT** — The Clerk laid on the Table a letter from the Acting Attorney-General dated 4 October 2017 in response to the Resolution of the Council of 20 September 2017 seeking the production of documents relating to the Allard Report into the Critical Modelling of the Government's West Gate Tunnel and Distributor Project, advising that the Council's deadline of 4 October 2017 does not allow sufficient time to respond and indicating that the Government would respond to the Council's resolution as soon as possible.

**10 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 18 October 2017:

- (1) Order of the Day No. 2, second reading of the Firearms Amendment (Advertising) Bill 2017;
- (2) Order of the Day No. 7, resumption of debate on the Children, Youth and Families Amendment (Youth Offenders) Bill 2016;
- (3) Order of the Day No. 11, Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016, question to be put;
- (4) Notice of Motion given this day by Ms Pennicuik in relation to the production of certain documents;
- (5) Notice of Motion given this day by Ms Wooldridge in relation to the failure of the Government to comply with certain orders for the production of documents; and
- (6) Notice of Motion given this day by Mrs Peulich in relation to apprenticeships and traineeships.

Question — put and agreed to.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 407 be postponed until later this day.

**13 ENVIRONMENT PROTECTION BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**14 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Correctional Services Review – Sebastian Kennett** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 18 October 2017.
- **Sebastian Kennett parole** — substantive and supplementary questions asked by Ms Fitzherbert — response from Ms Mikakos due Wednesday, 18 October 2017.
- **Staff safe zones at youth justice centres** — substantive and supplementary questions asked by Ms Fitzherbert — response from Ms Mikakos due Wednesday, 18 October 2017.
- **Investigation into staff-offender relations at Parkville** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 18 October 2017.
- **One punch laws** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 19 October 2017.
- **LaunchVic – evaluation of effectiveness** — substantive and supplementary questions asked by Ms Patten — response from Mr Dalidakis due Wednesday, 18 October 2017.
- **Poker machines caps** — substantive and supplementary questions asked by Ms Hartland — response from Mr Dalidakis due Thursday, 19 October 2017.
- **Youth congress** — substantive question asked by Mr Morris — response from Ms Mikakos due Wednesday, 18 October 2017.

**15 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**16 ENVIRONMENT PROTECTION BILL 2017** — 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.

**17 HEALTH LEGISLATION AMENDMENT (QUALITY AND SAFETY) BILL 2017** — 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.

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.

**18 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REAL-TIME PRESCRIPTION MONITORING) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

---

Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

---

Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

---

Mr Jennings declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

---

Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders — debate stood adjourned in the name of Ms Mikakos.*

**19 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 9.00 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 143 — Wednesday, 18 October 2017

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**KINGSWOOD GOLF COURSE** — Mrs Peulich presented a Petition bearing 419 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to strongly oppose any development and rezoning of the Kingswood Golf Course in Dingley Village and that the site be placed into the Green Wedge as it directly abuts the South East Green Wedge to protect the golf course from redevelopment.

Ordered to lie on the Table.

\* \* \* \* \*

**ORMOND RAILWAY STATION TOWER** — Ms Crozier presented a Petition bearing 56 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to explain where the money collected from the Ormond transport-oriented development will be spent and release the full contractual details and arrangements struck by the Government and its agencies with the developer of the Ormond Tower and call on the Minister for Planning to review his decision to grant Planning Amendment C170.

Ordered to lie on the Table.

\* \* \* \* \*

**CRIME POLICY** — Ms Crozier presented a Petition bearing nine signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to match the Coalition policy and introduce mandatory sentencing, toughen up the justice system and hold criminals to account.

Ordered to lie on the Table.

3 **PAPERS** —

**PARLIAMENTARY DEPARTMENTS — ANNUAL REPORTS** — Mr Elasmr moved, by leave, That there be laid before this House copies of the:

- (a) Department of the Legislative Council Annual Report 2016-17; and
- (b) Department of Parliamentary Services Annual Report 2016-17.

Question — put and agreed to.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Agriculture Victoria Services Pty Ltd — Report, 2016-17.

Architects Registration Board of Victoria — Minister's report of receipt of 2016-17 report.

Auditor-General's Report on Victorian Public Hospital Operating Theatre Efficiency, October 2017 (*Ordered to be published*).

Barwon South West Waste and Resource Recovery Group — Minister's report of receipt of 2016-17 report.

Dairy Food Safety Victoria — Report, 2016-17.

Department of Premier and Cabinet — Victorian Infrastructure Plan and Technical Report, pursuant to section 42 of the Infrastructure Victoria Act 2015.

Grampians Central West Waste and Resource Recovery Group — Minister's report of receipt of 2016-17 report.

Greater Sunraysia Pest Free Area Industry Development Committee — Minister's report of receipt of 2016-17 report.

Loddon Mallee Waste and Resource Recovery Group — Minister's report of receipt of 2016-17 report.

Melbourne Market Authority — Report, 2016-17.

Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2016-17 report.

Phytogene Pty Ltd — Minister's report of receipt of 2016-17 report.

PrimeSafe — Minister's report of receipt of 2016-17 report.

Regional Development Victoria — Report, 2016-17.

Royal Botanic Gardens Board Victoria — Report, 2016-17.

Statutory Rules under the following Acts of Parliament —

Magistrates' Court Act 1989 — No. 103.

Owner Drivers and Forestry Contractors Act 2005 — No. 101.

Water Act 1989 — No. 102.

Surveyors Registration Board of Victoria — Minister's report of receipt of 2016-17 report.

Sustainability Victoria — Report, 2016-17.

Trust for Nature (Victoria) — Report, 2016-17.

Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2016-17 report.

Victorian Building Authority — Report, 2016-17.

Victorian Environmental Water Holder — Report, 2016-17.

Victorian Small Business Commissioner — Report, 2016-17 (*Ordered to be published*).

Westernport Region Water Corporation — Report, 2016-17.

Zoological Parks and Gardens Board — Report, 2016-17.

**4 PRODUCTION OF DOCUMENTS — ATTORNEY-GENERAL'S DECISION — ROBERTS CASE** — The Clerk laid on the Table 10 documents in full and 3 documents in part received in response to the Resolution of the Council of 9 August 2017 relating to the Attorney-General's decision in the case of Jason Roberts.

The Clerk also laid on the Table a letter from the Attorney-General dated 17 October 2017 referring to section 327 of the *Criminal Procedure Act 2009*, which provides that the Attorney-General may refer a petition for mercy to the Court of Appeal and that any such referral is at the sole prerogative of the Attorney-General, the Government's process of assessing documents for potential Executive privilege or whether the release of documents is prejudicial to the public interest and advising that the Government has determined to —

- produce 10 documents in full;
- produce 3 documents in part;
- not produce 41 documents in full;
- makes a claim of Executive privilege in relation to those documents on the grounds set out in the schedule enclosed.

**5 JOINT SITTING — COUNCIL VACANCY** — The President read a Message from the Assembly informing the Council that the Assembly had agreed to meet the Council for the purpose of sitting and voting together to choose a person to hold the place in the Council rendered vacant by the resignation of Greg Barber, and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 18 October 2017 at 6.30 p.m.

**6 MINISTER'S STATEMENTS** — Statements were made by a Minister pursuant to Sessional Order 2.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 FIREARMS AMENDMENT (ADVERTISING) BILL 2017** — Mr Bourman laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Bourman moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Ms Symes, the debate was adjourned for one week.

**9 CHILDREN, YOUTH AND FAMILIES AMENDMENT (YOUTH OFFENDERS) BILL 2016** — 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, 18

Mr Atkinson; Mr Bourman; Dr Carling-Jenkins Ms Crozier; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Young.

(Tellers: Mr Bourman and Mr Finn)

NOES, 18

Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

(Tellers: Ms Dunn and Mr Mulino)

The Ayes and Noes being equal, the question was negatived.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Winton wetlands** — supplementary question asked by Mr Young — response from Mr Jennings due Friday, 20 October 2017.
- **Crown Casino poker machines** — substantive and supplementary questions asked by Ms Hartland — response from Mr Dalidakis due Friday, 20 October 2017.
- **Special Adviser to Premier on Trade in the Middle East** — substantive and supplementary questions asked by Mrs Peulich — response from Mr Jennings due Friday, 20 October 2017.
- **Taxi licenses** — substantive and supplementary questions asked by Mr Davis — response from Ms Pulford due Friday, 20 October 2017.
- **Organised crime – prisons** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Thursday, 19 October 2017.
- **Ramming of police vehicles** — substantive and supplementary questions asked by Mr Morris — response from Ms Tierney due Friday, 20 October 2017.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 3 and Notice of Motion, General Business, No. 474, be postponed until later this day.

**13 PRODUCTION OF DOCUMENTS — MINISTER FOR FAMILIES AND CHILDREN** — Ms Wooldridge moved, That this House —

- (1) notes the failure of the Minister for Families and Children to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Minister for Families and Children to table in the Council certain documents, specifically the resolutions of —
    - (a) 8 March 2017 in respect of the proposed new youth justice facility;
    - (b) 10 May 2017 in respect of Department of Health and Human Services Public Accounts and Estimates Committee (PAEC) briefing documents;
  - (2) notes that the Minister's failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;
  - (3) further notes the letter from the Attorney General dated 19 June 2017 in relation to the PAEC documents outlined in paragraph (1)(b) that "the Government, on behalf of the Crown, makes a claim of executive privilege" while a Freedom of Information request for a subset of the same documents was substantially provided by the Department of Health and Human Services on 21 September 2017;
  - (4) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*, and the power to make Standing Orders under section 43 of that Act;
  - (5) affirms the right of the Council to require the production of documents;
  - (6) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Government and demand accountability by the Government;
- and requires the Minister for Families and Children to table by 12 noon on the next day of sitting, the documents required to be tabled by the resolutions of the Council outlined in paragraph (1)(a) and (b) that have not already been tabled.

Debate ensued.

On the motion of Mr Leane, the debate was adjourned until later this day.

**14 ENVIRONMENT PROTECTION AMENDMENT (BANNING PLASTIC BAGS, PACKAGING AND MICROBEADS) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Ms Springle moved, by leave, That in relation to the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016, Standing Orders be suspended to the extent necessary to allow for further debate on the question "That the Bill be now read a second time" to which Members are limited to 15 minutes each.

Question — put and agreed to.

Debate continued.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Springle were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

Bill reported with amendments, the Report was adopted.

Ms Springle moved, That the Bill be now read a third time.

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

The Council divided — The Acting President in the Chair.

AYES, 4

Ms Dunn; Ms Hartland; Ms Pennicuik; Ms Springle.  
(*Tellers: Ms Hartland and Ms Springle*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell;



Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney;  
Ms Wooldridge; Mr Young.

(Tellers: Mr Davis and Mr Gepp)

Question negatived.

**15 PRODUCTION OF DOCUMENTS – MINISTER FOR FAMILIES AND CHILDREN** — Debate resumed on the question, That this House —

- (1) notes the failure of the Minister for Families and Children to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Minister for Families and Children to table in the Council certain documents, specifically the resolutions of —
  - (a) 8 March 2017 in respect of the proposed new youth justice facility;
  - (b) 10 May 2017 in respect of Department of Health and Human Services Public Accounts and Estimates Committee (PAEC) briefing documents;
- (2) notes that the Minister's failure to comply with the resolutions of the Council is inconsistent with the Andrews Government's election commitment to proper accountability to Parliament by the Executive;
- (3) further notes the letter from the Attorney General dated 19 June 2017 in relation to the PAEC documents outlined in paragraph (1)(b) that "the Government, on behalf of the Crown, makes a claim of executive privilege" while a Freedom of Information request for a subset of the same documents was substantially provided by the Department of Health and Human Services on 21 September 2017;
- (4) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*, and the power to make Standing Orders under section 43 of that Act;
- (5) affirms the right of the Council to require the production of documents;
- (6) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Government and demand accountability by the Government;

and requires the Minister for Families and Children to table by 12 noon on the next day of sitting, the documents required to be tabled by the resolutions of the Council outlined in paragraph (1)(a) and (b) that have not already been tabled.

Debate ensued.

Question — put and agreed to.

**16 APPRENTICESHIPS AND TRAINEESHIPS** — Mrs Peulich moved, That this House notes —

- (1) comments made in this House by the Minister for Training and Skills that 'Apprentices are the backbone of our training system and the future of our workforce';
- (2) the recent Victorian Training Market Report which details a 19.29 per cent decrease in Victorian apprenticeships and traineeships since the election of the Andrews Labor Government; and
- (3) that apprenticeships and traineeships in Victoria are at seven year lows.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to an Order of the Council on 17 October 2017 — debate stood adjourned in the name of Ms Pennicuik.*

**17 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**18 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.53 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 144 — Thursday, 19 October 2017

- 1 The President took the Chair and read the Prayer.
- 2 **JOINT SITTING — COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly on Wednesday, 18 October 2017 to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Greg Barber and that Dr Samantha Ratnam was elected to hold the vacant place in the Legislative Council.
- 3 **DECLARATION OF ALLEGIANCE** — Dr Samantha Ratnam, having been introduced, approached the Table and took and subscribed the Affirmation required by law.
- 4 **PAPERS —**  
**CONSUMER POLICY RESEARCH CENTRE REPORT 2016-17** — Mr Dalidakis moved, by leave, That there be laid before this House a copy of the Consumer Policy Research Centre Report 2016-17.

Question — put and agreed to.

The Report was presented by Mr Dalidakis and ordered to lie on the Table.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

- Adult Parole Board of Victoria — Report, 2016-17.
- Albury Wodonga Health — Report, 2016-17.
- Alexandra District Health — Report, 2016-17.
- Alfred Health — Report, 2016-17.
- Alpine Health — Report, 2016-17.
- Ambulance Victoria — Report, 2016-17.
- Asset Confiscation Operations — Report, 2016-17.
- Austin Health — Report, 2016-17.
- Bairnsdale Regional Health Service — Report, 2016-17.
- Ballarat General Cemeteries Trust — Minister's report of receipt of 2016-17 report.
- Ballarat Health Services — Report, 2016-17.
- Barwon Health — Report, 2016-17.
- Bass Coast Health — Report, 2016-17.
- Beaufort and Skipton Health Service — Report, 2016-17.
- Beechworth Health Service — Report, 2016-17.
- Benalla Health — Report, 2016-17.
- Bendigo Cemeteries Trust — Minister's report of receipt of 2016-17 report.
- Bendigo Health Care Group — Report, 2016-17.
- Boort District Health — Report, 2016-17.
- Calvary Health Care Bethlehem Limited — Report, 2016-17.
- Casterton Memorial Hospital — Report, 2016-17.
- Castlemaine Health — Report, 2016-17.
- CenITex — Report, 2016-17.
- Central Gippsland Health Service — Report, 2016-17.
- Cobram District Health — Report, 2016-17.
- Cohuna District Hospital — Report, 2016-17.
- Colac Area Health — Report, 2016-17.
- Commission for Children and Young People — Report, 2016-17.
- Commissioner for Privacy and Data Protection — Report, 2016-17 (*Ordered to be published*).
- Community Visitors — Report, 2016-17 (*Ordered to be published*).
- Consumer Affairs Victoria — Report, 2016-17 (*Ordered to be published*).
- Country Fire Authority — Report, 2016-17.
- Dental Health Services Victoria — Report, 2016-17.
- Djerriwarrh Health Services — Report, 2016-17.
- Eastern Health — Report, 2016-17.
- East Grampians Health Service — Report, 2016-17.

East Wimmera Health Service — Report, 2016-17.  
Echuca Regional Health — Report, 2016-17.  
Edenhope and District Memorial Hospital — Report, 2016-17.  
Emergency Services Telecommunications Authority — Report, 2016-17.  
Environment Protection Act 1970 — Notice pursuant to 18D in relation to the Waste Management Policy (Resource Recovery Facilities).  
Essential Services Commission — Report, 2016-17.  
Forensic Leave Panel — Report, 2016.  
Geelong Cemeteries Trust — Report, 2016-17.  
Gippsland Southern Health Service — Report, 2016-17.  
Goulburn Valley Health — Report, 2016-17.  
Greater Metropolitan Cemeteries Trust — Report, 2016-17.  
Greyhound Racing Victoria — Report, 2016-17.  
Health and Human Services Department — Report, 2016-17.  
Health Complaints Commissioner — Report, 2016-17.  
Health Purchasing Victoria — Report, 2016-17.  
Heathcote Health — Report, 2016-17.  
Hepburn Health Service — Report, 2016-17.  
Hesse Rural Health Service — Report, 2016-17.  
Heywood Rural Health — Report, 2016-17.  
Inglewood and Districts Health Service — Report, 2016-17.  
Justice and Regulation Department — Report, 2016-17.  
Kerang District Health — Report, 2016-17.  
Kilmore and District Hospital — Report, 2016-17.  
Kooweerup Regional Health Service — Report, 2016-17.  
Kyabram and District Health Service — Report, 2016-17.  
Kyneton District Health Service — Report, 2016-17.  
Latrobe Regional Hospital — Report, 2016-17.  
Legal Practitioners' Liability Committee — Report, 2016-17.  
Lorne Community Hospital — Report, 2016-17.  
Maldon Hospital — Report, 2016-17.  
Mallee Track Health and Community Service — Report, 2016-17.  
Mansfield District Hospital — Report, 2016-17.  
Maryborough District Health Service — Report, 2016-17.  
Melbourne Health — Report, 2016-17.  
Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2017 (*Ordered to be published*).  
Mercy Hospitals Victoria Limited — Report, 2016-17.  
Metropolitan Fire and Emergency Services Board — Report, 2016-17.  
Metropolitan Waste and Resource Recovery Group — Report, 2016-17.  
Mildura Cemetery Trust — Minister's report of receipt of 2016-17 report.  
Monash Health — Report, 2016-17.  
Moynes Health Services — Report, 2016-17.  
Nathalia District Hospital — Report, 2016-17.  
Northeast Health Wangaratta — Report, 2016-17.  
Northern Health — Report, 2016-17.  
Numurkah District Health Service — Report, 2016-17.  
Omeo District Health — Report, 2016-17.  
Orbost Regional Health — Report, 2016-17.  
Otway Health — Report, 2016-17.  
Parks Victoria — Report, 2016-17.  
Peninsula Health — Report, 2016-17.  
Peter MacCullum Cancer Centre — Report, 2016-17.  
Police Registration and Services Board Report, 2016-17.  
Portland District Health — Report, 2016-17.  
Queen Elizabeth Centre — Report, 2016-17.

Queen Victoria Women's Centre — Minister's report of receipt of 2016-17 report.  
 Racing Integrity Commissioner — Report, 2016-17.  
 Radiation Advisory Committee — Report, 2016-17.  
 Residential Tenancies Bond Authority — Report, 2016-17.  
 Robinvale District Health Services — Report, 2016-17.  
 Rochester and Elmore District Health Service — Report, 2016-17.  
 Royal Children's Hospital Melbourne — Report, 2016-17.  
 Royal Victorian Eye and Ear Hospital — Report, 2016-17.  
 Royal Women's Hospital — Report, 2016-17.  
 Rural Northwest Health — Report, 2016-17.  
 Seymour Health — Report, 2016-17.  
 South Gippsland Hospital — Report, 2016-17.  
 South West Healthcare — Report, 2016-17.  
 Southern Metropolitan Cemeteries Trust — Report, 2016-17.  
 Stawell Regional Health — Report, 2016-17.  
 St Vincent's Hospital (Melbourne) Limited — Report, 2016-17.  
 Subordinate Legislation Act 1994 — Document under section 15 in respect of Statutory Rule No. 95.  
 Swan Hill District Health — Report, 2016-17.  
 Tallangatta Health Service — Report, 2016-17.  
 Terang and Mortlake Health Service — Report, 2016-17.  
 Timboon and District Healthcare Service — Report, 2016-17.  
 Treasury and Finance Department — Report, 2016-17.  
 Tweddle Child and Family Health Service — Report, 2016-17.  
 Upper Murray Health and Community Services — Report, 2016-17.  
 VicForests — Report, 2016-17.  
 Victoria Police — Report, 2016-17.  
 Victoria State Emergency Service Authority — Report, 2016-17.  
 Victorian Assisted Reproductive Treatment Authority — Report, 2016-17.  
 Victorian Commission for Gambling and Liquor Regulation — Report, 2016-17.  
 Victorian Electoral Commission — Report, 2016-17.  
 Victorian Health Promotion Foundation — Report, 2016-17.  
 Victorian Industry Participation Policy — Report, 2016-17.  
 Victorian Institute of Forensic Mental Health — Report, 2016-17.  
 Victorian Pharmacy Authority — Minister's report of receipt of 2016-17 report.  
 Victorian Responsible Gambling Foundation — Report, 2016-17.  
 Victorian Plantations Corporation — Report, 2016-17.  
 West Gippsland Healthcare Group — Report, 2016-17.  
 West Wimmera Health Service — Report, 2016-17.  
 Western District Health Service — Report, 2016-17.  
 Western Health — Report, 2016-17.  
 Wimmera Health Care Group — Report, 2016-17.  
 Yarram and District Health Service — Report, 2016-17.  
 Yarrawonga District Health Service — Report, 2016-17.  
 Yea and District Memorial Hospital — Report, 2016-17.  
 Youth Parole Board — Report, 2016-17.

- 5 PRODUCTION OF DOCUMENTS — PROPOSED YOUTH JUSTICE FACILITY AND DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE BRIEFING DOCUMENTS** — The Clerk laid on the Table a letter from the Attorney-General dated 18 October 2017 in response to the Resolution of the Council of 18 October 2017 seeking the production of documents relating to the new proposed youth justice facility and the Department of Health and Human Services Public Accounts and Estimates Committee briefing documents, advising that the Council's deadline of 19 October 2017 does not allow sufficient time to respond and indicating that the Government will consider its previous claims of executive privilege, obtain fresh legal advice to ensure that

any claims of privilege are principled, based on current circumstances; and respond to the Council's resolution in the next sitting week.

**6 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 407 be postponed until later this day.

**9 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REAL-TIME PRESCRIPTION MONITORING) BILL 2017** — 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.

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.

**10 JUSTICE LEGISLATION AMENDMENT (BODY-WORN CAMERAS AND OTHER MATTERS) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Tierney were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Minister for Trade and Investment – overseas travel** — supplementary question asked by Mr Ondarchie — response from Mr Dalidakis due Friday, 20 October 2017.
- **VicForests – proposed national park** — supplementary question asked by Mr O'Sullivan — response from Ms Pulford due Friday, 20 October 2017.
- **Filming of sex workers** — substantive question asked by Dr Carling-Jenkins — response from Ms Tierney due Tuesday, 31 October 2017.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 JUSTICE LEGISLATION AMENDMENT (BODY-WORN CAMERAS AND OTHER MATTERS) BILL 2017** — Bill further considered in Committee of the whole.

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.

**14 PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Dunn were circulated.

Debate continued.

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.

**15 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (GOVERNANCE) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

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

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

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

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.47 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 145 — Friday, 20 October 2017

**1** The President took the Chair and read the Prayer.

**2 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 31 October 2017.

Question — put and agreed to.

**3 ECONOMY AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATE** — Mr Finn moved, by leave, That the resolution of the House of 8 February 2017 be amended to extend the reporting date for the Economy and Infrastructure Committee's inquiry into Electric Vehicles to no later than 29 March 2018.

Question — put and agreed to.

**4 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 407 be postponed until later this day.

**6 PORTS AND MARINE LEGISLATION AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Dalidakis were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

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

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

- 7 RENEWABLE ENERGY (JOBS AND INVESTMENT) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Prisoner escape** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 31 October 2017.
- **Michael Cardamone – review of parole** — substantive and supplementary questions asked by Ms Lovell — response from Ms Tierney due Tuesday, 31 October 2017.
- **Callinan recommended guidelines – parole** — substantive and supplementary questions asked by Mr Ramsay — response from Ms Tierney due Tuesday, 31 October 2017.
- **Members' allowances – police investigation** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Jennings due Wednesday, 1 November 2017.
- **Proposed Maryvale waste to energy incinerator** — substantive and supplementary questions asked by Ms Springle — response from Mr Jennings due Wednesday, 1 November 2017.
- **Animal welfare plan** — substantive and supplementary questions asked by Ms Pennicuik — response from Mr Jennings due Tuesday, 31 October 2017.
- **Upfield railway line duplication** — substantive question asked by Ms Patten — response from Ms Tierney due Wednesday, 1 November 2017.
- **Sex Industry Coordination Unit Review** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Tierney due Wednesday, 1 November 2017.
- **Lake Boort** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Wednesday, 1 November 2017.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Special Adviser to Premier on Trade in the Middle East** — substantive and supplementary questions asked by Mrs Peulich on Wednesday, 18 October 2017 — further response from Mr Jennings due Wednesday, 1 November 2017.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 10 RENEWABLE ENERGY (JOBS AND INVESTMENT) BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Dunn were circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(Tellers: Mr Mulino and Dr Ratnam)

NOES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Ms Bath and Mr Bourman)

Question agreed to.

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

House in Committee.

*Business having been interrupted at 4.00 p.m. pursuant to Standing Orders —*

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Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in Committee.

Bill reported with amendments, the Report was adopted.

Mr Jennings moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(Tellers: Mr Gepp and Mr Purcell)

NOES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Mr O'Sullivan and Mrs Peulich)

Question agreed to.

Bill read a third time.

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

- 11 VOLUNTARY ASSISTED DYING BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for and regulate access to voluntary assisted dying, to establish the Voluntary Assisted Dying Review Board, to make consequential amendments to the Births, Deaths and Marriages Registration Act 1996, the Coroners Act 2008, the Drugs, Poisons and Controlled Substances Act 1981, the Health Records Act 2001, the Medical Treatment Planning and Decisions Act 2016, the Pharmacy Regulation Act 2010 and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings, the Bill was read a first time.

On the motion of Mr Jennings, the second reading was made an Order of the Day for the next day of meeting.



**12 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 4.36 p.m., adjourned until Tuesday, 31 October 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 142, 143, 144 and 145

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### HEALTH LEGISLATION AMENDMENT (QUALITY AND SAFETY) BILL 2017

*Committed Tuesday, 17 October 2017*

**Clauses 1 to 98** — put and agreed to.

**Bill reported without amendment.**

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### ENVIRONMENT PROTECTION AMENDMENT (BANNING PLASTIC BAGS, PACKAGING AND MICROBEADS) BILL 2016

*Committed Wednesday, 18 October 2017*

*Amendments circulated: Mr Davis and Ms Springle (see pp 889-90).*

**Clause 1** — Mr Davis moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Ms Wooldridge.

*(Tellers: Mr O'Sullivan and Ms Patten)*

NOES, 19

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Gepp and Ms Pennicuik)*

Question negated.

Clause 1 — put and agreed to.

**Clause 2** — Ms Springle moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 21

Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

*(Tellers: Mr Morris and Mr O'Donohue)*

NOES, 14

Dr Carling-Jenkins; Mr Dalidakis; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Dr Carling-Jenkins and Mr Melhem)*

Question agreed to.

Clause 2, as amended — put and agreed to.

**Clause 3** — put and agreed to.

**Clause 4** — Mr Davis moved Amendment No. 4.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Pucell; Mr Ramsay; Ms Wooldridge.

(*Tellers: Ms Bath and Mr Finn*)

NOES, 19

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

(*Tellers: Mr Somyurek and Ms Tierney*)

Question negatived.

Ms Springle moved Amendment Nos. 3 and 4 — put and agreed to.

Mr Davis moved Amendment No. 5 — put and negatived.

Ms Springle moved Amendment Nos. 5 to 10 — put and agreed to.

Clause 4, as amended — put and agreed to.

**Clauses 5 to 8** — put and agreed to.

**Clause 9** — Ms Springle moved Amendment No. 11 — put and agreed.

Clause 9, as amended — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

#### **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REAL-TIME PRESCRIPTION MONITORING) BILL 2017**

*Committed Thursday, 19 October 2017*

**Clauses 1 to 19** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

#### **JUSTICE LEGISLATION AMENDMENT (BODY-WORN CAMERAS AND OTHER MATTERS) BILL 2017**

*Committed: Thursday, 19 October 2017*

*Amendments circulated: Mr Rich-Phillips and Ms Tierney (see pp 891-4).*

**Clause 1** — Ms Tierney moved Amendment No. 1 — put and agreed to.

Mr Rich-Phillips moved Amendment No. 1 — put and negatived.

Clause 1, as amended — put and agreed to.

**Clause 2** — put and agreed to.

**Clause 3** — Ms Tierney moved Amendment Nos. 2 and 3 — put and agreed to.

Mr Rich-Phillips moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Mr O'Sullivan and Mr Purcell)

## NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

(Tellers: Mr Melhem and Ms Pennicuik)

The Ayes and Noes being equal, the question was negatived.

Clause 3, as amended — put and agreed to.

**Clause 4** — Ms Tierney moved Amendment Nos. 4 and 5 — put and agreed to.

Clause 4, as amended — put and agreed to.

**Clause 5** — Ms Tierney moved Amendments Nos. 6 and 7 — put and agreed to.

Clause 5, as amended — put and agreed to.

**Clause 6** — Ms Tierney moved Amendment No. 8 — put and agreed to.

Clause 6, as amended — put and agreed to.

**Clause 7** — Ms Tierney moved Amendment Nos. 9 to 12 — put and agreed to.

Clause 7, as amended — put and agreed to.

**Clauses 8 to 10** — put and agreed to.

**Long Title** — Ms Tierney moved Amendment No. 13 — put and agreed to.

Long Title, as amended — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2017**

*Committed Thursday, 19 October 2017*

*Amendments circulated: Ms Dunn (see p 894).*

**Clauses 1 to 3** — put and agreed to.

**Clause 4** — Question — That clause 4 be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(Tellers: Ms Bath and Mr Young)

## NOES, 5

Ms Dunn; Ms Hartland; Ms Pennicuik; Dr Ratnam; Ms Springle.

(Tellers: Ms Hartland and Ms Springle)

Question agreed to.

**Clauses 5 to 95** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT  
(GOVERNANCE) BILL 2017**

*Committed Thursday, 19 October 2017*

*Amendments circulated: Mr O'Donohue (see p 894).*

**Clauses 1 to 6** — put and agreed to.

**New Clause** — Mr O'Donohue moved Amendment No. 1.

Question — That the new clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Morris and Mr Ondarchie)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Eideh and Ms Springle)*

The Ayes and Noes being equal, the question was negatived.

**Clauses 7 to 15** — put and agreed to.

**Clause 16** — Mr O'Donohue moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 26

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Ms Dunn)*

NOES, 14

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Mr Mulino)*

Question agreed to.

Mr O'Donohue moved Amendment Nos. 3 and 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Dr Carling-Jenkins and Mr Dalla-Riva)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Patten and Ms Symes)*

The Ayes and Noes being equal, the question was negatived.

Mr O'Donohue moved Amendment Nos. 5 to 8.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 26

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Mr Finn and Mr Ondarchie)*

NOES, 14

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Melhem and Mr Somyurek)*

Question agreed to.

Clause 16, as amended — put and agreed to.

**Clauses 17 to 54** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

## **PORTS AND MARINE LEGISLATION AMENDMENT BILL 2017**

*Committed Friday, 20 October 2017*

*Amendments circulated: Mr Dalidakis (see p 895).*

**Clause 1** — put and agreed to.

**Clause 2** — Mr Dalidakis moved Amendment No. 1 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clauses 3 to 7** — put and agreed to.

**Clause 8** — Mr Dalidakis moved Amendment No. 2 — put and agreed to.

Clause 8, as amended — put and agreed to.

**Clause 9** — put and agreed to.

**Clause 10** — Mr Dalidakis moved Amendment No. 3 — put and agreed to.

Clause 10, as amended — put and agreed to.

**Clauses 11 to 22** — put and agreed to.

**Clause 23** — Mr Dalidakis moved Amendment No. 4 — put and agreed to.

Clause 23, as amended — put and agreed to.

**Clauses 24 to 52** — put and agreed to.

**Clause 53** — Mr Dalidakis moved Amendment No. 5 — put and agreed to.

Clause 53, as amended — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**RENEWABLE ENERGY (JOBS AND INVESTMENT) BILL 2017***Committed Friday, 20 October 2017**Amendments circulated: Ms Dunn and Mr Jennings (see pp 896-8).***Clause 1** — Mr Jennings moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Dalidakis; Ms Dunn Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Patten and Mr Somyurek)*

NOES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Young)*

Question agreed to.

Clause 1, as amended — put and agreed to.

**Clause 2** — put and agreed to.**Clause 3** — Ms Dunn moved Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 5

Ms Dunn; Ms Hartland; Ms Pennicuik; Dr Ratnam; Ms Springle.

*(Tellers: Ms Hartland and Ms Springle)*

NOES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Mr Melhem)*

Question negatived.

Clause 3 — put and agreed to.

**Clause 4** — put and agreed to.**Clause 5** — Mr Jennings moved Amendment No. 2 — put and agreed to.

Clause 5, as amended — put and agreed to.

**Clauses 6 and 7** — put and agreed to.**Clause 8** — Mr Jennings moved Amendment Nos. 3 and 4 — put and agreed to.

Clause 8, as amended — put and agreed to.

**Clauses 9 and 10** — put and agreed to.**Bill reported with amendments.**



**AMENDMENTS CIRCULATED IN RELATION TO —****1. ENVIRONMENT PROTECTION AMENDMENT (BANNING PLASTIC BAGS, PACKAGING AND MICROBEADS) BILL 2016***Amendments circulated by Mr Davis*

1. Clause 1, lines 4 to 5, omit "and plastic and polystyrene packaging".
2. Clause 2, line 9, omit "1 March 2017" and insert "1 July 2018".
3. Clause 2, page 2, line 2, omit "1 September 2017" and insert "1 January 2019".
4. Clause 4, after line 12 insert—

**"barrier bag** means a bag used to carry unpackaged perishable food, including but not limited to fruit, vegetables, meat and fish;"

**biodegradable bag** means a bag comprised of material of a type that has been assessed in accordance with the relevant standard and can, in accordance with the relevant standard, be designated as compostable;"
5. Clause 4, lines 16 to 26, omit all words and phrases on these lines and insert—

**"prohibited plastic bag** means a plastic shopping bag that—

  - (a) is made, in whole or in part, of polyethylene with a thickness of less than 35 microns; and
  - (b) has handles; and
  - (c) is provided for the purpose of enabling goods that are sold, or to be sold, by a retailer, to be carried from the retailer's premises; and
  - (d) is not a biodegradable bag, barrier bag, or a plastic bag that is an integral part of the packaging in which goods are sealed before sale;"
6. Clause 4, page 3, lines 1 to 3, omit all words and phrases on these lines and insert—

**"relevant standard** means Australian Standard AS 4736-2006 "Biodegradable plastics—Biodegradable plastics suitable for composting and other microbial treatment", as in force from time to time, published by Standards Australia."
7. Clause 4, page 3, line 5, omit "**1 March 2017**" and insert "**1 July 2018**".
8. Clause 4, page 3, line 6, omit "1 March 2017" and insert "1 July 2018".
9. Clause 4, page 3, line 9, omit "sale or supply of plastic bags" and insert "provision of prohibited plastic bags".
10. Clause 4, page 3, line 11, omit "1 September 2017" and insert "1 January 2019".
11. Clause 4, page 3, lines 12 to 14, omit "or used for medical, health policing or security purposes".
12. Clause 4, page 3, lines 20 to 29, omit all words and expressions on these lines.
13. Clause 4, page 4, line 3, omit "A retailer" and insert "On and from 1 July 2020, a retailer".
14. Clause 4, page 4, lines 12 to 13, omit "**and restricted packaging**".
15. Clause 4, page 4, lines 15 to 16, omit "or restricted packaging".
16. Clause 4, page 4, lines 18 to 19, omit "or the plastic or polystyrene composition of the packaging".

17. Clause 6, page 6, lines 1 to 11, omit all words and expressions on these lines.
18. Clause 6, page 6, line 29, omit "1 September 2017" and insert "1 January 2018".
19. Clause 6, page 6, line 30, omit "30 June 2018" and insert "30 September 2018".
20. Clause 6, page 7, lines 6 to 7, omit all words and expressions on these lines.
21. Clause 6, page 7, lines 12 to 13, omit ", restricted packaging".
22. Clause 6, page 7, line 21, omit "or restricted packaging".
23. Clause 6, page 7, line 26, omit "or restricted packaging".
24. Clause 6, page 7, lines 31 to 32, omit "1 September 2018" and insert "1 January 2019".
25. Clause 6, page 7, line 32, omit "31 August 2019" and insert "31 December 2019".
26. Clause 6, page 8, lines 2 to 3, omit ", restricted packaging".
27. Clause 6, page 8, lines 15 to 16, omit all words and expressions on these lines.
28. Clause 7, lines 13 to 14, omit "or restricted packaging".
29. Clause 7, lines 19 to 20, omit "or restricted packaging".
30. Clause 9, line 27, omit "1 September 2018" and insert "1 January 2020".

#### AMENDMENT OF LONG TITLE

31. Long Title, omit "and plastic and polystyrene packaging".

#### AMENDMENT OF TITLE

32. Short Title, omit ", **Packaging**".

#### Amendments circulated by Ms Springle

1. Clause 2, line 9, omit "1 March 2017" and insert "1 July 2018".
2. Clause 2, page 2, line 2, omit "1 September 2017" and insert "1 January 2019".
3. Clause 4, lines 13 to 15, omit all words and expressions on these lines and insert—  

**"exempt plastic bag** means a plastic bag that—

  - (a) is an integral part of the packaging in which goods are sealed before sale;  
and
  - (b) is declared to be an exempt plastic bag by the Minister;"
4. Clause 4, page 3, line 3, omit "polystyrene." and insert "polystyrene, except where packaging is an integral part of the packaging in which goods are sealed before sale.".
5. Clause 4, page 3, line 5, omit "**1 March 2017**" and insert "**1 July 2018**".
6. Clause 4, page 3, line 6, omit "1 March 2017" and insert "1 July 2018".
7. Clause 4, page 3, line 11, omit "1 September 2017" and insert "1 January 2019".
8. Clause 4, page 3, line 23, omit "1 September 2017" and insert "1 January 2019".
9. Clause 4, page 6, lines 29 to 30, omit "1 September 2017 and ending on 30 June 2018" and insert "1 July 2018 and ending on 30 June 2019".
10. Clause 4, page 7, lines 31 to 32, omit "1 September 2018 but no later than 31 August 2019" and insert "1 July 2019 but no later than 30 June 2020".
11. Clause 9, line 27, omit "1 September 2018" and insert "1 January 2019".

## 2. JUSTICE LEGISLATION AMENDMENT (BODY-WORN CAMERAS AND OTHER MATTERS) BILL 2017

### Amendments circulated by Mr Rich-Phillips

1. Clause 1, line 6, after "police" insert ", custodial officers, emergency workers".
2. Clause 3, after line 10 insert—
  - "**custodial officer** means a prison officer or escort officer within the meaning of the **Corrections Act 1986**;
  - emergency worker** means—
    - (a) a protective services officer within the meaning of the **Victoria Police Act 2013**; or
    - (b) an operational staff member within the meaning of the **Ambulance Services Act 1986**; or
    - (c) a person employed by the Metropolitan Fire and Emergency Services Board established under the **Metropolitan Fire Brigades Act 1958** or a member of a fire or emergency service unit established under that Act; or
    - (d) an officer or employee of the Country Fire Authority under the **Country Fire Authority Act 1958**; or
    - (e) an officer or member of a brigade under the **Country Fire Authority Act 1958**, whether a part-time officer or member, a permanent officer or member or a volunteer officer or member within the meaning of that Act; or
    - (f) a casual fire-fighter within the meaning of Part V of the **Country Fire Authority Act 1958**; or
    - (g) a volunteer auxiliary worker appointed under section 17A of the **Country Fire Authority Act 1958**; or
    - (h) a person employed in the Department of Environment, Land, Water and Planning with emergency response duties; or
    - (i) a registered member or probationary member within the meaning of the **Victoria State Emergency Service Act 2005** or an employee in the Victoria State Emergency Service; or
    - (j) a volunteer emergency worker within the meaning of the **Emergency Management Act 1986**; or
    - (k) any other person or body—
      - (i) required or permitted under the terms of their employment by, or contract for services with, the Crown or a government agency to respond (within the meaning of the **Emergency Management Act 2013**) to an emergency (within the meaning of that Act); or
      - (ii) engaged by the Crown or a government agency to provide services or perform work in relation to a particular emergency;"
3. Clause 4, after line 26 insert—

"(e) the overt use of a body-worn camera or a tablet by a custodial officer or an emergency worker acting in the course of the person's duty and the recording of a private conversation to which the person is not a party is inadvertent, unexpected or incidental to that use; or".

4. Clause 4, line 27, omit "(e)" and insert "(f)".

5. Clause 4, page 4, line 5, omit "and (e)" and insert ", (e) and (f)".

6. Clause 4, page 4, line 6, after "officer," insert "a custodial officer, an emergency worker,".

7. Clause 5, after line 24 insert—

"(e) the overt use of a body-worn camera or a tablet by a custodial officer or an emergency worker acting in the course of the person's duty and the recording of a private conversation to which the person is not a party is inadvertent, unexpected or incidental to that use; or".

8. Clause 5, line 25, omit "(e)" and insert "(f)".

9. Clause 5, page 5, line 3, omit "and (e)" and insert ", (e) and (f)".

10. Clause 5, page 5, line 4, after "officer," insert "a custodial officer, an emergency worker,".

11. Clause 6, after line 16 insert—

"(ac) any information obtained from the use of a body-worn camera or a tablet computer by a custodial officer or an emergency worker acting in the course of the person's duty; or".

12. Clause 6, line 17, omit "(ac)" and insert "(ad)".

13. Clause 7, page 6, after line 6 insert—

"(j) if the information is obtained from the use of a body-worn camera or a tablet computer by a custodial officer or an emergency worker acting in the course of the person's duty to record a private conversation or a private activity—

(i) any purpose referred to in paragraph (a), (b), (c), (d), (e), (f), (g), (ga) or (h); or

(ii) the education and training of custodial officers or emergency workers, as the case requires; or

(iii) any prescribed purpose;".

14. Clause 7, page 6, line 7, omit "(j)" and insert "(k)".

15. Clause 7, page 6, after line 34 insert—

"(d) any information obtained from the use of a body-worn camera or a tablet computer by a custodial officer or an emergency worker acting in the course of the person's duty to record a private conversation or a private activity; or".

16. Clause 7, page 7, line 1, omit "(d)" and insert "(e)".

#### AMENDMENT OF LONG TITLE

17. Long title, after "police" insert ", custodial officers, emergency workers".

Amendments circulated by Ms Tierney

1. Clause 1, lines 4 to 7 and page 2, lines 1 and 2, omit all words and expressions on these lines and insert—
  - "(a) to amend the **Surveillance Devices Act 1999**—
    - (i) to facilitate the use of body-worn cameras and tablet computers by police, ambulance officers and prescribed persons to record certain private conversations in the course of their duties without a warrant under that Act; and
    - (ii) to extend restrictions on the use, communication and publication of information obtained through the use of surveillance devices to body-worn cameras and tablet computers by police, ambulance officers and prescribed persons; and".
2. Clause 3, after line 5 insert—

**"ambulance officer** means an operational staff member within the meaning of the **Ambulance Services Act 1986**;
3. Clause 3, line 6, omit "**body-worn**" and insert "**body-worn**".
4. Clause 4, line 21, after "police officer" insert "or an ambulance officer".
5. Clause 4, page 4, line 6, after "police officer," insert "an ambulance officer,".
6. Clause 5, line 19, after "police officer" insert "or an ambulance officer".
7. Clause 5, page 5, line 4, after "police officer," insert "an ambulance officer,".
8. Clause 6, line 15, after "police officer" insert "or an ambulance officer".
9. Clause 7, lines 24 to 34 and page 6, lines 1 to 22, omit all words and expressions on these lines and insert—
  - '(1) After section 30F(1) of the **Surveillance Devices Act 1999** insert—
    - "(1A) Without limiting subsection (1), local protected information obtained from the use of a body-worn camera or a tablet computer by a police officer or an ambulance officer acting in the course of the officer's duty may be used, communicated or published for—
      - (a) the education and training of police officers or ambulance officers, as the case requires; or
      - (b) any prescribed purpose.
    - (1B) Without limiting subsection (1), local protected information obtained from the use of a body-worn camera or a tablet computer by a prescribed person, or a person belonging to a prescribed class of persons, acting in the course of the person's duties in the prescribed circumstances may be used, communicated or published for—
      - (a) the education and training of prescribed persons or persons belonging to the same class of prescribed persons; or
      - (b) any prescribed purpose."

10. Clause 7, page 6, line 31, after "police officer" insert "or an ambulance officer".
11. Clause 7, page 6, lines 32 to 34, omit "to record a private conversation or a private activity".
12. Clause 7, page 7, lines 7 to 8, omit "to record a private conversation or a private activity".

AMENDMENT OF LONG TITLE

13. Long title, after "police" insert ", ambulance officers".

### 3. PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2017

Amendments circulated by Ms Dunn

1. Clause 4, omit this clause.
2. Clause 32, page 16, line 22, omit "19" and insert "18".
3. Clause 32, page 16, line 26, omit "19" and insert "18".

### 4. SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (GOVERNANCE) BILL 2017

Amendments circulated by Mr O'Donohue

NEW CLAUSE

1. After clause 6 insert—

**'A New section 6C inserted**

After section 6B of the Principal Act insert—

**"6C Charter of Human Rights and Responsibilities Act 2006 disappled**

The **Charter of Human Rights and Responsibilities Act 2006** does not apply to the Authority or to the performance of its functions and the exercise of its powers under this Act."!

2. Clause 16, page 15, line 9, omit "has" and insert "is or has".
3. Clause 16, page 15, line 26, omit "Authority." and insert "Authority; or".
4. Clause 16, page 15, after line 26 insert—
  - "(e) in relation to at least 2 members of the Authority, are victims of crime or the representatives of victims of crime."
5. Clause 16, page 15, lines 31 and 32, omit ", (b) or (c)".
6. Clause 16, page 16, lines 3 and 4, omit ", (b) or (c)".
7. Clause 16, page 16, line 17, omit ", (b) or (c)".
8. Clause 16, page 16, line 31, omit ", (b) or (c)".

## 5. PORTS AND MARINE LEGISLATION AMENDMENT BILL 2017

### Amendments circulated by Mr Dalidakis

1. Clause 2, line 28, omit "1 March" and insert "30 June".
2. Clause 8, lines 13 to 29, page 6, lines 1 to 29 and page 7, lines 1 to 8, omit all words and expressions on these lines and insert—

#### **'25A Duty of a person who manages a boating activity event to ensure safety of participants and other affected persons**

- (1) A duty holder who manages a boating activity event must, so far as is reasonably practicable, ensure the safety of participants in the boating activity event or persons affected by the boating activity event.

Penalty: In the case of a natural person, 1800 penalty units;

In the case of a body corporate, 9000 penalty units.

- (2) An offence against subsection (1) is an indictable offence.
- (3) Without limiting subsection (1), a duty holder contravenes that subsection if the duty holder fails to do any of the following—
  - (a) provide, so far as is reasonably practicable, participants with information to enable those participants to participate in the boating activity event safely;
  - (b) comply, so far as is reasonably practicable, with accepted safety standards or manuals that are specific to the type of boating activity event being undertaken;
  - (c) ensure, so far as is reasonably practicable, that rescue and first aid capabilities or services are available to participants in boating activity events.
- (4) For the purposes of this section, a duty holder manages a boating activity event if that duty holder organises, facilitates or controls a boating activity event.
- (5) In this section—

#### ***boating activity event***—

- (a) means an event on State waters that directly or indirectly involves vessel operations; and

#### **Examples**

Boat race, open water swimming race, water sports competition or exhibition, filming or promotional event, school kayak excursion.

- (b) does not include—

- (i) a pyrotechnic display or show on State waters; or
- (ii) groups of people cruising together in vessels on State waters in an informal manner;

***duty holder*** means an employer or self-employed person (within the meaning of the **Occupational Health and Safety Act 2004**) but does not include—

- (a) an employee (within the meaning of that Act) of a duty holder who manages a boating activity event; or

- (b) a volunteer (within the meaning of that Act).

**Note**

This section applies irrespective of whether a duty holder who manages the boating activity event has applied for or obtained an exemption or the establishment of an exclusion zone under Part 5.3.".'.

3. Clause 10, lines 23 to 31 and page 8, lines 1 to 12, omit all words and expressions on these lines and insert—

'(3) For section 29(2) of the Principal Act **substitute**—

"(2) Without limiting subsection (1), a person contravenes that subsection if the person fails to do any of the following—

(a) ensure, so far as is reasonably practicable, that a pilot provided by the person to an owner of a vessel is not impaired by fatigue, alcohol or other drug;

(b) ensure, so far as is reasonably practicable, that a pilot provided by the person to an owner of a vessel to carry out an activity mentioned in paragraph (a) or (b) of the definition of **marine safety work**—

(i) is medically fit and able to carry out the activity for which the pilot has been provided; and

(ii) is qualified and competent to carry out the activity for which the pilot has been provided;

(c) provide, so far as is reasonably practicable, such information, instruction, training or supervision to a pilot provided by the person to an owner of a vessel as is necessary to enable the pilot to safely carry out an activity mentioned in paragraph (a) or (b) of the definition of **marine safety work**.".'.

4. Clause 23, lines 13 to 16, omit all words and expressions on these lines and insert—

'(1) For section 248(2)(c) of the Principal Act **substitute**—

"(c) a master of a vessel that is less than 35 metres long.".'.

5. Clause 53, line 3, omit "1 March" and insert "30 June".

## 6. RENEWABLE ENERGY (JOBS AND INVESTMENT) BILL 2017

### Amendments circulated by Ms Dunn

1. Clause 3, after line 8 insert—

**"biomass** means organic matter other than fossilised biomass;

**Note**

Fossilised biomass includes coal and lignite."

2. Clause 3, after line 11 insert—

**"native forest** means a local indigenous plant community—

(a) the dominant species of which are trees; and



- (b) containing throughout its growth the complement of native species and habitats normally associated with that forest type or having the potential to develop those characteristics; and
- (c) including a forest with those characteristics that has been regenerated with human assistance following disturbance; and
- (d) excluding a plantation of native species or previously logged native forest that has been regenerated with non-endemic native species;"

3. Clause 3, lines 12 to 17, omit all words and expressions on these lines and insert—

**"renewable energy source** has the meaning given by section 4;"

NEW CLAUSE

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

**"A What is a *renewable energy source*?"**

- (1) Subject to subsection (2), a ***renewable energy source*** is any of the following energy sources—
  - (a) hydro;
  - (b) wave;
  - (c) tide;
  - (d) ocean;
  - (e) wind;
  - (f) solar;
  - (g) geothermal aquifer;
  - (h) hot dry rock;
  - (i) energy crops;
  - (j) agricultural waste;
  - (k) waste from processing of agricultural products;
  - (l) food waste;
  - (m) food processing waste;
  - (n) bagasse;
  - (o) black liquor;
  - (p) biomass based components of municipal solid waste;
  - (q) landfill gas;
  - (r) sewage gas and biomass based components of sewage;
  - (s) an energy source declared by the Minister under subsection (3).
- (2) None of the following energy sources is a ***renewable energy source***—
  - (a) native forest biomass;
  - (b) fossil fuels;
  - (c) materials or waste products derived from fossil fuels;
  - (d) a prescribed energy source.

(3) The Minister, by notice published in the Government Gazette, may declare an energy source to be a renewable energy source for the purposes of this Act."

5. Clause 4, omit this clause.

Amendments circulated by Mr Jennings

1. Clause 1, line 7, after "Act" insert "and to encourage investment and employment in Victoria".

2. Clause 5, page 3, line 5, after "development" insert "in Victoria".

3. Clause 8, line 27, omit "electricity." and insert "electricity; and".

4. Clause 8, after line 27 insert—

"(c) investment and employment in Victoria in relation to renewable electricity generation."



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 146, 147, 148 and 149

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#### No. 146 — Tuesday, 31 October 2017

- 1 The President took the Chair, 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 24 October 2017, given the Royal Assent to the following Acts presented to her by the Acting Clerk of the Legislative Assembly:
  - Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Act 2017*
  - Environment Protection Act 2017*
  - Health Legislation Amendment (Quality and Safety) Act 2017*
  - Parks and Crown Land Legislation Amendment Act 2017.*

- 3 **PETITIONS** —

**JACKSONS CREEK VALLEY REDEVELOPMENT** — Mr Finn presented a Petition bearing 609 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ensure no housing or other buildings (other than a tourist/museum/education centre) are built in the Jacksons Creek Valley between Jacksons creek at the rear of Rupertswood Mansion to the boundary of the Emu Bottom Wetlands, across to Racecourse Road and 400 meters East of the well-defined ridge line that follows Jacksons Creek Sunbury, and the green wedge and rural conservation zones to remain.

Ordered to lie on the Table.

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

\* \* \* \* \*

**BALLARAT STATION DEVELOPMENT** — Mr Morris presented a Petition bearing 242 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Planning, Mr Richard Wynne, to reject the current development plan proposed by Regional Development Victoria for a hotel and convention centre and apply the \$25 million already allocated in the State Budget for the site to convert the historic Goods Shed to a Bus Interchange, provide formalised public car parking for over 500 cars, and build an underpass with stairs and lifts to all train and bus platforms for Disability Discrimination Act compliance.

Ordered to lie on the Table.

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

\* \* \* \* \*

**ELECTRICITY INDUSTRY INQUIRY** — Mr Rich-Phillips presented a Petition bearing 122 signatures from certain citizens of Victoria requesting that the Legislative Council call on the State Government to immediately conduct a wide ranging regulatory inquiry into the electricity industry.

Ordered to lie on the Table

\* \* \* \* \*

**OPPOSE THE INTRODUCTION OF PHYSICIAN ASSISTED DYING/EUTHANASIA —**

Mrs Peulich presented a Petition bearing 695 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Premier, Daniel Andrews and the State Government to not proceed with the introduction of physician assisted dying/euthanasia until there has been a state or national plebiscite on this critical human issue.

Ordered to lie on the Table.

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

**4 PAPERS —**

**VISIT VICTORIA LIMITED REPORT 2016-17 —** Mr Dalidakis moved, by leave, That there be laid before this House a copy of the Visit Victoria Limited Report, 2016-17.

Question — put and agreed to.

The Report was presented by Mr Dalidakis and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST —** Mr Dalla-Riva presented Alert Digest No. 15 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**ECONOMY AND INFRASTRUCTURE COMMITTEE — VICFORESTS OPERATIONS —**

Mr Finn presented a Report from the Economy and Infrastructure Committee on the Inquiry into VicForests Operations (including an Appendix, Extracts of Proceedings and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Finn moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2017-18 BUDGET ESTIMATES —**

Ms Shing presented a Report from the Public Accounts and Estimates Committee on the 2017-18 Budget Estimates (including Appendices and Extracts of Proceedings), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Shing moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**OMBUDSMAN — INVESTIGATION INTO THE MANAGEMENT OF MAINTENANCE CLAIMS AGAINST PUBLIC HOUSING TENANTS —**

Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into the management of maintenance claims against public housing tenants.

Report ordered to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE —** The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2016-17 report.

Federation Training — Report, 2016-17.

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2016-17.

Geoffrey Gardiner Dairy Foundation Limited — Report, 2016-17.

- Gippsland Waste and Resource Recovery Group — Minister's report of receipt of 2016-17 report.
- Goulburn Valley Waste and Resource Recovery Group — Minister's report of receipt of 2016-17 report.
- Infrastructure Victoria — Report, 2016-17.
- Land Acquisition and Compensation Act 1986 — Certification pursuant to section 7(1)(c) of the Act to not require the service of a notice of intention to acquire land.
- North East Waste and Resource Recovery Group — Minister's report of receipt of 2016-17 report.
- Office of the Commissioner for Environmental Sustainability — Minister's report of receipt of 2016-17 report.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
- Baw Baw Planning Scheme — Amendment C117.
  - Boroondara Planning Scheme — Amendment C253.
  - Cardinia Planning Scheme — Amendment C211.
  - Frankston Planning Scheme — Amendment C100.
  - Greater Geelong Planning Scheme — Amendments C352 and C371.
  - Hume Planning Scheme — Amendment C176.
  - Knox Planning Scheme — Amendment C156.
  - Latrobe Planning Scheme — Amendment C97.
  - Loddon Planning Scheme — Amendment C39.
  - Melbourne Planning Scheme — Amendments C190 (Part 1) and C295.
  - Mitchell Planning Scheme — Amendment C119.
  - Moirra Planning Scheme — Amendment C79.
  - Mount Alexander Planning Scheme — Amendment C78.
  - Moyne Planning Scheme — Amendment C63.
  - Port Phillip Planning Scheme — Amendments C137 and C155.
  - Wangaratta Planning Scheme — Amendment C73.
  - Whittlesea Planning Scheme — Amendments C69 and C206.
  - Yarra Planning Scheme — Amendment C235.
  - Yarra Ranges Planning Scheme — Amendment C158 (Part 1).
- Statutory Rules under the following Acts of Parliament —
- Metropolitan Fire Brigades Act 1958 — No. 104.
  - Transport (Compliance and Miscellaneous) Act 1983 — No. 105.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rule Nos. 104 and 105.
  - Legislative instrument and related documents under section 16B in respect of Transport (Compliance and Miscellaneous) Act 1983 — Determination setting the application and annual fees relating to hire cars and taxi-cab licences, dated 2 October 2017.
- Victorian Inspectorate — Report, 2016-17.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Commercial Passenger Vehicle Industry Act 2017 — Division 2 of Part 3 — 2 November 2017 (*Gazette No. S351, 17 October 2017*).
- Owner Drivers and Forestry Contractors Amendment Act 2017 — 1 November 2017 (*Gazette No. S359, 24 October 2017*).
- WorkSafe Legislation Amendment Act 2017 — remaining provisions — 26 October 2017 (*Gazette No. S359, 24 October 2017*).

- 5 PRODUCTION OF DOCUMENTS — PROPOSED YOUTH JUSTICE FACILITY AND DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE BRIEFING DOCUMENTS** — The Clerk laid on the Table two documents in full and 35 documents in part received in response to the Resolution of the Council of 18 October 2017 relating to the business case for the proposed youth justice facility and the Public Accounts and Estimates Committee (PAEC) briefing folders provided to and

used by the Secretary of the Department of Health and Human Services (DHHS) when appearing before the PAEC Inquiries on 18 February 2016 and 15 February 2017, the Clerk also laid on the Table a letter from the Attorney-General dated 31 October 2017 referring to the Government's process of assessing documents for potential Executive privilege or whether the release of documents is prejudicial to the public interest and advising that the Government has determined to —

- (1) in relation to the PAEC briefing folders —
  - (a) produce two documents in full;
  - (b) produce 35 documents in part;
  - (c) makes a claim of executive privilege in relation to 35 documents in part and 222 documents in full on the grounds set out in the schedule enclosed; and
- (2) in relation to the business case, claims executive privilege over two documents in full.

**6 VOLUNTARY ASSISTED DYING BILL 2017 — SPEAKING TIMES** — Ms Wooldridge moved, by leave, That so much of Standing and Sessional Orders be suspended so as to provide that for the second reading debate on the Voluntary Assisted Dying Bill 2017:

- (1) each party is entitled to a lead speaker in favour and a lead speaker against the Bill;
- (2) each lead speaker is entitled to speak for a maximum of 45 minutes; and
- (3) all other members are entitled to speak for a maximum of 25 minutes.

Question — put and agreed to.

**7 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 1 November 2017:

- (1) Notice of Motion No. 452, in an amended form, standing in the name of Mr Davis in relation to production of certain documents;
- (2) Notice of Motion given this day by Mr Finn in relation to integrity and criminal investigations;
- (3) Order of the Day No. 1, resumption of debate on the Firearms Amendment (Advertising) Bill 2017;
- (4) Order of the Day No. 37, resumption of debate on the motion in relation to apprenticeships and traineeships; and
- (5) Notice of Motion No. 476 standing in the name of Mr O'Donohue in relation to crime statistics.

Question — put and agreed to.

**8 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 407, and Orders of the Day, Government Business, Nos. 1 to 5 be postponed until later this day.

**11 VOLUNTARY ASSISTED DYING BILL 2017** — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned until the next day of meeting.

**12 CORRECTIONS LEGISLATION FURTHER AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

Debate continued.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 13 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Community corrections order system** — substantive and supplementary questions asked by Ms Crozier — response from Ms Tierney due Wednesday, 1 November 2017.
- **Adult Parole Board** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 1 November 2017.
- **Prison officers on WorkCover leave** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 1 November 2017.
- **Access to medication in youth justice facilities** — substantive and supplementary questions asked by Mr Finn — response from Ms Mikakos due Wednesday, 1 November 2017.
- **FOI process** — substantive and supplementary questions asked by Ms Fitzherbert — response from Mr Jennings due Thursday, 2 November 2017.
- **Department of Health and Human Services – staff disciplinary terminations** — substantive question asked by Ms Wooldridge — response from Mr Jennings due Thursday, 2 November 2017.
- **Pap smears for women with disabilities** — substantive question asked by Dr Carling-Jenkins — response from Ms Mikakos due Thursday, 2 November 2017.
- **Coolaroo fire – recycling capacity** — substantive and supplementary questions asked by Ms Springle — response from Mr Jennings due Thursday, 2 November 2017.
- **Crown Casino allegations** — substantive and supplementary questions asked by Ms Hartland — response from Mr Dalidakis due Thursday, 2 November 2017.

- 14 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 15 CORRECTIONS LEGISLATION FURTHER AMENDMENT BILL 2017** — 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 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.

- 16 SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (GOVERNANCE) BILL 2017** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 17 PORTS AND MARINE LEGISLATION AMENDMENT BILL 2017**— The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 18 RENEWABLE ENERGY (JOBS AND INVESTMENT) BILL 2017** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 19 JUSTICE LEGISLATION AMENDMENT (BODY-WORN CAMERAS AND OTHER MATTERS) BILL 2017** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 20 CAULFIELD RACECOURSE RESERVE BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Mr Dalidakis were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

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Mr Dalidakis declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Mr Dalidakis declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

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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.

**21 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 8.35 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 147 — Wednesday, 1 November 2017

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**CRIME POLICY** — Ms Crozier presented a Petition bearing 35 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to match the Coalition policy and introduce mandatory sentencing, toughen up the justice system and hold criminals to account.

Ordered to lie on the Table.

\* \* \* \* \*

**LEGAL SERVICES COMMISSIONER** — Mr Finn presented a Petition bearing 20 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to inquire into the Legal Services Commissioner's ability to entertain complaints about lawyers from anyone other than the clients of those lawyers, with a view to reporting its findings and making recommendations.

Ordered to lie on the Table.

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



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**WHITTLESEA POLICE STATION** — Ms Lovell presented a Petition bearing 358 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide a written guarantee that there will be no reduction to the current authorised strength of police at Whittlesea Police Station and that Whittlesea Police Station will not be closed following the opening of the new Mernda Police Station.

Ordered to lie on the Table.

- 3 MAGISTRATES' COURT OF VICTORIA, REPORT 2015-16** — Ms Tierney presented, by command of the Governor, the Report of the Magistrates' Court of Victoria for the year 2015-16.

The Report was presented by Ms Tierney and ordered to lie on the Table.

- 4 ENVIRONMENT AND PLANNING COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO RATE CAPPING POLICY, FOURTH REPORT** — Pursuant to Standing Order 23.30, Mr Jennings laid on the Table a copy of the Government Response to the Environment and Planning Committee's Inquiry into Rate Capping Policy, Fourth Report.

**5 PAPERS —**

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Court Services Victoria — Report, 2016-17.

Crimes (Assumed Identities) Act 2004 —

Report pursuant to section 31 by the Australian Criminal Intelligence Commission for 2016-17.

Report pursuant to section 31 by Victoria Police for 2016-17.

Dhelkunya Dja Land Management Board — Minister's report of failure to submit 2016-17 report to the Minister within the prescribed period and the reason therefor.

Gunaikurnai Traditional Owner Land Management Board — Minister's report of failure to submit 2016-17 report to the Minister within the prescribed period and the reason therefor.

Harness Racing Victoria — Report, 2016-17.

Legal Profession Uniform Law Application Act 2014 — Practitioner Remuneration Order, 1 January 2018.

Professional Standards Council Victoria — Report 2016-17.

Sentencing Advisory Council — Report, 2016-17.

Shrine of Remembrance Trustees — Minister's report of failure to submit 2016-17 report to the Minister within the prescribed period and the reason therefor.

Statutory Rules under the following Acts of Parliament —

Heritage Act 2017 — Nos. 108 and 109.

Professional Standards Act 2003 — No. 106.

Veterans Act 2005 — No. 107.

Victorian Civil and Administrative Tribunal Act 1998 — No. 110.

Surveillance Devices Act 1999 —

Report 2016-17, pursuant to section 30L for the Australian Criminal Intelligence Commission.

Report 2016-17, pursuant to section 30L for the Department of Environment, Land, Water and Planning.

Report 2016-17, pursuant to section 30L for the Game Management Authority.

Report 2016-17, pursuant to section 30L for the Independent Broad-based Anti-corruption Commission.

Report 2016-17, pursuant to section 30L for Victoria Police.

Terrorism (Community Protection) Act 2003 —

Report 2016-17, pursuant to section 13ZR for the Independent Broad-based Anti-corruption Commission.

Victoria Legal Aid — Report, 2016-17.

Victorian Equal Opportunity and Human Rights Commission — Report, 2016-17 (*Ordered to be published*).

Victorian Institute of Forensic Medicine — Report, 2016-17.

Victorian Law Reform Commission — Report, 2016-17 (*Ordered to be published*).

Victorian Legal Services Board and the Legal Services Commission — Report, 2016-17 (*Ordered to be published*).

Yorta Yorta Traditional Owner Land Management Board — Minister's report of failure to submit 2016-17 report to the Minister within the prescribed period and the reason therefor.

**6 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 PRODUCTION OF DOCUMENTS — SKYRAIL** — Mr Davis moved, That this House —

- (1) notes the Resolution of the Council of 24 February 2016 seeking the production of documents relating to Labor's Skyrail between Caulfield and Dandenong;
- (2) notes that with the sole exception of a closed briefing provided to a handful of Members of Parliament to demonstrate Labor's electronic model on Monday June 27 2016, no documents have been provided to the House pursuant to this very clear directive;
- (3) reaffirms the intention of the Legislative Council to see these documents presented given the clear public interest and the impact of the project on communities near the rail corridor between Caulfield and Dandenong; and
- (4) reaffirms the right of the Council to demand and receive these documents and indicates its extreme displeasure with the Leader of the Government for his failure to respond properly and comprehensively to this order and reiterates the order demanding the documents be provided in full by 14 November 2017.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 26

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

(*Tellers: Dr Carling-Jenkins and Mr Ondarchie*)

NOES, 14

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

(*Tellers: Mr Gepp and Ms Shing*)

Question agreed to.

**9 ANDREWS GOVERNMENT INTEGRITY ISSUES** — Mr Finn moved, That this House notes the ongoing crisis in the Andrews Government, including, but not limited to —

- (1) the Ombudsman's investigation into the Labor red shirt electorate officer rorts scandal;
- (2) the Fair Work Commission investigation into the former Government Whip, Cesar Melhem;
- (3) the Victoria Police investigation into the rorting claims of a second residence allowance by the former Speaker and former Deputy Speaker;
- (4) the IBAC investigation into the Deputy President and printing invoices for membership scandal; and
- (5) the IBAC investigation into Victoria Police's handling of the collision involving the now Premier's taxpayer funded vehicle in January 2013.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Do Not Disconnect electricity register** — substantive question asked by Ms Patten — response from Ms Mikakos due Friday, 3 November 2017.
- **Princess Cut coupe, Kuark Forest** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Thursday, 2 November 2017.
- **VicForests financial position** — supplementary question asked by Ms Dunn — response from Ms Pulford due Thursday, 2 November 2017.
- **Auslan course funding** — substantive question asked by Ms Lovell — response from Ms Tierney due Thursday, 2 November 2017.
- **Drug and alcohol testing in prisons** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Thursday, 2 November 2017.
- **Federation Training Bubble** — substantive question asked by Ms Bath — response from Ms Tierney due Thursday, 2 November 2017.
- **Ministerial adviser, Mr Sidhu** — substantive and supplementary questions asked by Mrs Peulich — response from Mr Jennings due Friday, 3 November 2017.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**12 ANDREWS GOVERNMENT INTEGRITY ISSUES** — Debate continued on the question, That this House notes the ongoing crisis in the Andrews Government, including, but not limited to —

- (1) the Ombudsman's investigation into the Labor red shirt electorate officer rorts scandal;
- (2) the Fair Work Commission investigation into the former Government Whip, Cesar Melhem;
- (3) the Victoria Police investigation into the rorting claims of a second residence allowance by the former Speaker and former Deputy Speaker;
- (4) the IBAC investigation into the Deputy President and printing invoices for membership scandal; and
- (5) the IBAC investigation into Victoria Police's handling of the collision involving the now Premier's taxpayer funded vehicle in January 2013.

On the motion of Mr Leane, debate was adjourned until later this day.

**13 FIREARMS AMENDMENT (ADVERTISING) BILL 2017** — 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, 21

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Ms Fitzherbert and Mr Young)

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(Tellers: Mr Mulino and Ms Springle)

Question agreed to.

Bill read a second time.

Mr Bourman moved, by leave, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Dr Carling-Jenkins and Mr Purcell)

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

(Tellers: Mr Elasmarr and Ms Hartland)

Question agreed to

Bill read a third time.

Bill transmitted to the Assembly with a Message requesting their agreement.

**14 ANDREWS GOVERNMENT INTEGRITY ISSUES** — Debate resumed on the question, That this House notes the ongoing crisis in the Andrews Government, including, but not limited to —

- (1) the Ombudsman's investigation into the Labor red shirt electorate officer rorts scandal;
- (2) the Fair Work Commission investigation into the former Government Whip, Cesar Melhem;
- (3) the Victoria Police investigation into the rorting claims of a second residence allowance by the former Speaker and former Deputy Speaker;
- (4) the IBAC investigation into the Deputy President and printing invoices for membership scandal; and
- (5) the IBAC investigation into Victoria Police's handling of the collision involving the now Premier's taxpayer funded vehicle in January 2013.

On the motion of Ms Lovell, the debate was adjourned until the next day of meeting.

**15 APPRENTICESHIPS AND TRAINEESHIPS** — Debate resumed on the question, That this House notes —

- (1) comments made in this House by the Minister for Training and Skills that 'Apprentices are the backbone of our training system and the future of our workforce';
- (2) the recent Victorian Training Market Report which details a 19.29 per cent decrease in Victorian apprenticeships and traineeships since the election of the Andrews Labor Government; and
- (3) that apprenticeships and traineeships in Victoria are at seven year lows.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Ramsay.*

**16 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**17 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.13 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 148 — Thursday, 2 November 2017

1 The President took the Chair and read the Prayer.

2 **PETITIONS —**

**SUPPORT VOLUNTARY ASSISTED DYING BILL** — Ms Patten presented a Petition bearing 1,101 signatures from certain citizens of Victoria requesting that the Legislative Council support the proposed Voluntary Assisted Dying Bill or any other bill that allows people diagnosed with a terminal illness, whose suffering cannot be alleviated, to die with the dignity they choose.

Ordered to lie on the Table.

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

\* \* \* \* \*

**REJECT VOLUNTARY ASSISTED DYING BILL** — Dr Carling-Jenkins presented a Petition bearing 786 signatures from certain citizens of Victoria requesting that the Legislative Council reject the proposed Voluntary Assisted Dying Bill or any other bill that would authorise doctor assisted suicide or euthanasia and instead, call on the Andrews Government to reaffirm that the Suicide Prevention Framework 2016-2025 applies to all Victorians; recognise the extent of elder abuse in Victoria; take steps to reduce discrimination against people with disabilities and provide additional funding for palliative care services.

Ordered to lie on the Table.

On the motion of Dr Carling-Jenkins, the petition was ordered to be taken into consideration on the next day of meeting.

3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Charter of Human Rights and Responsibilities Act 2006 — Report on the Operation of the Act, 2016 (*Ordered to be published*).

Game Management Authority — Report, 2016-17.

Parliamentary Committees Act 2003 —

Government response to the Law Reform, Road and Community Safety Committee's Report on the Inquiry into Lowering the Probationary Driving Age in Victoria to Seventeen.

Government response to the Electoral Matters Committee's Report into the Inquiry into Electronic Voting.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendments C229 and C277.

Colac Otway Planning Scheme — Amendment C86.

Greater Geelong Planning Scheme — Amendment C332.

Wellington Planning Scheme — Amendment C92 (Part 2).

Yarriambiack Planning Scheme — Amendment C21.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 107 and 110.

4 **MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 407, be postponed until later this day.

7 **VOLUNTARY ASSISTED DYING BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**TIMAC AGRO** — Ms Pulford having given an answer to a question without notice relating to Timac Agro —

On the motion of Mr Morris, the Minister's answer was ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and an answer to a question on notice was circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Unlawful logging protest action** — supplementary question asked by Ms Bath — response from Ms Pulford due Tuesday, 14 November 2017.
- **Native timber logging – East Gippsland** — substantive question asked by Ms Bath — response from Ms Pulford due Friday, 3 November 2017.
- **Timac Agro** — substantive and supplementary questions asked by Mr Morris — response from Ms Pulford due Friday, 3 November 2017.
- **VicForests Annual Report – biological assets discount rate** — substantive question asked by Ms Dunn — response from Ms Pulford due Friday, 3 November 2017.
- **Schools funding in Northcote** — substantive and supplementary questions asked by Ms Pennicuik — response from Ms Tierney due Tuesday, 14 November 2017.
- **Male teachers in government schools** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Tuesday, 14 November 2017.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 VOLUNTARY ASSISTED DYING BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

On the motion of Mr Leane, the debate was adjourned until later this day.

**11 COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT (FURTHER REFORMS) BILL 2017**—

The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Commercial Passenger Vehicle Industry Act 2017 to provide for a new framework for the regulation of the commercial passenger vehicle industry in Victoria and make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**12 COMPENSATION LEGISLATION AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport Accident Act 1986 to remove the medical excess for persons who are injured as a result of a transport accident, to amend the Workplace Injury Rehabilitation and Compensation Act 2013 to make further provision in relation to jockeys and apprentice jockeys and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 13 FINES REFORM AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Fines Reform Act 2014, the Bail Amendment (Stage One) Act 2017, the Children, Youth and Families Act 2005, the Infringements Act 2006, the Magistrates' Court Act 1989, the Road Safety Act 1986, the Sentencing Act 1991 and the Sheriff Act 2009 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 14 FIREARMS AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Firearms Act 1996 and to make consequential and related amendments to the Control of Weapons Act 1990, the Criminal Organisations Control Act 2012 and the Fortification Removal Act 2013 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 15 GAMBLING REGULATION AMENDMENT (GAMING MACHINE ARRANGEMENTS) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003 in relation to gaming machine entitlements, Responsible Gambling Codes of Conduct, self-exclusion programs, standard conditions, agreements, cashless gaming and forms of money and credit, references to the Melbourne Statistical Division and to make related amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 16 VICTORIAN DATA SHARING BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish the office of Chief Data Officer, to promote the sharing and use of public sector data for the purpose of supporting government policy making, to amend the Privacy and Data Protection Act 2014 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 17 VOLUNTARY ASSISTED DYING BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

- 18 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.  
Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.  
And then the Council, at 11.01 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 149 — Friday, 3 November 2017

- 1 The President took the Chair and read the Prayer.
- 2 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 14 November 2017.  
Question — put and agreed to.
- 3 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 407 and 481 be postponed until later this day.
- 4 **VOLUNTARY ASSISTED DYING BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 12 noon pursuant to Sessional Orders —*
- 5 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and an Answer to a question on notice was circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Let's Feed family violence grant** — substantive and supplementary questions asked by Mrs Peulich — response from Mr Jennings due Wednesday, 15 November 2017.
- **Youth justice Category One incident reports** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Tuesday, 14 November 2017.
- **FOI request handling** — substantive question asked by Ms Fitzherbert — response from Mr Jennings due Wednesday, 15 November 2017.
- **Adult Parole Board case workflow system** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 14 November 2017.
- **Ravenhall prisoner accommodation** — substantive question asked by Ms Pennicuik — response from Ms Tierney due Tuesday, 14 November 2017.
- **Poker machine licencing and regulation** — substantive and supplementary questions asked by Ms Patten — response from Mr Dalidakis due Wednesday, 15 November 2017.
- **Racing Integrity Commission** — substantive question asked by Mr Purcell — response from Ms Tierney due Wednesday, 15 November 2017.

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**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed further written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:



- **Timac Agro** — substantive and supplementary questions asked by Mr Morris on Thursday, 2 November 2017 — further response from Ms Pulford due Wednesday, 15 November 2017.
- **Ministerial adviser, Mr Sidhu** — substantive and supplementary questions asked by Mrs Peulich on Wednesday, 1 November 2017 — further response from Mr Jennings due Tuesday, 14 November 2017.

**6 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**7 VOLUNTARY ASSISTED DYING BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Ms Patten and Dr Ratnam)*

NOES, 18

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips; Mr Somyurek; Mr Young.

*(Tellers: Mr Bourman and Mr Somyurek)*

Question agreed to.

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

**8 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 4.27 p.m., adjourned until Tuesday, 14 November 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 146, 147, 148 and 149

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### CORRECTIONS LEGISLATION FURTHER AMENDMENT BILL 2017

*Committed Tuesday, 31 October 2017.*

*Amendments circulated: Mr O'Donohue (see p 926).*

**Clauses 1 to 8** — put and agreed to.

**Clause 9** — Mr O'Donohue moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 21

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Morris and Mr O'Sullivan)*

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Hartland and Mr Mulino)*

Question agreed to.

Clause 9, as amended — put and agreed to.

**Clauses 10 to 22** — put and agreed to.

**Clause 23** — Mr O'Donohue moved Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Mr Davis)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Mr Melhem)*

The Ayes and Noes being equal, the question was negatived.

Clause 23 — put and agreed to.

**Clauses 24 to 30** — put and agreed to.

**Bill reported with amendments.**

**CAULFIELD RACECOURSE RESERVE BILL 2017***Committed Tuesday, 31 October 2017.**Amendments circulated: Mr Dalidakis, Mr Davis and Ms Pennicuik (see pp 926-8).***Clause 1** — Ms Pennicuik moved Amendment Nos. 1 to 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 5

Ms Dunn; Ms Hartland; Ms Pennicuik; Dr Ratnam; Ms Springle.

*(Tellers: Ms Pennicuik and Ms Springle)*

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Sullivan and Mr Purcell)*

Question negatived.

Clause 1 — put and agreed to.

**Clause 2** — put and agreed to.**Clause 3** — Mr Davis moved Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 24

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

*(Tellers: Mr Davis and Ms Pennicuik)*

NOES, 16

Mr Bourman; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Somyurek and Mr Young)*

Question agreed to.

Clause 3, as amended — put and agreed to.

**Clauses 4 to 30** — put and agreed to.**Clause 31** — Mr Dalidakis moved Amendment Nos. 1 and 2 — put and agreed to.

Clause 31, as amended — put and agreed to.

**New Clause to follow Clause 31** — Mr Davis moved Amendment No. 4.

Question — That the new clause stand part of the Bill — put and agreed to.

**Clause 32** — put and agreed to.**Clause 33** — Mr Davis moved Amendment No. 5 — put and agreed to.

Clause 33, as amended — put and agreed to.

**Clauses 34 and 35** — put and agreed to.

**Clause 36** — Ms Pennicuik moved Amendment Nos. 21 and 22.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 5

Ms Dunn; Ms Hartland; Ms Pennicuik; Dr Ratnam; Ms Springle.

*(Tellers: Ms Dunn and Ms Springle)*

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Ms Patten)*

Question negatived.

Clause 36 — put and agreed to.

**Clauses 37 to 44** — put and agreed to.

**Clause 45** — Mr Davis moved Amendment No. 6 — put and agreed to.

Clause 45, as amended — put and agreed to.

**Clauses 46 and 47** — put and agreed to.

**Clause 48** — Mr Davis moved Amendment No. 7 — put and agreed to.

Clause 48, as amended — put and agreed to.

**Clause 49** — Mr Davis moved Amendment No. 8 — put and agreed to.

Clause 49, as amended — put and agreed to.

**Clause 50** — Mr Davis moved Amendment Nos. 9 and 10 — put and agreed to.

Clause 50, as amended — put and agreed to.

**Clauses 51 to 55** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. CORRECTIONS LEGISLATION FURTHER AMENDMENT BILL 2017***Amendments circulated by Mr O'Donohue*

1. Clause 9, page 14, line 8, omit '55L(1)(f).'. and insert "55L(1)(f).".
2. Clause 9, page 14, after line 8 insert—
 

**'55P Protective services officer may exercise powers of security officer under this Division**

A protective services officer on duty at a designated place that is a place referred to in section 55K may exercise all the powers and has all the responsibilities given to or imposed on a security officer under this Division.".
3. Clause 23, line 20, after "prison" insert ", if the agreement includes terms requiring the prisoner to contribute an amount to be determined by the Secretary towards the costs of the prisoner's imprisonment during the period of the agreement".

**2. CAULFIELD RACECOURSE RESERVE BILL 2017***Amendments circulated by Mr Dalidakis*

1. Clause 31, line 24, omit "prepare" and insert "table".
2. Clause 31, after line 26 insert—
 

"( ) The Trust must include in its annual report details regarding the use of the Caulfield Racecourse Reserve for the purposes of recreation and for public park purposes during the preceding financial year."

*Amendments circulated by Mr Davis*

1. Clause 3, page 3, line 8, omit "33" and insert "34".
2. Clause 3, page 3, line 14, omit "32" and insert "33".
3. Clause 3, page 3, line 25, omit "34(2)" and insert "35(2)".
4. Insert the following New Clause to follow clause 31—
 

**"A Annual report of the Department**

The Department of Environment, Land, Water and Planning must include in its annual report of operations for each financial year, details regarding the use of the Caulfield Racecourse Reserve for the purposes of recreation and for public park purposes during that year."
5. Clause 33, page 20, line 14, omit "38" and insert "39".
6. Clause 45, page 30, line 8, omit "44" and insert "45".
7. Clause 48, page 32, line 26, omit "45(b)" and insert "46(b)".
8. Clause 49, page 33, line 33, omit "46(1)" and insert "47(1)".
9. Clause 50, page 34, line 23, omit "45(b)" and insert "46(b)".

10. Clause 50, page 35, line 12, omit "45(f)" and insert "46(f)".

Amendments circulated by Ms Pennicuik

1. Clause 1, page 1, line 5, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
2. Clause 1, page 1, line 9, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
3. Clause 1, page 2, line 7, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
4. Clause 1, page 2, line 12, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
5. Clause 3, page 2, line 30, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
6. Clause 3, page 3, line 29, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
7. Part heading preceding clause 5, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
8. Clause 5, line 3, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
9. Clause 33, page 18, line 31, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
10. Clause 33, page 19, line 9, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
11. Clause 33, page 19, line 20, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
12. Clause 33, page 19, line 32, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
13. Clause 33, page 19, line 35, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
14. Clause 33, page 20, line 8, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
15. Clause 33, page 20, line 11, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
16. Clause 33, page 20, line 16, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
17. Clause 33, page 20, line 20, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
18. Clause 33, page 20, line 27, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
19. Clause 33, page 20, line 31, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
20. Clause 33, page 21, line 9, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
21. Clause 36, page 23, line 22, omit "65" and insert "21".
22. Clause 36, page 23, line 23, omit "In the case of a lease for a period exceeding 21 years, the" and insert "The".
23. Clause 38, line 6, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".

24. Clause 38, line 9, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
25. Clause 41, page 26, line 10, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
26. Clause 41, page 26, line 12, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
27. Clause 41, page 26, line 14, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
28. Clause 41, page 26, line 20, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
29. Clause 41, page 26, line 24, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
30. Clause 41, page 27, line 6, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
31. Clause 48, page 33, lines 1 to 21, omit all words and expressions on these lines and insert—

"( ) A lease may only be granted by the Minister under this section on a temporary basis, being for a term not exceeding 2 years."
32. Clause 52, line 7, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
33. Clause 53, line 13, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
34. Clause 54, line 19, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
35. Schedule 1 heading, page 37, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
36. Long title, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".
37. Short title, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 150, 151 and 152

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#### No. 150 — Tuesday, 14 November 2017

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **THE LATE IAN ROBERT CATHIE** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 25 October 2017, of the Honourable Ian Robert Cathie, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the South Eastern Province from 1964 to 1970 and a Member of the Legislative Assembly for the electoral district of Carrum from 1976 to 1988 and as Minister for Housing from 1982 to 1985, Minister of Economic Development from 1982 to 1983, Minister for Industry, Commerce and Technology from 1983 to 1985, Minister for Education from 1985 to 1987, and Minister for the Arts and Minister Assisting the Minister for Education with responsibility for Post-Secondary Education from 1987 to 1988.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

*[Sitting suspended from 12.33 p.m. until 1.37 p.m.]*

- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 8 November 2017, given the Royal Assent to the following Acts presented to her by the Acting Clerk of the Parliaments:

*Justice Legislation Amendment (Body-worn Cameras and Other Matters) Act 2017*

*Ports and Marine Legislation Amendment Act 2017*

*Renewable Energy (Jobs and Investment) Act 2017*

*Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Act 2017.*

- 4 **PETITION — BUCKLEY STREET LEVEL CROSSING** — Mr Finn presented a Petition bearing 42 signatures from certain citizens of Victoria requesting the Legislative Council call on the Government to not proceed with the road under rail crossing at Buckley Street Level Crossing, explore the Moonee Valley City Council's rail under road proposal, provide as much financial investment in the Essendon level crossing removal as in marginal electorates and to not proceed with any proposal without community support and consideration of long term consequences.

Ordered to lie on the Table.

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

**5 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 16 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE — FRAMEWORK FOR MONITORING THE PERFORMANCE OF IBAC** — Mr Ramsay presented a Report from the Independent Broad-based Anti-corruption Commission Committee on a framework for monitoring the performance of the Independent Broad-based Anti-corruption Commission (including an Appendix).

Ordered to lie on the Table and to be published.

Mr Ramsay moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals —

A licence in relation to Paine Reserve, dated 8 October 2017.

Leases in relation to —

Esplanade Public Park, dated 31 August 2017.

Waratah Bay Caravan Park, dated 23 October 2017.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat, Baw Baw, Cardinia, Casey, East Gippsland, Hobsons Bay, Hume, Latrobe, Melton, Mitchell, Surf Coast, Whittlesea and Wyndham Planning Schemes — Amendment GC75.

Banyule Planning Scheme — Amendments C113 and C122.

Cardinia Planning Scheme — Amendment C209 (Part 1).

Latrobe Planning Scheme — Amendment C100.

Melbourne Planning Scheme — Amendment C300.

Mitchell Planning Scheme — Amendment C113.

Mitchell and Whittlesea Planning Schemes — Amendments GC28 and GC61.

Stonnington Planning Scheme — Amendment C227.

Wellington Planning Scheme — Amendment C98.

Professional Standards Act 2003 — Instrument amending the Australian Property Institute Valuers Limited Scheme, 1 November 2017.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 108 and 109.

Victims of Crime Assistance Tribunal — Report, 2016-17.

Victorian Catchment Management Council — Catchment Condition and Management Report 2017.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Corrections Legislation Miscellaneous Amendment Act 2017 — sections 23, 39, 41, 43(3), 46 and 48 to 60 — 1 November 2017 (*Gazette No. S367, 31 October 2017*).

**6 PRODUCTION OF DOCUMENTS — ALLARD REPORT, WEST GATE TUNNEL DISTRIBUTOR PROJECT** — The Clerk read a letter from the Attorney-General, dated 13 November 2017, in response to the Resolution of the Council of 20 September 2017 seeking the production of documents relating to the Allard Report, West Gate Tunnel Distributor Project —

- referring to the Government's process for assessing documents for potential executive privilege;
- advising that the Government had identified three documents within the scope of the Council's order; and
- stating that executive privilege was claimed in relation to those documents and that, therefore, those documents have not been provided.

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

**7 PRODUCTION OF DOCUMENTS — PRIDE CENTRE BUSINESS CASE** — The Clerk laid on the Table three documents in full and 10 documents in part received in response to the Resolution of the Council of 6 September 2017 relating to the Pride Centre Business Case. The Clerk also laid on the Table a letter from the Attorney-General dated 13 November 2017, referring to the Government's process for assessing documents for potential executive privilege and advising that the Government has determined to —

- produce 3 documents in full;
- produce 10 documents in part;
- not produce 22 documents in full;
- makes a claim of executive privilege in relation to those documents on the grounds set out in the schedule enclosed.

On the motion of Mr Davis, the documents and the Attorney-General's letter were ordered to be taken into consideration on the next day of meeting.

**8 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 10 November 2017:

- (1) Notice of Motion No. 478, standing in the name of Mr Davis in relation to the revocation of Amendment C170 to the Glen Eira Planning Scheme;
- (2) Notice of Motion No. 484 standing in the name of Mr Davis in relation to the revocation of Amendment C251 to the Boroondara Planning Scheme;
- (3) Notice of Motion given this day by Ms Springle in relation to an apology to Victorian children;
- (4) Notice of Motion given this day by Ms Crozier in relation to graffiti in Bentleigh; and
- (5) Notice of Motion No. 485 standing in the name of Ms Bath in relation to AUSLAN training and courses.

Question — put and agreed to.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **State Electricity Victoria documents release** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Jennings due Wednesday, 15 November 2017.
- **Melbourne Assessment Prison security** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 15 November 2017.
- **Glenormiston college** — substantive and supplementary questions asked by Mr Ramsay — response from Ms Tierney due Wednesday, 15 November 2017.
- **Melbourne Remand Centre legal proceeding** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Thursday, 16 November 2017.

- **Member for Melton – electoral eligibility** — substantive question asked by Ms Wooldridge — response from Mr Jennings due Wednesday, 15 November 2017.
- **West Gate Tunnel** — substantive and supplementary questions asked by Ms Hartland — response from Ms Pulford due Thursday, 16 November 2017.
- **Westgarth Primary School** — substantive question asked by Ms Patten — response from Ms Tierney due Thursday, 16 November 2017.
- **Warrnambool Brauer College** — substantive question asked by Mr Purcell — response from Mr Jennings due Thursday, 16 November 2017.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**12 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 407 and 481 be postponed until later this day.

**14 VOLUNTARY ASSISTED DYING BILL 2017** — Bill committed to a Committee of the whole. House in Committee.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in a Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Pulford declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in a Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

**15 CAULFIELD RACECOURSE RESERVE BILL 2017** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**16 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 8:47 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 151 — Wednesday, 15 November 2017

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**OPPOSE THE INTRODUCTION OF PHYSICIAN ASSISTED DYING/EUTHANASIA** — Mrs Peulich presented a Petition bearing 211 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Premier, Daniel Andrews, and the State Government to not proceed with the introduction of physician assisted dying/euthanasia until there has been a state or national plebiscite on this critical human issue.

Ordered to lie on the Table.

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

\* \* \* \* \*

**FORMER HILL END PRIMARY SCHOOL, PAYNTERS ROAD** — Mr O'Sullivan presented a Petition bearing 77 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Education to halt the sale and rezoning of the former Hill End Primary School buildings and site on Paynters Road in Hill End and that the site be retained by Hill End Community Incorporated for community use.

Ordered to lie on the Table.

On the motion of Mr O'Sullivan, the petition was ordered to be taken into consideration on the next day of meeting.

**3 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Results of 2016-17 Audits: Water Entities, November 2017 (*Ordered to be published*).

Auditor-General's Report on the Annual Financial Report of the State of Victoria: 2016-17, November 2017 (*Ordered to be published*).

Victims of Crime Commissioner — Report, 2016-17.

Victorian Budget Update — 2017-18 (incorporating Quarterly Financial Report No. 1).

**4 PRODUCTION OF DOCUMENTS — LEVEL CROSSING REMOVAL PROJECT — CAULFIELD TO DANDENONG PROJECT PROPOSAL** — The Clerk laid on the Table a

letter from the Attorney-General dated 14 November 2017 in response to the Resolutions of the Council of 24 February 2016 and 1 November 2017 seeking the production of documents relating to the Level Crossing Removal Project — Caulfield to Dandenong Project Proposal, advising that the Council's deadline of 14 November 2017 does not allow sufficient time to respond and indicating that the Government would respond to the Council's Resolutions as soon as possible.

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

**5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 REVOCATION OF PLANNING SCHEME AMENDMENT C170** — Mr Davis moved, That, in relation to Amendment C170 to the Glen Eira Planning Scheme which relates to Ormond Railway Station, this House —

(1) notes Planning Scheme Amendment C170 was tabled on 17 October 2017; and

(2) pursuant to section 38(2) of the *Planning and Environment Act 1987* revokes Amendment C170.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Wooldridge.

(*Tellers: Ms Crozier and O'Sullivan*)

## NOES, 16

Mr Bourman; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Tierney; Mr Young.

(*Tellers: Ms Shing and Mr Somyurek*)

Question agreed to.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Plastic bags ban** — substantive and supplementary questions asked by Ms Springle — response from Mr Jennings due Tuesday, 21 November 2017.
- **VicRoads sale of public land** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Jennings due Tuesday, 21 November 2017.
- **Disability services – communication and interpretation** — substantive question asked by Dr Carling-Jenkins — response from Ms Mikakos due Tuesday, 21 November 2017.
- **Proposed Great Forest National Park** — substantive question asked by Mr Young — response from Mr Jennings due Tuesday, 21 November 2017.
- **Cost of court proceedings – Grevillea Unit** — substantive and supplementary questions asked by Mr Morris — response from Ms Mikakos due Thursday, 16 November 2017.
- **Mitcham road death – custodial decision for alleged young offenders** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 16 November 2017.
- **Sunbury Youth Advisory Council** — substantive question asked by Mr Finn — response from Ms Mikakos due Thursday, 16 November 2017.

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**MEMBER FOR MELTON — ELECTORAL ELIGIBILITY** — Mr Jennings having given a written answer to a question without notice asked on 14 November 2017 relating to the Member for Melton’s electoral eligibility —

On the motion of Ms Wooldridge, the Minister’s answer was ordered to be taken into consideration on the next day of meeting.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 APOLOGY TO VICTORIAN CHILDREN IN PROTECTIVE CARE** — Ms Springle moved, in an amended form, by leave, That this House —

- (1) acknowledges that past legal procedures effectively criminalised Victorian children for being in need of protection;
- (2) notes that —
  - (a) babies, toddlers and children were given a criminal record when their need for protection was recorded by the Children’s Court as an “offence”, and that these records have followed Victorian care leavers throughout their life, resulting in confusion, pain, isolation and exclusion;
  - (b) these children were failed by the very system that was meant to protect them, including the Victorian Government and the Victorian Parliament; and
- (3) calls on the Government to provide a report to Parliament by 12 December 2017 detailing the extent of the problem, how it plans to redress these issues, including an apology to care leavers for the harms caused to them.

Debate ensued.

Ms Pennicuik moved, as an amendment, That in paragraph (3), after the word “including” insert “any legislation needed and”.

Debate ensued.

Ms Mikakos moved, as amendments, That —

1. In paragraph (2)(a), after “Court” insert ‘as an “offence”’.
2. In paragraph (2)(b), omit “and” where secondly occurring.
3. Insert a new paragraph to follow paragraph (2) —  
“(3) acknowledges that this unjust past practice has been brought to the attention of the State Government, and that the Attorney-General has asked the Department of Justice and Regulation to recommend a legislative scheme to right this wrong; and”
4. In paragraph (3) omit “(3)” and insert “(4)”.
5. In paragraph (3), omit “12 December 2017” and insert “8 March 2018”.

Debate ensued.

Question — That the amendment moved by Ms Pennicuik be agreed to — put and agreed to.

Ms Mikakos, by leave, withdrew her amendment 1.

Question — That amendments 2 to 4 moved by Ms Mikakos be agreed to — put.

The Council divided — The Acting President in the Chair.

AYES, 12

Mr Dalidakis; Mr Eideh; Mr Gepp; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

(Tellers: Mr Leane and Ms Pulford)

NOES, 24

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O’Donohue; Mr Ondarchie; Mr O’Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

(Tellers: Mr O’Sullivan and Mr Purcell)

Question negatived.

Question — That amendment 5 moved by Ms Mikakos be agreed to — put and agreed to.

Question — That this House —

- (1) acknowledges that past legal procedures effectively criminalised Victorian children for being in need of protection;
- (2) notes that —
  - (a) babies, toddlers and children were given a criminal record when their need for protection was recorded by the Children’s Court as an “offence”, and that these records have followed Victorian care leavers throughout their life, resulting in confusion, pain, isolation and exclusion;
  - (b) these children were failed by the very system that was meant to protect them, including the Victorian Government and the Victorian Parliament; and
- (3) calls on the Government to provide a report to Parliament by 8 March 2018 detailing the extent of the problem, how it plans to redress these issues, including any legislation needed and an apology to care leavers for the harms caused to them — put and agreed to.

**11 REVOCATION OF BOROONDARA PLANNING SCHEME AMENDMENT C251** — Mr Davis moved, That, in relation to Amendment C251 to the Boroondara Planning Scheme which applies to land at 3 and 10 Markham Avenue, Ashburton, this House —

- (1) notes Planning Scheme Amendment C251 was tabled on 17 October 2017; and
- (2) pursuant to section 38(2) of the *Planning and Environment Act 1987* revokes Amendment C251.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Tierney.*

**12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**13 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.41 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 152 — Thursday, 16 November 2017

1 The President took the Chair and read the Prayer.

2 **PAPERS —**

**COUNTY COURT OF VICTORIA REPORT 2015-16** — Ms Tierney presented, by command of the Governor, the Report of the County Court of Victoria for the year 2015-16.

Report ordered to lie on the Table.

\* \* \* \* \*

**CASEY HOSPITAL EXPANSION PROJECT — PROJECT SUMMARY, NOVEMBER 2017 —**

Ms Mikakos moved, by leave, That there be laid before this House a copy of the Casey Hospital Expansion Project – Project Summary, November 2017.

Question — put and agreed to.

The Report was presented by Ms Mikakos and ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Coroners Court of Victoria — Report, 2016-17.

Coronial Council of Victoria — Report, 2016-17.

Mental Health Act 2014 — Report, 2016-17 on Victoria's Mental Health Services.

Office of Public Prosecutions — Report, 2016-17.

Planning and Environment Act 1987 — Notice of approval of the following amendment to Frankston Planning Scheme — Amendment C117.

Statutory Rule under the Taxation Administration Act 1997 — No. 111.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 111.

3 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 407 and 481 be postponed until later this day.

5 **VOLUNTARY ASSISTED DYING BILL 2017** — Bill further considered in Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

6 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Energy costs for small businesses** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 21 November 2017.
- **Trans-Pacific Partnership – Victorian exports** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 21 November 2017.
- **GoTAFE investigation** — supplementary question asked by Mr O'Sullivan — response from Ms Tierney due Tuesday, 21 November 2017.



- **Fines for trespass on licensed Crown land** — substantive question asked by Ms Lovell — response from Ms Pulford due Tuesday, 28 November 2017.
- **Supervision of serious sex offenders** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 21 November 2017.
- **Koala death – VicForests logging** — substantive question asked by Ms Dunn — response from Ms Pulford due Tuesday, 21 November 2017.
- **Environmental standards in planning schemes** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Dalidakis due Tuesday, 28 November 2017.
- **Regional public transport strategy – passenger rail** — substantive question asked by Mr Purcell — response from Ms Pulford due Tuesday, 28 November 2017.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Cost of legal proceedings – Metropolitan Remand Centre riot** — supplementary question asked by Mr O'Donohue on Tuesday, 14 November 2017 — further response from Ms Tierney due Tuesday, 21 November 2017.

- 7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 8 VOLUNTARY ASSISTED DYING BILL 2017** — Bill further considered in Committee of the whole.
- 9 SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Pursuant to Standing Order 24.04, the President permitted Mr Davis to move, without leave, That so much of Standing and Sessional Orders be suspended so as to allow the question to be put on General Business, Order of the Day No. 46.

Question — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Atkinson; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.  
(Tellers: Ms Hartland and Ms Fitzherbert)

NOES, 13

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.  
(Tellers: Mr Eideh and Mr Gepp)

Question agreed to.

And Mr Davis having made a statement under Standing Order 24.04(1) —

- 10 REVOCATION OF BOROONDARA PLANNING SCHEME AMENDMENT C251** — Question — That, in relation to Amendment C251 to the Boroondara Planning Scheme which applies to land at 3 and 10 Markham Avenue, Ashburton, this House —
- (1) notes Planning Scheme Amendment C251 was tabled on 17 October 2017; and
  - (2) pursuant to section 38(2) of the *Planning and Environment Act 1987* revokes Amendment C251 — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Atkinson; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Sullivan and Mr Young)*

NOES, 14

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Purcell and Mr Somyurek)*

Question agreed to.

**11 VOLUNTARY ASSISTED DYING BILL 2017** — Bill further considered in Committee of the whole.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Ms Mikakos declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Mikakos declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

*And the Council having continued to sit after 12 midnight —*

FRIDAY, 17 NOVEMBER 2017

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Pulford moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Ms Tierney)*

NOES, 16

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Dalla-Riva and Ms Lovell)*

Question agreed to.

Bill further considered in Committee of the whole.

The Acting President reported progress and asked leave to sit again.

Ordered — That the Bill be further considered in Committee of the whole on the next day of meeting.

**12 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Thursday, 23 November 2017.

Debate ensued.

Ms Fitzherbert moved, as an amendment, That all the words after ‘until’ be omitted with a view of inserting in their place ‘12.00 p.m. on Tuesday, 28 November 2017’.

Debate ensued.

Question — That Ms Fitzherbert’s amendment be agreed to — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O’Donohue; Mr Ondarchie; Mr O’Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Bourman and Dr Carling-Jenkins)*

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Eideh and Dr Ratnam)*

Question negatived.

Question — That the motion moved by Mr Jennings, That the Council, at its rising, adjourn until Thursday, 23 November 2017 — put and negatived.

**13 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 12.04 p.m., adjourned until Tuesday, 21 November 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 150, 151 and 152

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### **VOLUNTARY ASSISTED DYING BILL 2017**

*Committed Tuesday, 14 November 2017.*

*Amendments and Further Amendments circulated: Mr Davis (see p 947), Mr Jennings (see pp 947-51 and 953-4), Mr Morris (see p 951), Mr Mulino (see p 952), Mr Ondarchie (see p 948), Mr Ramsay, (see pp 952-4).*

**Clause 1** — Mr Davis moved, That the Acting President report progress and ask leave to sit again. Debate ensued.

Question — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Atkinson; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Dalla-Riva and Mr Young)*

NOES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Hartland and Mr Purcell)*

Question negatived.

Consideration of clause 1 continued.

### **Progress reported.**

#### **Thursday, 16 November 2017 —**

*Progress having been reported on Tuesday, 14 November 2017, Bill further considered in Committee of the whole.*

**Clause 1** — debate resumed.

Mr Morris moved, That the Acting President report progress and ask leave to sit again.

Debate ensued.

Question — put.

The Committee divided — The Acting President in the Chair.

AYES, 15

Mr Atkinson; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr O'Sullivan and Mr Ramsay)*

NOES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Dr Ratnam and Mr Somyurek)*

Question negatived.

Mr Jennings moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Mulino and Mr Purcell)*

NOES, 15

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Dr Carling-Jenkins and Mr Young)*

Question agreed to.

Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 21

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Gepp and Mr O'Donohue)*

NOES, 17

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips; Mr Somyurek; Mr Young.

*(Tellers: Mr Morris and Mr Somyurek)*

Question agreed to.

**Clause 2** — Mr Finn moved, That the Acting President report progress and ask leave to sit again.

Debate ensued.

Question — put.

The Committee divided — The Acting President in the Chair.

AYES, 14

Mr Atkinson; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr O'Sullivan and Ms Wooldridge)*

NOES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Mr Mulino)*

Question negatived.

*Leave having been granted for Mr Davis to proceed with amendments outside the scope of the Bill —*

Mr Davis moved Amendment No. 1.

Ms Pulford moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Pennicuik and Ms Symes)*

NOES, 14

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Crozier and Mr Rich-Phillips)*

Question agreed to.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 13

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips.

*(Tellers: Mr Bourman and Dr Carling-Jenkins)*

NOES, 25

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Dalidakis and Mr Melhem)*

Question negatived.

Mr Ondarchie moved, That the Acting President report progress and ask leave to sit again.

Debate ensued.

Ms Pulford moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Committee divided — The Acting President in the Chair.

AYES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Purcell and Ms Springle)*

NOES, 12

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Mr Dalla-Riva and Mr Davis)*

Question agreed to.

Question — That the Acting President report progress and ask leave to sit again — put.

The Committee divided — The Acting President in the Chair.

AYES, 11

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Ms Fitzherbert and Ms Lovell)*

## NOES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Ms Pulford and Ms Tierney*)

Question negatived.

Consideration of clause 2 continued.

Ms Pulford moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Committee divided — The Acting President in the Chair.

## AYES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Ms Mikakos and Ms Springle*)

## NOES, 13

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Wooldridge.  
(*Tellers: Mr O'Sullivan and Mrs Peulich*)

Question agreed to.

Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

## AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.  
(*Tellers: Mr Dalidakis and Ms Dunn*)

## NOES, 16

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips; Mr Somyurek.  
(*Tellers: Mr Mulino and Mr Somyurek*)

Question agreed to.

**Clause 3** — Mr Jennings moved Further Amendment Nos. 1 and 2.

Ms Lovell moved, That the Acting President report progress and ask leave to sit again.

Ms Pulford moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Committee divided — The Acting President in the Chair.

## AYES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Mr Elasmarr and Mr Mulino*)



## NOES, 11

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Mr Davis and Mr O'Sullivan)*

Question agreed to.

Question — That the Acting President report progress and ask leave to sit again — put.

The Committee divided — The Acting President in the Chair.

## AYES, 12

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Ms Fitzherbert and Ms Lovell)*

## NOES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Eideh and Ms Patten)*

Question negatived.

Question — That the further amendments moved by Mr Jennings be agreed to — put and agreed to.

Mr Mulino moved Amendment No.1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 16

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Somyurek.

*(Tellers: Mr Mulino and Mr Ramsay)*

## NOES, 21

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Ms Hartland and Ms Pulford)*

Question negatived.

Clause 3, as amended — put and agreed to.

**Clauses 4 and 5** — put and agreed to.

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

The Committee divided — The Acting President in the Chair.

## AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Eideh and Ms Pennicuik)*

## NOES, 14

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Mr Mulino and Mr O'Sullivan)*

Question agreed to.

**Heading to Clause 7** — Mr Morris moved Amendment No.1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 15

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips.

*(Tellers: Mr Morris and Mr Ondarchie)*

NOES, 21

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Dalidakis and Mr Leane)*

Question negatived.

Heading to Clause 7 — put and agreed to.

**Clause 7** — put and agreed to.

**Clause 8** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Dalidakis and Dr Ratnam)*

NOES, 14

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Mr Dalla-Riva and Mr Davis)*

Question agreed to.

**Clause 9** — Mr Jennings moved Amendment Nos. 1 to 3 — put and agreed to.

Mr Jennings moved Amendment No. 4.

Mr Jennings moved, That the Acting President report progress and ask leave to sit again — put and agreed to.

**Progress reported.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. VOLUNTARY ASSISTED DYING BILL 2017**Amendments circulated by Mr Davis

1. Clause 2, page 2, lines 10 to 14, omit all words and expressions on these lines and insert—
  - "(1) Subject to subsection (2), this Act except sections 1, 2, 3, and 5 and Part 9, comes into operation on a day or days to be proclaimed.
  - (2) A provision of this Act, except sections 1, 2, 3, and 5 and Part 9, must not be proclaimed unless the Legal and Social Issues Committee has tabled a report in accordance with section AA(2).
  - (3) Sections 1, 2, 3, and 5 and Part 9 of this Act come into operation on a day to be proclaimed."
2. Clause 3, page 6, after line 4 insert—
 

**"Legal and Social Issues Committee** means the standing committee appointed by the Legislative Council in the 58th Parliament on 16 April 2015;"

## NEW CLAUSE

3. Insert the following New Clause to follow clause 115—
 

**"AA Report of Legal and Social Issues Committee**

  - (1) Subject to subsection (3), the Legal and Social Issues Committee must inquire into the implementation of the recommendations regarding palliative care made by the End of Life Choices Inquiry and may report from time to time to the Legislative Council on the progress of the inquiry.
  - (2) The Legal and Social Issues Committee must report to the Legislative Council on the Committee being satisfied of the following matters—
    - (a) that the recommendations regarding palliative care made by the End of Life Choices Inquiry have been substantially implemented; and
    - (b) that the level of access to palliative care in regional Victoria is not less than the level of access in metropolitan Melbourne.
  - (3) The inquiry and reporting requirement under subsection (1) comes to an end on a report being made in accordance with subsection (2).
  - (4) In this section—
 

**End of Life Choices Inquiry** means the report of the Legal and Social Issues Committee tabled on 9 June 2016;

**metropolitan Melbourne** has the same meaning as in section 3 of the **Planning and Environment Act 1987**;

**regional Victoria** has the same meaning as it has in section 8(8) of the **First Home Owner Grant Act 2000**."

Amendments circulated by Mr Jennings

1. Clause 9, line 9, omit "be".
2. Clause 9, line 10, before "an" insert "be".
3. Clause 9, line 12, omit all words and expressions on this line and insert—

- "(ii) be ordinarily resident in Victoria; and
- (iii) at the time of making a first request, have been ordinarily resident in Victoria for at least 12 months; and".

4. Clause 9, line 22, omit "12 months" and insert "6 months".

5. Clause 9, page 16, after line 4 insert—

- "( ) Despite subsection (1)(d)(iii), if the person is diagnosed with a disease, illness or medical condition that is neurodegenerative, that disease, illness or medical condition must be expected to cause death within weeks or months, not exceeding 12 months."

6. Clause 18, page 21, after line 7, insert—

- "( ) If the co-ordinating medical practitioner is able to determine that the person has a disease, illness or medical condition that is neurodegenerative in accordance with section 9(4) that—

- (a) will cause death; and

- (b) is expected to cause death between 6 and 12 months—

the co-ordinating medical practitioner must refer the person to a specialist registered medical practitioner who has appropriate skills and training in that particular disease, illness or medical condition that is neurodegenerative, whether or not the co-ordinating medical practitioner had also made a referral under subsection (2).

- ( ) The specialist registered medical practitioner referred to in subsection (4) must—

- (a) determine whether the person has a disease, illness or medical condition that is neurodegenerative that—

- (i) will cause death; and

- (ii) is expected to cause death between 6 and 12 months; and

- (b) provide a clinical report to the co-ordinating medical practitioner that sets out the specialist registered medical practitioner's determination.

- ( ) If the co-ordinating medical practitioner refers the person to a specialist registered medical practitioner under subsection (4), the co-ordinating medical practitioner must adopt the determination of the specialist registered medical practitioner in respect of the matter in relation to which the person was referred."

7. Clause 19, line 31 omit "process." and insert "process;".

8. Clause 19, after line 31 insert—

- "( ) that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person's request to access voluntary assisted dying."

9. Clause 28, line 34 omit "process." and insert "process;".

10. Clause 28, after line 34 insert—

- "( ) that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person's request to access voluntary assisted dying."

11. Clause 39, line 30 omit "one month" and insert "15 days".

12. Clause 45, line 19 omit "one month" and insert "15 days".
13. Heading to clause 67, after "**Registrar**" insert "**and Coroner**".
14. Clause 67, after line 34 insert—
- "( ) A registered medical practitioner who was responsible for a person's medical care immediately before death, or who examines the body of a deceased person after death and reasonably believes or knows the person was the subject of a voluntary assisted dying permit must notify the Coroner of—
- (a) the registered medical practitioner's reasonable belief or knowledge that the person—
- (i) was the subject of a voluntary assisted dying permit and the voluntary assisted dying substance specified in the permit was not self-administered by the person or administered to the person; or
- (ii) was the subject of a self-administration permit and accessed voluntary assisted dying by self-administering the voluntary assisted dying substance specified in the permit; or
- (iii) was the subject of a practitioner administration permit and accessed voluntary assisted dying by being administered the voluntary assisted dying substance specified in the permit; and
- (b) the disease, illness or medical condition that was the grounds for the person to access voluntary assisted dying."
15. Clause 68, after line 9 insert—
- "( ) was or was not ordinarily resident in Victoria for at least 12 months at the time of making a first request; or".
16. Clause 68, after line 17 insert—
- "( ) was or was not ordinarily resident in Victoria for at least 12 months at the time of making a first request; or".
17. Clause 72, after line 34 insert—
- "( ) a person was ordinarily resident in Victoria for at least 12 months at the time of making a first request; or
- ( ) a person was not ordinarily resident in Victoria for at least 12 months at the time of making a first request; or".
18. Clause 89, line 26 omit "one month" and insert "15 days".

NEW CLAUSE

19. Insert the following New Clause to follow clause 105—

**"AA Board to provide information to the contact person after the notification of the person's death**

The Board must within 7 days of being notified by the Registrar of the registration of a person's death in accordance with section 40A of the **Births, Deaths and Marriages Registration Act 1996** provide information to the contact person for the person that—

- (a) sets out the requirement under section 45(c) to return any unused or remaining voluntary assisted dying substance to a pharmacist at the dispensing pharmacy; and

(b) outlines the support services available to assist the contact person with the performance of the requirement referred to in paragraph (a).".

20. Clause 117, line 12 omit "records the cause of" and insert "records—".

21. Clause 117, lines 13 to 15, omit all words and expressions on these lines and insert—

"(a) the cause of death as the disease, illness or medical condition that was the grounds for a person to access voluntary assisted dying; and

(b) in the case that the Registrar is notified in accordance with section 67(1)(a)(ii) or (iii), that—

(i) the person was the subject of a voluntary assisted dying permit, and accessed voluntary assisted dying by self-administering, or being administered by the person's co-ordinating medical practitioner the voluntary assisted dying substance specified in the permit; and

(ii) voluntary assisted dying was the manner of death.".

22. Clause 119, after line 11 insert—

**"Note**

1. Section 14 includes a power for a coroner to investigate whether or not a death is a reportable death. If the death of a person is or may be due to the self-administration or administration of a voluntary assisted dying substance within the meaning of the **Voluntary Assisted Dying Act 2017** other than in accordance with that Act, the coroner could investigate the death under section 14.

2. Section 52(1) provides for a coroner to hold an inquest into any death that the coroner is investigating.".

AMENDMENT TO SCHEDULE

23. Schedule 1, Form 1, page 97, line 24, after "Victoria" insert "and was ordinarily resident in Victoria for at least 12 months at the time of making a first request".

24. Schedule 1, Form 1, page 97, line 32 omit "12 months" and insert "6 months or, in the case of a disease, illness or medical condition that is neurodegenerative, not exceeding 12 months".

25. Schedule 1, Form 1, page 98, after line 17 insert—

"Was a referral required for a specialist opinion in relation to whether the person's disease, illness or medical condition was a disease, illness or medical condition that is neurodegenerative that would cause death and was expected to cause death between 6 and 12 months?

Yes

No

If a referral was required, provide details of the referral and attach a clinical report from that specialist.".

26. Schedule 1, Form 1, page 98, line 32 omit "process." and insert "process;".

27. Schedule 1, Form 1, page 98, after line 32 insert—

"(g) that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person's request to access voluntary assisted dying.

To the best of my knowledge the person informed the relevant registered medical practitioner of the person's request to access voluntary assisted dying—

Yes

No

If No, why not?

[Specify reasons]".

28. Schedule 1, Form 2, page 102, line 18, after "Victoria" insert "and was ordinarily resident in Victoria for at least 12 months at the time of making a first request".
29. Schedule 1, Form 2, page 102, line 26 omit "12 months" and insert "6 months or, in the case of a disease, illness or medical condition that is neurodegenerative, not exceeding 12 months".
30. Schedule 1, Form 2, page 103, line 27 omit "process." and insert "process;".
31. Schedule 1, Form 2, page 103, after line 27 insert—

"(g) that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person's request to access voluntary assisted dying.

To the best of my knowledge the person informed the relevant registered medical practitioner of the person's request to access voluntary assisted dying—

Yes

No

If No, why not?

[Specify reasons]".

32. Schedule 1, Form 4, page 111, line 25 omit "one month" and insert "15 days".

#### Amendments circulated by Mr Morris

1. Heading to clause 7, omit "**of registered health practitioners**" and insert "**rights**".
2. Clause 7, line 21 after "practitioner" insert ", a provider of professional care services or a person employed or engaged by a pharmacist, a pharmacy business or a pharmacy department".
3. Clause 7, page 14 after line 4 insert—
  - "(2) A person who has a conscientious objection to voluntary assisted dying has the right to refuse to accept or exercise a delegation under section 112.
  - (3) If a person exercises a right under this section because the person has a conscientious objection to voluntary assisted dying, the exercise of the right is taken to be an attribute of the person for the purposes of the **Equal Opportunity Act 2010**".
4. Clause 13, page 19, line 6 omit "request." and insert "request; or".
5. Clause 13, page 19, after line 6 insert—
  - "(iv) is an employee or contractor of a health facility that does not have in place policies and practices to provide or facilitate acts relating to voluntary assisted dying, or the first request was made by a person who is within premises owned or occupied by such a health facility."

Amendments circulated by Mr Mulino

1. Clause 3, page 8, line 28, omit "poison" and insert "prescribed poison".
2. Clause 116, line 25, omit "The Governor" and insert "Subject to subsection (3), the Governor".
3. Clause 116, page 84, line after line 14 insert—
 

"( ) Regulations made under this Act must not prescribe a poison or controlled substance or a drug of dependence to be a voluntary assisted dying substance unless the substance is a therapeutic good registered in the Australia Register of Therapeutic Goods under Part 3-2 of the Therapeutic Goods Act 1989 of the Commonwealth."

Amendments circulated by Mr Ramsay

1. Clause 3, page 6, after line 4, insert—
 

**"mental illness** has the same meaning as in the **Mental Health Act 2014**;"
  2. Clause 3, page 7, after line 3 insert—
 

**"psychiatrist** means a person who is registered under the Health Practitioner Regulation National Law as a medical practitioner in the speciality of psychiatry (other than as a student);"
  3. Clause 9, line 22, omit "12 months" and insert "6 months or, in the case of a neurodegenerative disease, illness or medical condition, not exceeding 12 months".
  4. Clause 10, after line 24 insert—
 

"( ) If the person being assessed has a history of mental illness, either the co-ordinating medical practitioner or each consulting medical practitioner must be a psychiatrist or must refer the person to a psychiatrist under section 18(1)."
  5. Clause 18, line 19 after "criteria," insert "or if section 10(4) applies,".
  6. Clause 19, line 31 omit "process." and insert "process;".
  7. Clause 19, page 21, after line 31 insert—
 

"( ) that the person is encouraged to inform any registered health practitioner who is currently providing health services to the person of the person's request to access voluntary assisted dying."
  8. Clause 19, page 21, before line 32 insert—
 

"( ) In addition to the matters of which the co-ordinating medical practitioner must inform the person under subsection (1), the co-ordinating medical practitioner must, if the person consents, take all reasonable steps to fully explain to a member of the family of the person—

    - (a) all relevant clinical guidelines; and
    - (b) a plan in respect of the self-administration of a voluntary assisted dying substance for the purpose of causing death."
- NEW CLAUSE
9. Insert the following New Clause to follow clause 115—
 

**"A Board to record, retain and make public statistical information**



- (1) The Board must record and retain statistical information about—
    - (a) persons who have been issued with a voluntary assisted dying permit; and
    - (b) persons who have died after being administered or self-administering a voluntary assisted dying substance in accordance with this Act.
  - (2) The following statistical information must be recorded and retained in respect of the persons referred to in subsection (1)—
    - (a) the disease, illness or medical condition of the person that met the requirements of the eligibility criteria; and
    - (b) if the person has died after being administered or self-administering a voluntary assisted dying substance in accordance with this Act—the age of the person at the date of the person's death.
  - (3) The Board must make the statistical information recorded and retained publicly available in a de-identified form on an Internet site maintained by the Board."
10. Schedule 1, Form 1, page 97, line 32 omit "12 months" and insert "6 months or, in the case of a neurodegenerative disease, illness or medical condition, not exceeding 12 months".
  11. Schedule 1, Form 1, page 98, after line 32 insert—
 

"I have, with the consent of the person, taken all reasonable steps to fully explain to a member of the family of the person, all relevant clinical guidelines; and a plan in respect of the self-administration of a voluntary assisted dying substance for the purpose of causing death."
  12. Schedule 1, Form 1, page 99, before line 1 insert—
 

" I have encouraged the person to inform any registered medical practitioner who was providing health services to the person of the person's request to access voluntary assisted dying and to the best of my knowledge the person informed the relevant registered medical practitioners of the person's request to access voluntary assisted dying—

Yes

No

If No, why not?

[Specify reasons]"
  13. Schedule 1, Form 2, page 102, line 26 omit "12 months" and insert "6 months or, in the case of a neurodegenerative disease, illness or medical condition, not exceeding 12 months".

Further Amendments circulated by Mr Jennings

1. Clause 3, page 6, after line 4, insert—
 

**"mental illness** has the same meaning as in the **Mental Health Act 2014**;"
2. Clause 3, page 7, after line 3 insert—
 

**"psychiatrist** means a person who is registered under the Health Practitioner Regulation National Law as a medical practitioner in the speciality of psychiatry (other than as a student);"
3. Clause 18, lines 19 to 22, omit "the co-ordinating medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training" and insert "for example, due

to a past or current mental illness of the person, the co-ordinating medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training, such as a psychiatrist in the case of mental illness".

4. Clause 27, lines 22 to 24, omit "the consulting medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training" and insert ", for example, due to a past or current mental illness of the person, the consulting medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training, such as a psychiatrist in the case of mental illness".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 153

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#### No. 153 — Tuesday, 21 November 2017

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **CRIMES LEGISLATION AMENDMENT (PROTECTION OF EMERGENCY WORKERS AND OTHERS) BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 to create offences relating to the creation of risk to emergency workers and others by driving and to make related amendments to the Sentencing Act 1991, the Bail Act 1977 and the Road Safety Act 1986, and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.
- 3 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2017** — 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 provide for the licensing, for a trial period and at a single specified site, of the operation of a single medically supervised injecting centre for certain kinds of drugs of dependence and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.
- 4 **PLANNING AND ENVIRONMENT AMENDMENT (PUBLIC LAND CONTRIBUTIONS) BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Planning and Environment Act 1987 to introduce a land contribution model for the infrastructure contributions plan scheme, to increase and provide for the indexation of the community infrastructure levy and to make other miscellaneous amendments, to make consequential amendments to the Subdivision Act 1988 and the Building Act 1993 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 5 SERVICE VICTORIA BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the delivery of Government services to the public by Service Victoria and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 6 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Congestion Levy Act 2005, the Duties Act 2000, the Fire Services Property Levy Act 2012, the Land Tax Act 2005, the Payroll Tax Act 2007, the Taxation Administration Act 1997, the Unclaimed Money Act 2008, the Valuation of Land Act 1960, the Victorian Civil and Administrative Tribunal Act 1998 and certain other Acts as a consequence of the amendments made to the Valuation of Land Act 1960 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 7 TRANSPORT LEGISLATION AMENDMENT (ROAD SAFETY, RAIL AND OTHER MATTERS) BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986, the Road Legislation Further Amendment Act 2016, the Rail Management Act 1996, the Rail Safety (Local Operations) Act 2006, the Rail Safety National Law Application Act 2013, the Tourist and Heritage Railways Act 2010, the Transport (Safety Schemes Compliance and Enforcement) Act 2014, the Transport Accident Act 1986, the Marine (Drug, Alcohol and Pollution Control) Act 1988 and the Port Management Act 1995 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 8 PETITIONS** —

**CRIME POLICY** — Ms Crozier presented a Petition bearing 42 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to match the Coalition policy and introduce mandatory sentencing, toughen up the justice system and hold criminals to account.

Ordered to lie on the Table.

\* \* \* \* \*

**VOTE AGAINST THE VOLUNTARY ASSISTED DYING BILL 2017**— Mr Davis presented a Petition bearing 19 signatures from certain citizens of Victoria requesting that the Legislative Council vote against the Andrews Labor Government's Voluntary Assisted Dying Bill 2017.

Ordered to lie on the Table.

\* \* \* \* \*

**REJECT VOLUNTARY ASSISTED DYING BILL** — Dr Carling-Jenkins presented a Petition bearing 207 signatures from certain citizens of Victoria requesting that the Legislative Council reject the proposed Voluntary Assisted Dying Bill or any other bill that would authorise doctor assisted suicide or euthanasia and instead, call on the Andrews Government to reaffirm that the Suicide Prevention Framework 2016-2025 applies to all Victorians; recognise the extent of elder abuse in Victoria; take steps to reduce discrimination against people with disabilities and provide additional funding for palliative care services.

Ordered to lie on the Table.

\* \* \* \* \*

**WHITTLESEA POLICE STATION** — Ms Lovell presented a Petition bearing 19 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide a written guarantee that there will be no reduction to the current authorised strength of police at Whittlesea Police Station and that Whittlesea Police Station will not be closed following the opening of the new Mernda Police Station.

Ordered to lie on the Table.

**9 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Order for approval of a licence in relation to Watery Gully Creek Reserve, dated 13 April 2017.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 114, 115 and 117.

**10 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 22 November 2017:

- (1) Notice of Motion given this day by Mr Rich-Phillips in relation to the revocation of Amendment C117 to the Frankston Planning Scheme;
- (2) Notice of Motion No. 477 standing in the name of Dr Carling-Jenkins in relation to the increase of violent crime, sentencing and Victoria Police;
- (3) Notice of Motion No. 489 standing in the name of Mr Morris in relation to the Ballarat Railway Precinct;
- (4) Notice of Motion No. 487 standing in the name of Ms Crozier in relation to graffiti in Bentleigh; and
- (5) Notice of Motion No. 485 standing in the name of Ms Bath in relation to AUSLAN training and courses.

Question — put and agreed to.

**11 ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO RATE CAPPING POLICY** — Mr Davis moved, by leave, That the Resolution of the Council of 27 May 2015, requiring the Environment and Planning Committee to inquire into and report every six months on the outcome of local government rate capping, be amended so as to now require the Committee to produce one final report by 30 September 2018.

Question — put and agreed to.

**12 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**13 VOLUNTARY ASSISTED DYING BILL 2017** — Bill further considered in a Committee of the whole.

House in Committee.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**14 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and an answer to a question on notice was circulated pursuant to Standing Order 8.10.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Senate inquiry into waste and recycling industry in Australia** — substantive and supplementary questions asked by Ms Springle — response from Mr Jennings due Wednesday, 29 November 2017.
- **Westgarth Primary School** — substantive question asked by Ms Patten — response from Ms Tierney due Wednesday, 29 November 2017.
- **Draft Action Plan for Animal Welfare** — supplementary question asked by Ms Fitzherbert — response from Ms Pulford due Tuesday, 28 November 2017.
- **Animal Welfare Victoria and Northcote by-election** — substantive and supplementary questions asked by Ms Wooldridge — response from Ms Pulford due Tuesday, 28 November 2017.
- **Animal Welfare Victoria package** — substantive question asked by Mr Rich-Phillips — response from Mr Jennings due Wednesday, 29 November 2017.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Trans Pacific Partnership – Victorian exports** — substantive and supplementary questions asked by Mr Ondarchie on Thursday, 16 November 2017 — further response from Mr Dalidakis due Tuesday, 28 November 2017.

**15 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**16 VOLUNTARY ASSISTED DYING BILL 2017** — Bill further considered in a Committee of the whole.

House in Committee.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

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Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in a Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

---

Ms Pulford declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

---

Bill further considered in a Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

---

Ms Mikakos moved, That the sitting be extended.

Question — put.

The Council divided — The Acting President in the Chair.

AYES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney.  
(Tellers: Ms Hartland and Ms Patten)

## NOES, 15

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Rich-Phillips and Mr Young)*

Question — put and agreed to.

Bill further considered in a Committee of the whole.

*And the Council having continued to sit after 12 midnight —*

WEDNESDAY, 22 NOVEMBER 2017

Bill further considered in a Committee of the whole.

Bill reported with amendments, the Report was adopted.

Mr Jennings moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Ms Hartland and Mr O'Donohue)*

NOES, 18

Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips; Mr Somyurek; Mr Young.

*(Tellers: Mr Finn and Mrs Peulich)*

Question agreed to.

Bill read a third time.

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

**17 SITTING OF THE COUNCIL** — Ms Tierney moved, That the Council, at its rising, adjourn until Tuesday, 28 November 2017.

Question — put and agreed to.

**18 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

And then the Council, at 4.12 p.m., on Wednesday, 22 November 2017 adjourned until Tuesday, 28 November 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes No. 153

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### **VOLUNTARY ASSISTED DYING BILL 2017**

*Committed Tuesday, 14 November 2017.*

*Amendments and Further Amendments circulated: Mr Davis (see p 969 and p 976), Mr Jennings (see pp 969-73 and 975-6), Mr Morris (see p 973), Mr Mulino (see p 974), Mr Ondarchie (see p 976), Mr Ramsay (see pp 974-5).*

### **Tuesday, 21 November 2017 —**

*Progress having been reported on Thursday, 16 November 2017, Bill further considered in Committee of the whole.*

### **Clause 9 and Mr Jennings' Amendment No. 4 — debate resumed.**

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

Mr Jennings moved Amendment No. 5.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Dalidakis and Ms Pennicuik)*

NOES, 13

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmar; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Ms Crozier and Mr Mulino)*

Question agreed to.

Clause 9, as amended — put and agreed to.

### **Clause 10 — Question — That the clause stand part of the Bill — put.**

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Eideh and Dr Ratnam)*

NOES, 13

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmar; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Dr Carling-Jenkins and Mr Morris)*

Question agreed to.

### **Clause 11 — Question — That the clause stand part of the Bill — put.**

The Committee divided — The Acting President in the Chair.

## AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr O'Donohue and Mr Ramsay)*

## NOES, 13

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Mr Elasmarr and Mrs Peulich)*

Question agreed to.

**Clause 12** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

## AYES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Dalidakis and Ms Pennicuik)*

## NOES, 13

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Mr Davis and Mr O'Sullivan)*

Question agreed to.

**Clause 13** — Mr Morris moved Amendment Nos. 4 and 5.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 15

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay.

*(Tellers: Ms Lovell and Mr Morris)*

## NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Ms Mikakos and Mr O'Donohue)*

Question negatived.

Clause 13 — put and agreed to.

**Clauses 14 to 17** — put and agreed to.

**Clause 18** — Mr Jennings moved Further Amendment No. 3 — put and agreed to.

Mr Jennings moved Amendment No. 6 — put and agreed to.

Question — That clause 18, as amended, be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Eideh and Mr Purcell)*

## NOES, 12

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Mr Dalla-Riva and Mr Davis)*

Question agreed to.

**Clause 19** — Mr Jennings moved Amendment Nos. 7 and 8 — put and agreed to.

Mr Ramsay moved Amendment No. 8 — put and agreed to.

Clause 19, as amended — put and agreed to.

**Clause 20** — Mr Davis moved Further Amendment No. 1.

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

The Committee divided — The Acting President in the Chair.

## AYES, 15

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Mr Young.

*(Tellers: Mr Dalla-Riva and Mr Morris)*

## NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Dunn and Mr Leane)*

Question negated.

Question — That, clause 20 be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Ms Mikakos and Mr Ramsay)*

## NOES, 12

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Dr Carling-Jenkins and Mr Morris)*

Question agreed to.

**Clauses 21 to 26** — put and agreed to.

**Clause 27** — Mr Jennings moved Further Amendment No. 4 — put and agreed to.

Clause 27, as amended — put and agreed to.

**Clause 28** — Mr Jennings moved Amendment Nos. 9 and 10 — put and agreed to.

Clause 28, as amended — put and agreed to.

**Clauses 29 to 35** — put and agreed to.

**Clause 36** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 21

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Eideh and Ms Springle)*

NOES, 12

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmar; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Mr Morris and Mr O'Sullivan)*

Question agreed to.

**Clause 37** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Eideh and Mr Purcell)*

NOES, 13

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmar; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Mr Davis and Mr Mulino)*

Question agreed to.

**Clause 38** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr O'Donohue and Ms Pennicuik)*

NOES, 13

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmar; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Mr Ondarchie and Mr O'Sullivan)*

Question agreed to.

**Clause 39** — Mr Jennings moved Amendment No. 11 — put and agreed to.

Clause 39, as amended — put and agreed to.

**Clauses 40 and 41** — put and agreed to.

**Clause 42** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

## AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Ms Pulford and Ms Tierney)*

## NOES, 13

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmar; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Ms Crozier and Mr Mulino)*

Question agreed to.

**Clauses 43 and 44** — put and agreed to.

**Clause 45** — Mr Jennings moved Amendment No. 12 — put and agreed to.

Question — That, clause 45, as amended, be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Ms Mikakos and Mr Ramsay)*

## NOES, 16

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmar; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips; Mr Young.

*(Tellers: Mr Mulino and Mr Young)*

Question agreed to.

**Clause 46** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

## AYES, 21

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Mr Atkinson and Ms Wooldridge)*

## NOES, 16

Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmar; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips; Mr Young.

*(Tellers: Mr Dalla-Riva and Mr Morris)*

Question agreed to.

**Clause 47** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

## AYES, 20

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Ms Dunn and Ms Patten)*

## NOES, 13

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmar; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Mr Ondarchie and Mr O'Sullivan)*

Question agreed to.

**Clause 48** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

## AYES, 21

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Ms Shing and Ms Springle)*

## NOES, 13

Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmar; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich.

*(Tellers: Dr Carling-Jenkins and Mr Davis)*

Question agreed to.

**Clauses 49 to 66** — put and agreed to.

**Heading to Clause 67** — Ms Pulford moved Mr Jennings' Amendment No. 13 — put and agreed to.

Heading to Clause 67, as amended — put and agreed to.

**Clause 67** — Ms Pulford moved Mr Jennings' Amendment No. 14 — put and agreed to.

Clause 67, as amended — put and agreed to.

**Clause 68** — Ms Pulford moved Mr Jennings' Amendment Nos. 15 and 16 — put and agreed to.

Clause 68, as amended — put and agreed to.

**Clauses 69 to 71** — put and agreed to.

**Clause 72** — Ms Pulford moved Mr Jennings' Amendment No. 17 — put and agreed to.

Clause 72, as amended — put and agreed to.

**Clauses 73 to 78** — put and agreed to.

**Clause 79** — Mr Davis moved Further Amendment No. 3 — put and negatived.

Clause 79 — put and agreed to.

**Clauses 80 to 88** — put and agreed to.

**Clause 89** — Mr Jennings moved Amendment No. 18 — put and agreed to.

Clause 89, as amended — put and agreed to.

**Clauses 90 to 105** — put and agreed to.

**New Clause to follow Clause 105** — Mr Jennings moved Amendment No. 19.  
Question — That the new clause stand part of the Bill — put and agreed to.

**Clauses 106 to 112** — put and agreed to.

**Clause 113** — Question — That the clause stand part of the Bill — put.  
The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Mr Ramsay; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Ms Hartland and Mr Leane)*

NOES, 16

Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Mulino; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Rich-Phillips; Mr Young.

*(Tellers: Ms Crozier and Mr Dalla-Riva)*

Question agreed to.

**Clauses 114 and 115** — put and agreed to.

**New Clause to follow Clause 115** — Mr Ramsay moved Amendment No. 9.  
Question — That the new clause stand part of the Bill — put and agreed to.

**Clause 116** — put and agreed to.

**Clause 117** — Mr Jennings moved Amendment Nos. 20 and 21.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 23

Mr Atkinson; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Mr O'Donohue; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Ms Springle; Ms Symes; Ms Tierney; Ms Wooldridge.

*(Tellers: Dr Ratnam and Ms Symes)*

NOES, 11

Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mrs Peulich.

*(Tellers: Dr Carling-Jenkins and Ms Fitzherbert)*

Question agreed to.

Clause 117, as amended — put and agreed to.

**Clause 118** — put and agreed to.

**Clause 119** — Mr Jennings moved Amendment No. 22 — put and agreed to.

Clause 119, as amended — put and agreed to.

**Clauses 120 to 141** — put and agreed to.

**Schedule 1** — Mr Jennings moved Amendment Nos. 23 to 27 — put and agreed to.

Mr Ramsay moved Amendment No. 11 — put and agreed to.

Mr Jennings moved Amendment Nos. 28 to 32 — put and agreed to.

Schedule 1, as amended — put and agreed to.

**Bill reported with amendments.**



**AMENDMENTS CIRCULATED IN RELATION TO —****1. VOLUNTARY ASSISTED DYING BILL 2017**Amendments circulated by Mr Davis

1. Clause 2, page 2, lines 10 to 14, omit all words and expressions on these lines and insert—
  - "(1) Subject to subsection (2), this Act except sections 1, 2, 3, and 5 and Part 9, comes into operation on a day or days to be proclaimed.
  - (2) A provision of this Act, except sections 1, 2, 3, and 5 and Part 9, must not be proclaimed unless the Legal and Social Issues Committee has tabled a report in accordance with section AA(2).
  - (3) Sections 1, 2, 3, and 5 and Part 9 of this Act come into operation on a day to be proclaimed."
2. Clause 3, page 6, after line 4 insert—
 

**"Legal and Social Issues Committee** means the standing committee appointed by the Legislative Council in the 58th Parliament on 16 April 2015;"

## NEW CLAUSE

3. Insert the following New Clause to follow clause 115—
 

**"AA Report of Legal and Social Issues Committee**

  - (1) Subject to subsection (3), the Legal and Social Issues Committee must inquire into the implementation of the recommendations regarding palliative care made by the End of Life Choices Inquiry and may report from time to time to the Legislative Council on the progress of the inquiry.
  - (2) The Legal and Social Issues Committee must report to the Legislative Council on the Committee being satisfied of the following matters—
    - (a) that the recommendations regarding palliative care made by the End of Life Choices Inquiry have been substantially implemented; and
    - (b) that the level of access to palliative care in regional Victoria is not less than the level of access in metropolitan Melbourne.
  - (3) The inquiry and reporting requirement under subsection (1) comes to an end on a report being made in accordance with subsection (2).
  - (4) In this section—
 

**End of Life Choices Inquiry** means the report of the Legal and Social Issues Committee tabled on 9 June 2016;

**metropolitan Melbourne** has the same meaning as in section 3 of the **Planning and Environment Act 1987**;

**regional Victoria** has the same meaning as it has in section 8(8) of the **First Home Owner Grant Act 2000**."

Amendments circulated by Mr Jennings

1. Clause 9, line 9, omit "be".
2. Clause 9, line 10, before "an" insert "be".
3. Clause 9, line 12, omit all words and expressions on this line and insert—

- "(ii) be ordinarily resident in Victoria; and
- (iii) at the time of making a first request, have been ordinarily resident in Victoria for at least 12 months; and".

4. Clause 9, line 22, omit "12 months" and insert "6 months".

5. Clause 9, page 16, after line 4 insert—

- "( ) Despite subsection (1)(d)(iii), if the person is diagnosed with a disease, illness or medical condition that is neurodegenerative, that disease, illness or medical condition must be expected to cause death within weeks or months, not exceeding 12 months."

6. Clause 18, page 21, after line 7, insert—

- "( ) If the co-ordinating medical practitioner is able to determine that the person has a disease, illness or medical condition that is neurodegenerative in accordance with section 9(4) that—

- (a) will cause death; and

- (b) is expected to cause death between 6 and 12 months—

the co-ordinating medical practitioner must refer the person to a specialist registered medical practitioner who has appropriate skills and training in that particular disease, illness or medical condition that is neurodegenerative, whether or not the co-ordinating medical practitioner had also made a referral under subsection (2).

- ( ) The specialist registered medical practitioner referred to in subsection (4) must—

- (a) determine whether the person has a disease, illness or medical condition that is neurodegenerative that—

- (i) will cause death; and

- (ii) is expected to cause death between 6 and 12 months; and

- (b) provide a clinical report to the co-ordinating medical practitioner that sets out the specialist registered medical practitioner's determination.

- ( ) If the co-ordinating medical practitioner refers the person to a specialist registered medical practitioner under subsection (4), the co-ordinating medical practitioner must adopt the determination of the specialist registered medical practitioner in respect of the matter in relation to which the person was referred."

7. Clause 19, line 31 omit "process." and insert "process;".

8. Clause 19, after line 31 insert—

- "( ) that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person's request to access voluntary assisted dying."

9. Clause 28, line 34 omit "process." and insert "process;".

10. Clause 28, after line 34 insert—

- "( ) that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person's request to access voluntary assisted dying."

11. Clause 39, line 30 omit "one month" and insert "15 days".

12. Clause 45, line 19 omit "one month" and insert "15 days".
13. Heading to clause 67, after "**Registrar**" insert "**and Coroner**".
14. Clause 67, after line 34 insert—
- "( ) A registered medical practitioner who was responsible for a person's medical care immediately before death, or who examines the body of a deceased person after death and reasonably believes or knows the person was the subject of a voluntary assisted dying permit must notify the Coroner of—
- (a) the registered medical practitioner's reasonable belief or knowledge that the person—
- (i) was the subject of a voluntary assisted dying permit and the voluntary assisted dying substance specified in the permit was not self-administered by the person or administered to the person; or
- (ii) was the subject of a self-administration permit and accessed voluntary assisted dying by self-administering the voluntary assisted dying substance specified in the permit; or
- (iii) was the subject of a practitioner administration permit and accessed voluntary assisted dying by being administered the voluntary assisted dying substance specified in the permit; and
- (b) the disease, illness or medical condition that was the grounds for the person to access voluntary assisted dying."
15. Clause 68, after line 9 insert—
- "( ) was or was not ordinarily resident in Victoria for at least 12 months at the time of making a first request; or".
16. Clause 68, after line 17 insert—
- "( ) was or was not ordinarily resident in Victoria for at least 12 months at the time of making a first request; or".
17. Clause 72, after line 34 insert—
- "( ) a person was ordinarily resident in Victoria for at least 12 months at the time of making a first request; or
- ( ) a person was not ordinarily resident in Victoria for at least 12 months at the time of making a first request; or".
18. Clause 89, line 26 omit "one month" and insert "15 days".

NEW CLAUSE

19. Insert the following New Clause to follow clause 105—

**"AA Board to provide information to the contact person after the notification of the person's death**

The Board must within 7 days of being notified by the Registrar of the registration of a person's death in accordance with section 40A of the **Births, Deaths and Marriages Registration Act 1996** provide information to the contact person for the person that—

- (a) sets out the requirement under section 45(c) to return any unused or remaining voluntary assisted dying substance to a pharmacist at the dispensing pharmacy; and

(b) outlines the support services available to assist the contact person with the performance of the requirement referred to in paragraph (a).".

20. Clause 117, line 12 omit "records the cause of" and insert "records—".

21. Clause 117, lines 13 to 15, omit all words and expressions on these lines and insert—

"(a) the cause of death as the disease, illness or medical condition that was the grounds for a person to access voluntary assisted dying; and

(b) in the case that the Registrar is notified in accordance with section 67(1)(a)(ii) or (iii), that—

(i) the person was the subject of a voluntary assisted dying permit, and accessed voluntary assisted dying by self-administering, or being administered by the person's co-ordinating medical practitioner the voluntary assisted dying substance specified in the permit; and

(ii) voluntary assisted dying was the manner of death.".

22. Clause 119, after line 11 insert—

**"Note**

1. Section 14 includes a power for a coroner to investigate whether or not a death is a reportable death. If the death of a person is or may be due to the self-administration or administration of a voluntary assisted dying substance within the meaning of the **Voluntary Assisted Dying Act 2017** other than in accordance with that Act, the coroner could investigate the death under section 14.

2. Section 52(1) provides for a coroner to hold an inquest into any death that the coroner is investigating.".

AMENDMENT TO SCHEDULE

23. Schedule 1, Form 1, page 97, line 24, after "Victoria" insert "and was ordinarily resident in Victoria for at least 12 months at the time of making a first request".

24. Schedule 1, Form 1, page 97, line 32 omit "12 months" and insert "6 months or, in the case of a disease, illness or medical condition that is neurodegenerative, not exceeding 12 months".

25. Schedule 1, Form 1, page 98, after line 17 insert—

"Was a referral required for a specialist opinion in relation to whether the person's disease, illness or medical condition was a disease, illness or medical condition that is neurodegenerative that would cause death and was expected to cause death between 6 and 12 months?

Yes

No

If a referral was required, provide details of the referral and attach a clinical report from that specialist.".

26. Schedule 1, Form 1, page 98, line 32 omit "process." and insert "process;".

27. Schedule 1, Form 1, page 98, after line 32 insert—

"(g) that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person's request to access voluntary assisted dying.

To the best of my knowledge the person informed the relevant registered medical practitioner of the person's request to access voluntary assisted dying—

Yes

No

If No, why not?

[Specify reasons]".

28. Schedule 1, Form 2, page 102, line 18, after "Victoria" insert "and was ordinarily resident in Victoria for at least 12 months at the time of making a first request".

29. Schedule 1, Form 2, page 102, line 26 omit "12 months" and insert "6 months or, in the case of a disease, illness or medical condition that is neurodegenerative, not exceeding 12 months".

30. Schedule 1, Form 2, page 103, line 27 omit "process." and insert "process;".

31. Schedule 1, Form 2, page 103, after line 27 insert—

"(g) that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person's request to access voluntary assisted dying.

To the best of my knowledge the person informed the relevant registered medical practitioner of the person's request to access voluntary assisted dying—

Yes

No

If No, why not?

[Specify reasons]".

32. Schedule 1, Form 4, page 111, line 25 omit "one month" and insert "15 days".

#### Amendments circulated by Mr Morris

1. Heading to clause 7, omit "**of registered health practitioners**" and insert "**rights**".

2. Clause 7, line 21 after "practitioner" insert ", a provider of professional care services or a person employed or engaged by a pharmacist, a pharmacy business or a pharmacy department".

3. Clause 7, page 14 after line 4 insert—

"(2) A person who has a conscientious objection to voluntary assisted dying has the right to refuse to accept or exercise a delegation under section 112.

(3) If a person exercises a right under this section because the person has a conscientious objection to voluntary assisted dying, the exercise of the right is taken to be an attribute of the person for the purposes of the **Equal Opportunity Act 2010**".

4. Clause 13, page 19, line 6 omit "request." and insert "request; or".

5. Clause 13, page 19, after line 6 insert—

"(iv) is an employee or contractor of a health facility that does not have in place policies and practices to provide or facilitate acts relating to voluntary assisted dying, or the first request was made by a person who is within premises owned or occupied by such a health facility."

Amendments circulated by Mr Mulino

1. Clause 3, page 8, line 28, omit "poison" and insert "prescribed poison".
2. Clause 116, line 25, omit "The Governor" and insert "Subject to subsection (3), the Governor".
3. Clause 116, page 84, line after line 14 insert—
 

"( ) Regulations made under this Act must not prescribe a poison or controlled substance or a drug of dependence to be a voluntary assisted dying substance unless the substance is a therapeutic good registered in the Australia Register of Therapeutic Goods under Part 3-2 of the Therapeutic Goods Act 1989 of the Commonwealth."

Amendments circulated by Mr Ramsay

1. Clause 3, page 6, after line 4, insert—
 

**"mental illness** has the same meaning as in the **Mental Health Act 2014**;"
  2. Clause 3, page 7, after line 3 insert—
 

**"psychiatrist** means a person who is registered under the Health Practitioner Regulation National Law as a medical practitioner in the speciality of psychiatry (other than as a student);"
  3. Clause 9, line 22, omit "12 months" and insert "6 months or, in the case of a neurodegenerative disease, illness or medical condition, not exceeding 12 months".
  4. Clause 10, after line 24 insert—
 

"( ) If the person being assessed has a history of mental illness, either the co-ordinating medical practitioner or each consulting medical practitioner must be a psychiatrist or must refer the person to a psychiatrist under section 18(1)."
  5. Clause 18, line 19 after "criteria," insert "or if section 10(4) applies,".
  6. Clause 19, line 31 omit "process." and insert "process;".
  7. Clause 19, page 21, after line 31 insert—
 

"( ) that the person is encouraged to inform any registered health practitioner who is currently providing health services to the person of the person's request to access voluntary assisted dying."
  8. Clause 19, page 21, before line 32 insert—
 

"( ) In addition to the matters of which the co-ordinating medical practitioner must inform the person under subsection (1), the co-ordinating medical practitioner must, if the person consents, take all reasonable steps to fully explain to a member of the family of the person—

    - (a) all relevant clinical guidelines; and
    - (b) a plan in respect of the self-administration of a voluntary assisted dying substance for the purpose of causing death."
- NEW CLAUSE
9. Insert the following New Clause to follow clause 115—
 

**"A Board to record, retain and make public statistical information**

- (1) The Board must record and retain statistical information about—
    - (a) persons who have been issued with a voluntary assisted dying permit; and
    - (b) persons who have died after being administered or self-administering a voluntary assisted dying substance in accordance with this Act.
  - (2) The following statistical information must be recorded and retained in respect of the persons referred to in subsection (1)—
    - (a) the disease, illness or medical condition of the person that met the requirements of the eligibility criteria; and
    - (b) if the person has died after being administered or self-administering a voluntary assisted dying substance in accordance with this Act—the age of the person at the date of the person's death.
  - (3) The Board must make the statistical information recorded and retained publicly available in a de-identified form on an Internet site maintained by the Board."
10. Schedule 1, Form 1, page 97, line 32 omit "12 months" and insert "6 months or, in the case of a neurodegenerative disease, illness or medical condition, not exceeding 12 months".
  11. Schedule 1, Form 1, page 98, after line 32 insert—
 

"I have, with the consent of the person, taken all reasonable steps to fully explain to a member of the family of the person, all relevant clinical guidelines; and a plan in respect of the self-administration of a voluntary assisted dying substance for the purpose of causing death."
  12. Schedule 1, Form 1, page 99, before line 1 insert—
 

" I have encouraged the person to inform any registered medical practitioner who was providing health services to the person of the person's request to access voluntary assisted dying and to the best of my knowledge the person informed the relevant registered medical practitioners of the person's request to access voluntary assisted dying—

Yes

No

If No, why not?

[Specify reasons]"
  13. Schedule 1, Form 2, page 102, line 26 omit "12 months" and insert "6 months or, in the case of a neurodegenerative disease, illness or medical condition, not exceeding 12 months".

Further Amendments circulated by Mr Jennings

1. Clause 3, page 6, after line 4, insert—
 

**"mental illness** has the same meaning as in the **Mental Health Act 2014**;"
2. Clause 3, page 7, after line 3 insert—
 

**"psychiatrist** means a person who is registered under the Health Practitioner Regulation National Law as a medical practitioner in the speciality of psychiatry (other than as a student);"
3. Clause 18, lines 19 to 22, omit "the co-ordinating medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training" and insert "for example, due

to a past or current mental illness of the person, the co-ordinating medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training, such as a psychiatrist in the case of mental illness".

4. Clause 27, lines 22 to 24, omit "the consulting medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training" and insert ", for example, due to a past or current mental illness of the person, the consulting medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training, such as a psychiatrist in the case of mental illness".

Further Amendments circulated by Mr Davis

1. Clause 20, line 12, after "coercion" insert ", and is not subject to elder abuse".
2. Clause 29, line 15, after "coercion" insert ", and is not subject to elder abuse".
3. Clause 79, after line 17 insert—
  - "( ) Subsection (1) does not apply to a person who is a beneficiary under a will, insurance policy or superannuation scheme of the person who is assisted or facilitated by that person's doing of something or failure to do something."
4. Form 1 in Schedule 1, page 99, line 2, after "coercion," insert "that the person is not subject to elder abuse".
5. Form 2 in Schedule 1, page 103, line 29, after "coercion," insert "that the person is not subject to elder abuse".

Amendments circulated by Mr Ondarchie

1. Clause 117, line 9, omit "section 67" and insert "section 67(a)(ii) and (b) or section 67(a)(iii) and (b)".
2. Clause 117, lines 13 to 15, omit "disease, illness or medical condition that was the grounds for the person to access voluntary assisted dying" and insert "administration of a voluntary assisted dying substance".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 154, 155 and 156

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#### No. 154 — Tuesday, 28 November 2017

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, on 22 November 2017, given the Royal Assent to the following Act presented to her by the Acting Clerk of the Parliaments:  
*Caulfield Racecourse Reserve Act 2017.*
- 3 **VOLUNTARY ASSISTED DYING BILL 2017** — The President read a letter from the Clerk of the Legislative Council informing the House that he has made corrections in the Voluntary Assisted Dying Bill 2017 and the Schedule of amendments to the Bill made by this House.  
The Report is as follows:

28 November 2017

Hon Bruce Atkinson, MLC  
President of the Legislative Council  
Parliament of Victoria  
Spring Street  
East Melbourne 3002

Dear Mr President,

Under Standing Order 14.33, I have made corrections in the Voluntary Assisted Dying Bill 2017 and the Schedule of amendments to the Bill made by the Legislative Council, listed as follows:

In Clause 119, line 11, I have removed the quotation mark and second full stop. In Amendment 28 of the Schedule, I have removed the initial quotation mark.

Amendment 28 of the Schedule to the Bill adds a note to the text to be inserted by Clause 119 to the Coroners Act 2008. These punctuation marks are not required as the text being inserted by Clause 119 and the note being inserted by Amendment 28 are to be inserted into the Coroners Act 2008 as one piece of text.

Yours sincerely,

Andrew Young  
Clerk of the Legislative Council

**4 PETITIONS —**

**HORSE ACCESS ON THE CORINELLA FORESHORE** — Mr Bourman presented a Petition bearing 744 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to restore free access to the Corinella Foreshore beach, accessed via Norsesmens Road, Coronet Bay, for horse owners by reviewing the decision of the Council and to obtain and consider evidence to classify the 925 metre section as a Recreational Horse Beach.

Ordered to lie on the Table.

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

\* \* \* \* \*

**HORSE ACCESS ON THE CORINELLA FORESHORE** — Mr Bourman presented a Petition bearing 116 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to restore free access to the Corinella Foreshore beach, accessed via Norsesmens Road, Coronet Bay, for horse owners by reviewing the decision of the Council and to obtain and consider evidence to classify the 925 metre section as a Recreational Horse Beach.

Ordered to lie on the Table.

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

\* \* \* \* \*

**CRIME POLICY** — Ms Crozier presented a Petition bearing 50 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to match the Coalition policy and introduce mandatory sentencing, toughen up the justice system and hold criminals to account.

Ordered to lie on the Table.

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

**5 PAPERS —**

**VICTORIAN GOVERNMENT ABORIGINAL AFFAIRS REPORT 2017** — Mr Dalidakis moved, by leave, That there be laid before this House a copy of the Victorian Government Aboriginal Affairs Report, 2017.

Question — put and agreed to.

The Report was presented by Mr Dalidakis and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 17 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2015-16 FINANCIAL PERFORMANCE OUTCOMES** — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Public Accounts and Estimates Committee's Report on the 2015-16 Financial Performance Outcomes.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals —

A lease in relation to Flagstaff Gardens, dated 26 November 2017.

A licence in relation to Yellingbo Nature Conservation Reserve, dated 27 November 2017.

Legal Services Council and Commissioner for Uniform Legal Services Regulation — Report, 2016-17.

Planning and Environment Act 1987 — Notice of Approval of the following amendment to a planning scheme — Victorian Planning Provisions — Amendment VC141.  
 Statutory Rules under the following Acts of Parliament —  
 Country Court Act 1958 — No. 115.  
 Family Violence Protection Act 2008 — No. 112.  
 National Domestic Violence Order Scheme Act 2016 — No. 113.  
 Retirement Villages Act 1986 — No. 116.  
 Road Safety Act 1986 — No. 117.  
 Supreme Court Act 1986 — No. 114.  
 Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 116 and 121.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Family Violence Protection Amendment Act 2017 — Parts 3, 4 and 5 — 16 November 2017;  
 Division 2 of Part 9 — 25 November 2017 (Gazette No. S388, 15 November 2017).

National Domestic Violence Order Scheme Act 2016 — remaining provisions —  
 25 November 2017 (Gazette No. S388, 15 November 2017).

Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017 — Division 2 of Part 2 — 15 November 2017 (Gazette No. S388, 15 November 2017).

**6 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 29 November 2017:

- (1) Notice of Motion No. 490 standing in the name of Mr Rich-Phillips in relation to the revocation of Amendment C117 to the Frankston Planning Scheme;
- (2) Notice of Motion No. 487 standing in the name of Ms Crozier in relation to graffiti in Bentleigh;
- (3) Notice of Motion No. 477 standing in the name of Dr Carling-Jenkins in relation to the increase of violent crime, sentencing and Victoria Police;
- (4) Notice of Motion No. 489 standing in the name of Mr Morris in relation to the Ballarat Railway Precinct; and
- (5) Notice of Motion No. 485 standing in the name of Ms Bath in relation to AUSLAN training and courses.

Question — put and agreed to.

**7 MINISTER'S STATEMENTS** — Statements were made by a Minister pursuant to Sessional Order 2.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**9 FINES REFORM AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **James Gargasoulas court proceedings** — substantive question asked by Ms Wooldridge — response from Mr Jennings due Thursday, 30 November 2017.
- **GOTAFE** — substantive and supplementary questions asked by Mrs Peulich — response from Ms Tierney due Wednesday, 29 November 2017.
- **Energy price concessions** — substantive question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 29 November 2017.
- **Animal Welfare Victoria consultation** — substantive and supplementary questions asked by Mr Ramsay — response from Ms Pulford due Wednesday, 29 November 2017.
- **Animal Welfare Victoria consultation with Livestock Industry Consultative Committee** — substantive and supplementary questions asked by Mr O'Sullivan — response from Ms Pulford due Wednesday, 29 November 2017.
- **Animal Welfare Victoria – Animal Justice Party preferences** — substantive and supplementary questions asked by Ms Fitzherbert — response from Ms Pulford due Wednesday, 29 November 2017.
- **Firearm licensing regulations** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 30 November 2017.
- **DHHS website accessibility** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Mikakos due Thursday, 30 November 2017.
- **Mont Blanc coup koala death** — substantive and supplementary questions asked by Ms Dunn — response from Mr Jennings due Thursday, 30 November 2017.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Animal Welfare Victoria package** — substantive question asked by Mr Rich-Phillips on 21 November 2017 — further response from Mr Jennings due Wednesday, 29 November 2017.

- 11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 12 FINES REFORM AMENDMENT BILL 2017** — 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 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 to 3 be postponed until later this day.
- 14 VICTORIAN DATA SHARING BILL 2017** — 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 COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT (FURTHER REFORMS) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Ms Dunn were circulated.  
Debate continued.  
Amendments proposed to be moved in Committee by Mr Davis were circulated.  
Debate continued.  
Question — put and agreed to.  
Bill read a second time and ordered to be committed to a Committee of the whole later this day.

- 16 GAMBLING REGULATION AMENDMENT (GAMING MACHINE ARRANGEMENTS) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.  
On the motion of Ms Pulford, debate was adjourned until the next day of meeting.
- 17 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.  
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.  
And then the Council, at 6:38 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 155 — Wednesday, 29 November 2017

- 1** The President took the Chair and read the Prayer.
- 2 PETITIONS** —  
**VOTE AGAINST VOLUNTARY ASSISTED DYING BILL 2017** — Mr Davis presented a Petition bearing 24 signatures from certain citizens of Victoria requesting that the Legislative Council vote against the Andrews Labor Government's Voluntary Assisted Dying Bill 2017.  
Ordered to lie on the Table.
- \* \* \* \* \*
- PREVENT QUEEN VICTORIA MARKET REDEVELOPMENT** — Ms Patten presented a Petition bearing 271 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Victorian Government to urgently legislate to prevent the dismantling and excavation of the Queen Victoria Market, put a moratorium on future market development until there has been proper consultation and consider the impact of any changes to the market on the livelihoods of traders, the heritage value and ongoing viability of the Queen Victoria Market.  
Ordered to lie on the Table.  
On the motion of Ms Patten, the petition was ordered to be taken into consideration on the next day of meeting.
- 3 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (LAB-GRADE PILL TESTING PILOT) BILL 2017** — Ms Springle introduced *A Bill for an Act to amend the Drugs Poisons and Controlled Substances Act 1981 to provide for the conduct of a pilot program for pill testing, and for other purposes.*  
On the motion of Ms Springle, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 4 PAPERS** —  
**ACCOUNTABILITY AND OVERSIGHT COMMITTEE — EDUCATION, TRAINING AND COMMUNICATIONS INITIATIVES OF VICTORIAN OVERSIGHT AGENCIES** —  
Mr O'Sullivan presented a report from the Accountability and Oversight Committee on Education, Training and Communications Initiatives of Victorian Oversight Agencies, together with Transcripts of Evidence.  
Ordered to lie on the Table and the Report to be published.  
Mr O'Sullivan moved, That the Council take note of the Report.  
Question — put and agreed to.

\* \* \* \* \*

- GOVERNMENT RESPONSE TO ENVIRONMENT AND PLANNING COMMITTEE'S INQUIRY INTO THE OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016** — Pursuant to Standing Order 23.30, Mr Dalidakis laid on the Table a copy of the Government Response to the Environment and Planning Committee's Inquiry into the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016.

On the motion of Mr Davis, the Report was ordered to be taken into consideration on the next day of meeting.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

ICT Disaster Recovery Planning, November 2017 (*Ordered to be published*).

Results of 2016-17 Audits: Local Government, November 2017 (*Ordered to be published*).

Results of 2016-17 Audits: Public Hospitals, November 2017 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of Kardinia Park Stadium Act 2016 — Event management declaration for Kardinia Park events, dated 22 November 2017.

**5 SESSIONAL ORDERS — 4 MINUTE DIVISION BELLS** — Ms Pulford moved, by leave, That until the end of the Session, unless otherwise ordered by the Council —

(1) Further to the Sessional Orders adopted by this House on 12 February 2015 and amended on 17 March 2015, 15 April 2015, 16 April 2015, 31 August 2016 and 19 September 2017, the following new Sessional Orders be adopted, to come into effect the first sitting day of 2018:

**A. Quorum of Committee of the whole**

Standing Order 15.02(2) is suspended and the following will apply:

(2) If notice is taken in Committee of the whole that a quorum of Members is not present the bells will be rung as for a division and if, at the expiration of four minutes or on a division, it appears that a quorum of Members is not present, the Deputy President will leave the Chair and the President will resume the Chair.

**B. Divisions — Procedure for division**

Standing Order 16.02(1) is suspended and the following will apply:

(1) Immediately a division has been demanded, the Clerk will ring the bells for four minutes and the doors will not be closed until that time. When successive divisions are taken, and there is no intervening debate, the bells for the ensuing divisions will be rung for one minute only.

Standing Order 16.02(2) is suspended and the following will apply:

(2) At the expiration of four minutes the doors will be closed and locked, and no Member will enter or leave the Chamber until after the result of the division has been declared.

(2) The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders or practices of the Council, will have effect notwithstanding anything contained in the Standing Orders or practices of the Council.

(3) The Clerk is empowered to renumber the Sessional Orders and correct any internal references as a consequence of this resolution.

Question — put and agreed to.

**6 MINISTER'S STATEMENTS** — Statements were made by a Minister pursuant to Sessional Order 2.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 REVOCATION OF FRANKSTON PLANNING SCHEME AMENDMENT C117** — Mr Rich-Phillips moved, That, in relation to Amendment C117 to the Frankston Planning Scheme, which relates to the Kananook Train Storage Facility, this House —

(1) notes Planning Scheme Amendment C117 was tabled on 16 November 2017; and

(2) pursuant to section 38(2) of the *Planning and Environment Act 1987* revokes Amendment C117.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Mr Morris and Mr O'Sullivan)

NOES, 20

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Tierney.

(Tellers: Dr Carling-Jenkins and Mr Gepp)

Question negatived.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 9 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Crown Casino gaming machines** — substantive question asked by Ms Hartland — response from Mr Dalidakis due Tuesday, 12 December 2017.
- **Firearms classifications** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Tuesday, 12 December 2017.
- **Emergency care payments** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 30 November 2017.
- **Girls in Tech Catalyst Conference** — substantive question asked by Mr Ondarchie — response from Mr Dalidakis due Thursday, 30 November 2017.
- **Animal Justice Party – negotiations over animal welfare** — substantive question asked by Mr O'Sullivan — response from Ms Pulford due Thursday, 30 November 2017.

- 10 **VOLUNTARY ASSISTED DYING BILL 2017** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 11 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 12 **BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 487 be postponed until later this day.

- 13 **LAW AND ORDER MATTERS** — Dr Carling-Jenkins moved, That this House —

(1) notes that —

- (a) in the 2016-17 financial year, assault and related offences increased by 4.2 per cent, sexual assaults increased by 6.6 per cent, robbery increased by 10.6 per cent and dangerous and negligent acts endangering people increased by 14.4 per cent;
- (b) on 11 October 2017, the High Court of Australia ruled that sentencing for serious offences in Victoria has been too lenient;
- (c) Victoria Police Command has not observed strict neutrality in all matters connected with politics;
- (d) regrettably, many Victorians have lost faith in the judicial system and Victoria Police Command;

(2) affirms that —

- (a) the principle of the separation of powers is a fundamental element of fair government;
- (b) political correctness should not in any way be allowed to interfere with the safety of Victorians; and

(c) law and order matters and enforcement should be free of undue politicisation.  
 Debate ensued.  
 Question — put.  
 The Council divided — The President in the Chair.

AYES, 4

Mr Bourman; Dr Carling-Jenkins; Mr Purcell; Mr Young.  
*(Tellers: Mr Purcell and Mr Young)*

NOES, 31

Mr Atkinson; Ms Crozier; Mr Dalidakis; Mr Davis; Ms Dunn; Mr Eideh; Mr Elasmarr;  
 Ms Fitzherbert; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Ms Lovell;  
 Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie;  
 Mr O'Sullivan; Ms Pennicuik; Mrs Peulich; Ms Pulford; Mr Ramsay; Dr Ratnam;  
 Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Springle; Ms Tierney; Ms Wooldridge.  
*(Tellers: Mr Davis and Ms Dunn)*

Question negatived.

**14 BALLARAT RAILWAY PRECINCT** — Mr Morris moved, That this House notes —

- (1) that the Minister for Regional Development and the Andrews Labor Government continue to ignore the significant community concern surrounding their current proposed redevelopment of the Ballarat Railway Precinct;
- (2) that the Andrews Labor Government, if they do proceed with their current proposal for redevelopment of the Ballarat Railway Precinct will be breaking the promise they made to the people of Victoria before the last election; and
- (3) that the only solution to solving the issues surrounding the current proposal for the Ballarat Railway Precinct is to undertake a genuine and thorough community consultation before proceeding with any redevelopment.

Debate ensued.

Question — put and agreed to.

**15 PREVALENCE OF GRAFFITI WITHIN VICTORIAN COMMUNITIES** — Ms Crozier moved, That this House condemns the Andrews Government for the inaction on increasing graffiti across Victorian communities and in particular notes that —

- (1) visible graffiti is on the increase in the electorate of Bentleigh, including in shopping precincts;
- (2) graffiti is becoming more prevalent on structures along the Frankston train line;
- (3) Australia Post boxes, street signs and phone booths have all been targeted for increasing tagging and graffiti;

and calls on the Andrews Government to cease a soft approach on crimes such as graffiti and provide greater resources to address this increasing criminal behaviour.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Melhem.*

**16 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

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

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.28 p.m., adjourned until tomorrow.

ANDREW YOUNG  
 Clerk of the Legislative Council



## No. 156 — Thursday, 30 November 2017

1 The President took the Chair and read the Prayer.

2 **PAPERS —**

**SUPREME COURT REPORT, 2015-16** — Ms Tierney presented, by command of the Governor, the Report of the Supreme Court for the year 2015-16.

Ordered to lie on the Table.

\* \* \* \* \*

**SUPREME COURT REPORT, 2016-17** — Ms Tierney presented, by command of the Governor, the Report of the Supreme Court for the year 2016-17.

Ordered to lie on the Table.

\* \* \* \* \*

**VICTORIA LAW FOUNDATION REPORT, 2016-17** — Ms Tierney moved, by leave, That there be laid before this House a copy of the Victoria Law Foundation Report, 2016-17.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

\* \* \* \* \*

**JUDICIAL COLLEGE OF VICTORIA REPORT, 2016-17** — Ms Tierney moved, by leave, That there be laid before this House a copy of the Judicial College of Victoria Report, 2016-17.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Australian Health Practitioner Regulation Agency — Report, 2016-17.

Health Practitioner Regulation National Law (Victoria) Act 2009 — National Health Practitioner Ombudsman and Privacy Commissioner Report, 2016-17.

Judicial College of Victoria — Minister's report of receipt of 2016-17 report.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return — November 2017 and Summary of Variations Notified between 22 September and 28 November 2017 (*Ordered to be published*).

National Health Funding Pool Administrator — Report, 2016-17.

Ombudsman — Implementing OPCAT in Victoria: report and inspection of the Dame Phyllis Frost Centre, November 2017 (*Ordered to be published*).

Planning and Environment Act 1987 — Notice of Approval of the following amendment to planning schemes — Ararat, Baw Baw, Buloke, East Gippsland, Frankston, Gannawarra, Greater Bendigo, Greater Geelong, Macedon Ranges, Melbourne, Monash, Moorabool, Northern Grampians, Port Phillip and Stonnington Planning Schemes — Amendment GC49.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 112, 113, 118 and 119.

Victorian Civil and Administrative Tribunal — Report, 2016-17.

3 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 12 December 2017.

Question — put and agreed to.

4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

5 **FIREARMS AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Mr Bourman were circulated.

Debate continued.

An amendment proposed to be moved in Committee by Ms Tierney was circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Sex offender post sentencing scheme** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 12 December 2017.
- **Cost of bail recipient's accommodation** — substantive and supplementary questions asked by Ms Lovell — response from Ms Tierney due Tuesday, 12 December 2017.
- **Corrections intelligence systems** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 12 December 2017.
- **Animal welfare grants – potential referral to IBAC** — supplementary question asked by Mr Rich-Phillips — response from Ms Pulford due Tuesday, 12 December 2017.
- **Animal Welfare Party election preferences** — substantive question asked by Ms Fitzherbert — response from Mr Jennings due Tuesday, 12 December 2017.
- **Police media comments on arrested persons** — substantive and supplementary questions asked by Ms Patten — response from Ms Tierney due Wednesday, 13 December 2017.
- **Star Poultry Supply – animal welfare issues** — substantive and supplementary questions asked by Ms Pennicuik — response from Ms Pulford due Tuesday, 12 December 2017.

**7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**8 FIREARMS AMENDMENT BILL 2017** — Bill ordered to be committed to a Committee of the whole later this day.

**9 GAMBLING REGULATION AMENDMENT (GAMING MACHINE ARRANGEMENTS) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ms Patten moved, That the Gambling Regulation Amendment (Gaming Machine Arrangements) Bill 2017 be referred to the Legal and Social Issues Committee for inquiry, consideration and report by 29 March 2018 and, in conducting its inquiry, the Committee should consider the impact of —

- (1) the duration and terms of licences for various gaming activities;
- (2) cashless gaming;
- (3) unlimited daily maximum EFTPOS withdrawal limits;
- (4) maximum bet per spin limits;
- (5) daily poker machine venue trading hours;
- (6) harm minimisation measures and their effectiveness; and
- (7) how other jurisdictions have undertaken to regulate these matters.

Debate ensued.

Question — put.

The Council divided — The Acting President in the Chair.

AYES, 10

Mr Bourman; Dr Carling-Jenkins; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Springle; Mr Young.  
(Tellers: Ms Patten and Mr Young)

## NOES, 28

Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmar; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge.

(Tellers: Mr Dalidakis and Mr Eideh)

Question negatived.

*The Acting President having ruled that certain amendments proposed to be moved in Committee by Ms Hartland were outside the scope of the Bill —*

Ms Hartland moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend both the *Gambling Regulation Act 2003* and the *Casino Control Act 1991* to impose limits on the amount that may be wagered on a single spin of a gaming machine.

Debate ensued.

Question — put and agreed to.

*The Acting President having ruled that certain amendments proposed to be moved in Committee by Ms Patten were outside the scope of the Bill —*

Ms Patten moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Gambling Regulation Act 2003* to impose limits on the amount that may be wagered on a single spin of a gaming machine and to change the number of hours of gaming that are permitted at an approved venue.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

The Acting President reported progress and asked leave to sit again.

Bill to be further considered in Committee of the whole later this day.

**10 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Debate ensued.

On the motion of Mr Melhem, the debate was adjourned until later this day.

**11 GAMBLING REGULATION AMENDMENT (GAMING MACHINE ARRANGEMENTS) BILL 2017** — Bill further considered in Committee of the whole.

House in Committee.

Bill reported without amendment.

Mr Dalidakis moved, That the Report be now adopted.

Question — put.

The Council divided — The Acting President in the Chair.

## AYES, 31

Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmar; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(Tellers: Mr Eideh and Mr Purcell)

## NOES, 6

Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Springle.

(Tellers: Ms Hartland and Ms Springle)

Question agreed to.

Mr Dalidakis moved, That the Bill be now read a third time.

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

The Council divided — The Acting President in the Chair.

## AYES, 31

Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
(Tellers: Mr Finn and Mr Young)

## NOES, 6

Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Springle.  
(Tellers: Ms Patten and Ms Pennicuik)

Question agreed to.

Bill read a third time.

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

- 12 DOMESTIC ANIMALS AMENDMENT (PUPPY FARMS AND PET SHOPS) BILL 2016** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Domestic Animals Act 1994 to regulate the number of fertile female dogs to be kept by breeding domestic animal businesses, to further regulate the breeding of dogs and cats and the sale of dogs and cats in pet shops, to provide for registration of foster carers and for single use permits to sell certain animals, to further provide for the administration and enforcement of that Act and legal proceedings and to provide for other minor and related matters and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 13 HEALTH AND CHILD WELLBEING LEGISLATION AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Child Wellbeing and Safety Act 2005, the Public Health and Wellbeing Act 2008, the Health Complaints Act 2016 and the Health Legislation Amendment (Quality and Safety) Act 2017 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

- 14 ROAD SAFETY AMENDMENT (AUTOMATED VEHICLES) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 to establish a regime for the trialling of automated vehicles on highways, to make a consequential amendment to the Crimes Act 1958 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**15 WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to the Water Act 1989 and the Catchment and Land Protection Act 1994 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**16 COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT (FURTHER REFORMS) BILL 2017** — 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.

**17 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 9.59 p.m., adjourned until Tuesday, 12 December 2017.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 154, 155 and 156

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### **FINES REFORM AMENDMENT BILL 2017**

*Committed Tuesday, 28 November 2017.*

*Amendments circulated: Ms Pennicuik (see p 995).*

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Ms Pennicuik moved Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 5

Ms Dunn; Ms Hartland; Ms Pennicuik; Dr Ratnam; Ms Springle.

*(Tellers: Ms Dunn and Ms Hartland)*

NOES, 34

Mr Atkinson; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Morris and Mr Somyurek)*

Question negatived.

Clause 5 — put and agreed to.

**Clauses 6 to 136** — put and agreed to.

**Bill reported without amendment.**

### **GAMBLING REGULATION AMENDMENT (GAMING MACHINE ARRANGEMENTS) BILL 2017**

*Committed Thursday, 30 November 2017.*

*Amendments circulated: Ms Hartland (see pp 995-8), Ms Patten (see pp 999-1001).*

**Clause 1** — Ms Patten moved Amendment Nos. 1 and 2.

Mr O'Donohue moved, That the Acting President report progress and ask leave to sit again — put and agreed to.

**Progress reported.**

*Progress having been reported earlier this day, Bill further considered in Committee of the whole.*

**Clause 1** —

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 7

Dr Carling-Jenkins; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Springle.

*(Tellers: Ms Patten and Dr Ratnam)*

NOES, 31

Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell;

Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Mulino and Mr Ramsay*)

Question negated.

Ms Patten moved Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 8

Dr Carling-Jenkins; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Springle.  
(*Tellers: Dr Carling-Jenkins and Ms Hartland*)

NOES, 30

Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmar; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Melhem and Ms Pulford*)

Question negated.

Ms Patten moved Amendment No. 4 — put and negated.

Ms Hartland moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 8

Dr Carling-Jenkins; Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Springle.  
(*Tellers: Mr Purcell and Ms Springle*)

NOES, 30

Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmar; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
(*Tellers: Ms Mikakos and Mr Ramsay*)

Question negated.

Clause 1 — put and agreed to.

**Clauses 2 to 86** — put and agreed to.

**New Clause to follow Clause 86** — Ms Patten moved Amendment No. 30 — put and negated.

**Clauses 87 to 93** — put and agreed to.

**Clause 94** — Ms Hartland moved Amendment Nos. 2 to 9.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 7

Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Springle.  
(*Tellers: Ms Dunn and Ms Pennicuik*)



## NOES, 30

Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Ms Tierney)*

Question negatived.

Ms Patten moved Amendment Nos. 34 and 35 — put and negatived.

Clause 94 — put and agreed to.

**Clauses 95 to 104** — put and agreed to.

**Bill reported without amendment.**

**COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT (FURTHER REFORMS) BILL 2017**

*Committed Thursday, 30 November 2017.*

*Amendments circulated: Mr Davis (see pp 1002-5), Ms Patten (see pp 1006-9).*

*Suggested Amendments circulated: Ms Dunn (see p 1006).*

**Clause 1** — Ms Patten moved Amendment No. 1 — put and agreed to.

Clause 1, as amended — put and agreed to.

**Clause 2** — Mr Davis moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 18

Mr Atkinson; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Lovell and Mr O'Sullivan)*

## NOES, 20

Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Mr Somyurek)*

Question negatived.

Clause 2 — put and agreed to.

**Clauses 3 to 5** — put and agreed to.

**Clause 6** — Mr Davis moved Amendment No. 3. — put and negatived.

Clause 6 — put and agreed to.

**Clause 7** — Ms Patten moved Amendment Nos. 2 and 3 — put and agreed to.

Clause 7, as amended — put and agreed to.

**Clauses 8 to 17** — put and agreed to.

**Clause 18** — Ms Patten moved Amendment No. 4 — put and agreed to.

Clause 18, as amended — put and agreed to.

**Clause 19** — put and agreed to.

**Clause 20** — Ms Patten moved Amendment Nos. 5 and 6 — put and agreed to.  
Clause 20, as amended — put and agreed to.

**Clauses 21 and 22** — put and agreed to.

**Schedule 1** — Ms Patten moved Amendment Nos. 7 and 8 — put and agreed to.  
Schedule 1, as amended — put and agreed to.

**Bill reported with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. FINES REFORM AMENDMENT BILL 2017***Amendments circulated by Ms Pennicuik*

1. Clause 5, page 10, line 19 omit "substantially".
2. Clause 5, page 11, line 2 omit "substantially".
3. Clause 5, page 17, line 19 omit "substantially".
4. Clause 7, line 8 omit "substantially".

**2. GAMBLING REGULATION AMENDMENT (GAMING MACHINE ARRANGEMENTS) BILL 2017***Amendments circulated by Ms Hartland*

1. Clause 1, page 3, after line 8 insert—  
    "(c) to amend both the **Gambling Regulation Act 2003** and the **Casino Control Act 1991** to impose limits on the amount that may be wagered on a single spin of a gaming machine; and".
2. Clause 94, line 25, omit '—'.
3. Clause 94, line 26, omit "(a)".
4. Clause 94, line 27, omit "(i)" and insert "(a)".
5. Clause 94, line 30, omit "(ii)" and insert "(b)".
6. Clause 94, line 31, omit "approval; or" and insert "approval".
7. Clause 94, page 94, lines 1 and 2, omit all words and expressions on these lines.
8. Clause 94, page 94, line 3, omit "units." and insert 'units.'.
9. Clause 94, page 94, lines 4 to 23, omit all words and expressions on these lines.
10. Clause 95, line 27, omit "**certain**".
11. Clause 95, page 95, line 7, omit "area other than an EFTPOS" and insert "area".
12. Clause 95, page 95, line 8, omit all words and expressions on this line.
13. Clause 95, page 95, lines 10 to 29, omit all words and expressions on these lines.
14. Clause 95, page 96, line 1, omit "(5)" and insert "(3)".
15. Clause 96, line 23, after "if" insert "it is not an EFTPOS facility and".

## NEW CLAUSES

16. Insert the following new Part heading, Division headings and clauses to follow clause 101—

**'Part 10—Bet limits**

**Division 1—Amendment of Principal Act**

**A Ministerial directions as to requirements for gaming machines**

Section 3.2.3(1)(d) of the Principal Act is **repealed**.

**B New Subdivisions 4 and 5 of Division 3 of Part 5 of Chapter 3 inserted**

Before the heading to Division 4 of Part 5 of Chapter 3 of the Principal Act **insert—**

**"Subdivision 4—Bet limits for large approved venues**

**3.5.33R Definition**

In this Subdivision—

*large approved venue* means an approved venue with 10 or more gaming machines.

**3.5.33S Bet limit for gaming machine in large approved venue—until 31 December 2023**

- (1) This section applies until 31 December 2023.
- (2) The venue operator for a large approved venue must not allow a game to be played on a gaming machine in that venue if it is possible to wager more than \$5 on a single spin of the machine.

Penalty: 120 penalty units.

**3.5.33T Capacity to set bet limit for newly installed gaming machine in large approved venue—from 1 January 2020 to 31 December 2023**

- (1) This section applies to a gaming machine installed in a large venue during the period that—
  - (a) begins on 1 January 2020; and
  - (b) ends on 31 December 2023.
- (2) During the period referred to in subsection (1), the venue operator must not allow a game to be played on the gaming machine if the machine does not have a function that, when operated, makes it impossible to wager more than \$1 on a single spin of the machine.

Penalty: 120 penalty units.

**3.5.33U Bet limit for gaming machine in large approved venue—from 1 January 2024**

- (1) This section applies on and after 1 January 2024.
- (2) The venue operator for a large approved venue must not allow a game to be played on a gaming machine in that venue if it is possible to wager more than \$1 on a single spin of the machine.

Penalty: 120 penalty units.

## **Subdivision 5—Bet limits for small approved venues**

### **3.5.33V Definition**

In this Subdivision—

*small approved venue* means an approved venue with fewer than 10 gaming machines.

### **3.5.33W Bet limit for gaming machine in small venue until 31 December 2025**

- (1) This section applies until 31 December 2025.
- (2) The venue operator for a small approved venue must not allow a game to be played on a gaming machine in that venue if it is possible to wager more than \$5 on a single spin of the machine.

Penalty: 120 penalty units.

### **3.5.33X Capacity to set bet limit for newly installed gaming machine in small approved venue—from 1 January 2020 to 31 December 2025**

- (1) This section applies to a gaming machine installed in a small venue during the period that—
  - (a) begins on 1 January 2020; and
  - (b) ends on 31 December 2025.
- (2) During the period referred to in subsection (1), the venue operator must not allow a game to be played on the gaming machine if the machine does not have a function that, when operated, makes it impossible to wager more than \$1 on a single spin of the machine.

Penalty: 120 penalty units.

### **3.5.33Y Bet limit for gaming machine in small approved venue—from 1 January 2026**

- (1) This section applies on and after 1 January 2026.
- (2) The venue operator for a small approved venue must not allow a game to be played on a gaming machine in that venue if it is possible to wager more than \$1 on a single spin of the machine.

Penalty: 120 penalty units."

## **Division 2—Amendment of Casino Control Act 1991**

### **C Gaming machines in casinos**

- (1) In section 62A(4) of the **Casino Control Act 1991**, after "the casino" insert "until 31 December 2019".
- (2) In section 62A(7) of the **Casino Control Act 1991**, for "A casino operator" substitute "Until 31 December 2019, a casino operator".

### **D New sections 62AAA, 62AAAB and 62AAAC inserted**

After section 62A of the **Casino Control Act 1991** insert—

#### **"62AAA Bet limit for gaming machine in casino—from 1 January 2020 to 31 December 2023**

- (1) This section applies—
  - (a) on and after 1 January 2020; and

(b) until 31 December 2023.

- (2) A casino operator must not allow a game to be played on a gaming machine if it is possible to wager more than \$5 on a single spin of the machine.

Penalty: 120 penalty units.

**62AAAB Capacity to set bet limit for newly installed gaming machine in casino—from 1 January 2020 to 31 December 2023**

- (1) This section applies to a gaming machine installed in a casino during the period that—
- (a) begins on 1 January 2020; and
  - (b) ends on 31 December 2023.

- (2) During the period referred to in subsection (1), the casino operator must not allow a game to be played on the gaming machine if the machine does not have a function that, when operated, makes it impossible to wager more than \$1 on a single spin of the machine.

Penalty: 120 penalty units.

**62AAAC Bet limit for gaming machine in casino—from 1 January 2024**

- (1) This section applies on and after 1 January 2024.
- (2) A casino operator must not allow a game to be played on a gaming machine if it is possible to wager more than \$1 on a single spin of the machine.

Penalty: 120 penalty units."

**E New section 174 inserted**

After section 173 to the **Casino Control Act 1991** insert—

**"174 Transitional provisions—Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017**

- (1) No right to compensation enforceable against the State arises in relation to the enactment of Division 2 of Part 10 of the **Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017**.
- (2) Subsection (1) applies despite anything to the contrary in—
- (a) the **Casino (Management Agreement) Act 1993** or any other Act; or
  - (b) the Agreement (within the meaning of the **Casino (Management Agreement) Act 1993**) or any other agreement, arrangement or understanding."!

AMENDMENT OF LONG TITLE

17. Long title, omit "Division" and insert "Division, limits on the amount that may be wagered on a single spin of a gaming machine".

Amendments circulated by Ms Patten

1. Clause 1, page 2, lines 1 and 2, omit all words and expressions on these lines.
2. Clause 1, page 2, line 17, omit "20" and insert "10".
3. Clause 1, page 3, after line 8 insert—

"(viii) to impose limits on the amount that may be wagered on a single spin of a gaming machine; and"
4. Clause 1, page 3, before line 9 insert—

"(ix) to change the number of hours of gaming that is permitted at an approved venue; and".
5. Part heading before clause 4, omit "**that take effect on or after 16 August 2022**".
6. Division heading before clause 4, omit "**Surrender**" and insert "**Allocation**".
7. Clause 4, omit this clause.
8. Clause 5, line 26, omit "processes." and insert 'processes.'.'.
9. Clause 5, lines 27 to 31, omit all words and expressions on these lines.
10. Clause 5, page 5, lines 1 to 6, omit all words and expressions on these lines.
11. Clause 6, lines 9 to 22, omit all words and expressions on these lines.
12. Clause 6, page 6, line 10, omit "or surrendered".
13. Clause 6, page 6, lines 22 to 33, omit all words and expressions on these lines.
14. Clause 6, page 7, line 5, omit "or (ba)".
15. Clause 7, omit this clause.
16. Clause 22, line 24, omit "during—" and insert "during".
17. Clause 22, line 25, omit "(a)".
18. Clause 22, line 29, omit "entitlement; or" and insert "entitlement."
19. Clause 22, lines 30 to 34, omit all words and expressions on these lines.
20. Clause 22, page 26, line 9, omit "which—" and insert "which".
21. Clause 22, page 26, line 10, omit "(a)".
22. Clause 22, page 26, line 14, omit "3.4A.5(9)(b); and" and insert "3.4A.5(9)(b)".
23. Clause 22, page 26, lines 15 to 19, omit all words and expressions on these lines.
24. Clause 26, line 33, omit "2042" and insert "2032".
25. Clause 26, page 30, lines 3 and 4, omit "surrendered under Division 5AA or".
26. Clause 36, page 40, line 7, omit all words and expressions on these lines.

27. Clause 36, page 40, line 8, omit "(f)" and insert "(e)".
28. Clause 36, page 40, line 9, omit "(g)" and insert "(f)".
29. Clause 36, page 40, line 10, omit "(h)" and insert "(g)".

#### NEW CLAUSES

30. Insert the following New Clause to follow the heading to Division 1 of Part 8—

**'A Gaming tokens**

- (1) In section 3.5.19(1) of the Principal Act, for "use only gaming tokens" **substitute** "not use gaming tokens other than cash".

- (2) After section 3.5.19(1) of the Principal Act **insert**—

"(1A) A venue operator must not allow a game to be played on a gaming machine if a gaming token other than cash can be used in order to operate or gain credit on the gaming machine.

Penalty: 60 penalty units."

- (3) Section 3.5.19(2) of the Principal Act is **repealed**!.

31. Clause 87, omit this clause.
32. Clause 88, omit this clause.
33. Clause 89, omit this clause.
34. Clause 94, page 94, line 9, omit "\$500" and insert "\$200".
35. Clause 94, page 94, lines 11 to 13, omit all words and expressions on these lines.
36. Clause 95, page 95, line 15, omit "\$500" and insert "\$200".
37. Clause 95, page 95, lines 17 to 19, omit all words and expressions on these lines.
38. Clause 97, line 7, omit "\$500" and insert "\$200".
39. Insert the following Part heading and New Clauses to follow clause 101—

### **'Part 10—Hours of gaming permitted at approved venue**

**B Outline of Part 3 of Chapter 3**

In section 3.3.1 of the Principal Act—

- (a) for "the following approvals from the Commission—" **substitute** "an approval of premises as suitable for gaming.";

- (b) paragraphs (a) and (b) are **repealed**.

**C Section 3.3.3 repealed**

Section 3.3.3 of the Principal Act is **repealed**.

**D Application for approval of premises**

Section 3.3.4(4) of the Principal Act is **repealed**.

**E Determination of application**

- (1) In section 3.3.8(1) of the Principal Act—



- (a) for "grant—" **substitute** "grant approval of the premises as suitable for gaming.";
  - (b) paragraphs (a) and (b) are **repealed**.
- (2) In section 3.3.8(2) of the Principal Act—
- (a) in paragraph (b), for "premises; and" **substitute** "premises.";
  - (b) paragraph (c) is **repealed**.

#### **F Conditions of approval**

- (1) In section 3.3.9(1)(a) of the Principal Act, for "4" **substitute** "8".
- (2) In section 3.3.9(1)(a) and (b) of the Principal Act, for "20" **substitute** "16".'.
  - (3) Section 3.3.9(2) of the Principal Act is **repealed**.

#### **G Determination of applications and duration of licence**

Section 3.4.12(3) of the Principal Act is **repealed**.

#### **H Register of venue operators and approved venues**

Section 3.4.13(2)(f) of the Principal Act is **repealed**.

#### **I Amendment of conditions**

- (1) In section 3.4.17(1) of the Principal Act—
  - (a) in paragraph (c), for "venue; and" **substitute** "venue—";
  - (b) paragraph (d) is **repealed**.
- (2) Section 3.4.17(2) of the Principal Act is **repealed**.'.

40. Insert the following Division heading and New Clauses to follow clause 103—

### **'Division 3—Bet limits**

#### **J Ministerial directions as to requirements for gaming machines**

Section 3.2.3(1)(d) of the Principal Act is **repealed**.

#### **K New section 3.5.30A inserted**

After section 3.5.30 of the Principal Act **insert**—

##### **"3.5.30A Bet limits**

A venue operator must not allow a game to be played on a gaming machine if it is possible to wager more than \$1 on a single spin of the machine.

Penalty: 60 penalty units.".'.

#### AMENDMENT OF LONG TITLE

- 41. Long title, after "Division" insert ", limits on the amount that may be wagered on a single spin of a gaming machine".
- 42. Long title, before "and to make related amendments" insert ", the number of hours of gaming permitted at an approved venue".

### 3. COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT (FURTHER REFORMS) BILL 2017

#### Amendments circulated by Mr Davis

1. Clause 2, line 31, omit "(2), this Act" insert "(3), this Act (except section 22)".
2. Clause 2, after line 32 insert—  
 "( ) Section 22 comes into operation on the day after the day on which this Act receives the Royal Assent."
3. Clause 6, line 22, omit "289" and insert "292".
4. Clause 18, page 29, line 32, omit "284" and insert "287".
5. Clause 18, page 30, line 27, omit "284" and insert "287".
6. Clause 18, page 32, line 13, omit "284" and insert "287".
7. Clause 18, page 34, line 2, omit "284" and insert "287".
8. Clause 18, page 41, line 6, omit "284" and insert "287".
9. Clause 18, page 41, line 24, omit "282" and insert "285".
10. Clause 18, page 42, line 18, before "The" insert "(1)".
11. Clause 18, page 42, after line 22 insert—  
 "(2) In the case of a motor vehicle registered under this Part where the applicant is a member of the Victorian Hire Car Association Inc or its successor in law, the regulator must—  
 (a) record in the register of permission holders the vehicle as a hire car;  
 and  
 (b) give the applicant an appropriate written authority to enable the applicant to be issued hire car plates by the Roads Corporation under the **Road Safety Act 1986** for affixing to that vehicle.  
 (3) In this section—  
**hire car plate** means a non-standard number plate within the meaning of the **Road Safety Act 1986** issued by the Roads Corporation for affixing to a motor vehicle—  
 (a) registered under that Act (and bearing the registration number assigned to that vehicle under that Act); and  
 (b) recorded in the register of permission holders as a hire car.  
**Example**  
 A hire car plate is a non-standard number plate bearing a registration number within the following the ranges: VHA 000 to VHA 999, VHB 000 to VHB 999 and VHC 000 to VHC 999."
12. Clause 18, page 43, line 19, omit "282" and insert "285".
13. Clause 18, page 49, line 9, omit "284" and insert "287".

14. Clause 18, page 51, line 2, omit "284" and insert "287".
15. Clause 18, page 51, line 17, omit "282" and insert "285".
16. Clause 18, page 54, line 8, omit "282" and insert "285".
17. Clause 18, page 56, line 2, omit "284" and insert "287".
18. Clause 18, page 60, line 26, omit "282" and insert "285".
19. Clause 18, page 66, line 25, omit "282" and insert "285".
20. Clause 18, page 70, line 31, omit "282" and insert "285".
21. Clause 18, page 94, line 15, omit "285" and insert "288".
22. Clause 18, page 95, line 32, omit "285" and insert "288".
23. Clause 18, page 131, line 12, omit "284" and insert "287".
24. Clause 18, page 144, line 11, omit "284" and insert "287".
25. Clause 18, page 149, line 10, omit "284" and insert "287".
26. Clause 18, page 153, line 21, omit "288" and insert "291".
27. Clause 18, page 185, after line 6 insert—
  - "(4) In the case of a permission holder in whose name a motor vehicle is registered under Part 3 and who is a member of the Victorian Hire Car Association Inc or its successor in law, the regulator must record in the register that the vehicle is a hire car."
28. Clause 19, page 202, line 14, omit "288" and insert "291".
29. Clause 19, page 213, line 5, omit "284" and insert "287".
30. Clause 19, page 218, after line 2 insert—

#### **"Division 4—Unbooked commercial passenger vehicle services codes of practice**

##### **280 Minister to prepare code of practice**

- (1) The Minister must prepare a code practice for the following purposes—
  - (a) to protect older citizens and vulnerable persons from—
    - (i) unfair charging for the provision of unbooked commercial passenger vehicle services; and
    - (ii) unfair practices in relation to the provision of unbooked commercial passenger vehicle services;
  - (b) to regulate fares for the provision of commercial passenger vehicle services.
- (2) A code of practice must specify the classes of persons who are to be older citizens and vulnerable persons for the purposes of subsection (1)(a).

- (3) A code of practice must for the purposes of subsection (1)(b)—
- (a) set out requirements for the installation, operation and maintenance of fare calculation devices in commercial passenger vehicles used for the provision of unbooked commercial passenger vehicle services; and
  - (b) do any one or more of the following—
    - (i) specify maximum fares that may be charged for the provision of specified unbooked commercial passenger vehicle services;
    - (ii) specify rates to be applied in the calculation of fares for the provision of specified unbooked commercial passenger vehicle services;
    - (iii) specify formulas or methodologies by which rates to be applied in the calculation of fares for the provision of specified unbooked commercial passenger vehicle service can be determined.
- (4) A code of practice may—
- (a) be of general or limited application;
  - (b) differ according to differences in time, place or circumstance;
  - (c) confer a discretionary authority or impose a duty on a specified person or a person of a specified class.
- (5) In this section—

*fare calculation device* means a mechanical, electrical or electronic device that records and displays information about fares for the provision of unbooked commercial passenger vehicle services.

### **281 Public availability of code of practice**

- (1) The Minister must cause a code of practice prepared under section 280 to be published on the Department's internet site and to be made available for inspection, free of charge, at the principal office of the Department.
- (2) If a code of practice published under subsection (1) is amended under section 280, the Minister must cause the amended code of practice to be published in accordance with subsection (1).

### **282 Compliance with code of practice**

A person on whom a duty is imposed under a code of practice prepared under section 280 must comply with the duty unless the person has a reasonable excuse.

Penalty: In the case of an individual, 2 penalty units;  
In the case of a body corporate, 10 penalty units."

- 31. Clause 19, page 218, line 3, omit "4" and insert "5".
- 32. Clause 19, page 218, line 5, omit "280" and insert "283".
- 33. Clause 19, page 219, line 5, omit "281" and insert "284".
- 34. Clause 19, page 221, line 10, omit "5" and insert "6".
- 35. Clause 19, page 221, line 11, omit "282" and insert "285".
- 36. Clause 19, page 222, line 8, omit "283" and insert "286".

37. Clause 19, page 222, line 28, omit "284" and insert "287".
38. Clause 19, page 225, line 1, omit "285" and insert "288".
39. Clause 19, page 227, line 1, omit "286" and insert "289".
40. Clause 19, page 227, line 15, omit "287" and insert "290".
41. Clause 19, page 227, line 27, omit "288" and insert "291".
42. Clause 19, page 229, line 1, omit "289" and insert "292".
43. Clause 20, page 231, line 1, omit "290" and insert "293".
44. Clause 20, page 235, line 2, omit "289" and insert "292".
45. Clause 20, page 241, omit "section 290" appearing immediately below the heading to proposed new Schedule 3 and insert "section 293".

#### NEW CLAUSE

46. After clause 21 insert—

### **"Part 4—Review of transitional assistance package**

#### **AA Independent review of transitional assistance package**

- (1) The Minister must cause an independent review to be conducted into
  - (a) the administration and fairness of the transitional assistance package; and
  - (b) the impact of the transitional assistance package on—
    - (i) the regulation and safety of the commercial passenger vehicle industry; and
    - (c) participants in the commercial passenger vehicle industry.
- (2) The Minister must cause a copy of the review to be published on the Department's internet site and to be made available for inspection, free of charge, at the principal office of the Department on or before 1 July 2018.
- (3) For the purposes of this section, the *transitional assistance package* comprises—
  - (a) money paid by the State to participants in the commercial passenger vehicle industry to assist them in relation to changes to the law applying to that industry made by the **Commercial Passenger Vehicle Industry Act 2017** and this Act; and
  - (b) grants paid to commercial passenger vehicle industry participants referred to in paragraph (a); and
  - (c) rebate or subsidy schemes established and maintained to support participants referred to in paragraph (a)."

Amendments circulated by Ms Dunn

1. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 5, line 1, after "of" insert "certain".
2. **Suggested amendment to the Legislative Assembly -**  
Clause 7, page 10, after line 6 insert—

**"leviable transaction** means the provision for a single fare of a commercial passenger vehicle service (whether booked or unbooked) in respect of carriage on a journey that begins in a leviable zone (whether the journey ends in or outside a leviable zone);

**leviable zone** means—

- (a) the Melbourne Metropolitan Zone established under section 143B(1)(a) of the **Transport (Compliance and Miscellaneous) Act 1983** (as in force immediately before the commencement of item 10.7 of Schedule 1 to the **Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017**); and
- (b) the Urban and Large Regional Zone established under section 143B(1)(b) of the **Transport (Compliance and Miscellaneous) Act 1983** (as in force immediately before the commencement of item 10.7 of Schedule 1 to the **Commercial Passenger Vehicle Industry Amendment (Further Reforms) Bill 2017**);".

3. **Suggested amendment to the Legislative Assembly -**  
Clause 7, page 17, after line 4 insert—

"( ) the definition of *commercial passenger vehicle service transaction* is repealed;".

NEW CLAUSE

4. **Suggested amendment to the Legislative Assembly -**  
Insert the following New Clause to follow clause 10—

**'A Levy to be imposed only on journeys beginning in Melbourne Metropolitan and Urban and Large Regional Zones**

In sections 9, 10, 12 and 15 of the Principal Act, for "commercial passenger vehicle service transaction" **substitute** "leviable transaction".

Amendments circulated by Ms Patten

1. Clause 1, page 2, line 29, omit "(a)." and insert "(a) (subject to a scheme applying to certain unbooked commercial passenger vehicle services).".
2. Clause 7, page 14, line 2, omit "vehicle," and insert "vehicle service,".
3. Clause 7, page 17, after line 14 insert—  
'( ) In section 5(2)(c) of the **Commercial Passenger Vehicle Industry Act 2017**, for "reward or hiring fee" **substitute** "fare or other consideration".
4. Clause 18, page 90, after line 25 insert—

**"Division 1A—Protections for unbooked commercial passenger vehicle services**

**110A Definitions**

In this Division—

*applicable unbooked service* means an unbooked commercial passenger vehicle service in respect of carriage on a journey that begins in—

- (a) the Melbourne Metropolitan Zone; or
- (b) the Urban and Large Regional Zone;

*Melbourne Metropolitan Zone* means the Melbourne Metropolitan Zone established under section 143B(1)(a) of the **Transport (Compliance and Miscellaneous) Act 1983** (as in force immediately before the commencement of item 10.7 of Schedule 1 to the **Commercial Passenger Vehicle Industry Amendment (Further Reforms) Act 2017**;

*Urban and Large Regional Zone* means the Urban and Large Regional Zone established under section 143B(1)(b) of the **Transport (Compliance and Miscellaneous) Act 1983** (as in force immediately before the commencement of item 10.7 of Schedule 1 to the **Commercial Passenger Vehicle Industry Amendment (Further Reforms) Act 2017**.

**110B Application of Essential Services Commission Act 2001**

- (1) For the purposes of the **Essential Services Commission Act 2001**—
  - (a) this Division is relevant legislation; and
  - (b) the commercial passenger vehicle industry is a regulated industry in relation to applicable unbooked services.
- (2) If there is any inconsistency between this Division and a provision of the **Essential Services Commission Act 2001**, the provision of this Division prevails.

**110C Objective of the ESC**

The objective of the ESC in relation to the commercial passenger vehicle industry is to promote the efficient provision and use of applicable unbooked services.

**110D Powers in relation to fares regulation**

For the purposes of Part 3 of the **Essential Services Commission Act 2001**—

- (a) applicable unbooked services are prescribed services; and
- (b) the maximum charges for the services covered by paragraph (a) are prescribed prices.

**110E Price determinations**

Without limiting section 33(5) of the **Essential Services Commission Act 2001**, the manner in which the ESC may regulate prescribed prices includes determining different prices according to—

- (a) the time of day at which, or day of the week or kind of day on which, an applicable unbooked service is provided;
- (b) the speed at which the commercial passenger vehicle used in the provision of the applicable unbooked service is travelling;
- (c) the distance travelled by the commercial passenger vehicle used in the provision of the applicable unbooked service;
- (d) the type of commercial passenger vehicle used in the provision of the applicable unbooked service;

- (e) the occupancy of the commercial passenger vehicle used in the provision of the applicable unbooked service, including where there is more than one passenger;
- (f) where a journey in respect of which the applicable unbooked service is provided begins or ends;
- (g) the prevailing economic conditions, including the price of fuel and the consumer price index;
- (h) any other matter the ESC considers to be relevant.

**110F Exercise of regulatory functions**

- (1) The ESC must make a determination under this Division of the maximum charges for applicable unbooked services before the first anniversary of the day on which this section comes into operation.
- (2) The ESC must complete a review of a price determination no later than 2 years after it is made.

**110G Offence to charge or ask for a fare for an unbooked service in excess of the maximum fare**

A person who drives a commercial passenger vehicle for the purpose of providing an applicable unbooked service must not charge or ask for a fare for the service that is in excess of the fare or hiring rates permitted by a determination of the ESC under this Division.

Penalty: 60 penalty units."

5. Clause 20, page 253, line 12, omit "169(1)" and insert "169I(1)".

6. Clause 20, page 266, after line 19 insert—

**"47A Price determination**

- (1) This clause applies to the determination that was—
  - (a) made under Division 5A of Part VI of the old Act; and
  - (b) in force immediately before the commencement day.
- (2) On the commencement day, the determination as modified by subclause (3) is taken to be a determination under Division 1A of Part 6.
- (3) For the purposes of subclause (2), the determination is modified as follows—
  - (a) a determination of a price that is expressed to relate to Urban and Large Regional Zone taxi licences is taken to be a determination of a price for an applicable unbooked service in respect of a journey that begins in the Urban and Large Regional Zone;
  - (b) a determination of a price that is expressed to relate to metropolitan zone taxi licences is taken to be a determination of a price for an applicable unbooked service in respect of a journey that begins in the Melbourne Metropolitan Zone.
- (4) Nothing in this clause affects the ESC's obligation, under section 110F(1), to make a determination under Division 1A of Part 6 in the time specified in that section.
- (5) In this clause—

*applicable unbooked service* has the meaning given by section 110A;

*Melbourne Metropolitan Zone* has the meaning given by section 110A;



*Urban and Large Regional Zone* has the meaning given by section 110A."

AMENDMENT OF SCHEDULE

7. Schedule 1, item 4, line 27, omit all words and expressions on this line and insert—
  - (b) in paragraph (fb), for "taxi industry" **substitute** "commercial passenger vehicle industry in relation to applicable unbooked services within the meaning of Division 1A of Part 6 of the **Commercial Passenger Vehicle Industry Act 2017**".
8. Schedule 1, item 11, page 280, line 27, omit "115," and insert "115A,".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 157, 158, 159 and 160

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#### No. 157 — Tuesday, 12 December 2017

- 1 The President took the Chair, 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 Acting Clerk of the Parliaments:

On 5 December 2017 —

*Fines Reform Amendment Act 2017*

*Victorian Data Sharing Act 2017*

*Voluntary Assisted Dying Act 2017.*

On 12 December 2017 —

*Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017.*

- 3 **PETITION — SELF-DEFENCE REFORM** — Mr Young presented a Petition bearing 483 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to legalise and make available non-lethal self-defence items such as pepper spray, Tasers and batons etc. to law-abiding citizens of Victoria for the purpose of self-defence of their lives, their families and their homes; initiate appropriate legislative action and amendments to section 462 of the *Crimes Act 1958* supporting 'castle doctrine' and reinforcing the right for home owners to protect themselves and their families in the safety of their own homes; and support proposals for Victoria Police officers to carry their accoutrements off-duty, provided they meet relevant training and storage standards and requirements.

Ordered to lie on the Table.

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

- 4 **PAPERS** —

**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO YOUTH JUSTICE CENTRES IN VICTORIA** — Ms Fitzherbert presented an Interim Report from the Legal and Social Issues Committee on the Inquiry into Youth Justice Centres in Victoria.

Ordered to lie on the Table and the Report to be published.

Ms Fitzherbert moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Ms Bath presented Alert Digest No. 18 of 2017 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE — INQUIRY INTO THE SUSTAINABILITY AND OPERATIONAL CHALLENGES OF VICTORIA'S RURAL AND REGIONAL COUNCILS** — Mr Ramsay presented an Interim Report from the Environment, Natural Resources and Regional Development Committee on the Inquiry into the Sustainability and Operational Challenges of Victoria's Rural and Regional Councils.

Ordered to lie on the Table and the Report to be published.

Mr Ramsay moved, That the Council take note of the Report.

Question — put and agreed to.

\* \* \* \* \*

**IBAC COMMISSIONER — SPECIAL REPORT ON OPERATION LANSDOWNE: AN INVESTIGATION INTO ALLEGATIONS OF SERIOUS CORRUPTION INVOLVING VICTORIAN VOCATIONAL EDUCATION AND TRAINING, AND PUBLIC TRANSPORT SECTORS** — Pursuant to section 162(11)(a) of the *Independent Broad-based Anti-corruption Commission Act 2011*, the Clerk laid on the Table a copy of the Special report on Operation Lansdowne: An investigation into allegations of serious corruption involving Victorian vocational education and training, and public transport sectors, December 2017.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Order for approval of a lease in relation to Red Cliffs Court House, dated 26 November 2017.

Dhelkunya Dja Land Management Board — Minister's report of receipt of 2016-17 report.

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of 2016-17 report.

Parliamentary Committees Act 2003 — Government response to the Independent Broad-based Anti-corruption Commission Committee's Report on Improving Victoria's Whistleblowing Regime: A Review of the Protected Disclosure Act 2012.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Latrobe Planning Scheme — Amendment C107.

Melbourne Planning Scheme — Amendment C316.

Statutory Rules under the following Acts of Parliament —

Charter of Human Rights and Responsibilities Act 2006 — No. 122.

Fisheries Act 1995 — No. 118.

Improving Cancer Outcomes Act 2014 — No. 121.

Subordinate Legislation Act 1994 — No. 119.

Supreme Court Act 1986 — Nos. 124 to 127.

Transport Accident Act 1986 — No. 120.

Water Act 1989 — No. 123.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 120 and 123 to 127.

Terrorism (Community Protection) Act 2003 — Report pursuant to sections 13, 13ZR and 21M by Victoria Police for 2016-17.

Victorian Environmental Assessment Council Act 2001 — Victorian Government response to the Victorian Environmental Assessment Council's Statewide Assessment of Public Land, Final Report.

**5 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 13 December 2017:

- (1) Notice of Motion given this day by Mr O'Sullivan in relation to the creation of the Great Forest National Park;
- (2) Notice of Motion given this day by Mr Ondarchie seeking to refer a matter to the Economy and Infrastructure Committee;

- (3) Notice of Motion given this day by Dr Ratnam seeking to refer a matter to the Legal and Social Issues Committee;
- (4) Notice of Motion No. 474 standing in the name of Ms Pennicuik in relation to the production of certain documents;
- (5) Notice of Motion No. 494 standing in the name of Ms Fitzherbert in relation to CCTV cameras;
- (6) Notice of Motion No. 485 standing in the name of Ms Bath in relation to AUSLAN training and courses; and
- (7) Order of the Day No. 37, resumption of debate on the prevalence of graffiti within Victorian communities.

Question — put and agreed to.

**6 DOMESTIC ANIMALS AMENDMENT (PUPPY FARMS AND PET SHOPS) BILL 2016** — Ms Mikakos moved, by leave, That, in relation to the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016 —

- (1) the statement of compatibility with the *Charter of Human Rights and Responsibilities Act 2006* be tabled in lieu of that tabled on Thursday, 30 November 2017;
- (2) the statement of compatibility with the *Charter of Human Rights and Responsibilities Act 2006* incorporated on Thursday, 30 November 2017 be expunged from Hansard.

Question — put and agreed to.

**7 ECONOMY AND INFRASTRUCTURE COMMITTEE** — Mr Finn moved, by leave, That the Resolution of the Council of 27 May 2015 and the further resolution of 25 October 2016, requiring the Economy and Infrastructure Committee to inquire into and report every six months in April and October, on infrastructure projects, be amended so as to now require the Committee to present reports every six months in February and August.

Question — put and agreed to.

**8 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 1 be postponed until later this day.

**11 CRIMES LEGISLATION AMENDMENT (PROTECTION OF EMERGENCY WORKERS AND OTHERS) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

Debate continued.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**12 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**DHURRINGILE PRISONER ESCAPE** — Ms Tierney having given answers to a question without notice and supplementary question relating to Dhurringile prisoner escape —

On the motion of Ms Lovell, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Sex offender access to female GPs** — supplementary question asked by Mr O'Donohue from Ms Tierney due Wednesday, 13 December 2017.
- **Dhurringile prisoner escape** — substantive and supplementary questions asked by Ms Lovell — response from Ms Tierney due Wednesday, 13 December 2017.

- **Protest costs** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Thursday, 14 December 2017.
- **Rail construction safety** — substantive and supplementary questions asked by Mr Davis — response from Mr Jennings due Thursday, 14 December 2017.
- **Firearms licensing** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 14 December 2017.
- **Country roads** — substantive question asked by Mr Purcell — response from Mr Jennings due Thursday, 14 December 2017.
- **Citylink contract** — substantive question asked by Ms Hartland — response from Mr Jennings due Thursday, 14 December 2017.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**14 CRIMES LEGISLATION AMENDMENT (PROTECTION OF EMERGENCY WORKERS AND OTHERS) 2017** — Debate continued on the question, That the Bill be now read a second time. Question — put.

The Council divided — The President in the Chair.

AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Gepp and Mr Purcell)*

NOES, 5

Ms Dunn; Ms Hartland; Ms Pennicuik; Dr Ratnam; Ms Springle.

*(Tellers: Ms Hartland and Ms Springle)*

Question 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.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3 be postponed until later this day.

**16 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Suggested Amendments proposed to be moved in Committee by Ms Patten were circulated.

Debate continued.

*Business having been interrupted at 6.30 p.m. pursuant to Standing Orders —*

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Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Mr Jennings declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

The Acting President reported progress that the Committee had suggested amendments for the consideration of the Assembly and asked leave to sit again.

Bill returned to the Assembly with a Message requesting they make the amendments suggested by the Council.

Bill to be again considered again in Committee of the whole on the next day of meeting.

- 17 COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT (FURTHER REFORMS) BILL 2017** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 18 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 9.01 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 158 — Wednesday, 13 December 2017

- 1 The President took the Chair and read the Prayer.

- 2 **PETITIONS** —

**GUNBOWER AND DISTRICTS CRIME RATES** — Mr O'Sullivan presented a Petition bearing 12 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to increase police presence and numbers in rural communities; improve response times to triple zero (000) calls; implement harsher penalties for crime to reflect community values in sentencing criminals and increase rehabilitation and support resources for drug users in rural settings who have committed crimes.

Ordered to lie on the Table.

\* \* \* \* \*

**VOTE AGAINST THE VOLUNTARY ASSISTED DYING BILL 2017**— Mr Davis presented a Petition bearing 33 signatures from certain citizens of Victoria requesting that the Legislative Council vote against the Andrews Labor Government's Voluntary Assisted Dying Bill 2017.

Ordered to lie on the Table.

- 3 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to the Waste Management Policy (Resource Recovery Facilities).

Ombudsman — Investigation into the financial support provided to kinship carers, December 2017 (*Ordered to be published*).

- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 5 **GREAT FOREST NATIONAL PARK** — Mr O'Sullivan moved, That this House —

- (1) opposes the creation of a Great Forest National Park in Victoria;
- (2) notes that the creation of a Great Forest National Park would —
  - (a) destroy the timber industry in Victoria;
  - (b) result in the loss of up to 40,000 direct and indirect jobs in Victoria;
  - (c) significantly increase the threat of bush fires around the outer north eastern suburbs of Melbourne, putting lives and property at risk;

- (d) result in timber products needing to be sourced from countries that do not meet the same environmental and management practices adhered to by Victoria's forest industry; and
- (e) impose substantial additional demand on resources available for existing park management.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Crime in Western Metropolitan region** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Tierney due Friday, 15 December 2017.
- **Royal Commission into Child Sexual Abuse – National Redress Scheme** — supplementary question asked by Ms Patten — response from Ms Tierney due Friday, 15 December 2017.
- **Family violence prevention in multicultural communities – funding** — substantive and supplementary questions asked by Ms Springle — response from Mr Jennings due Friday, 15 December 2017.
- **VicForests contracts** — substantive question asked by Ms Dunn — response from Ms Pulford due Thursday, 14 December 2017.
- **Certificate III in early childhood education and care** — supplementary question asked by Ms Crozier — response from Ms Tierney due Thursday, 14 December 2017.

**7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**8 GREAT FOREST NATIONAL PARK** — Debate continued on the question, That this House —

- (1) opposes the creation of a Great Forest National Park in Victoria;
- (2) notes that the creation of a Great Forest National Park would —
  - (a) destroy the timber industry in Victoria;
  - (b) result in the loss of up to 40,000 direct and indirect jobs in Victoria;
  - (c) significantly increase the threat of bush fires around the outer north eastern suburbs of Melbourne, putting lives and property at risk;
  - (d) result in timber products needing to be sourced from countries that do not meet the same environmental and management practices adhered to by Victoria's forest industry; and
  - (e) impose substantial additional demand on resources available for existing park management.

Question — put.

The Council divided — The Acting President in the Chair.

AYES, 18

Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Sullivan and Mr Young)*

NOES, 18

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Dr Ratnam; Ms Pulford; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Pennicuik and Ms Symes)*

The Ayes and Noes being equal, the question was negatived.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 498 be postponed until later this day



**10 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE** — Dr Ratnam moved, That, pursuant to Sessional Order 6, this House requires the Legal and Social Issues Committee to inquire into, consider and report, no later than 19 June 2018, on the Victorian Commission for Gambling and Liquor Regulation in relation to —

- (1) its effectiveness in developing transparent risk-based approaches to licensing and compliance;
- (2) its existing funding and administrative model;
- (3) its effectiveness to carry out its functions;
- (4) its adequacy to protect the Victorian community from the harms associated with the misuse and abuse of liquor and gambling;
- (5) its suitability to measure and publicly report on its performance to provide genuine insight into its effectiveness as a regulator in minimising harm; and
- (6) the option of dismantling the Commission and creating a separate compliance body.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 7

Ms Dunn; Ms Hartland; Ms Patten; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Springle.

*(Tellers: Ms Patten and Mr Purcell)*

NOES, 31

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Mulino and Mr Young)*

Question negatived.

**11 PRODUCTION OF DOCUMENTS — F1 GRAND PRIX** — Ms Pennicuik moved, in an amended form by leave, That, in accordance with Standing Order 11.01, the Leader of the Government table in the Council by 12 noon on Tuesday, 20 February 2018 —

- (1) the contract, in full, signed by the Naphthine Government to host the F1 Grand Prix in Melbourne from 2016 to 2020;
- (2) the contract, in full, signed by the Andrews Government to host the F1 Grand Prix in Melbourne from 2021 to 2023;

and any response should conform with Standing Orders 11.02(3) and 11.03(1)(a).

Debate ensued.

Question — put and agreed to.

**12 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE** — Mr Ondarchie moved, That, pursuant to Sessional Order 6, this House requires the Economy and Infrastructure Committee to inquire into, consider and report on, at a date to be fixed by the Committee, the operation of LaunchVic in relation to —

- (1) governance, business activities, recruitment, funding criteria and the appropriateness and use of funding provided by the Victorian Government in the context of its objectives;
- (2) its relationship and activities with StartCon;
- (3) the contract, funding and integrity between LaunchVic, 500 Startups and its former Australian CEO;
- (4) the relationship and activities of other organisations where contractual arrangements have been required to be altered;
- (5) the Minister for Innovation and the Digital Economy's involvement with LaunchVic activities; and
- (6) any other consequential matters the Committee may deem appropriate.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Ms Patten.*

**13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**14 CORRECTIONS LEGISLATION FURTHER AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**15 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly informing the Council that they had made the suggested amendments proposed by the Council in this Bill.

Ms Tierney moved, That the Message be referred to the Committee of the whole on the Bill on the next day of meeting.

Question — put and agreed to.

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

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.09 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## **No. 159 — Thursday, 14 December 2017**

1 The President took the Chair and read the Prayer.

**2 CHARITIES AMENDMENT (CHARITABLE PURPOSE) BILL 2017** — Ms Patten introduced *A Bill for an Act to amend the Charities Act 1978 to exclude the advancement of religion as a charitable purpose, to amend the Duties Act 2000, the Payroll Tax Act 2007 and the Land Tax Act 2005, and for other purposes.*

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

**3 PAPERS** —

**CHILDREN'S COURT OF VICTORIA REPORT 2015-16** — Ms Tierney presented, by command of the Governor, the Report of the Children's Court of Victoria for the year 2015-16.

Ordered to lie on the Table.

\* \* \* \* \*

**OFFICE OF THE PUBLIC ADVOCATE REPORT 2016-17** — Ms Tierney moved, by leave, That there be laid before this House a copy of the Office of the Public Advocate Report 2016-17.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table and be published.

\* \* \* \* \*

**HAZELWOOD MINE FIRE INQUIRY: IMPLEMENTATION OF RECOMMENDATIONS AND AFFIRMATIONS** — Mr Dalidakis moved, by leave, That there be laid before this House a copy of the Hazelwood Mine Fire Inquiry: Implementation of Recommendations and Affirmations.

Question — put and agreed to.

The Report was presented by Mr Dalidakis and ordered to lie on the Table and be published.

\* \* \* \* \*

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE — INQUIRY INTO THE PERFORMANCE OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AND THE VICTORIAN INSPECTORATE — 2016/17** — Ms Symes presented a Report from the Independent Broad-based Anti-corruption

Commission Committee on the Inquiry into the Performance of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate – 2016/17 (including an Appendix).  
 Ordered to lie on the Table and the Report to be published.  
 Ms Symes moved, That the Council take note of the Report.  
 Debate ensued.  
 Question — put and agreed to.

\* \* \* \* \*

**ENVIRONMENT AND PLANNING COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO FIRE SEASON PREPAREDNESS** — Pursuant to Standing Order 23.30, Mr Jennings laid on the Table a copy of the Government Response to the Environment and Planning Committee's Inquiry into Fire Season Preparedness.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Managing the Level Crossing Removal Program, December 2017 (*Ordered to be published*).

Criminal Organisations Control Act 2012 — Report pursuant to section 133 by Victoria Police for 2016-17.

Parliamentary Committees Act 2003 —

Government response to the Environment, Natural Resources and Regional Development Committee's Report on the Inquiry into the Control of Invasive Animals on Crown Land.

Government response to the Family and Community Development Committee's Report on the Inquiry into services for people with Autism Spectrum Disorder.

Professional Standards Act 2003 — Instrument amending the New South Wales Bar Association Scheme, Gazetted 7 December 2017.

**4 LEGAL AND SOCIAL ISSUES COMMITTEE** — Dr Ratnam moved, by leave, That she be a participating member of the Legal and Social Issues Committee.

Question — put and agreed to.

**5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 and 501 be postponed until later this day.

**8 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017** — Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Mr Jennings moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 23

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

(*Tellers: Mr Purcell and Ms Springle*)

NOES, 15

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(*Tellers: Mr Morris and Mr O'Sullivan*)

Question agreed to.

Bill read a third time.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill including the amendments made by the Assembly on the suggestion of the Legislative Council, and that the Legislative Council have made amendments, with which they request the agreement of the Legislative Assembly.

**9 TRANSPORT LEGISLATION AMENDMENT (ROAD SAFETY, RAIL AND OTHER MATTERS) BILL 2017** — 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.

**10 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Poker machine pre-commitment scheme** — substantive question asked by Ms Hartland — response from Mr Dalidakis due Tuesday, 6 February 2018.
- **Trade mission to Israel and Greece** — supplementary question asked by Mr Ondarchie — response from Mr Dalidakis due Friday, 15 December 2017.
- **Regional partnerships conference** — supplementary question asked by Ms Lovell — response from Ms Pulford due Friday, 15 December 2017.
- **Independent crime statistics agency** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Jennings due Tuesday, 6 February 2018.
- **Invasive animals control** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Tuesday, 6 February 2018.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springler; Ms Symes; Ms Tierney.  
(Tellers: Ms Dunn and Mr Elasmarr)

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Mr Ondarchie and Mr O'Sullivan)

Question 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.

Mr Jennings moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(Tellers: Mr Eideh and Ms Hartland)

NOES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Mr Bourman and Mr Dalla-Riva)

Question agreed to.

Bill read a third time.

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

**14 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**15 GAMBLING LEGISLATION AMENDMENT BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003 to make miscellaneous amendments to that Act, and to amend the Victorian Commission for Gambling and Liquor Regulation Act 2011 to improve the governance arrangements of the Commission and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

**16 MAJOR EVENTS LEGISLATION AMENDMENT (TICKET SCALPING AND OTHER MATTERS) BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Major Sporting Events Act 2009 in relation to ticket scalping, to repeal the Tourism Victoria Act 1992 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned for one week.

**17 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to provide protections for the holders of petroleum titles affected by changes to the boundary between the offshore area and the Commonwealth defined offshore area* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mrs Peulich), the debate was adjourned for one week.

- 18 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2017** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Catchment and Land Protection Act 1994, the Dairy Act 2000, the Drugs, Poisons and Controlled Substances Act 1981, the Fisheries Act 1995, the Game Management Authority Act 2014, the Livestock Disease Control Act 1994, the Meat Industry Act 1993, the Melbourne Market Authority Act 1977, the Plant Biosecurity Act 2010, the Veterinary Practice Act 1997, the Wildlife Act 1975, and to make miscellaneous and consequential amendments to the Confiscation Act 1997, the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Environment Protection Act 1970, the Firearms Act 1996, the Land Act 1958 and to repeal the Livestock Disease Control Amendment Act 2007, the Broiler Chicken Industry Act 1978 and the Broiler Chicken Industry (Amendment) Act 1991 and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 19 DOMESTIC ANIMALS AMENDMENT (PUPPY FARMS AND PET SHOPS) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Mr Bourman were circulated.

Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(Tellers: Dr Ratnam and Mr Somyurek)

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Mr O'Donohue and Mr Young)

Question agreed to.

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

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Tierney declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

*And the Council having continued to sit after 12 midnight —*

FRIDAY, 15 DECEMBER 2017

Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Pulford moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.  
(*Tellers: Mr Leane and Ms Symes*)

NOES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Bourman and Ms Crozier*)

The Ayes and Noes being equal, the question was negatived.

**20 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.  
Debate ensued.

And then the Council, at 12.20 a.m., adjourned until later this day.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## **No. 160 — Friday, 15 December 2017**

**1** The President took the Chair and read the Prayer.

**2 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Land Acquisition and Compensation Act 1986 — Certifications pursuant to section 7(1)(c) of the Act to not require the service of a notice of intention to acquire land.

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of Catchment and Land Protection Act 1994 — Declaration of certain animals to be prohibited pest animals, controlled pest animals, regulated pest animals or established pest animals, dated 5 December 2017.

Victorian Budget Update — 2017-18.

**3 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 6 February 2018.

Question — put and agreed to.

**4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 and 501 be postponed until later this day.

**6 DOMESTIC ANIMALS AMENDMENT (PUPPY FARMS AND PET SHOPS) BILL 2016** — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Ms Pulford moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Springle; Ms Symes; Ms Tierney.

(Tellers: Ms Patten and Dr Ratnam)

NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Ms Bath and Mr Young)

Question agreed to.

Bill read a third time.

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

**7 OATHS AND AFFIRMATIONS BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Children and Young People permanency amendment inquiry** — supplementary question asked by Ms Springle — response from Ms Mikakos due Tuesday, 6 February 2018.
- **St Kilda beach gang incident – CCTV** — substantive and supplementary questions asked by Ms Fitzherbert — response from Ms Tierney due Wednesday, 7 February 2018.
- **Melbourne Remand Centre Riots – court case** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 7 February 2018.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**10 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 1.54 p.m., adjourned until Tuesday, 6 February 2018.

ANDREW YOUNG  
Clerk of the Legislative Council



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 157, 158, 159 and 160

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### CRIMES LEGISLATION AMENDMENT (PROTECTION OF EMERGENCY WORKERS AND OTHERS) BILL 2017

*Committed Tuesday, 12 December 2017.*

*Amendments circulated: Mr O'Donohue (see pp 1031-2).*

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr O'Donohue moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Mr Morris)*

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Dunn and Mr Eideh)*

Question negatived.

Mr O'Donohue moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Sullivan and Mr Young)*

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Gepp and Ms Springle)*

Question negatived.

Mr O'Donohue moved Amendment Nos. 3 and 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Purcell and Mr Rich-Phillips)*

## NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Mulino and Ms Springle)*

Question negatived.

Clause 3 — put and agreed to.

**Clauses 4 to 25** — put and agreed to.

**Bill reported without amendment.**

**STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017**

*Committed Tuesday, 12 December 2017.*

*Amendments circulated: Ms Dunn (see pp 1032-3).*

*Suggested amendments circulated: Ms Patten (see p 1033), Mr Rich-Phillips (see p 1033).*

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Ms Patten moved suggested Amendment Nos. 1 and 2 — put and agreed to.

Clause 3 — postponed pursuant to Standing Order 14.15(3).

**Clauses 4 to 6** — no question put pursuant to Standing Order 14.15(2).

**Clauses 7 to 21** — put and agreed to.

**Clauses 22 to 24** — Mr Rich-Phillips moved suggested Amendment No. 1.

Question — That clauses 22 to 24 be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 14

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Mr Purcell; Ms Shing; Mr Somyurek; Ms Tierney.

*(Tellers: Ms Patten and Mr Somyurek)*

NOES, 21

Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Mr Young.

*(Tellers: Mr Dalla-Riva and Ms Hartland)*

Question negatived.

Clauses 22 to 24 — postponed pursuant to Standing Order 14.15(5).

**Clauses 25 to 28** — no question put pursuant to Standing Order 14.15(2).

**Clauses 29 to 36** — put and agreed to.

**Clause 37** — Ms Dunn moved Amendment No. 1 — put and agreed to.

Clause 37, as amended — put.

The Committee divided — The Acting President in the Chair.

## AYES, 21

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Mr Young.

*(Tellers: Ms Mikakos and Ms Pennicuik)*

## NOES, 14

Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips.

*(Tellers: Mr O'Sullivan and Mrs Peulich)*

Question agreed to.

**Clauses 38 to 60** — put and agreed to.

**Clause 61** — Ms Dunn moved Amendment Nos. 2 and 3 — put and agreed to.  
Clause 61, as amended — put and agreed to.

**Clauses 62 to 70** — put and agreed to.

**Clause 71** — Ms Dunn moved Amendment No. 4 — put and agreed to.  
Clause 71, as amended — put and agreed to.

**Clauses 72 to 84** — put and agreed to.

**Progress reported with suggested amendments.**

**Thursday, 14 December 2017** —

*Progress having been reported on Tuesday, 12 December 2017, Bill further considered in Committee of the whole.*

**Postponed Clause 3, as amended by the Assembly** — no question put pursuant to Standing Order 14.15(2).

**Bill, as amended by the Assembly on the suggestion of the Council, reported with amendments.**

**DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2017**

*Committed Thursday, 14 December 2017.*

**Clauses 1 to 12** — put and agreed to.

**Bill reported without amendment.**

**DOMESTIC ANIMALS AMENDMENT (PUPPY FARMS AND PET SHOPS) BILL 2016**

*Committed Thursday, 14 December 2017.*

*Amendments circulated: Mr Bourman (see pp 1033-4), Mr Davis (see pp 1034-6) and Ms Pennicuik (see p 1036).*

**Clause 1** — put and agreed to.

**Clause 2** — Mr Davis moved Amendment Nos. 1 to 8.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr Young)*

NOES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Dalidakis and Ms Dunn)*

Question negatived.

Mr Bourman moved Amendment Nos. 1 to 5.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Finn and Mr O'Donohue)*

NOES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Dalidakis and Ms Pennicuik)*

Question negatived.

Clause 2 — put and agreed to.

**Clauses 3 and 4** — put and agreed to.

**Clause 5** — Ms Pennicuik moved Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 5

Ms Dunn; Ms Hartland; Ms Pennicuik; Dr Ratnam; Ms Springle.

*(Tellers: Dr Ratnam and Ms Springle)*

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Leane and Mr Purcell)*

Question negatived.

Clause 5 — put and agreed to.

**Progress reported.**

**Friday, 15 December 2017 —**

*Progress having been reported on Thursday, 14 December 2017, Bill further considered in Committee of the whole.*

**Clauses 6 and 7** — put and agreed to.

**Clause 8** — Mr Bourman moved Amendment Nos. 6 to 10.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Donohue and Ms Wooldridge)*

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Ms Hartland)*

Question negated.

Clause 8 — put and agreed to.

**Clauses 9 to 21** — put and agreed to.

**Clause 22** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Mikakos and Ms Tierney)*

NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Young)*

Question agreed to.

**Clauses 23 to 31** — put and agreed to.

**Clause 32** — Mr Bourman moved Amendment No. 11.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr Finn)*

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Mr Purcell)*

Question negated.

Mr Bourman moved Further Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Fitzherbert and Mr Ramsay)*

## NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Gepp and Mr Melhem)*

Question negatived.

Mr Bourman moved Amendment No. 12.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Mr O'Sullivan)*

## NOES, 18

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Eideh and Ms Symes)*

The Ayes and Noes being equal, the question was negatived.

Clause 32 — put and agreed to.

**Clauses 33 to 103** — put and agreed to.

**Clause 104** — Mr Bourman moved Amendment Nos. 18 to 23.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Mr Rich-Phillips)*

## NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Mulino and Ms Pennicuik)*

Question negatived.

Clause 104 — put and agreed to.

**Clauses 105 to 114** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. CRIMES LEGISLATION AMENDMENT (PROTECTION OF EMERGENCY WORKERS AND OTHERS) BILL 2017***Amendments circulated by Mr O'Donohue*

1. Clause 3, page 5, lines 18 to 20, omit "if an emergency worker on duty or a custodial officer on duty is injured".
2. Clause 3, page 7, line 5, omit "3 imprisonment (20" and insert "2 imprisonment (25".
3. Clause 3, page 7, lines 7 to 12, omit all words and expressions on these lines.
4. Clause 3, page 7, line 13, omit "2" and insert "1".
5. Clause 3, page 7, lines 17 and 18, omit "if an emergency worker on duty or a custodial officer on duty is injured,".
6. Clause 3, page 7, line 20, omit "3" and insert "2".
7. Clause 3, page 7, line 24, omit "4" and insert "3".
8. Clause 3, page 9, line 1, omit "Note" and insert—

**"Notes**

- 1 Section 10AE(1) of the **Sentencing Act 1991** requires that a term of imprisonment be imposed for an offence against this section and that a non-parole period of not less than 2 years be fixed under section 11 of that Act, unless the court finds under section 10A of that Act that a special reason exists.
  - 2 If a court makes a finding under section 10A of the **Sentencing Act 1991** that a special reason exists, the requirements of section 10AE(1) do not apply and the court has full sentencing discretion."
9. Clause 3, page 9, line 2, omit "Section" and insert "3 Section".
  10. Clause 3, page 10, line 10, omit "5 imprisonment (10" and insert "4 imprisonment (15".
  11. Clause 3, page 10, lines 12 to 17, omit all words and expressions on these lines and insert—
    - "1 Section 10AE(1) of the **Sentencing Act 1991** requires that a term of imprisonment be imposed for an offence against this section and that a non-parole period of not less than 2 years be fixed under section 11 of that Act, unless the court finds under section 10A of that Act that a special reason exists.
    - 2 If a court makes a finding under section 10A of the **Sentencing Act 1991** that a special reason exists, the requirements of section 10AE(1) do not apply and the court has full sentencing discretion."
  12. Clause 3, page 10, line 18, omit "2" and insert "3".
  13. Clause 3, page 11, line 29, omit "Note" and insert—

**"Notes**

- 1 Section 10AE(1) of the **Sentencing Act 1991** requires that a term of imprisonment be imposed for an offence against this section and that a non-

parole period of not less than 2 years be fixed under section 11 of that Act, unless the court finds under section 10A of that Act that a special reason exists.

- 2 If a court makes a finding under section 10A of the **Sentencing Act 1991** that a special reason exists, the requirements of section 10AE(1) do not apply and the court has full sentencing discretion."

14. Clause 3, page 11, line 30, omit "Section" and insert "3 Section".
15. Clause 7, lines 16 to 19, omit all words and expressions on these lines.
16. Clause 9, lines 32 to 35, omit all words and expressions on these lines.
17. Subdivision heading preceding clause 15, omit this heading.
18. Clause 15, omit this clause.
19. Clause 16, line 27, omit "**and 317AD in certain circumstances**" and insert ", **317AD, 317AE, 317AF and 317AG**".
20. Clause 16, line 31, omit "or 317AD" and insert ", 317AD, 317AE, 317AF or 317AG".
21. Clause 16, page 16, lines 2 to 4, omit "if, in of the commission of the offence, an emergency worker on duty or custodial officer on duty is injured".
22. Subdivision heading preceding clause 19, omit this heading.
23. Clause 19, omit this clause.

## 2. STATE TAXATION ACTS FURTHER AMENDMENT BILL 2017

### Amendments circulated by Ms Dunn

1. Clause 37, after line 7 insert—
  - (a) **insert** the following definition—
 

**"business day** means a day other than—

    - (a) a Saturday or a Sunday; or
    - (b) a day appointed under the **Public Holidays Act 1993** as a public holiday or public half-holiday;"
2. Clause 61, line 26, omit 'Guidelines.'" and insert "Guidelines."
3. Clause 61, after line 26 insert—
  - (3) If a council requests a supplementary valuation to be caused by the valuer-general under subsection (1), the valuer-general must give the supplementary valuation to the council within 10 business days after the supplementary valuation is returned to the valuer-general."
4. Clause 71, lines 17 to 18, omit all words and expressions on these lines and insert—
  - (3) For section 13N(3) of the **Valuation of Land Act 1960** substitute—
 

"(3) If a collection agency requests a supplementary valuation to be caused by the valuer-general under subsection (1), the valuer-general must give the



supplementary valuation to the collection agency within 10 business days after the supplementary valuation is returned to the valuer-general."!

Suggested amendments circulated by Ms Patten

1. **Suggested amendment to the Legislative Assembly -**  
Clause 3, line 27, omit '1995.'" and insert "1995."
2. **Suggested amendment to the Legislative Assembly -**  
Clause 3, after line 27 insert—  
'(4) A parking space is an exempt parking space if—  
  - (a) it is provided on land described in Vol.10894 Fol.151; and
  - (b) Abbotsford Convent Foundation (A.C.N. 098 462 474) is the registered proprietor of the land within the meaning of the **Transfer of Land Act 1958**."

Suggested amendment circulated by Mr Rich-Phillips

1. **Suggested amendment to the Legislative Assembly -**  
Clauses 22 to 24, omit these clauses.

**3. DOMESTIC ANIMALS AMENDMENT (PUPPY FARMS AND PET SHOPS) BILL 2016**

Amendments circulated by Mr Bourman

1. Clause 2, line 13, omit "36" and insert "35".
2. Clause 2, lines 18 to 22, omit subclauses (3) and (4).
3. Clause 2, line 25, omit "(5)" and insert "(3)".
4. Clause 2, line 28, omit "(8)" and insert "(6)".
5. Clause 2, line 31, omit "(7)" and insert "(5)".
6. Clause 8, line 34, omit all words and expressions on these lines.
7. Clause 8, page 16, line 1, omit "(b)" and insert "(a)".
8. Clause 8, page 16, line 3, omit "(c)" and insert "(b)".
9. Clause 8, page 16, line 7, omit "(d)" and insert "(c)".
10. Clause 8, page 16, line 14, omit "(e)" and insert "(d)".
11. Clause 32, page 34, lines 27 to 30, omit all words and expressions on these lines.
12. Clause 32, page 36, lines 2 to 9, omit all words and expressions on these lines and insert—  
“(1) A commercial dog breeder approval remains in force for a period of 10 years after the approval is granted or renewed.”
13. Clause 35, omit this clause.
14. Clause 66, lines 27 to 29, omit subclause (2).
15. Clause 76, page 81, lines 25 to 27, omit subclause (3).

16. Clause 84, lines 31 to 33, omit subclause (2).
17. Clause 91, page 88, lines 1 to 20, omit subclause (2).
18. Clause 104, page 105, lines 14 and 15, omit "within 7 days after".
19. Clause 104, page 105, line 16, before "the organisation" insert "within 7 days after".
20. Clause 104, page 105, line 17, omit ", suspend".
21. Clause 104, page 105, line 20, before "the recreational breeder" insert "within 7 days after".
22. Clause 104, page 105, line 21, omit "organisation." and insert "organisation; or".
23. Clause 104, page 105, after line 21 insert—  

"(c) within 49 days after the organisation makes a decision to suspend the membership of a recreational breeder because of a failure to comply with a code of ethics."
24. Clause 109, line 8, omit "104" and insert "103".
25. Clause 109, line 14, omit "104" and insert "103".
26. Clause 109, line 23, omit "104" and insert "103".

*Amendments circulated by Mr Davis*

1. Clause 2, line 13, omit "34" and insert "31".
2. Clause 2, line 13, omit "36" and insert "33".
3. Clause 2, lines 16 and 17, omit subclause (2).
4. Clause 2, line 18, omit "35, 66(2), 76(3), 84(2) and 91(2)" and insert "32, 63(2), 73(3), 81(2) and 88(2)".
5. Clause 2, line 20, omit "(3)" and insert "(2)".
6. Clause 2, line 25, omit "(5)" and insert "(4)".
7. Clause 2, line 28, omit "(8)" and insert "(7)".
8. Clause 2, line 31, omit "(7)" and insert "(6)".
9. Clause 5, page 8, lines 11 to 17, omit all words and expressions on these lines.
10. Clause 22, omit this clause.
11. Clause 23, omit this clause.
12. Clause 28, page 25, lines 11 to 17, omit subclause (2).
13. Clause 29, page 27, line 28, omit "located." and insert 'located.'.
14. Clause 29, page 27, lines 29 to 35, page 28, lines 1 to 35 and page 29, lines 1 to 20 omit all words and expressions on these lines.
15. Clause 32, omit this clause.
16. Clause 66, lines 19 and 20, omit "45A, 58AF or".
17. Clause 76, page 81, line 7, omit "45A, 58AF,".

18. Clause 84, lines 28 to 30, omit subclause (1).
19. Clause 91, page 87, in the Table proposed to be inserted by subclause (1), omit "45A(1)".
20. Division heading preceding clause 100, omit this heading.
21. Clause 104, page 104, lines 13 to 18, omit all words and expressions on these lines.
22. Clause 104, page 104, line 19, omit "(m)" and insert "(l)".
23. Clause 104, page 106, lines 7 to 15, omit all words and expressions on these lines.
24. Clause 104, page 106, line 16, omit "68U" and insert "68T".
25. Clause 104, page 108, line 9, omit "68V" and insert "68U".
26. Clause 104, page 109, line 1, omit "68W" and insert "68V".
27. Clause 104, page 109, line 8, omit "68X" and insert "68W".
28. Clause 104, page 109, line 12, omit "68Y" and insert "68X".
29. Clause 104, page 110, line 5, omit "68Z" and insert "68Y".
30. Clause 104, page 110, line 27, omit "68ZA" and insert "68Z".
31. Clause 104, page 110, line 32, omit "68ZD" and insert "68ZC".
32. Clause 104, page 110, line 34, omit "68ZD" and insert "68ZC".
33. Clause 104, page 111, line 4, omit "68ZB" and insert "68ZA".
34. Clause 104, page 111, line 9, omit "68ZD" and insert "68ZC".
35. Clause 104, page 111, line 17, omit "68ZD" and insert "68ZC".
36. Clause 104, page 111, line 27, omit "68ZC" and insert "68ZB".
37. Clause 104, page 111, line 30, omit "68ZA or 68ZB" and insert "68Z or 68ZA".
38. Clause 104, page 112, line 1, omit "68ZD" and insert "68ZC".
39. Clause 104, page 112, line 3, omit "68ZA or 68ZB" and insert "68Z or 68ZA".
40. Clause 104, page 112, line 22, omit "68ZE" and insert "68ZD".
41. Clause 104, page 113, line 4, omit "68ZF" and insert "68ZE".
42. Clause 104, page 114, line 1, omit "68ZG" and insert "68ZF".
43. Clause 109, page 116, line 8, omit "104" and insert "101".
44. Clause 109, page 116, line 14, omit "104" and insert "101".
45. Clause 109, page 116, line 23, omit "104" and insert "101".
46. Division heading preceding clause 110, omit this heading
47. Clause 110, omit this clause.
48. Clause 111, omit this clause.
49. Clause 112, omit this clause.

50. Clause 113, omit this clause.

*Amendments circulated by Ms Pennicuik*

1. Clause 5, lines 24 and 25, omit "(other than GRV greyhounds)".
2. Clause 5, page 5, line 2, omit "(other than GRV greyhounds)".
3. Clause 5, page 5, line 5, omit "(other than GRV greyhounds)".
4. Clause 48, lines 9 and 10, omit "**and the keeping of GRV greyhounds**".
5. Clause 48, line 23, omit "**and keeping of GRV greyhounds**".
6. Clause 48, lines 31 and 32, omit "or that a GRV greyhound is being kept".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 161, 162, and 163

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#### No. 161 — Tuesday, 6 February 2018

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **THE LATE MR STUART RICHARD MCDONALD** — The President advised the House of the death, on 20 December 2017, of Mr Stuart Richard McDonald, Member of the Legislative Council for the Northern Province between 1967 and 1979.

Members stood in their places as a mark of respect to the memory of the late Mr Stuart Richard McDonald.

- 3 **THE LATE HON. (ARTHUR) ANDREW MCCUTCHEON** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 16 December 2017, of the Honourable (Arthur) Andrew McCutcheon, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of St Kilda from 1982 to 1992 and as Minister for Water Resources and Minister for Property and Services from 1985 to 1987, Attorney-General from 1987 to 1990, Minister for Local Government from 1988 to 1989, Minister for Ethnic Affairs from 1989 to 1990, Minister for the Arts between April and August in 1990, Minister for Planning and Urban Growth from 1990 to 1991 and Minister for Planning and Housing from 1991 to 1992.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

*[Sitting suspended from 12:42 p.m. until 1:42 p.m.]*

- 4 **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 Acting Clerk of the Parliaments:

On 19 December 2017 —

*Commercial Passenger Vehicle Industry Amendment (Further Reforms) Act 2017*

*Corrections Legislation Further Amendment Act 2017*

*Crimes Legislation Amendment (Protection of Emergency Workers and Others) Act 2017*

*Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Act 2017*

*State Taxation Acts Further Amendment Act 2017*

*Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017.*

On 20 December 2017 —

*Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017.*

- 5 **ACCOUNTABILITY AND OVERSIGHT COMMITTEE** — The President read a letter from Mr Nick Staikos MP resigning from the Accountability and Oversight Committee, effective from today.

**6 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 1 of 2018 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

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**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION — SPECIAL REPORT ON EXPOSING AND PREVENTING CORRUPTION IN VICTORIA: IBAC'S FIRST FIVE YEARS** — Pursuant to section 162 of the *Independent Broad-based Anti-corruption Commission Act 2011*, the Clerk laid on the Table a copy of the Special report on Exposing and preventing corruption in Victoria: IBAC's first five years, December 2017.

Report ordered to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Accident Compensation Conciliation Service — Report for the period 1 July 2016 to 10 October 2017.

Australian Children's Education and Care Quality Authority — Report, 2016-17.

Crown Land (Reserves) Act 1978 — Ministerial Order for approval of a lease in relation to Yarra Bend Park, dated 14 December 2017.

Education and Care Services National Law Act 2010 — Education and Care Services National Further Amendment Regulations 2017 pursuant to section 303 of the Act. Education and Care Services Ombudsman, National Education and Care Services Freedom of Information and Privacy Commissioners — Report, 2016-17.

Land Acquisition and Compensation Act 1986 — Certification pursuant to section 7(1)(c) of the Act to not require the service of a notice of intention to acquire land.

Melbourne City Link Act 1995 — Deeds of Lease in relation to the Western Link Upgrade pursuant to section 60(9) of the Act.

Planning and Environment Act 1987 —

Infrastructure Levies and Development Contributions Levies — Report, 2016-17 pursuant to section 46GN of the Act.

Notices of Approval of the following amendments to planning schemes —

Ararat Planning Scheme — Amendment C37.

Banyule Planning Scheme — Amendment C108.

Banyule, Frankston, Kingston, Knox, Manningham, Maroondah, Moreland, Nillumbik, Whittlesea and Yarra Ranges Planning Schemes — Amendment GC76.

Bass Coast Planning Scheme — Amendment C147.

Boroondara Planning Scheme — Amendments C243 (Part 2), C262, C272, C273 and C298.

Boroondara, Darebin and Yarra Planning Schemes — Amendment GC80.

Brimbank Planning Scheme — Amendments C126 (Part 2) and C187.

Buloke Planning Scheme — Amendment C33.

Campaspe Planning Scheme — Amendment C104.

Cardinia Planning Scheme — Amendment C223.

Casey and Greater Dandenong Planning Schemes — Amendment GC87.

Colac Otway Planning Scheme — Amendment C94.

Darebin and Moreland Planning Schemes — Amendment GC34.

Glen Eira Planning Scheme — Amendments C143 and C154.

Glenelg Planning Scheme — Amendment C94.

Golden Plains Planning Scheme — Amendment C76.

Greater Bendigo Planning Scheme — Amendment C220.

Greater Dandenong Planning Scheme — Amendments C182 (Part 1), C194 (Part 1) and C204.

- Greater Geelong Planning Scheme — Amendments C327, C338, C351 (Part 1), C356, C357, C358, C369 and C374.
- Horsham Planning Scheme — Amendment C64.
- Hume Planning Scheme — Amendment C220.
- Knox Planning Scheme — Amendments C150 and C170.
- Latrobe Planning Scheme — Amendment C85.
- Loddon and Northern Grampians Planning Schemes — Amendment GC84.
- Macedon Ranges Planning Scheme — Amendment C114.
- Manningham Planning Scheme — Amendment C113.
- Mansfield Planning Scheme — Amendment C40.
- Melbourne Planning Scheme — Amendments C274 and C314.
- Melton Planning Scheme — Amendments C146, C147 and C189.
- Moira Planning Scheme — Amendment C77.
- Monash Planning Scheme — Amendment C120.
- Mooney Valley Planning Scheme — Amendments C180, C181 and C185.
- Moorabool Planning Scheme — Amendment C76.
- Moreland Planning Scheme — Amendments C142, C159 and C172.
- Mornington Peninsula Planning Scheme — Amendment C204.
- Murrindindi Planning Scheme — Amendment C57.
- Nillumbik Planning Scheme — Amendment C108.
- Port Phillip Planning Scheme — Amendments C123, C150, C152 and C153.
- Pyrenees Planning Scheme — Amendment C30.
- Stonnington Planning Scheme — Amendments C132, C260, C261 and C269.
- Victoria Planning Provisions — Amendment VC142.
- Wangaratta Planning Scheme — Amendment C68 (Part 1).
- Wellington Planning Scheme — Amendments C96 and C97.
- Whitehorse Planning Scheme — Amendment C192.
- Whittlesea Planning Scheme — Amendments C198 and C208.
- Wyndham Planning Scheme — Amendment C202.
- Yarra Planning Scheme — Amendments C185, C209, C210 and C239.
- Yarra Ranges Planning Scheme — Amendment C161.
- Professional Standards Act 2003 —
- CPA Australia Ltd. Professional Standards (Accountants) Scheme, Gazetted 18 January 2018.
  - Instrument amending the Law Society of South Australia Professional Standards Scheme, Gazetted 28 December 2017.
- Shrine of Remembrance Trustees — Report, 2016-17.
- Statutory Rules under the following Acts of Parliament —
- Bail Act 1977 — No. 131/2017.
  - Building Act 1993 — No. 136/2017.
  - Climate Change Act 2017 — No. 134/2017.
  - Corrections Act 1986 — No. 133/2017.
  - County Court Act 1958 — Nos. 142/2017 and 143/2017.
  - Family Violence Protection Act 2008 and Magistrates' Court Act 1989 — No. 144/2017.
  - Fines Reform Act 2014 — No. 129/2017.
  - Infringements Act 2006 — No. 130/2017.
  - Magistrates' Court Act 1989 — No. 128/2017.
  - Marine (Drug, Alcohol and Pollution Control) Act 1988 — No. 137/2017.
  - Marine Safety Act 2010 — No. 138/2017.
  - Road Safety Act 1986 — Nos. 139 to 141/2017.
  - Subordinate Legislation Act 1994 — No. 135/2017.
  - Victorian Civil and Administrative Tribunal Act 1998 — No. 132/2017.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rule Nos. 1, 3, 4, 122/2017, 128 to 133/2017, 135 to 144/2017.

- Legislative instruments and related documents under section 16B in respect of —  
 City of Greater Geelong Act 1993 — Greater Geelong City Council — Mayoral, Deputy Mayoral and Councillor Allowances — Alteration, dated 14 November 2017.  
 City of Melbourne Act 2003 — Melbourne City Council — Mayoral, Deputy Mayoral and Councillor Allowances — Alteration, dated 14 November 2017.  
 Education and Training Reform Act 2006 — Ministerial Order No. 969 — Procedures for Suspension and Expulsion of Students in Government Schools, dated 15 January 2018.  
 Environment Protection Act 1970 — Guideline — Modifications to water corporation sewerage treatment plants exempt from works approvals, dated 14 December 2017.  
 Road Safety Act 1986 — Order declaring offences against the laws of other States and Territories to be corresponding interstate drink-driving offences, dated 18 January 2018.  
 Victorian Energy Efficiency Target Act 2007 — Notice — Declaration of discount factors, dated 29 November 2017.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

- Building Amendment (Enforcement and Other Measures) Act 2017 — Sections 4, 5, 13, 14, 16, 18(2), 18(3), 25, 28 to 30, 39 to 41, 43 to 48, 52, 54, 59(2) and 85 — 31 January 2018 (*Gazette No. S443, 19 December 2017*).
- Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 — Parts 1 and 5, Division 1 of Part 6, section 40, Division 2 of Part 8, sections 60 and 61 and Parts 10 and 12 — 30 November 2017; Sections 59, 62 and 63 — 20 December 2017; Divisions 1 and 2 of Part 2, Division 1 of Part 4, section 22, Division 4 of Part 4 and sections 34, 35, 37 and 39 — 26 February 2018 (*Gazette No. 406, 28 November 2017*).
- Environment Protection Act 2017 — Sections 1, 2, 4, 30, 31 and 32 — 1 January 2018 (*Gazette No. S433, 12 December 2017*).
- Fines Reform Act 2014 — 31 December 2017 (*Gazette No. S443, 19 December 2017*).
- Fines Reform Amendment Act 2017 — Part 2 and sections 113, 125 and 126 — 21 December 2017 (*Gazette No. S443, 19 December 2017*); Part 3 — 11 January 2018 (*Gazette No. S7, 10 January 2018*).
- Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017 — Parts 2, 3, 4, 6, 7 and 10 and Divisions 1 and 2 of Part 8 — 20 December 2017 (*Gazette No. S443, 19 December 2017*).
- Justice Legislation Amendment (Court Security, Juries and Other Matters) Act 2017 — Part 2 — 2 January 2018 (*Gazette No. S416, 5 December 2017*).
- Parks and Crown Land Legislation Amendment Act 2017 — 15 December 2017 (*Gazette No. S433, 12 December 2017*).
- Ports and Marine Legislation Amendment Act 2017 — Part 1, section 11 and Part 6 — 18 December 2017; Sections 4, 5, 10, 12 to 27, 30, 31, 33 and 39 to 42 and Part 4 — 31 December 2017; Sections 34 to 38 — 31 January 2018 (*Gazette No. S433, 12 December 2017*).
- Renewable Energy (Jobs and Investment) Act 2017 — 15 December 2017 (*Gazette No. S433, 12 December 2017*).
- Sentencing Amendment (Sentencing Standards) Act 2017 — Whole Act (other than Parts 3 and 4 and section 42) — 29 November 2017 (*Gazette No. 406, 28 November 2017*); Remaining provisions — 1 February 2018 (*Gazette No. S28, 30 January 2018*).
- Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017 — Section 76 and Part 4.2 — 1 January 2018; Parts 3.2 and 3.3 — 31 January 2018 (*Gazette No. S443, 19 December 2017*).

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 7 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.



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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Resignation of Corrections Commissioner** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 7 February 2018.
- **Lara Prison extension** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 7 February 2018.
- **Prisoner release** — supplementary question asked by Mr Morris — response from Ms Tierney due Wednesday, 7 February 2018.
- **Malmsbury youth offender** — substantive and supplementary questions asked by Ms Fitzherbert — response from Ms Tierney due Thursday, 8 February 2018.
- **Youth gang violent crime** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 7 February 2018.
- **Recyclable waste exported to China** — substantive and supplementary questions asked by Ms Springle — response from Mr Jennings due Thursday, 8 February 2018.
- **Festival Hall drug overdose** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Thursday, 8 February 2018.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**9 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 7 February 2018:

- (1) Notice of Motion given this day by Mr Davis in relation to the tabling of Amendment GC65 relating to the West Gate Tunnel;
- (2) Notice of Motion given this day by Mr Davis in relation to the revocation of Amendment GC65 relating to the West Gate Tunnel;
- (3) Notice of Motion given this day by Mr Purcell in relation to international drivers;
- (4) Notice of Motion given this day by Mr O'Donohue in relation to the increase in crime over the summer;
- (5) Notice of Motion given this day by Mr Davis requesting documents relating to the West Gate Tunnel; and
- (6) Notice of Motion given this day by Mr Rich-Phillips in relation to formally recognising Australia Day on 26 January.

Question — put and agreed to.

**10 MINISTER'S STATEMENT** — A Statement was made by a Minister pursuant to Sessional Order 2.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 and 501, and Orders of the Day, Government Business, Nos. 1 to 3, be postponed until later this day.

**13 FIREARMS AMENDMENT BILL 2017** — Bill committed to a Committee of the whole. House in Committee.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

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Ms Tierney declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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House in Committee.

*Business having been interrupted at 7.30 p.m. pursuant to Sessional Orders —*

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Ms Pulford declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

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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

**14 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 8.47 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 162 — Wednesday, 7 February 2018

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Parliamentary Committees Act 2003 —
    - Government response to the Accountability and Oversight Committee's Report on the Inquiry into Education, Training and Communications Initiatives of Victorian Oversight Agencies.
    - Government response to the Independent Broad-based Anti-corruption Commission Committee's Report on a framework for monitoring the performance of the Independent Broad-based Anti-corruption Commission.
  - Statutory Rules under the following Acts of Parliament —
    - Children, Youth and Families Act 2005 — No. 5.
    - Corrections Act 1986 — No. 3.
    - Domestic Animals Act 1994 — No. 1.
    - Road Safety Act 1986 — No. 6.
    - Serious Sex Offenders (Detention and Supervision) Act 2009 — No. 4.
    - Wildlife Act 1975 — No. 2.
  - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 2.
- 3 **SUSPENSION OF SESSIONAL ORDERS — 4 MINUTE DIVISIONS** — Mr Jennings moved, by leave, That Sessional Orders 16 and 17 be suspended until Members have moved into their new office accommodation.
 

Question — put and agreed to.
- 4 **DISCHARGE ORDERS OF THE DAY** — Ms Hartland moved, by leave, That Orders of the Day, General Business, Nos. 14 and 15, relating to the Victorian Funds Management Corporation Amendment Bill 2014 and the Tobacco Amendment (Smoking in Outdoor Areas) Bill 2015, be read and discharged and the Bills be withdrawn.
 

Question — put and agreed to.
- 5 **MINISTER'S STATEMENTS** — Statements were made by a Minister pursuant to Sessional Order 2.
- 6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 7 **TABLING OF AMENDMENT GC65 — WEST GATE TUNNEL PROJECT** — Mr Davis moved, That there be laid before this House a copy of Amendment GC65 to the Brimbank, Hobsons

Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham Planning Schemes, which facilitates the delivery of the West Gate Tunnel Project, and was gazetted on 7 December 2017.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 8 MEMBER NAMED** — Ms Mikakos, having been named by the President for refusing to withdraw offensive words, the President put the question — That Ms Mikakos be suspended from the service of the Council during the remainder of the sitting day.

Question — put and agreed to.

- 9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **CFA volunteers funding** — substantive and supplementary questions asked by Mr Purcell — response from Mr Dalidakis due Tuesday, 20 February 2018.
- **Vehicle regulations – responsibilities of property owners** — substantive and supplementary questions asked by Mr Bourman — response from Ms Pulford due Tuesday, 20 February 2018.
- **Forest coupes** — substantive and supplementary questions asked by Ms Dunn — response from Mr Jennings due Tuesday, 20 February 2018.
- **Native forests logging** — substantive question asked by Ms Dunn — response from Ms Pulford due Thursday, 8 February 2018.
- **Heyfield mill timber supply** — substantive and supplementary questions asked by Mr Ondarchie — response from Ms Pulford due Tuesday, 20 February 2018.
- **Eureka Stadium, Ballarat** — substantive question asked by Mr Morris — response from Ms Pulford due Tuesday, 20 February 2018.

- 10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 11 TABLING OF AMENDMENT GC65 — WEST GATE TUNNEL PROJECT** — On the motion of Ms Symes, the debate was adjourned until later this day.

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 509 be postponed until later this day.

- 13 INTERNATIONAL LICENCE HOLDERS** — Mr Purcell moved, That this House notes that —

- (1) international visitors to Australia are not required to take any tests prior to driving on our roads, the only requirement is that they carry an English translation of their international licence;
- (2) international licence holders are a danger on our roads, particularly as —
  - (a) international licence holders were involved in 3.46 per cent of all reported crashes in 2017;
  - (b) 21 per cent of crashes along the Great Ocean Road from July 2012 to June 2017 were caused by international licence holders;
  - (c) 1.52 per cent of fatal crashes in Victoria in 2017 involved an international licence holder;
- (3) in New Zealand, a campaign is in place to require international licence holders to display a T-plate —
  - (a) at present New Zealand road laws relating to international drivers are the same as Victoria;
  - (b) New Zealand has had some success with a Visitor Driver Training Program that international licence holders are encouraged to complete, which includes an online assessment and certificate of completion that drivers can present to car rental companies;

- (c) the program is widely promoted by car rental companies throughout New Zealand;
- (4) the Labor Government introduced a Visiting Driver Road Safety Program on 23 December 2017 that mirrors the New Zealand program that includes bilingual videos, digital advertising, social media and promotional materials within rental car companies, but does not require international licence holders to be assessed in any way;
- and calls on the Government to extend this program to include compulsory driver training and certification before they are allowed to drive on Victorian roads.

Debate ensued.

Mr Davis moved, as amendments, That —

1. In paragraph (2), omit the words “are a danger” and insert in their place “have a higher rate of accidents”.
2. Omit all words after “and calls on the Government to” and insert “report on the effectiveness of this program over the six months ending 22 June 2018, including updated statistics on crashes, accidents and fatalities by international licence holders on Victorian roads and along the Great Ocean Road.”.

Debate continued.

On the motion of Ms Symes, the debate was adjourned until later this day.

- 14 TABLING OF AMENDMENT GC65 — WEST GATE TUNNEL PROJECT** — Debate resumed on the question, That there be laid before this House a copy of Amendment GC65 to the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham Planning Schemes, which facilitates the delivery of the West Gate Tunnel Project, and was gazetted on 7 December 2017.

The Council divided — The President in the Chair.

AYES, 24

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Hartland; Ms Lovell; Mr Morris; Mr O’Donohue; Mr O’Sullivan; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Wooldridge; Mr Young.

(Tellers: Ms Dunn and Mr O’Sullivan)

NOES, 12

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes.

(Tellers: Mr Elasmarr and Ms Symes)

Question agreed to.

- 15 PAPER — AMENDMENT GC65 — WEST GATE TUNNEL PROJECT** — Pursuant to an Order of the Council made this day the Clerk laid on the table the Notice of Approval of Amendment GC65 to the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham Planning Schemes, as published in the Government Gazette on 7 December 2017, and the Amendment and associated documents published by the Department.

- 16 REVOCATION OF AMENDMENT GC65 — WEST GATE TUNNEL PROJECT** — Mr Davis moved, That in relation to Amendment GC65 to the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham Planning Schemes which facilitates the delivery of the West Gate Tunnel Project, this House —

- (1) notes Planning Scheme Amendment GC65 was gazetted on 7 December 2017;
- (2) notes section 38(1) of the *Planning and Environment Act 1987* requires the Minister for Planning to cause a notice of the approval of every amendment to be laid before each House of the Parliament within 10 sitting days after it is approved; and
- (3) contingent on any tabling of the amendment, and pursuant to section 38(2) of the *Planning and Environment Act 1987*, revokes Amendment GC65.

Debate ensued.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Melhem.*

**17 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**18 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and a responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.50 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 163 — Thursday, 8 February 2018

**1** The President took the Chair and read the Prayer.

**2 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return — December 2017 and Summary of Variations Notified between 30 November 2017 and 6 February 2018 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 6 and 7.

**3 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 20 February 2018.

Question — put and agreed to.

**4 ECONOMY AND INFRASTRUCTURE COMMITTEE** — Ms Pennicuik moved, by leave, That —

(1) Ms Hartland be discharged from the Standing Committee on the Economy and Infrastructure; and

(2) Ms Dunn be appointed to the Standing Committee on the Economy and Infrastructure.

Question — put and agreed to.

**5 MINISTER'S STATEMENTS** — Statements were made by a Minister pursuant to Sessional Order 2.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 and 501, be postponed until later this day.

**8 OATHS AND AFFIRMATIONS BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Tierney were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **TAFE funding** — supplementary question asked by Mrs Peulich — response from Ms Tierney due Tuesday, 20 February 2018.
- **Geelong Regional Vocational Council** — substantive and supplementary questions asked by Mr Ramsay — response from Ms Tierney due Tuesday, 20 February 2018.

- **Geelong Convention Centre business case** — supplementary question asked by Mr Ramsay — response from Ms Pulford due Tuesday, 20 February 2018.
- **Government computer use** — substantive question asked by Mr Rich-Phillips — response from Mr Jennings due Tuesday, 20 February 2018.
- **DPC social media monitoring unit** — supplementary question asked by Ms Wooldridge — response from Mr Jennings due Wednesday, 21 February 2018.
- **Public housing tenants** — substantive question asked by Dr Ratnam — response from Ms Mikakos due Wednesday, 21 February 2018.
- **Naltrexone implants** — substantive question asked by Dr Carling-Jenkins — response from Ms Mikakos due Wednesday, 21 February 2018.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 OATHS AND AFFIRMATIONS BILL 2017** — Bill further considered in Committee of the whole. House in Committee.

The Acting President reported progress and asked leave to sit again.

Ordered — That the Bill be further considered in Committee of the whole later this day.

**12 FIREARMS AMENDMENT BILL 2017** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2 be postponed until later this day.

**14 COMPENSATION LEGISLATION AMENDMENT BILL 2017** — 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 HEALTH AND CHILD WELLBEING LEGISLATION AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

An amendment proposed to be moved in Committee by Ms Wooldridge was circulated.

Debate continued.

An amendment proposed to be moved in Committee by Ms Springle was circulated.

Debate continued.

Question — put and 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, 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 an amendment and requesting their agreement.

**16 HEALTH AND CHILD WELLBEING LEGISLATION AMENDMENT BILL 2017** — The Acting President announced that the President had received a report from the Clerk notifying that he had made the following corrections in this Bill:

In Clause 27, line 3, I have inserted 'Amendment' after 'Legislation'.

In Clause 27, line 4, I have inserted 'Amendment' after 'Legislation'.

**17 BAIL AMENDMENT (STAGE TWO) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make further amendments to the Bail Act 1977 in relation to the grant or refusal of bail, to empower police officers to remand in custody certain persons who have been refused bail by a police officer, to amend the Children, Youth and Families Act 2005, to make amendments to certain Acts related to the Children and Justice*

*Legislation Amendment (Youth Justice Reform) Act 2017 and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 18 JUSTICE LEGISLATION AMENDMENT (VICTIMS) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, the Crimes Act 1958, the Criminal Procedure Act 2009, the Family Violence Protection Act 2008, the Judicial Proceedings Reports Act 1958, the Jury Directions Act 2015, the Sentencing Act 1991, the Serious Sex Offenders (Detention and Supervision) Act 2009, the Summary Offences Act 1966, the Victims' Charter Act 2006 and the Victims of Crime Assistance Act 1996 and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 19 LABOUR HIRE LICENSING BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for the regulation and licensing of providers of labour hire services, to establish the Labour Hire Licensing Authority and the office of Labour Hire Licensing Commissioner, to amend the Public Administration Act 2004 and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned for one week.

- 20 WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

An amendment proposed to be moved in Committee by Mr Davis was circulated.

Debate continued.

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.

- 21 OATHS AND AFFIRMATIONS BILL 2017** — Bill further considered in Committee of the whole.  
*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

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Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in Committee of the whole.

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.

**22 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 11.26 p.m., adjourned until Tuesday, 20 February 2018.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 161, 162 and 163

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### FIREARMS AMENDMENT BILL 2017

*Committed Tuesday, 6 February 2018.*

*Amendments circulated: Mr Bourman (see p 1052), Mr O'Donohue (see pp 1052-3), Ms Tierney (see p 1053).*

**Clause 1** — Mr O'Donohue moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Mr Rich-Phillips)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Hartland and Mr Somyurek)*

The Ayes and Noes being equal, the question was negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 19** — put and agreed to.

**Clause 20** — Mr Bourman moved his Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 21

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Patten and Mr Young)*

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Ms Dunn and Ms Pulford)*

Question agreed to.

Clause 20, as amended — put and agreed to.

**Clause 21** — put and agreed to.

**Clause 22** — Ms Tierney moved Amendment No. 1 — put and agreed to.

Mr O'Donohue moved Amendment Nos. 2 to 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Finn and Mr Ondarchie)*

## NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Eideh and Mr Gepp)*

Ayes and Noes being equal, the question was negatived.

Ms O'Donohue moved Amendment No. 10.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr Dalla-Riva)*

## NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Ms Hartland; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Leane and Ms Springle)*

Ayes and Noes being equal, the question was negatived.

Clause 22, as amended — put and agreed to.

**Clauses 23 to 42** — put and agreed to.

**Bill reported with amendments.**

### OATHS AND AFFIRMATIONS BILL 2017

*Committed Thursday, 8 February 2018.*

*Amendments circulated: Ms Tierney (see p 1053).*

#### Clause 1 —

Ms Symes moved, That the Acting President report progress and ask leave to sit again — put and agreed to.

#### Progress reported.

*Progress having been reported, Bill further considered in a Committee of the whole.*

**Clause 1** — put and agreed to.

**Clause 2** — Ms Pulford moved Amendment No. 1 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clauses 3 to 68** — put and agreed to.

**Clause 69** — Ms Pulford moved Amendment No. 2 — put and agreed to.

Clause 69, as amended — put and agreed to.

**Schedules 1 and 2** — put and agreed to.

**Bill reported with amendments.**

**HEALTH AND CHILD WELLBEING LEGISLATION AMENDMENT BILL 2017**

*Committed Thursday, 8 February 2018.*

*Amendments circulated: Ms Wooldridge (see p 1053) and Ms Springle (see p 1054).*

**Clauses 1 to 20** — put and agreed to.

**New clause** — Ms Wooldridge moved Amendment No. 1.

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

The Committee divided — The Acting President in the Chair.

AYES, 17

Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Mr Young)*

NOES, 17

Mr Dalidakis; Ms Dunn; Mr Eideh; Ms Hartland; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney.

*(Tellers: Mr Eideh and Ms Springle)*

The Ayes and Noes being equal, the question was negatived.

**Clauses 21 and 22** — put and agreed to.

**New clause** — Ms Springle moved Amendment No. 1 — put and agreed to.

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

**Clauses 23 to 28** — put and agreed to.

**Bill reported with an amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. FIREARMS AMENDMENT BILL 2017**Amendments circulated by Mr Bourman

1. Clause 16, line 18, after "occasions" insert "within the preceding 5 years".
2. Clause 22, page 15, lines 6 to 31, and page 16, lines 1 and 2, omit all words and expressions on these lines and insert—
 

"The Chief Commissioner, in writing, may delegate the power to make an order under this Division to a person acting in the place of the Chief Commissioner."
3. Clause 22, page 17, lines 22 to 30, omit all words and expressions on these lines and insert—
 

"A firearm prohibition order remains in force for 5 years from the day on which it is served on the individual to whom it applies."

Amendments circulated by Mr O'Donohue

1. Clause 1, page 2, line 1, omit "VCAT".
2. Clause 22, page 15, line 10, omit "Commissioner; or" and insert "Commissioner".
3. Clause 22, page 15, lines 11 to 28, omit all words and expressions on these lines.
4. Clause 22, page 15, lines 29 to 31, omit ", *Assistant Commissioner, commander, chief superintendent* and *superintendent*" and insert "and *Assistant Commissioner*".
5. Clause 22, page 16, line 19, omit "112P" and insert "112N".
6. Clause 22, page 16, line 22, omit "VCAT" and insert "the Magistrates' Court".
7. Clause 22, page 16, line 27, omit "112O and 112P" and insert "112M and 112N".
8. Clause 22, page 16, line 29, omit "112Q, 112R and 112S" and insert "112O, 112P and 112Q".
9. Clause 22, page 17, line 16, omit "112P" and insert "112N".
10. Clause 22, page 17, lines 22 to 30, omit all words and expressions on these lines and insert—
 

"A firearm prohibition order remains in force for a period of 5 years from the day on which it is served on the individual."
11. Clause 22, page 18, line 11, omit "(1)".
12. Clause 22, page 18, line 12, omit "VCAT" and insert "the Magistrates' Court".
13. Clause 22, page 18, lines 15 to 17, omit all words and expressions on these lines.
14. Clause 22, page 18, lines 18 to 31, and page 19, lines 1 to 23, omit all words and expressions on these lines.

15. Clause 22, page 19, line 26, omit "112O" and insert "112M".
16. Clause 22, page 20, line 21, omit "112P" and insert "112N".
17. Clause 22, page 21, line 9, omit "112Q" and insert "112O".
18. Clause 22, page 23, line 20, omit "112R" and insert "112P".
19. Clause 22, page 24, line 31, omit "112S" and insert "112Q".
20. Clause 22, page 26, line 10, omit "112T" and insert "112R".
21. Clause 22, page 27, line 23, omit "112U" and insert "112S".
22. Clause 30, page 41, line 8, omit "VCAT review" and insert "review by the Magistrates' Court".
23. Clause 33, line 5, omit "(1)".
24. Clause 33, line 19, omit "given." and insert 'given.'.
25. Clause 33, lines 20 to 34, omit all words and expressions on these lines.
26. Clause 34, line 6, omit "112P" and insert "112N".
27. Clause 40, line 28, omit "112O" and insert "112M".
28. Clause 41, line 18, omit "112O" and insert "112M".

Amendment circulated by Ms Tierney

Clause 22, page 15, lines 7 and 8, omit "an order under this section" and insert "a firearm prohibition order".

**2. OATHS AND AFFIRMATIONS BILL 2017**

Amendments circulated by Ms Tierney

1. Clause 2, line 14, omit "1 September 2018" and insert "1 March 2019".
2. Clause 69, lines 22 and 23, omit "1 September 2019" and insert "1 March 2020".

**3. HEALTH AND CHILD WELLBEING LEGISLATION AMENDMENT BILL 2017**

Amendments circulated by Ms Wooldridge

NEW CLAUSE

Insert the following New Clause to follow clause 20—

**"A Exemption—early childhood services**

Section 143C(1)(e) of the **Public Health and Wellbeing Act 2008** is repealed."

Amendments circulated by Ms SpringleNEW CLAUSE

Insert the following New Clause to follow clause 22—

**"A New section 149A inserted**

After section 149 of the **Public Health and Wellbeing Act 2008** insert—

**149A Review of provisions relating to immunisation of children attending or to attend early childhood services**

- (1) The Minister must arrange for a review to be conducted into the operation of sections 143B, 143C, 143D and 143E.
- (2) The Minister must cause a copy of the review to be laid before each House of the Parliament before 30 November 2020.
- (3) The review must give particular consideration to any unintended or adverse effects of sections 143B, 143C, 143D and 143E and may include recommendations on any matter addressed in the review."



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 164, 165, and 166

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#### No. 164 — Tuesday, 20 February 2018

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **RESIGNATION OF MEMBER** — The President announced that he had received a letter from the Governor, dated 9 February 2018, advising that Ms Colleen Hartland had resigned as Member of the Legislative Council.
- 3 **JOINT SITTING — COUNCIL VACANCY** — Mr Jennings moved, by leave, That —
  - (1) this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Ms Colleen Hartland and proposes that the time and place of such a meeting be the Legislative Assembly Chamber on Wednesday, 21 February 2018 at 6.15 p.m.; and
  - (2) Standing and Sessional Orders be suspended to the extent necessary to provide that on Wednesday, 21 February 2018 the Order of Business will be —
    - Messages
    - Formal Business
    - Members' Statements (up to 15 Members)
    - General Business
    - At **12 noon** Questions
    - Answers to Questions on Notice
    - General Business (continues)
    - At **5.00 p.m.** Statements on reports and papers (30 minutes)
    - At **5.30 p.m.** Adjournment (up to 20 members)

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.
- 4 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 13 February 2018, given the Royal Assent to the following Acts presented to her by the Acting Clerk of the Parliaments:
  - Compensation Legislation Amendment Act 2018*
  - Firearms Amendment Act 2018.*
- 5 **PETITION — BUCKLEY STREET LEVEL CROSSING** — Mr Davis presented a Petition bearing 8 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to listen to the Mooney Valley Council and the community and redesign the Buckley Street Level Crossing removal project in line with community expectations with rail under road.

Ordered to lie on the Table.

**6 PAPERS —**

**WESTERN ROADS UPGRADE PROJECT SUMMARY** — Ms Pulford moved, by leave, That there be laid before this House a copy of the Western Roads Upgrade Project Summary. Question — put and agreed to.

The Report was presented by Ms Pulford and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 2 of 2018 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE — INQUIRY INTO FUEL PRICES IN REGIONAL VICTORIA** — Mr Elasmr presented a Report from the Economic, Education, Jobs and Skills Committee on the Inquiry into Fuel Prices in Regional Victoria (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Elasmr moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO THE RSPCA VICTORIA** — Pursuant to Standing Order 23.30(2)(b), the Clerk laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee's Inquiry into the RSPCA Victoria.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32 in relation to Statutory Rule No. 134/2017.

Murray-Darling Basin Authority — Report, 2016-17.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendments C264 and C275.

Buloke Planning Scheme — Amendment C27.

Colac Otway Planning Scheme — Amendment C96.

Corangamite Planning Scheme — Amendment C47.

Greater Geelong Planning Scheme — Amendment C377.

Mansfield Planning Scheme — Amendment C39.

Maroondah Planning Scheme — Amendment C110.

Melbourne Planning Scheme — Amendment C276.

Moira Planning Scheme — Amendment C86.

South Gippsland Planning Scheme — Amendment C100.

Whitehorse Planning Scheme — Amendment C191.

Statutory Rules under the following Acts of Parliament —

Children, Youth and Families Act 2005 — No. 8.

Legal Profession Uniform Law Application Act 2014 — No. 7.

Magistrates' Court Act 1989 — No. 9.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 134/2017, 9 and 11 to 13.

Legislative instrument and related documents under section 16B in respect of Dairy Act 2000 — Revocation of the Code of Practice for Dairy Food Safety 2002, dated 28 December 2017.

\* \* \* \* \*



**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Electronic Conveyancing (Adoption of National Law) Act 2013 — Remaining provisions — 14 February 2018 (*Gazette No. S49, 13 February 2018*).

Family Violence Protection Amendment (Information Sharing) Act 2017 — Whole Act (except Division 2 of Part 5 and sections 31 and 37) — 26 February 2018 (*Gazette No. S40, 6 February 2018*).

Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Act 2017 — 27 February 2018 (*Gazette No. S49, 13 February 2018*).

**7 PRODUCTION OF DOCUMENTS — F1 GRAND PRIX** — The Clerk laid on the Table a letter from the Attorney-General dated 16 February 2018 in response to the Resolution of the Council of 13 December 2017 seeking the production of documents relating to the F1 Grand Prix —

- referring to the Government's process for assessing documents for potential executive privilege; and
- advising that the Government had made a claim of executive privilege in relation to the contract documents in full and in compliance with Standing Orders 11.02(3) and 11.03(1)(a), the enclosed schedule refers to the documents in respect of which a claim of executive privilege is made.

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

**8 PRODUCTION OF DOCUMENTS — VICTORIAN HEART HOSPITAL** — The Clerk laid on the Table 77 documents in full and 46 documents in part received in response to the Resolution of the Council of 23 August 2017 relating to the Victorian Heart Hospital.

The Clerk also laid on the Table a letter from the Attorney-General dated 16 February 2018 advising that the Government has —

- identified 298 documents falling within the scope of the order;
- agreed to the release in full of 77 of these documents;
- agreed to the release in part of 46 of these documents, and makes a claim of executive privilege over the remaining parts; and
- makes a claim of executive privilege in full in relation to the remaining 175 documents as identified in the attached schedule.

**9 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 21 February 2018 —

- (1) Order of the Day No. 40 standing in the name of Mr Davis in relation to the revocation of Amendment GC65 relating to the West Gate Tunnel;
- (2) Notice of Motion No. 514 standing in the name of Mr Davis in relation to the production of certain documents on the West Gate Tunnel Project;
- (3) Notice of Motion No. 516 standing in the name of Dr Ratnam in relation to the revocation of Amendment C314 to the Melbourne Planning Scheme;
- (4) Notice of Motion given this day by Ms Lovell in relation to convening a regional sitting of the Legislative Council;
- (5) Notice of Motion No. 518 standing in the name of Ms Crozier in relation to comments made by the Minister for Families and Children; and
- (6) Notice of Motion No. 511 standing in the name of Mr Rich-Phillips in relation to recognising Australia Day on 26 January.

Question — put and agreed to.

**10 LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE — EXTENSION TO REPORTING DATE** — Ms Patten moved, by leave, That the resolutions of the Council of 11 November 2015 and 8 December 2016 be amended to extend the reporting date for the Law Reform, Road and Community Safety Committee's inquiry into illicit and synthetic drugs and prescription medication to no later than 29 March 2018.

Question — put and agreed to.

- 11 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATE** — Dr Carling-Jenkins moved, by leave, That the resolutions of the Council of 16 September 2015, 12 April 2016 and 6 September 2017 be amended to extend the reporting date for the Family and Community Development Committee's inquiry into Perinatal Services to no later than 20 June 2018.

Question — put and agreed to.

- 12 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.
- 13 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 14 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 and 501, and Order of the Day, Government Business No. 1, be postponed until later this day.

- 15 ROAD SAFETY AMENDMENT (AUTOMATED VEHICLES) BILL 2017** — 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.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 16 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Multicultural Business Ministerial Council – probity checks** — supplementary question asked by Mrs Peulich — response from Mr Dalidakis due Wednesday, 21 February 2018.
- **Meetings with Chinese community groups** — substantive and supplementary questions asked by Mrs Peulich — response from Mr Dalidakis due Wednesday, 21 February 2018.
- **Cycling infrastructure in Ballarat** — substantive and supplementary questions asked by Mr Morris — response from Ms Pulford due Thursday, 22 February 2018.
- **Populous place permit – cost recovery** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 22 February 2018.
- **Murray-Darling Basin** — supplementary question asked by Ms Dunn — response from Mr Jennings due Thursday, 22 February 2018.

- 17 JOINT SITTING — COUNCIL VACANCY** — The President read a Message from the Assembly informing the Council that the Assembly had agreed to meet the Council for the purpose of sitting and voting together to choose a person to hold the seat in the Council rendered vacant by the resignation of Ms Colleen Hartland, and proposing that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 21 February 2018 at 6.15 p.m.

- 18 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 19 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business No. 3, be postponed until later this day.

- 20 PLANNING AND ENVIRONMENT AMENDMENT (PUBLIC LAND CONTRIBUTIONS) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.

Debate continued.

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.

**21 JUSTICE LEGISLATION AMENDMENT (VICTIMS) BILL 2017** — 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 having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

Ms Tierney declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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.

**22 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 7.11 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 165 — Wednesday, 21 February 2018

1 The President took the Chair and read the Prayer.

**2 PAPERS —**

**MELBOURNE EXHIBITION CENTRE EXPANSION PROJECT, PROJECT SUMMARY —**

Mr Jennings moved, by leave, That there be laid before this House a copy of the Melbourne Exhibition Centre Expansion Project, Project Summary.

Question — put and agreed to.

The Report was presented by Mr Jennings and ordered to lie on the Table.

\* \* \* \* \*

**ACCOUNTABILITY AND OVERSIGHT COMMITTEE — REPORT INTO VICTORIAN OVERSIGHT AGENCIES 2016-17** — Ms Symes presented a Report from the Accountability and Oversight Committee on Victorian oversight agencies 2016-17.

Ordered to lie on the Table and to be published.

Ms Symes moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Statutory Rules under the following Acts of Parliament —  
 Aboriginal Heritage Act 2006 — No. 10.  
 Family Violence Protection Act 2008 — No. 14.  
 Medical Treatment Planning and Decisions Act 2016 — No. 13.  
 Serious Sex Offenders (Detention and Supervision) Act 2009 — No. 12.  
 Veterinary Practice Act 1997 — No. 11.

**3 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**5 REVOCATION OF AMENDMENT GC65 — WEST GATE TUNNEL PROJECT** — Debate resumed on the question, that in relation to Amendment GC65 to the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham Planning Schemes which facilitates the delivery of the West Gate Tunnel Project, this House —

- (1) notes Planning Scheme Amendment GC65 was gazetted on 7 December 2017;
- (2) notes section 38(1) of the *Planning and Environment Act 1987* requires the Minister for Planning to cause a notice of the approval of every amendment to be laid before each House of the Parliament within 10 sitting days after it is approved; and
- (3) contingent on any tabling of the amendment, and pursuant to section 38(2) of the *Planning and Environment Act 1987*, revokes Amendment GC65.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**6 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **VCE text 'Foreign Soil'** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Tierney due Tuesday, 6 March 2018.
- **Duck hunting regulations – enforcement** — substantive question asked by Ms Pennicuik — response from Ms Pulford due Thursday, 22 February 2018.
- **Parkville Youth Justice Centre – increase in criminal reports to police** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 22 February 2018.
- **Barwon prison – land procurement processes** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Thursday, 22 February 2018.
- **Funding for childcare training** — substantive and supplementary questions asked by Ms Wooldridge — response from Ms Tierney due Thursday, 22 February 2018.
- **G4S – prisoner transport contract** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Thursday, 22 February 2018.
- **GoTAFE** — supplementary question asked by Mr O'Sullivan — response from Ms Tierney due Thursday, 22 February 2018.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed further written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Multicultural Business Ministerial Council** — supplementary question asked by Mrs Peulich on Tuesday, 20 February 2018 — further response from Mr Dalidakis due Thursday, 22 February 2018.
- **Eureka Stadium Ballarat** — substantive question asked by Mr Morris on Wednesday, 7 February 2018 — further response from Ms Pulford due Thursday, 22 February 2018.

**7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 8 HEALTH AND CHILD WELLBEING LEGISLATION AMENDMENT BILL 2017** — The President read a Message from the Assembly informing the Council that they had agreed to the amendment made by the Council in this Bill.
- 9 OATHS AND AFFIRMATIONS BILL 2017** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 10 REVOCATION OF AMENDMENT GC65 — WEST GATE TUNNEL PROJECT —** Debate continued on the question, That in relation to Amendment GC65 to the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham Planning Schemes which facilitates the delivery of the West Gate Tunnel Project, this House —
- (1) notes Planning Scheme Amendment GC65 was gazetted on 7 December 2017;
  - (2) notes section 38(1) of the *Planning and Environment Act 1987* requires the Minister for Planning to cause a notice of the approval of every amendment to be laid before each House of the Parliament within 10 sitting days after it is approved; and
  - (3) contingent on any tabling of the amendment, and pursuant to section 38(2) of the *Planning and Environment Act 1987*, revokes Amendment GC65.
- On the motion of Mr Leane, the debate was adjourned until later this day.
- 11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 514 be postponed until later this day.
- 12 REVOCATION OF AMENDMENT C314 — FEDERATION SQUARE** — Dr Ratnam moved, That in relation to Amendment C314 to the Melbourne Planning Scheme, this House —
- (1) notes Amendment C314 was tabled on Tuesday, 6 February 2018; and
  - (2) pursuant to section 38(2) of the *Planning and Environment Act 1987* revokes Amendment C314.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 4

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle.  
(*Tellers: Ms Dunn and Ms Springle*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Mr Leane and Mr O'Sullivan*)

Question negatived.

- 13 REVOCATION OF AMENDMENT GC65 — WEST GATE TUNNEL PROJECT —** Debate resumed on the question, That in relation to Amendment GC65 to the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham Planning Schemes which facilitates the delivery of the West Gate Tunnel Project, this House —
- (1) notes Planning Scheme Amendment GC65 was gazetted on 7 December 2017;
  - (2) notes section 38(1) of the *Planning and Environment Act 1987* requires the Minister for Planning to cause a notice of the approval of every amendment to be laid before each House of the Parliament within 10 sitting days after it is approved; and
  - (3) contingent on any tabling of the amendment, and pursuant to section 38(2) of the *Planning and Environment Act 1987*, revokes Amendment GC65.

*Business having been interrupted at 5.00 p.m. pursuant to a resolution of the Council on 20 February 2018, the debate stood adjourned in the name of Ms Shing.*

**14 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

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

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.01 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 166 — Thursday, 22 February 2018

1 The President took the Chair and read the Prayer.

2 **JOINT SITTING — COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly on Wednesday, 21 February 2018 to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Ms Colleen Hartland and that Ms Huong Truong was elected to hold the vacant place in the Legislative Council.

3 **DECLARATION OF ALLEGIANCE** — Ms Huong Truong, having been introduced, approached the Table and took and subscribed the Affirmation required by law.

4 **HEALTH AND CHILD WELLBEING LEGISLATION AMENDMENT BILL 2017** — The President announced that he had received a report from the Acting Clerk of the Parliaments notifying that he had made the following corrections in this Bill in accordance with Joint Standing Order 6(1):

In New Clause 23 which inserts new section 149A into the *Public Health and Wellbeing Act 2008*, quotation marks at the start of new section 149A and quotation marks and a second full stop at the end of subsection (3) of new section 149A have been inserted.

5 **PAPERS** —

**METRO TUNNEL AND STATIONS PUBLIC PRIVATE PARTNERSHIP PROJECT SUMMARY** — Ms Pulford moved, by leave, That there be laid before this House a copy of the Metro Tunnel and Stations Public Private Partnership Project Summary, February 2018.

Question — put and agreed to.

The Report was presented by Ms Pulford and ordered to lie on the Table.

\* \* \* \* \*

**ECONOMY AND INFRASTRUCTURE COMMITTEE — FOURTH REPORT ON INFRASTRUCTURE PROJECTS** — Mr Finn presented the Fourth Report from the Standing Committee on the Economy and Infrastructure on the Inquiry into Infrastructure Projects (including Appendices, Extracts of the Proceedings and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Finn moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Planning and Environment Act 1987 — Notices of Approval of the following amendments to Planning Schemes —

Boroondara Planning Scheme — Amendment C280.

Brimbank Planning Scheme — Amendment C148.

Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham Planning Schemes — Amendment GC65.

East Gippsland Planning Scheme — Amendment C105.

Frankston Planning Scheme — Amendment C118.  
 Frankston and Kingston Planning Schemes — Amendment GC71.  
 Greater Dandenong and Casey Planning Schemes — Amendment GC78.  
 Moorabool Planning Scheme — Amendment C89.  
 Moorabool, Surf Coast and Yarra Planning Schemes — Amendment GC79.  
 Surf Coast Planning Scheme — Amendment C85.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 10.

Legislative instrument and related documents under section 16B in respect of the Gaming Regulation Act 2003 — Determination of Gaming Machine Entitlement Allocation and Transfer Rules, dated 20 December 2017.

**6 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 6 March 2018.

Question — put and agreed to.

**7 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 532 be postponed until later this day.

**10 BAIL AMENDMENT (STAGE TWO) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Debate continued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**TAXI LICENSES – COMPENSATION** — Mr Dalidakis having given answers to a question without notice and supplementary question relating to taxi licences – compensation —

On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Education training funding cuts** — substantive and supplementary questions asked by Ms Bath — response from Ms Tierney due Tuesday, 6 March 2018.
- **Taxi licenses – compensation** — substantive question asked by Mr Davis — response from Mr Dalidakis due Tuesday, 6 March 2018.
- **Waste management** — supplementary question asked by Ms Springle — response from Mr Jennings due Wednesday, 7 March 2018.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 BAIL AMENDMENT (STAGE TWO) BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

*The Acting President having ruled that certain amendments proposed to be moved in Committee by Mr Rich-Phillips were outside the scope of the Bill —*

Mr Rich-Phillips moved, That it be an instruction to the Committee that they have the power to consider an amendment and new clause to amend the commencement provisions of the *Bail Amendment (Stage One) Act 2017*.

Debate ensued.

Question — put and agreed to.

Bill 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 AUDIT AMENDMENT BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments certain provisions of the Audit Act 1994 and to extend and modernise the duties, powers and functions of the Auditor-General and the Victorian Auditor-General's Office, to clarify the rights and obligations of entities audited by the Auditor-General, to consequentially amend certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 15 CHILDREN LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Child Wellbeing and Safety Act 2005 to provide for specified entities to share information to promote the wellbeing and safety of children, to create a register of children born or resident in Victoria to improve child wellbeing and safety outcomes for those children and to monitor and support their participation in government-funded programs and services, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

- 16 MARINE AND COASTAL BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for the integrated and co-ordinated planning and management of the marine and coastal environment of Victoria, to repeal and partially re-enact the Coastal Management Act 1995 and to amend various other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 17 PLANNING AND ENVIRONMENT AMENDMENT (DISTINCTIVE AREAS AND LANDSCAPES) BILL 2017** — The Acting President read a Message from the Assembly



presenting *A Bill for an Act to amend the Planning and Environment Act 1987 to provide for the protection and conservation of distinctive areas and landscapes, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**18 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.04 p.m., adjourned until Tuesday, 6 March 2018.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 164, 165 and 166

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### PLANNING AND ENVIRONMENT AMENDMENT (PUBLIC LAND CONTRIBUTIONS) BILL 2017

*Committed Tuesday, 20 February 2018.*

*Amendments circulated: Mr Davis (see p 1069)*

**Clause 1** — Mr Davis moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 15

Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Mr O'Sullivan)*

NOES, 22

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Ms Dunn and Mr Somyurek)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 26** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### JUSTICE LEGISLATION AMENDMENT (VICTIMS) BILL 2017

*Committed Tuesday, 20 February 2018.*

**Clauses 1 to 44** — put and agreed to.

**Bill reported without amendment**

\* \* \* \* \*

### BAIL AMENDMENT (STAGE TWO) BILL 2017

*Committed Thursday, 22 February 2018.*

*Amendments circulated: Mr Rich-Phillips (see p 1069)*

**Clause 1** — put and agreed to.

**Clause 2** — Mr Rich-Phillips moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Dr Carling-Jenkins and Mr Dalla-Riva)*

## NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
*(Tellers: Mr Mulino and Dr Ratnam)*

Question negatived.

Clause 2 — put and agreed to.

**Clauses 3 to 13** — put and agreed to.

**Clause 14** —

Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

## AYES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
*(Tellers: Mr Morris and Mrs Peulich)*

## NOES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.  
*(Tellers: Ms Springle and Ms Truong)*

Question agreed to.

**Clauses 15 to 28** — put and agreed to.

**Clause 29** —

Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

## AYES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
*(Tellers: Mr Gepp and Mr Purcell)*

## NOES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.  
*(Tellers: Ms Dunn and Dr Ratnam)*

Question agreed to.

**New part heading and new clause** — Mr Rich-Phillips moved Amendment Nos. 2 and 3.

Question — That the new part heading and new clause stand part of the Bill — put and negatived.

**Clause 30** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. PLANNING AND ENVIRONMENT AMENDMENT (PUBLIC LAND CONTRIBUTIONS) BILL 2017***Amendments circulated by Mr Davis*

1. Clause 1, page 2, lines 1 and 2, omit "and provide for the indexation of".
2. Clause 24, lines 10 and 11, omit "'the maximum dwelling amount'" and insert "'\$1150'".
3. Clause 24, lines 12 to 27, omit all words and expressions on these lines.
4. Clause 25, omit this clause.

## AMENDMENT OF LONG TITLE

5. Long title, omit "and provide for the indexation of".

**2. BAIL AMENDMENT (STAGE TWO) BILL 2017***Amendments circulated by Mr Rich-Phillips*

1. Clause 2, line 16, omit "1 October 2018" and insert "30 March 2018".
2. Page 31, after line 17 insert the following heading—

**"Part 5—Amendment of Bail Amendment (Stage One) Act 2017".**

## NEW CLAUSE

3. Insert the following New Clause to follow clause 29 and the heading proposed by amendment number 2—

**'A Commencement**

In section 2(2) of the **Bail Amendment (Stage One) Act 2017**, for "1 July 2018" substitute "30 March 2018".'





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 167, 168, and 169

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#### No. 167 — Tuesday, 6 March 2018

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor informing the Council that he had, on 27 February 2018, given the Royal Assent to the following Acts presented to him by the Acting Clerk of the Parliaments:
  - Bail Amendment (Stage Two) Act 2018*
  - Health and Child Wellbeing Legislation Amendment Act 2018*
  - Justice Legislation Amendment (Victims) Act 2018*
  - Oaths and Affirmations Act 2018*
  - Planning and Environment Amendment (Public Land Contributions) Act 2018*
  - Road Safety Amendment (Automated Vehicles) Act 2018.*

#### 3 **PETITIONS** —

**SOUTH GIPPSLAND BUS SERVICE** — Ms Bath presented a Petition bearing 218 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to allocate equitable funding for the provision of local bus services or a Telebus service for South Gippsland, in particular, for the towns of Leongatha and Korumburra, and for improvement in the inadequate cross-regional and Melbourne services.

Ordered to lie on the Table.

\* \* \* \* \*

**VICTORIAN FIREARMS REGULATIONS** — Mr Bourman presented a Petition bearing 245 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ensure that the Victorian Firearms Regulations 2018 do not financially penalise not-for-profit re-enactment groups and their members, in particular waive proposed fees for populous place permits for groups and ensure that there are no license fee increases for individuals who need firearms licenses for re-enactments.

Ordered to lie on the Table.

\* \* \* \* \*

**ANZAC DAY** — Mr Davis presented a Petition bearing 18 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to not change ANZAC Day, a day which honours all men and women who have served this nation in times of war.

Ordered to lie on the Table.

\* \* \* \* \*

**BELGRAVE RAILWAY STATION CAR PARKING** — Mr O'Donohue presented a Petition bearing 29 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to improve parking in and around the Belgrave Railway

Station and retail precinct to support the local community and traders and encourage tourists to visit the area.

Ordered to lie on the Table.

\* \* \* \* \*

**PUBLIC HOUSING RENEWAL IN MELBOURNE** — Ms Pennicuik presented a Petition bearing 117 signatures from certain citizens of Victoria requesting that the Legislative Council support a motion requiring the Department of Health and Human Services and the State Government to redesign the current public housing renewal project to ensure a more substantial public housing outcome, no transferral of public land to private ownership and the protection of community interests through the retention of third party appeal rights and Local Councils as the responsible planning authorities.

Ordered to lie on the Table.

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

\* \* \* \* \*

**MORNINGTON PENINSULA PUBLIC TRANSPORT** — Mr O'Donohue presented a Petition bearing 157 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to undertake a complete service review to identify, fund and resolve shortfalls to enable public transport on the Mornington Peninsula to align with Public Transport Victoria's minimum service level.

Ordered to lie on the Table.

#### 4 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 3 of 2018 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**LEGAL AND SOCIAL ISSUES COMMITTEE — YOUTH JUSTICE CENTRES IN VICTORIA** — Ms Fitzherbert presented a Report from the Legal and Social Issues Committee on Youth Justice Centres in Victoria (including Appendices and Minority Reports), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Fitzherbert moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals —

A lease in relation to Gillott Reserve, dated 26 February 2018.

A lease in relation to Gresswell Habitat Link, dated 28 February 2018.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Kingston Planning Scheme — Amendment C162.

Melbourne Planning Scheme — Amendment C321.

Stonnington Planning Scheme — Amendments C255 and C257.

Victoria Planning Provisions — Amendment VC144.

Statutory Rules under the following Acts of Parliament —

Children, Youth and Families Act 2005 — No. 15.

Liquor Control Reform Act 1998 — No. 16.

Road Safety Act 1986 — No. 17.

Victorian Civil and Administrative Tribunal Act 1998 — No. 18.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 5, 8, 15 to 17, 23 and 24.



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

Transport (Compliance and Miscellaneous) Act 1983 — Conditions contained in the Victorian Fares and Ticketing Manual, dated 27 February 2018.

Transport (Compliance and Miscellaneous) (Ticketing) Regulations 2017 — Specification of Railway Stations for the Purposes of the Definition of 'Compulsory Ticket Area', dated 15 February 2018.

Renewable Energy (Jobs and Investment) Act 2017 — Notice of Capacity Determination under Section 9, dated 27 December 2017.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Amendment Notice, Gazetted 19 February 2018.

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Lieutenant-Governor fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Act 2017 — 28 February 2018 (*Gazette No. S71, 27 February 2018*).

**5 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 7 March 2018:

- (1) Order of the Day No. 36 standing in the name of Mr Davis in relation to the revocation of Amendment GC65 relating to the West Gate Tunnel;
- (2) Notice of Motion No. 514 standing in the name of Mr Davis in relation to the production of certain documents on the West Gate Tunnel Project;
- (3) Order of the Day No. 1, second reading of the Charities Amendment (Charitable Purpose) Bill 2017 standing in the name of Ms Patten;
- (4) Notice of Motion given this day by Mr Young in relation to duck hunting;
- (5) Notice of Motion given this day by Mr Davis in relation to the revocation of Amendment C298 to the Boroondara Planning Scheme;
- (6) Notice of Motion given this day by Ms Wooldridge in relation to mandatory residential drug and alcohol treatment for young people; and
- (7) Notice of Motion No. 522 standing in the name of Ms Lovell in relation to convening a regional sitting of the Legislative Council.

Question — put and agreed to.

**6 COMMITTEE MEMBERSHIP** — Ms Pennicuik moved, by leave, That —

- (1) Ms Dunn be discharged from the Standing Committee on Environment and Planning;
- (2) Ms Truong be appointed to the Standing Committee on Environment and Planning;
- (3) Ms Dunn be a participating member of the Standing Committee on Environment and Planning; and
- (4) Dr Ratnam be a participating member of the Standing Committee on Environment and Planning.

Question — put and agreed to.

**7 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE** —

Ms Springle moved, by leave, That the resolution of the Council of 9 August 2017 requiring the Legal and Social Issues Committee to inquire into the Public Housing Renewal Program (PHRP) and report no later than 20 March 2018, be amended so as to now require the Committee to present its report by 5 June 2018.

Question — put and agreed to.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 532 and Order of the Day, Government Business No.1, be postponed until later this day.

**10 RACING AMENDMENT (MODERNISATION) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Metropolitan Fire Brigade EBA financial costs** — substantive question asked by Ms Wooldridge — response from Mr Jennings due Thursday, 8 March 2018.
- **Victorian Equal Opportunity and Human Rights Commission review of Metropolitan Fire Brigade** — substantive question asked by Ms Fitzherbert — response from Mr Jennings due Wednesday, 7 March 2018.
- **Metro Rail project business impact** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Thursday, 8 March 2018.
- **Melbourne Metro Rail works — hospital compensation** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Jennings due Thursday, 8 March 2018.
- **Public service social media policy** — supplementary question asked by Mrs Peulich — response from Mr Jennings due Wednesday, 7 March 2018.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed further written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **GOTAFE** — substantive and supplementary questions asked by Mr O'Sullivan on Wednesday, 21 February 2018 — further response from Ms Tierney due Wednesday, 7 March 2018.
- **Funding for childcare training** — substantive and supplementary questions asked by Ms Wooldridge on Wednesday, 21 February 2018 — further response from Ms Tierney due Wednesday, 7 March 2018.
- **Victorian Training Guarantee** — substantive and supplementary questions asked by Ms Bath on Thursday, 22 February 2018 — further response from Ms Tierney due Wednesday, 7 March 2018.

- 12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 13 RACING AMENDMENT (MODERNISATION) BILL 2017** — 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.

- 14 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business No.3, be postponed until later this day.

- 15 GAMBLING LEGISLATION AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Dr Ratnam were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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.

- 16 MAJOR EVENTS LEGISLATION AMENDMENT (TICKET SCALPING AND OTHER MATTERS) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Mr Dalidakis declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Debate continued.

On the motion of Mr Finn, debate was adjourned until the next day of meeting.

- 17 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.  
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.  
And then the Council, at 8.20 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## **No. 168 — Wednesday, 7 March 2018**

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — BOX HILL DEVELOPMENT** — Mr Davis presented a Petition bearing 3,548 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Planning to place a moratorium on development in central Box Hill until a thorough and comprehensive development plan for the area can be established to protect against inappropriate development and ensure the needs of the community will be properly met.  
Ordered to lie on the Table.
- 3 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **REVOCATION OF AMENDMENT GC65 — WEST GATE TUNNEL PROJECT** — Debate resumed on the question, That, in relation to Amendment GC65 to the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham Planning Schemes which facilitates the delivery of the West Gate Tunnel Project, this House —
  - (1) notes Planning Scheme Amendment GC65 was gazetted on 7 December 2017;
  - (2) notes section 38(1) of the *Planning and Environment Act 1987* requires the Minister for Planning to cause a notice of the approval of every amendment to be laid before each House of the Parliament within 10 sitting days after it is approved; and
  - (3) contingent on any tabling of the amendment, and pursuant to section 38(2) of the *Planning and Environment Act 1987*, revokes Amendment GC65.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 6 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Men's Sheds** — supplementary question asked by Mr Young — response from Ms Mikakos due Thursday, 8 March 2018.
- **Duck shooting regulations** — substantive question asked by Ms Pennicuik — response from Ms Pulford due Thursday, 8 March 2018.
- **Metropolitan Fire Brigade EBA negotiations** — supplementary question asked by Mr Ramsay — response from Mr Jennings due Tuesday, 27 March 2018.
- **High risk offenders on community correction orders** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Thursday, 8 March 2018.
- **Youth justice facility offences** — substantive question asked by Ms Crozier — response from Ms Mikakos due Thursday, 8 March 2018.
- **Double bunking in youth justice facilities** — substantive and supplementary questions asked by Ms Fitzherbert — response from Ms Mikakos due Thursday, 8 March 2018.
- **Youth justice facility escape** — substantive question asked by Ms Crozier — response from Ms Mikakos due Thursday, 8 March 2018.

- 7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 8 REVOCATION OF AMENDMENT GC65 — WEST GATE TUNNEL PROJECT** — Debate continued on the question, That, in relation to Amendment GC65 to the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham Planning Schemes which facilitates the delivery of the West Gate Tunnel Project, this House —
- (1) notes Planning Scheme Amendment GC65 was gazetted on 7 December 2017;
  - (2) notes section 38(1) of the *Planning and Environment Act 1987* requires the Minister for Planning to cause a notice of the approval of every amendment to be laid before each House of the Parliament within 10 sitting days after it is approved; and
  - (3) contingent on any tabling of the amendment, and pursuant to section 38(2) of the *Planning and Environment Act 1987*, revokes Amendment GC65.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Truong; Ms Wooldridge.  
(Tellers: Ms Dunn and Mr Morris)

NOES, 18

Mr Bourman; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.  
(Tellers: Mr Bourman and Mr Elasmarr)

Question agreed to.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 514 be postponed until later this day.

- 10 CHARITIES AMENDMENT (CHARITABLE PURPOSE) BILL 2017** — Ms Patten laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Patten moved, That the Bill be now read a second time.

On the motion of Ms Symes, the debate was adjourned until Wednesday, 21 March 2018.

**11 DUCK HUNTING** — Mr Young moved, That this House —

- (1) acknowledges that duck hunting is an important pastime to many Victorians through which they enjoy time with family and friends, health benefits of an outdoor physical activity and the opportunity to harvest wild sustainable food;
- (2) notes that the changes to the 2018 duck season arrangements are ill-conceived and unworkable;
- (3) affirms that a Game Management Authority is best placed to administer, regulate and manage game hunting in Victoria as a Statutory Authority; and
- (4) calls on the Minister for Agriculture to —
  - (a) return the opening time for the 2018 duck season to that of last year;
  - (b) suspend Regulations 51A and 51B of the Wildlife (Game) Regulations 2012 until consultation with stakeholders has occurred; and
  - (c) adequately resource the Game Management Authority to enable them to perform their compliance functions throughout the 2018 season.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Mr Bourman and Mr O'Sullivan)

NOES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

(Tellers: Ms Dunn and Mr Leane)

Question negatived.

**12 PRODUCTION OF DOCUMENTS — WEST GATE TUNNEL PROJECT** — Mr Davis moved, That this House —

- (1) in accordance with Standing Order 11.01, requires the Leader of the Government to table by 2.00 p.m. on Tuesday 27 March 2018 a copy of all documents in full, signed by or on behalf of the Government of Victoria, concerned with or relating to the West Gate Tunnel project, including but not limited to —
  - (a) the West Gate Tunnel Project Agreement without redactions; and
  - (b) any other contract, agreement or treaties signed by the current Government of Victoria with Transurban PL or any member of the Transurban WGT Co Pty Ltd consortium which seeks to vary, change or alter the tolling arrangements, time periods, charges, indexation or other tolling matter under the *Melbourne City Link Act 1995*; and
- (2) notes that, pursuant to Section 15(3) of the *Melbourne City Link Act 1995*, either House of the Parliament may revoke a variation of the agreement.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Davis.*

**13 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**14 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.07 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

**No. 169 — Thursday, 8 March 2018**

**1** The President took the Chair and read the Prayer.

**2 PETITION — FEDERATION TRAINING YALLOURN BUS SERVICE** — Ms Bath presented a Petition bearing 401 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to reinstate the direct bus service to and from Federation Training Yallourn Campus, giving students equitable access.

Ordered to lie on the Table.

**3 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Improving Victoria's Air Quality, March 2018 (*Ordered to be published*).

Local Government and Economic Development, March 2018 (*Ordered to be published*).

Managing Surplus Government Land, March 2018 (*Ordered to be published*).

Parliamentary Committees Act 2003 — Government response to the Economic, Education, Jobs and Skills Committee's Report on Community Energy Projects.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Frankston and Kingston Planning Schemes — Amendment GC94.

Frankston Planning Scheme — Amendment C119.

Yarra Planning Scheme — Amendment C237.

Statutory Rules under the following Acts of Parliament —

Australian Grands Prix Act 1994 — No. 23.

County Court Act 1958 — No. 24.

Meat Industry Act 1993 — No. 20.

Transport (Compliance and Miscellaneous) Act 1983 — No. 22.

Wildlife Act 1975 — Nos. 19 and 21.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 14.

Victorian Environmental Assessment Council Act 2001 — Minister's letter of request for an assessment by the Victorian Environmental Assessment Council of the values of Victoria's marine environment, pursuant to section 26C of the Act.

**4 SITTING OF THE COUNCIL** — Ms Tierney moved, That the Council, at its rising, adjourn until Tuesday, 27 March 2018.

Question — put and agreed to.

**5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 550 be postponed until later this day.

**8 CHILDREN LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Crozier were circulated.

Debate continued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 9 LETTER FROM THE ATTORNEY-GENERAL — VICTORIAN CHILDREN IN PROTECTIVE CARE** — The Clerk advised the House that he had received correspondence from the Attorney-General in response to the Resolution of the Council of 15 November 2017 calling on the Government to provide a report to Parliament by 8 March 2018 detailing the extent of the problem, how it plans to redress these issues, including any legislation needed and an apology to care leavers for the harms caused to them.

The Clerk laid on the Table a letter from the Attorney-General dated 8 March 2018, providing information in relation to the historical context, who holds the records and how they are released and accessed, consultation that has occurred and proposed approaches, including considerations and practical steps.

- 10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **VET provider enrolments** — supplementary question asked by Mr Morris — response from Ms Tierney due Tuesday, 27 March 2018.
- **Barwon Prison offences** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 27 March 2018.
- **Youth justice facility assaults** — substantive question asked by Ms Fitzherbert — response from Ms Mikakos due Tuesday, 27 March 2018.
- **Flemington Housing Estate Jobs Program** — supplementary question asked by Ms Truong — response from Ms Pulford due Wednesday, 28 March 2018.
- **Nurse-patient ratios in regional hospitals** — substantive and supplementary questions asked by Mr Purcell — response from Ms Mikakos due Wednesday, 28 March 2018.

- 11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 12 CHILDREN LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

Ms Crozier moved, That the Children Legislation Amendment (Information Sharing) Bill 2017 be referred to the Legal and Social Issues Committee, to allow for further public consultation to take place, for inquiry, consideration and report by 26 April 2018.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Ms Bath and Mr Dalla-Riva*)

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Truong.  
(*Tellers: Mr Gepp and Ms Truong*)

Question negatived.

Amendments proposed to be moved in Committee by Ms Mikakos were circulated.

*The President having ruled that amendments proposed to be moved in Committee by Ms Mikakos were outside the scope of the Bill —*

Ms Mikakos moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the Family Violence Protection Act 2008 to provide for information sharing in relation to Support and Safety Hubs, to make certain amendments to regulation making powers and to make related consequential amendments.

Debate ensued.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Ms Mikakos declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Mikakos declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

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.

- 13 ELECTRICITY SAFETY AMENDMENT (ELECTRICAL EQUIPMENT SAFETY SCHEME) BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Safety Act 1998 and to make consequential amendments to the Energy Safe Victoria Act 2005 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mrs Peulich), the debate was adjourned for one week.

- 14 EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Emergency Management Act 2013 to provide for new integrated arrangements for emergency management planning in Victoria at the State, regional and municipal levels, consequentially to amend the Emergency Management Act 1986, the Alpine Resorts (Management) Act 1997, the Country Fire Authority Act 1958, the Electricity Safety Act 1998, the Marine (Drug, Alcohol and Pollution Control) Act 1988, the Terrorism (Community Protection) Act 2003 and the Victoria State Emergency Service Act 2005, to amend the Alpine Resorts (Management) Act 1997 in relation to municipal councils and the Southern Alpine Resort Management Board, to amend the Victoria State Emergency Service Act 2005 in relation to compensation and to revoke the permanent reservation of certain land and reserve it temporarily and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.



On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 15 LONG SERVICE LEAVE BILL 2017** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make provision for the long service entitlements of certain employees, to repeal the Long Service Leave Act 1992, to make consequential amendments to various other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

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

On the motion of Mr Ondarchie, the debate was adjourned for one week.

- 16 INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (PUBLIC INTEREST DISCLOSURES, OVERSIGHT AND INDEPENDENCE) BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Protected Disclosure Act 2012, the Independent Broad-based Anti-corruption Commission Act 2011, the Victorian Inspectorate Act 2011, the Public Interest Monitor Act 2011, the Ombudsman Act 1973 and the Parliamentary Committees Act 2003 and make consequential amendments to other Acts to make Victoria's integrity and accountability system clearer and more efficient and to otherwise improve its operation and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 17 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued.

*And the Council having continued to sit after 12 midnight —*

FRIDAY, 9 MARCH 2018

Debate continued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 12.36 a.m., adjourned until Tuesday, 27 March 2018.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 167, 168 and 169

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### RACING AMENDMENT (MODERNISATION) BILL 2017

*Committed Tuesday, 6 March 2018*

**Clauses 1 to 8** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### GAMBLING LEGISLATION AMENDMENT BILL 2017

*Committed Tuesday, 6 March 2018*

*Amendments circulated: Dr Ratnam (see p 1088)*

**Clause 1** — Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.  
*(Tellers: Ms Dunn and Ms Truong)*

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmar; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
*(Tellers: Mr Gepp and Mr O'Sullivan)*

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 17** — put and agreed to.

**Clause 18** — Dr Ratnam moved Amendment No. 4.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.  
*(Tellers: Dr Ratnam and Ms Springle)*

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmar; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
*(Tellers: Mr Finn and Mr Purcell)*

Question negatived.

Dr Ratnam moved Amendment No. 5.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.  
(*Tellers: Ms Pennicuik and Ms Springle*)

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
(*Tellers: Mr O'Donohue and Ms Patten*)

Question negatived.

Clause 18 — put and agreed to.

**Clauses 19 to 31** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**CHILDREN LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2017**

*Committed Thursday, 8 March 2018*

*Amendments circulated: Ms Mikakos (see pp 1088-93) and Ms Crozier (see pp 1093-6)*

**Clause 1** — Ms Mikakos moved Amendment Nos. 1 and 2 — put and agreed to.

Clause 1, as amended — put and agreed to.

**Clauses 2 to 4** — put and agreed to.

**Clause 5** — Ms Crozier moved Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Davis and Mr Morris*)

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Truong.  
(*Tellers: Ms Patten and Ms Pulford*)

Question negatived.

Ms Crozier moved Amendment Nos. 4 and 5.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Finn and Mr Ramsay*)

## NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Truong.  
(*Tellers: Mr Gepp and Ms Pennicuik*)

Question negatived.

Clause 5 — put and agreed to.

**Clauses 6 and 7** — put and agreed to.

**Clause 8** — Ms Crozier moved Amendment No. 6.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr O'Sullivan and Mr Ramsay*)

## NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Truong.  
(*Tellers: Ms Dunn and Mr Somyurek*)

Question negatived.

Ms Crozier moved Amendment Nos. 7 and 8.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Finn and Mr Young*)

## NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Truong.  
(*Tellers: Mr Gepp and Ms Pennicuik*)

Question negatived.

Ms Crozier moved Amendment No. 9.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Ms Bath and Mr Ondarchie*)

## NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Truong.  
(*Tellers: Mr Dalidakis and Dr Ratnam*)

Question negatived.

Ms Crozier moved Amendment No. 13.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Donohue and Mr Young)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Truong.

*(Tellers: Mr Eideh and Ms Truong)*

Question negatived.

Clause 8 — put and agreed to.

**Clause 9** — put and agreed to.

**Clause 10** — Ms Crozier moved Amendment Nos. 14 and 15.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Lovell and Mr Rich-Phillips)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Truong.

*(Tellers: Mr Mulino and Mr Purcell)*

Question negatived.

Ms Crozier moved Amendment Nos. 19 to 26.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Dalla-Riva and Ms Wooldridge)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Truong.

*(Tellers: Mr Jennings and Ms Shing)*

Question negatived.

Ms Crozier moved Amendment Nos. 27 to 29.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Ramsay and Mr Young)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Truong.

*(Tellers: Ms Dunn and Mr Leane)*

Question negatived.

Clause 10 — put and agreed to.

**Clauses 11 to 40** — put and agreed to.

**New clause** — Ms Mikakos moved Amendment No. 3.

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

**Clause 41** — put and agreed to.

**Bill reported with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. GAMBLING LEGISLATION AMENDMENT BILL 2017**Amendments circulated by Dr Ratnam

1. Clause 1, lines 7 to 9, omit "on public transport, near schools and on public roads, road infrastructure and road reserves" and insert "other than in limited circumstances".
2. Clause 18, lines 20 to 28, omit all words and expressions on these lines and insert—  
 "(1) A wagering service provider must not display, or cause to be displayed, any gambling advertising that is static betting advertising."
3. Clause 18, page 16, lines 2 to 23, omit all words and expressions on these lines.
4. Clause 18, page 17, lines 4 to 9, omit all words and expressions on these lines and insert "broadcast television, radio or digital media such as websites or social media."
5. Clause 18, page 17, lines 28 to 32 and page 18 lines 1 to 2, omit all words and expressions on these lines and insert—  
 "(ii) that is at a racecourse, and consists only of a display of the name and registration details of an individual registered bookmaker with a business that is physically located at the racecourse".

**2. CHILDREN LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2017**Amendments circulated by Ms Mikakos

1. Clause 1, page 2, after line 22, after paragraph (b) insert—  
 "(c) to amend the **Family Violence Protection Act 2008** to provide for information sharing in relation to Hub services and to make certain other amendments to regulation-making powers; and".
2. Clause 1, page 2, after line 23, omit "(c)" and insert "(d)".

## NEW CLAUSE

3. Page 92, after line 31, insert the following Part heading and New Clause—

**'Part 4—Amendments of Family Violence Protection Act  
2008 relating to Support and Safety Hubs**

**AA New Part 5B inserted**

After Part 5A of the **Family Violence Protection Act 2008** insert—

**"Part 5B—Information sharing relating to Support and  
Safety Hubs**

**Division 1—Preliminary****144SB Definition**

In this Part—

*authorised Hub entity* means the following—



- (a) a person or body declared under section 144SC to be an authorised Hub entity;
- (b) the Department of Health and Human Services;
- (c) Family Safety Victoria;

and includes an officer, employee or contracted service provider of such an entity;

*child* means—

- (a) a person who is under the age of 18 years; and
- (b) an unborn child that is the subject of a report made under section 29 or a referral made under section 32, of the **Children Youth and Families Act 2005**;

*confidential information* means the following—

- (a) health information;
- (b) personal information, including sensitive information;
- (c) unique identifiers;
- (d) identifiers;

*consent* means express or implied consent;

*Family Safety Victoria* means the Administrative Office established under the **Public Administration Act 2004** known as Family Safety Victoria;

*health information* has the meaning set out in section 3(1) of the **Health Records Act 2001**;

*Hub service* means the following—

- (a) a service that is provided by the State of Victoria in relation to, or for the purposes of, a body known as a Support and Safety Hub or an equivalent body; or
- (b) a service that is provided by a person or body under a contract or agreement (however described) entered into between the person or body and the State of Victoria and that is described in the contract or agreement as one of the following—
  - (i) a Support and Safety Hub service or an equivalent service;
  - (ii) a service provided in relation to, or for the purposes of, a Support and Safety Hub or an equivalent body;

*identifier* has the meaning set out in section 3(1) of the **Health Records Act 2001**;

*person of concern* has the meaning given in Part 5A;

*personal information* has the meaning set out in section 3 of the **Privacy and Data Protection Act 2014**;

*primary person* has the meaning given in Part 5A;

*secrecy provision* means a provision of an Act that restricts or prohibits the disclosure of information (whether that restriction or prohibition is absolute or subject to qualifications or exceptions);

*sensitive information* has the meaning set out in Schedule 1 to the **Privacy and Data Protection Act 2014**;

*unique identifier* has the meaning set out in Schedule 1 to the **Privacy and Data Protection Act 2014**.

**144SC Meaning of *authorised Hub entity***

- (1) The Minister may declare, in writing, a person or body or a class of person or body to be an *authorised Hub entity* for the purposes of this Act.
- (2) The Minister must not declare that a person or body, or a class of person or body is an *authorised Hub entity* for the purposes of this Act unless the Minister is satisfied that the person or body—
  - (a) provides Hub services; or
  - (b) analyses, develops, monitors or oversees Hub services, or matters or things relating to Hub services.
- (3) A declaration under subsection (1) is not a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**.

**Division 2—Object of Part**

**144SD Object of Part**

The object of this Part is to provide for the lawful collection, use and disclosure of confidential information by specified persons and bodies for the purposes of facilitating the provision of Hub services, in a way that gives precedence to safety and wellbeing over privacy.

**Division 3—Information sharing**

**144SE Authorised Hub entity may collect, use and disclose confidential information for a purpose connected with provision of Hub services**

- (1) An authorised Hub entity may do one or more of the following for a purpose relating to the provision, analysis, development, monitoring or oversight of one or more Hub services—
  - (a) collect confidential information;
  - (b) use confidential information;
  - (c) disclose confidential information to another authorised Hub entity.
- (2) Subsection (1) has effect despite anything to the contrary in—
  - (a) section 36(5) or 193 of the **Children Youth and Families Act 2005**;
  - (c) a prescribed secrecy provision.
- (3) An authorised Hub entity may collect, use and disclose confidential information under subsection (1) without the consent of the person to whom the information relates.

**144SF Part does not affect handling of information permitted by other Acts**

This Part does not affect the collection, use or disclosure of confidential information by an authorised Hub entity that would otherwise be permitted by or under the **Privacy and Data Protection Act 2014**, the **Health Records Act 2001** or this Act or any other Act.

**144SG Access to confidential information under privacy laws restricted where risks to safety**

- (1) An authorised Hub entity may refuse to give an individual access to that individual's confidential information under a relevant privacy law if the authorised Hub entity believes on reasonable grounds that—
  - (a) giving the individual access to the information would increase a risk to the safety of a child or a group of children; or
  - (b) the information is the confidential information of a person of concern or a person who is alleged to pose a risk of committing family violence, and giving the individual access to the information would increase the risk to a primary person's safety from family violence.
- (2) In this section—

*relevant privacy law* means—

  - (a) the **Health Records Act 2001**; or
  - (b) the **Privacy and Data Protection Act 2014**; or
  - (c) the Privacy Act 1988 of the Commonwealth; or
  - (d) the Privacy Act 1988 of the Commonwealth applied as a law of Victoria by another Act."

**Part 5—Consequential amendments relating to Support and Safety Hubs****Division 1—Amendment of Health Records Act 2001****BB Information sharing under the Family Violence Protection Act 2008**

- (1) After section 14B(2) of the **Health Records Act 2001** insert—

"(2A) Nothing in HPP 1.3, 1.4 or 1.5 applies to the collection of health information by an authorised Hub entity for the purposes of Part 5B of the **Family Violence Protection Act 2008**."
- (2) In section 14B(4) of the **Health Records Act 2001** insert—

"*authorised Hub entity* has the meaning given in the **Family Violence Protection Act 2008**;"

**Division 3—Amendment of Privacy and Data Protection Act 2014****CC Information sharing under the Family Violence Protection Act 2008**

- (1) After section 15A(1) of the **Privacy and Data Protection Act 2014** insert—

"(1A) Nothing in IPP 1.3, 1.4 or 1.5, or any applicable code of practice modifying the application of IPP 1.3, 1.4 or 1.5 or prescribing how IPP 1.3, 1.4 or 1.5 is to be applied or complied with, applies to the collection of personal information by an authorised Hub entity for the purposes of Part 5B of the **Family Violence Protection Act 2008**."
- (2) In section 15A(7) of the **Privacy and Data Protection Act 2014** insert—

"*authorised Hub entity* has the meaning given in the **Family Violence Protection Act 2008**;"

## Division 4—Amendment of Freedom of Information Act 1982

### DD Definitions

Insert the following definitions in section 5(1) of the **Freedom of Information Act 1982**—

"*authorised Hub entity* has the meaning given in the **Family Violence Protection Act 2008**;"

### EE Document affecting personal privacy

- (1) In section 33(2AB) of the **Freedom of Information Act 1982**, after "information sharing entity" (wherever occurring) insert "or an authorised Hub entity".
- (2) In section 33(2AC) of the **Freedom of Information Act 1982**, after "information sharing entity" (where first and third occurring) insert ", an authorised Hub entity".

## Part 6—Amendments of the Family Violence Protection Act 2008 relating to regulations

### FF Meaning of *excluded information*

In section 144C of the **Family Violence Protection Act 2008** after "*excluded information* if" insert "it is of a kind prescribed or".

### GG Information sharing regulation making power

- (1) In section 210A(2) of the **Family Violence Protection Act 2008**, for paragraphs (e) and (f) substitute—
  - (e) prohibiting or regulating the type of information that may be used, disclosed or handled by an information sharing entity or a specified category of information sharing entity; and
  - (f) prohibiting or regulating the type of information that may be requested or collected by an information sharing entity or a specified category of information sharing entity; and
  - (fa) prescribing the purposes for which an information sharing entity or a specified category of information sharing entity may use or disclose confidential information; and
  - (fb) enabling an information sharing entity that is a public sector body Head within the meaning of the **Public Administration Act 2004**—
    - (i) to delegate its powers, duties and functions under Part 5A or the regulations; and
    - (ii) to sub-delegate any powers, duties and functions under Part 5A or the regulations that have been delegated to the information sharing entity; and
  - (fc) prescribing the persons and bodies to which powers, duties and functions may be delegated or sub-delegated by an information sharing entity that is a public sector body Head within the meaning of the **Public Administration Act 2004**; and".
- (2) In section 210A(2)(g) of the **Family Violence Protection Act 2008** after "employed" insert "or engaged".

- (3) In section 210A(2)(g) of the **Family Violence Protection Act 2008** after "information sharing entity" (where first occurring) insert "or specified category of information sharing entity".
- (4) In section 210A(2)(k) of the **Family Violence Protection Act 2008** after "information sharing entity" (where first occurring) insert "or specified category of information sharing entity".
- (5) In section 210A(2) of the **Family Violence Protection Act 2008** for paragraph (h) **substitute**—
  - (h) prohibiting or regulating the disclosure of confidential information between information sharing entities or categories of information sharing entities; and
  - (ha) confer a discretionary authority on a specified person or body or a specified class of persons or bodies; and
  - (hb) prescribing information to be excluded information; and".
- (6) In section 210A(5) of the **Family Violence Protection Act 2008** after "(b)" insert ", (c)".
- (7) In section 211 of the **Family Violence Protection Act 2008**, for subsection (3) **substitute**—
  - "(3) The regulations—
    - (a) may be of general or limited application; and
    - (b) may differ according to differences in time, place or circumstances; and
    - (c) may confer a discretionary authority or impose a duty on a specified person or body or a specified class of persons or bodies; and
    - (d) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by a specified person.".'.

Amendments circulated by Ms Crozier

1. Clause 5, page 4, lines 6 to 9, omit all words and expressions on these lines.
2. Clause 5, page 4, line 10, omit "(d)" and insert "(c)".
3. Clause 5, page 4, line 11, omit "(e)" and insert "(d)".
4. Clause 5, page 4, line 28, omit "2014;" and insert "2014;".
5. Clause 5, page 4, after line 28 insert—

*safety* means freedom from danger, risk or injury;  
*wellbeing* means physical, psychological and emotional wellbeing;".'.
6. Clause 8, page 12, after line 2 insert—

**"41UA Consent required**

  - (1) Subject to subsection (2), an information sharing entity must not disclose confidential information under this Part without the consent of—
    - (a) the person to whom the information relates; or

(b) if the information relates to a child, a person who has parental responsibility of the child.

(2) Subsection (1) does not apply to a disclosure of confidential information if the information sharing entity reasonably considers that the disclosure is necessary for a family violence protection purpose within the meaning of Part 5A of the **Family Violence Protection Act 2008**."

7. Clause 8, page 12, line 15, omit "may" and insert "will".

8. Clause 8, page 13, line 24, omit "may" and insert "will".

9. Clause 8, page 14, lines 29 and 30, omit "managing a risk to a child's safety" and insert "promoting the wellbeing or safety of a child".

10. Clause 8, page 15, lines 1 to 5, omit all words and expressions on these lines.

11. Clause 8, page 15, line 6, omit "(3)" and insert "(2)".

12. Clause 8, page 15, after line 16 insert—

**"41ZAA Promotion of wellbeing or safety**

For the purposes of this Part, a disclosure of confidential information is made for the purpose of promoting the wellbeing or safety of a child or group of children if the information sharing entity that discloses the information reasonably considers that—

(a) if the disclosure is not made, the wellbeing or safety of the child or group of children will be prejudiced; or

(b) the disclosure will increase the wellbeing or safety of the child or group of children."

13. Clause 8, page 17, line 22, after "must" insert "securely".

14. Clause 10, page 42, lines 25 to 31, omit all words and expressions on these lines and insert—

**"46J Consent required for collection, use or disclosure of information**

(1) Subject to subsection (2), the Secretary, or a person employed or engaged by the Secretary, must not collect, use or disclose confidential information under this Part without the consent of—

(a) the person to whom the information relates; or

(b) if the information relates to a child, a person who has parental responsibility of the child.

(2) Subsection (1) does not apply to a collection, use or disclosure of confidential information if the Secretary, or person employed or engaged by the Secretary, reasonably considers that the disclosure is necessary for a family violence protection purpose within the meaning of Part 5A of the **Family Violence Protection Act 2008**."

15. Clause 10, page 43, line 1, omit "(2)" and insert "(3)".

16. Clause 10, page 43, line 21, omit "a person or class of persons" and insert "4 persons".

17. Clause 10, page 43, line 25, omit "is" and insert "are".
18. Clause 10, page 43, line 26, omit "one or more of".
19. Clause 10, page 44, line 8, omit "a person or class of persons" and insert "one person".
20. Clause 10, page 44, lines 15 to 36 and page 45, lines 1 to 31, omit all words and expressions on these lines and insert—
  - "(g) one person employed or engaged by a council who is authorised in writing by the Chief Executive Officer of that council in relation to childhood services implementation or policy;
  - (h) one person employed or engaged by a council who is authorised in writing by the Chief Executive Officer of that council in relation to Maternal and Child Health services;"
21. Clause 10, page 45, line 32, omit "(q)" and insert "(i)".
22. Clause 10, page 46, lines 1 to 11, omit all words and expressions on these lines and insert—
  - "(j) one person employed or engaged by an approved education and care service who is authorised in writing by the approved provider;
  - (k) one person employed or engaged by a licensed children's service who is authorised in writing by the licensee of the service;"
23. Clause 10, page 46, line 12, omit "(s)" and insert "(l)".
24. Clause 10, page 46, line 16, omit "school;" and insert "school."
25. Clause 10, page 46, lines 17 to 35 and page 47, lines 1 to 10, omit all words and expressions on these lines.
26. Clause 10, page 47, lines 11 to 21, omit all words and expressions on these lines and insert—
  - "(2) For the purposes of subsection (1)(e), not more than 4 persons may be authorised.
  - (3) For the purposes of subsection (1)(f), (g), (h), (j) and (k), not more than one person may be authorised."
27. Clause 10, page 48, lines 30 and 31, omit all words and expressions on these lines and insert—

"A Child Link user may—

  - (a) access the Register if that Child Link user reasonably believes that the Register contains information necessary for a purpose specified in Schedule 6 in relation to that Child Link user; and"
28. Clause 10, page 48, line 32, omit "(a)" and insert "(b)".
29. Clause 10, page 49, line 1, omit "(b)" and insert "(c)".
30. Clause 14, page 71, in column 1 of item 11 of the Table, omit "nurse employed or engaged by a council to provide maternal and child health programs for a Maternal and Child Health service" and insert "person employed or engaged by a council".

31. Clause 14, page 71, in column 2 of item 11 of the Table, omit "the" and insert "a".
32. Clause 14, pages 71 and 72, omit items 12, 13, 14 and 15 of the Table.
33. Clause 14, page 73, in the column of the Table titled Item, omit "16" and insert "12".
34. Clause 14, page 73, in column 1 of item 16 of the Table, omit "registered early childhood teacher providing education and care to children at an approved education and care service" and insert "person".
35. Clause 14, page 73, in column 1 of item 16 of the Table, after "the approved provider" insert "of an approved education and care service".
36. Clause 14, page 73, in the column of the Table titled Item, omit "17" and insert "13".
37. Clause 14, page 73, in column 1 of item 17 of the Table, omit "registered early childhood teacher providing education and care to children at a licensed children's service" and insert "person".
38. Clause 14, page 73, in column 1 of item 17 of the Table, omit "the service" and insert "a licensed children's service".
39. Clause 14, page 73, omit items 18 and 19 of the Table.
40. Clause 14, page 74, in the column of the Table titled Item, omit "20" and insert "14".
41. Clause 14, page 74, omit item 21 of the Table.
42. Clause 14, page 74, in the column of the Table titled Item, omit "22" and insert "15".
43. Clause 14, pages 75 and 76, omit items 23, 24, 25 and 26 of the Table.





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 170, 171, and 172

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#### No. 170 — Tuesday, 27 March 2018

- 1 The President took the Chair, 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 14 March 2018, given the Royal Assent to the following Acts presented to her by the Acting Clerk of the Parliaments —  
*Gambling Legislation Amendment Act 2018*  
*Racing Amendment (Modernisation) Act 2018.*
- 3 **CHILDREN LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2017** — The President announced that he had received a report from the Clerk notifying that he had made the following corrections in this Bill —  
In Amendment 3 of the Schedule to the Bill, in the new section 144SE, I have changed sub-section (2)(c) to (2)(b).  
In Amendment 3 of the Schedule to the Bill, in the new section 144SG, I have inserted a close bracket, changing (d to (d).  
In Amendment 3 of the Schedule to the Bill, in the new Part 5, I have changed Division 3 to Division 2 and Division 4 to Division 3.
- 4 **PETITIONS** —  
**LATROBE SPECIAL DEVELOPMENT SCHOOL** — Ms Bath presented a Petition bearing 2,723 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide modern, fit-for-purpose facilities, to deliver quality education for students with special needs in the 2018-19 Budget.  
Ordered to lie on the Table.  

\* \* \* \* \*

**CAR PARKING IN BELGRAVE** — Mr O'Donohue presented a Petition bearing 204 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to improve parking in Belgrave to support the local community and traders and encourage tourists to visit the area.  
Ordered to lie on the Table.
- 5 **CRIMES AMENDMENT (UNLICENSED DRIVERS) BILL 2018** — Dr Carling-Jenkins introduced *A Bill for an Act to amend the Crimes Act 1958 to create an offence relating to driving causing death or serious injury, in circumstances where the driver is unlicensed, and for other purposes.*  
On the motion of Dr Carling-Jenkins, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**6 PAPERS —**

**ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE — INQUIRY INTO THE SUSTAINABILITY AND OPERATIONAL CHALLENGES OF VICTORIA'S RURAL AND REGIONAL COUNCILS** — Mr Ramsay presented a Report from the Environment, Natural Resources and Regional Development Committee on the Inquiry into the Sustainability and Operational Challenges of Victoria's Rural and Regional Councils (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Ramsay moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE — INQUIRY INTO DRUG LAW REFORM** — Ms Patten presented a Report from the Law Reform, Road and Community Safety Committee on the Inquiry into Drug Law Reform (including Appendices, Extracts of Proceedings and a Minority Report), together with a Summary Report and Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Patten moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 4 of 2018 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

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**MID-YEAR FINANCIAL REPORT 2017-18** — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the 2017-18 Mid-Year Financial Report (incorporating Quarterly Financial Report No. 2).

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**OMBUDSMAN — INVESTIGATION OF A MATTER REFERRED FROM THE LEGISLATIVE COUNCIL ON 25 NOVEMBER 2015** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on an Investigation of a matter referred from the Legislative Council on 25 November 2015.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Commissioner for Environmental Sustainability Act 2003 — Strategic audit of the implementations of environmental management systems in Victorian Government 2016-17.

Crown Land (Reserves) Act 1978 — Minister's Order of 10 December 2017 giving approval to the granting of a lease at Glenfern Valley Bushland Reserve.

Duties Act 2000 — Treasurer's report of foreign purchaser additional duty exemptions for 1 July 2017 to 31 December 2017.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 26

Land Tax Act 2005 — Treasurer's report of land tax absentee owner surcharge exemptions for 1 July 2017 to 31 December 2017.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendment C279.

Gannawarra Planning Scheme — Amendment C42.

- Greater Geelong Planning Scheme — Amendment C365.
- Greater Shepparton Planning Scheme — Amendment C199.
- Indigo Planning Scheme — Amendment C73.
- Knox Planning Scheme — Amendment C161.
- Latrobe Planning Scheme — Amendment C102.
- Melbourne Planning Scheme — Amendment C330.
- Northern Grampians Planning Scheme — Amendment C35.
- Stonnington Planning Scheme — Amendment C243.
- Surf Coast Planning Scheme — Amendment C96.
- Swan Hill Planning Scheme — Amendment C65.
- Warrnambool Planning Scheme — Amendment C102.
- Yarra Planning Scheme — Amendment C242.
- Snowy Hydro Corporatisation Act 1997 — Documents pursuant to section 6A relating to the sale of share in Snowy Hydro Limited —
  - Share Sale Agreement between the State Electricity Commission of Victoria, the State of Victoria and the Commonwealth of Australia.
  - Amended and Restated Snowy Regulatory Deed between the Commonwealth of Australia, the State of New South Wales and the State of Victoria.
  - Share transfer form between the State Electricity Commission of Victoria and the Commonwealth of Australia.
- Statutory Rules under the following Acts of Parliament —
  - Building Act 1993 — No. 26.
  - Conservation, Forests and Lands Act 1987 — No. 25.
  - Drugs, Poisons and Controlled Substances Act 1981 — No. 31.
  - Magistrates' Court Act 1989 — Nos. 28 and 29.
  - Rail Safety (Local Operations) Act 2006 — No. 27.
  - Victorian Civil and Administrative Tribunal Act 1998 — No. 30.
- Subordinate Legislation Act 1994 —
  - Documents under section 15 in respect of Statutory Rule Nos. 18 to 22 and 25 to 30.
  - Legislative instruments and related documents under section 16B in respect of —
    - National Parks Act 1975 — National Parks (Authorization to carry and use firearms or other weapons in the course of hunting deer by stalking in the Avon Wilderness Park, Tara Range Park and specified areas of the Alpine and Baw Baw National Parks) Notice, dated 6 March 2018.
    - Wildlife Act 1975 — Declaration of certain wildlife as unprotected wildlife on private property under section 7A, dated 27 February 2018.
- Victorian Inspectorate —
  - Report 2017-18, No. 1, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to agencies authorised to use surveillance devices.
  - Report 2016-17, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to the Independent Broad-based Anti-corruption Commission.
  - Report 2016-17, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to Victoria Police.
  - Report 2016-17, pursuant to section 74P of the Wildlife Act 1975 in relation to the Game Management Authority.
  - Report 2016-17, pursuant to section 74P of the Wildlife Act 1975 in relation the Department of Environment, Land, Water and Planning.
  - Report 2016-17, pursuant to section 131T of the Fisheries Act 1995 in relation to the Department of Economic Development, Jobs, Transport and Resources.
- Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice, Gazetted 13 March 2018.

\* \* \* \*

- PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:
- Health Legislation Amendment (Quality and Safety) Act 2017 — sections 6 to 32, 45 to 59, Part 3 and sections 80 to 88 — 1 April 2018 (*Gazette No. S96, 6 March 2018*).

**7 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That:

- (1) precedence be given to the following General Business on Wednesday, 28 March 2018 —
  - (a) Notice of Motion given this day by Mr Rich-Phillips in relation to the establishment of a Select Committee to inquire into the misuse of electorate office staffing entitlements by 21 current and former Labor Members of Parliament;
  - (b) Notice of Motion given this day by Ms Pennicuik in relation to the misuse of electorate office staffing entitlements and referral to the Privileges Committee;
  - (c) Notice of Motion No. 536 standing in the name of Mr Davis, to revoke Amendment C298 to the Boroondara Planning Scheme;
  - (d) Notice of Motion No. 522 standing in the name of Ms Lovell, in relation to a regional sitting of the Legislative Council;
  - (e) Notice of Motion No. 533 standing in the name of Ms Wooldridge, in relation to mandatory residential drug and alcohol treatment for young people; and
- (2) this House authorises the President to permit Notices of Motion, General Business, items (1)(a) and (b) as specified above, to be moved and debated concurrently.

Question — put and agreed to.

**8 STANDING COMMITTEE ON ECONOMY AND INFRASTRUCTURE MEMBERSHIP** — Ms Wooldridge moved, by leave, That Mr Davis be a participating member of the Standing Committee on Economy and Infrastructure.

Question — put and agreed to.

**9 PRIVILEGES COMMITTEE MEMBERSHIP** — Ms Pennicuik moved, by leave, That Ms Springle be a member of the Privileges Committee.

Question — put and agreed to.

**10 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**12 BUSINESS POSTPONED** — Ms Symes moved, That the consideration of Notices of Motion, Government Business, Nos. 497 to 550 be postponed until later this day.

Debate ensued.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**13 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Ombudsman report – Australian Labor Party campaign committee membership** — substantive question asked by Ms Wooldridge — response from Mr Jennings due Wednesday, 28 March 2018.
- **Ombudsman report – funding for inquiry** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Jennings due Thursday, 29 March 2018.
- **Ombudsman report – cost of government legal challenge** — supplementary question asked by Ms Fitzherbert — response from Mr Jennings due Thursday, 29 March 2018.
- **Minister for Agriculture – employment of electorate office staff** — supplementary question asked by Mr Rich-Phillips — response from Ms Pulford due Wednesday, 28 March 2018.
- **Minister for Families and Children – guidelines on electorate office resources** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 28 March 2018.

- **Special Minister of State – electorate office employment** — substantive question asked by Ms Wooldridge — response from Mr Jennings due Thursday, 29 March 2018.
- **Southwest Victoria Bushfires – coordination of relief efforts** — substantive and supplementary questions asked by Mr Purcell — response from Mr Dalidakis due Thursday, 29 March 2018.
- **Noojee coupe logging** — substantive question asked by Ms Dunn — response from Ms Pulford due Wednesday, 28 March 2018.

**14 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4

**15 BUSINESS POSTPONED** — Debate continued on the question, That the consideration of Notices of Motion, Government Business, Nos. 497 to 550 be postponed until later this day. Question — put and agreed to.

**16 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Jennings were circulated.

Debate continued.

Ms Fitzherbert moved, That debate be adjourned until the next day of meeting.

Debate ensued.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued on the question, That debate be adjourned until the next day of meeting.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Ondarchie and Mr Young)*

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Gepp and Ms Truong)*

Question negatived.

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

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Mr Jennings declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Tierney moved, That the sitting be extended.

Question — put.

The Council divided — The Acting President in the Chair.

AYES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(*Tellers: Mr Dalidakis and Ms Dunn*)

NOES, 18

Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr O'Sullivan and Mr Young*)

Question agreed to.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(*Tellers: Mr Melhem and Ms Springle*)

NOES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr O'Sullivan and Mr Young*)

Question agreed to.

Mr Young moved, That it be an instruction to the Committee that they have the power to divide the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 into two Bills as follows:

- (a) a **Firefighters' Presumptive Rights Compensation Bill 2017** being the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017;
- (b) a **Fire Services Legislation Amendment (Reform) Bill 2017** being the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017; and
- (c) That each Bill be printed and considered separately by the Council.

*For full terms of the motion see Attachment 1 to these minutes on pp 1115-34.*

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Finn and Mr Morris*)

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(*Tellers: Mr Eideh and Ms Truong*)

Question negated.

Mr Jennings moved, That the Bill be committed to a Committee of the whole on the next day of meeting.

Question — put and agreed to.

**17 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 10.26 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 171 — Wednesday, 28 March 2018

**1** The President took the Chair and read the Prayer.

**2 CHARITIES AMENDMENT (CHARITABLE PURPOSE) BILL 2018** — The President having examined the Bill (the second reading having been given by Ms Patten on 7 March 2018), ruled that, in his view, the Bill infringed the provisions of section 62 of the *Constitution Act 1975* because the Bill results in an increased cohort being required to pay tax than is currently the case, and therefore the Bill could not proceed further in the Legislative Council.

Accordingly, the President ordered that the Bill be withdrawn.

**3 PETITION — VICTORIAN EDUCATION AND TRAINING REFORM REGULATIONS 2017** — Ms Lovell presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Legislative Council disallow the Victorian Education and Training Reform Regulations 2017 relating to Home Schooling.

Ordered to lie on the Table.

**4 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid on the Table by the Clerk:

Subordinate Legislation Act 1994 — Documents under section 15 in relation to the Occupation Health and Safety Act 2004 —  
 Compliance code: Confined spaces.  
 Compliance code: Facilities in construction.  
 Compliance code: Hazardous manual handling.  
 Compliance code: Noise.  
 Compliance code: Plant.

**5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 COMMITTEE REFERRALS — MATTERS RELATING TO THE MISUSE OF ELECTORATE OFFICE STAFFING ENTITLEMENTS** — Pursuant to the Order of the Council on 27 March 2018 permitting concurrent debate on two Notices of motion —

1. Mr Rich-Phillips moved, That —

(1) the Council notes —

(a) the report of the Ombudsman's investigation into the misuse of electorate office staffing entitlements by 21 current and former Labor MPs;

(b) that a number of current and former Labor MPs identified in the Ombudsman's report and associated electorate office staff refused to co-operate with the Ombudsman's investigation;

(c) that the Ombudsman was unable to obtain all relevant information and has referred gaps in the evidence to Parliament;

(2) a Select Committee of eight Members be appointed to inquire into, consider and report, no later than 30 June 2018, on —

- (a) the misuse of electorate office staffing entitlements by certain current and former Labor MPs identified in the Ombudsman's report, including in particular obtaining and considering evidence that was withheld from the Ombudsman;
  - (b) the expenditure of public money by the Government in actions in the Supreme Court, Court of Appeal, and High Court in an effort to prevent the Ombudsman's investigation;
- (3) the Committee will consist of three Members from the Government Party nominated by the Leader of the Government in the Council, three Members from the Opposition nominated by the Leader of the Opposition in the Council, one Member from the Greens nominated by the Leader of the Greens in the Council, and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
  - (4) the Members will be appointed by lodgement of the names with the President no later than 12.00 p.m. on the day following the day on which this resolution is agreed to by the Council;
  - (5) the first meeting of the Committee must be held no later than seven days after the day on which this resolution is agreed to by the Council;
  - (6) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
  - (7) the nearest whole number of Members exceeding one half of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;
  - (8) the Chair of the Committee will be an Opposition Member and the Deputy Chair will be a Government Member;
  - (9) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
  - (10) the Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry;
  - (11) the presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions; and
  - (12) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council;
2. Ms Pennicuik moved, That this House —
- (1) notes the Ombudsman's report on the Investigation of a matter referred from the Legislative Council on 25 November 2015;
  - (2) calls on the —
    - (a) Premier, Ministers and Labor MPs named in the report to take full responsibility for their actions and stop blaming others and to apologise to parliament;
    - (b) Premier to apologise to the Parliament for the misuse of the Electorate Office and Communication budgets by Labor MPs and for the Government frustrating the process by challenging the motion in the courts, using public money;
    - (c) ALP to pay an additional 25 per cent of the total amount falsely charged to DPS and to fully repay costs that were incurred by taxpayers on its behalf in its court challenges to the investigation;
    - (d) Government to implement all the recommendations in the report by Tuesday, 19 June 2018;
    - (e) Government, in consultation with all parties and independent MPs, to strengthen the codes of conduct in relation to MPs and Ministers and to establish an independent Parliamentary Commissioner for Standards in Victoria;
  - (3) requires the Privileges Committee to inquire into and report, in relation to those current and former Members of the Legislative Council named in paragraphs 45 to 50 of the Ombudsman's report, on the following —



- (a) whether any Members are in contempt of Parliament in relation to the Code of Conduct in the *Members of Parliament (Register of Interests) Act 1978*;
- (b) whether any fine should be imposed and the amount to be imposed pursuant to section 9 of the *Members of Parliament (Register of Interests) Act 1978*;
- (c) whether the conduct of any current or former Members constitutes any other form of contempt of Parliament and if so, what sanction, if any, should be imposed;

and the Committee shall report no later than 19 June 2018.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**SCHOOL CLEANING CONTRACTS** — Mr Dalidakis having given answers to a question without notice and supplementary question relating to school cleaning contracts —

On the motion of Mr O'Donohue, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Fire Services Property Levy** — substantive and supplementary questions asked by Ms Patten — response from Mr Jennings due Tuesday, 1 May 2018.
- **Kangaroo pet food trial** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Tuesday, 1 May 2018.
- **Federation Square** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Dalidakis due Tuesday, 1 May 2018.
- **Brighton terrorism siege review** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Thursday, 29 March 2018.
- **School cleaning contracts** — substantive question asked by Mrs Peulich — response from Mr Dalidakis due Thursday, 29 March 2018.
- **Young offenders not appearing in court** — substantive and supplementary questions asked by Mr Finn — response from Ms Mikakos due Thursday, 29 March 2018.
- **North Richmond supervised injecting facility – impact on playgroups** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Tuesday, 1 May 2018.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Minister for Agriculture – employment of electorate office staff** — supplementary question asked by Mr Rich-Phillips on Tuesday, 27 March 2018 — further response from Ms Pulford due Thursday, 29 March 2018.

**9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 5 as follows.

**10 COMMITTEE REFERRALS — MATTERS RELATING TO THE MISUSE OF ELECTORATE OFFICE STAFFING ENTITLEMENTS** — Debate continued on the questions —

1. That —

(1) the Council notes —

- (a) the report of the Ombudsman's investigation into the misuse of electorate office staffing entitlements by 21 current and former Labor MPs;
- (b) that a number of current and former Labor MPs identified in the Ombudsman's report and associated electorate office staff refused to co-operate with the Ombudsman's investigation;

- (c) that the Ombudsman was unable to obtain all relevant information and has referred gaps in the evidence to Parliament;
- (2) a Select Committee of eight Members be appointed to inquire into, consider and report, no later than 30 June 2018, on —
- (a) the misuse of electorate office staffing entitlements by certain current and former Labor MPs identified in the Ombudsman's report, including in particular obtaining and considering evidence that was withheld from the Ombudsman;
  - (b) the expenditure of public money by the Government in actions in the Supreme Court, Court of Appeal, and High Court in an effort to prevent the Ombudsman's investigation;
- (3) the Committee will consist of three Members from the Government Party nominated by the Leader of the Government in the Council, three Members from the Opposition nominated by the Leader of the Opposition in the Council, one Member from the Greens nominated by the Leader of the Greens in the Council, and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (4) the Members will be appointed by lodgement of the names with the President no later than 12.00 p.m. on the day following the day on which this resolution is agreed to by the Council;
- (5) the first meeting of the Committee must be held no later than seven days after the day on which this resolution is agreed to by the Council;
- (6) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (7) the nearest whole number of Members exceeding one half of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;
- (8) the Chair of the Committee will be an Opposition Member and the Deputy Chair will be a Government Member;
- (9) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (10) the Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry;
- (11) the presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions; and
- (12) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council;
2. That this House —
- (1) notes the Ombudsman's report on the Investigation of a matter referred from the Legislative Council on 25 November 2015
  - (2) calls on the —
    - (a) Premier, Ministers and Labor MPs named in the report to take full responsibility for their actions and stop blaming others and to apologise to parliament;
    - (b) Premier to apologise to the Parliament for the misuse of the Electorate Office and Communication budgets by Labor MPs and for the Government frustrating the process by challenging the motion in the courts, using public money;
    - (c) ALP to pay an additional 25 per cent of the total amount falsely charged to DPS and to fully repay costs that were incurred by taxpayers on its behalf in its court challenges to the investigation;
    - (d) Government to implement all the recommendations in the report by Tuesday, 19 June 2018;

- (e) Government, in consultation with all parties and independent MPs, to strengthen the codes of conduct in relation to MPs and Ministers and to establish an independent Parliamentary Commissioner for Standards in Victoria;
- (3) requires the Privileges Committee to inquire into and report, in relation to those current and former Members of the Legislative Council named in paragraphs 45 to 50 of the Ombudsman's report, on the following —
  - (a) whether any Members are in contempt of Parliament in relation to the Code of Conduct in the *Members of Parliament (Register of Interests) Act 1978*;
  - (b) whether any fine should be imposed and the amount to be imposed pursuant to section 9 of the *Members of Parliament (Register of Interests) Act 1978*;
  - (c) whether the conduct of any current or former Members constitutes any other form of contempt of Parliament and if so, what sanction, if any, should be imposed;
 and the Committee shall report no later than 19 June 2018.

Ms Lovell moved, That the debate be adjourned until later this day.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Ms Crozier and Mr O'Sullivan)

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(Tellers: Ms Dunn and Mr Elasmarr)

Question negatived.

Debate continued.

Ms Springle moved, That the questions be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(Tellers: Mr Eideh and Ms Pennicuik)

NOES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Mr Bourman and Ms Lovell)

Question agreed to.

Question — That —

(1) the Council notes —

- (a) the report of the Ombudsman's investigation into the misuse of electorate office staffing entitlements by 21 current and former Labor MPs;
- (b) that a number of current and former Labor MPs identified in the Ombudsman's report and associated electorate office staff refused to co-operate with the Ombudsman's investigation;

- (c) that the Ombudsman was unable to obtain all relevant information and has referred gaps in the evidence to Parliament;
- (2) a Select Committee of eight Members be appointed to inquire into, consider and report, no later than 30 June 2018, on —
- (a) the misuse of electorate office staffing entitlements by certain current and former Labor MPs identified in the Ombudsman's report, including in particular obtaining and considering evidence that was withheld from the Ombudsman;
- (b) the expenditure of public money by the Government in actions in the Supreme Court, Court of Appeal, and High Court in an effort to prevent the Ombudsman's investigation;
- (3) the Committee will consist of three Members from the Government Party nominated by the Leader of the Government in the Council, three Members from the Opposition nominated by the Leader of the Opposition in the Council, one Member from the Greens nominated by the Leader of the Greens in the Council, and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (4) the Members will be appointed by lodgement of the names with the President no later than 12.00 p.m. on the day following the day on which this resolution is agreed to by the Council;
- (5) the first meeting of the Committee must be held no later than seven days after the day on which this resolution is agreed to by the Council;
- (6) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (7) the nearest whole number of Members exceeding one half of the Members appointed pursuant to paragraph (3) will constitute a quorum of the Committee;
- (8) the Chair of the Committee will be an Opposition Member and the Deputy Chair will be a Government Member;
- (9) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (10) the Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry;
- (11) the presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions; and
- (12) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.

— put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr O'Donohue and Mr Young*)

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(*Tellers: Ms Dunn and Mr Melhem*)

Question negatived.

Question — That this House —

- (1) notes the Ombudsman's report on the Investigation of a matter referred from the Legislative Council on 25 November 2015;
- (2) calls on the —
- (a) Premier, Ministers and Labor MPs named in the report to take full responsibility for their actions and stop blaming others and to apologise to parliament;

- (b) Premier to apologise to the Parliament for the misuse of the Electorate Office and Communication budgets by Labor MPs and for the Government frustrating the process by challenging the motion in the courts, using public money;
  - (c) ALP to pay an additional 25 per cent of the total amount falsely charged to DPS and to fully repay costs that were incurred by taxpayers on its behalf in its court challenges to the investigation;
  - (d) Government to implement all the recommendations in the report by Tuesday, 19 June 2018;
  - (e) Government, in consultation with all parties and independent MPs, to strengthen the codes of conduct in relation to MPs and Ministers and to establish an independent Parliamentary Commissioner for Standards in Victoria;
- (3) requires the Privileges Committee to inquire into and report, in relation to those current and former Members of the Legislative Council named in paragraphs 45 to 50 of the Ombudsman's report, on the following —
- (a) whether any Members are in contempt of Parliament in relation to the Code of Conduct in the *Members of Parliament (Register of Interests) Act 1978*;
  - (b) whether any fine should be imposed and the amount to be imposed pursuant to section 9 of the *Members of Parliament (Register of Interests) Act 1978*;
  - (c) whether the conduct of any current or former Members constitutes any other form of contempt of Parliament and if so, what sanction, if any, should be imposed;
- and the Committee shall report no later than 19 June 2018.

— put and agreed to.

**11 REVOCATION OF AMENDMENT C298 TO THE BOROONDARA PLANNING SCHEME —**

Mr Davis moved, That in relation to Amendment C298 to the Boroondara Planning Scheme which applies to land at 3 and 10 Markham Avenue, Ashburton, this House —

- (1) notes Planning Scheme Amendment C298 was gazetted on 1 February 2018 and tabled on 6 February 2018; and
- (2) pursuant to section 38(2) of the *Planning and Environment Act 1987* revokes Amendment C298.

Debate ensued.

Mr Davis moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Truong; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Dalla-Riva)*

NOES, 15

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

*(Tellers: Mr Somyurek and Ms Symes)*

Question agreed to.

Question — That in relation to Amendment C298 to the Boroondara Planning Scheme which applies to land at 3 and 10 Markham Avenue, Ashburton, this House —

- (1) notes Planning Scheme Amendment C298 was gazetted on 1 February 2018 and tabled on 6 February 2018; and
- (2) pursuant to section 38(2) of the *Planning and Environment Act 1987* revokes Amendment C298.

The Council divided — The President in the Chair.

AYES, 23

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Truong; Ms Wooldridge; Mr Young.

(Tellers: Ms Fitzherbert and Mrs Peulich)

NOES, 15

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

(Tellers: Mr Mulino and Ms Shing)

Question agreed to.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

**12 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**13 BUSINESS POSTPONED** — Ordered, That the consideration of Notices of Motion, Government Business, Nos. 497 to 550 be postponed until later this day.

**14 SALE OF THE STATE OF VICTORIA'S INTEREST IN SNOWY HYDRO LIMITED** — Mr Jennings moved, That, under section 6(2A) of the *Snowy Hydro Corporatisation Act 1977*, the transfer of the State of Victoria's interest in Snowy Hydro Limited, held by the State Electricity Commission of Victoria, to the Commonwealth of Australia be approved.

Debate ensued.

*Business having been interrupted at the conclusion of 30 minutes, Government Business, pursuant to Standing Orders, debate stood adjourned in the name of Mr Rich-Phillips —*

**15 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.54 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 172 — Thursday, 29 March 2018

**1** The President took the Chair and read the Prayer.

**2 PETITION — MERRI CREEK PRIMARY SCHOOL** — Ms Patten presented a Petition bearing 670 signatures from certain citizens of Victoria requesting that the Legislative Council calls on the Government and the Minister for Education, the Hon. James Merlino, MP, to support Merri Creek Primary School's budget request and allocate the necessary funds.

Ordered to lie on the Table.

**3 PAPERS — PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Fraud and Corruption Control, March 2018 (*Ordered to be published*).

Protecting Victoria's Coastal Assets, March 2018 (*Ordered to be published*).

Safety and Cost Effectiveness of Private Prisons, March 2018 (*Ordered to be published*).

Crimes Act 1958 — Chief Commissioner of Police's forensic sampling authorisations pursuant to section 464Z(2) of the Act.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return — March 2018 and Summary of Variations Notified Between 19 February and 26 March 2018 (*Ordered to be published*).

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2016-17.  
 Statutory Rules under the Supreme Court Act 1986 — Nos. 32 and 33.  
 Subordinate Legislation Act 1994 — Documents under section 15 in respect of  
 Statutory Rule Nos. 31, 32 and 33.

**4 PRIVILEGES COMMITTEE MEMBERSHIP** — Ms Mikakos moved, by leave, That —

- (1) Ms Mikakos be discharged from the Privileges Committee;
- (2) Ms Pulford be discharged from the Privileges Committee;
- (3) Ms Symes be appointed to the Privileges Committee;
- (4) Mr Mulino be appointed to the Privileges Committee; and
- (5) Mr Dalidakis be appointed to the Privileges Committee.

Question — put and agreed to.

**5 SITTING OF THE COUNCIL** — Ms Mikakos moved, That the Council, at its rising, adjourn until Tuesday, 1 May 2018.

**6 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 550 be postponed until later this day.

**9 BUSINESS OF THE COUNCIL** — Mr Rich-Phillips moved, That the consideration of Order of the Day, Government Business, No. 1 be postponed until later this day.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Mr Finn and Mr Rich-Phillips)

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

(Tellers: Mr Elasmr and Dr Ratnam)

Question agreed to.

**10 SALE OF THE STATE OF VICTORIA'S INTEREST IN SNOWY HYDRO LIMITED** — Debate resumed on the question, That, under section 6(2A) of the *Snowy Hydro Corporatisation Act 1977*, the transfer of the State of Victoria's interest in Snowy Hydro Limited, held by the State Electricity Commission of Victoria, to the Commonwealth of Australia be approved.

*Business having been interrupted at 12 noon pursuant to Sessional Orders* —

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Ombudsman report – direction of electorate officer activity** — substantive and supplementary questions asked by Ms Wooldridge — response from Mr Jennings due Tuesday, 1 May 2018.
- **Ombudsman report – certification of timesheets** — supplementary question asked by Ms Wooldridge — response from Ms Tierney due Tuesday, 1 May 2018.

- **Container deposit scheme** — substantive and supplementary questions asked by Ms Springle — response from Mr Jennings due in two sitting days.
- **Illegal shooters – police resourcing** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due in two sitting days.
- **Electorate Officer staffing arrangements** — substantive and supplementary questions asked by Mr Morris — response from Ms Pulford due Tuesday, 1 May 2018.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 SALE OF THE STATE OF VICTORIA'S INTEREST IN SNOWY HYDRO LIMITED** — Debate continued on the question, That, under section 6(2A) of the *Snowy Hydro Corporatisation Act 1977*, the transfer of the State of Victoria's interest in Snowy Hydro Limited, held by the State Electricity Commission of Victoria, to the Commonwealth of Australia be approved.

Question — put and agreed to.

**14 CHILDREN LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2017** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**15 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

Mr Dalidakis declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in Committee of the whole.

Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —

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Mr Dalidakis declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

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Bill further considered in Committee of the whole.

*And the Council having continued to sit after 12 midnight —*

FRIDAY, 30 MARCH 2018

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Ms Pulford moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Mulino and Ms Springle)*

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Purcell)*



Question agreed to.

Bill further considered in Committee of the whole.

Bill reported with amendments.

Mr Jennings moved that the Report be adopted.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(Tellers: Mr Mulino and Ms Truong)

NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Mr Dalla-Riva and Ms Fitzherbert)

Question agreed to.

Mr Jennings moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 18

Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(Tellers: Ms Dunn and Mr Somyurek)

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Mr Bourman and Mr O'Sullivan)

Question negatived.

Bill returned to the Assembly with a Message informing them that the Council have rejected the Bill.

**16 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 11.32 a.m., adjourned until Tuesday, 1 May 2018.

ANDREW YOUNG  
Clerk of the Legislative Council



# ATTACHMENT 1

## Minutes Nos. 170, 171 and 172

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### FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017

Tuesday 27 March 2018.

In Minutes No. 170, Mr Young moved the following motion (for details of the resolution of this motion, see p 1102):

Mr Young moved, That it be an instruction to the Committee that they have the power to divide the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 into two Bills as follows:

(a) a **Firefighters' Presumptive Rights Compensation Bill 2017** being the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 with the following changes:

(i) Long title as follows:

"A Bill for an Act to provide a rebuttable presumption for career firefighters and volunteer firefighters suffering from specified forms of cancer for the purposes of claiming compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013** and for other purposes.";

(ii) Short title as follows:

**"Firefighters' Presumptive Rights Compensation Bill 2017"**;

(iii) Heading to Part 1 of the Bill;

(iv) Clause 1 as follows:

#### **"1 Purpose**

The purpose of this Act is to provide a rebuttable presumption for—

(a) career firefighters suffering from specified forms of cancer that the cancer is presumed to be due to the nature of their employment for the purposes of claiming compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013**; or

(b) volunteer firefighters suffering from specified forms of cancer that the cancer is presumed to be due to the nature of their service as a firefighter for the purposes of claiming compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013**.";

(v) Clause 2 as follows:

#### **"2 Commencement**

This Act comes into operation on the day after the day on which it receives the Royal Assent.";

(vi) Heading to Part 2 of the Bill;

(vii) Heading to Division 1 of Part 2 of the Bill;

(viii) Clause 3 as follows:

#### **"3 Definitions**

(1) In this Act—

**advisory committee** means the advisory committee established under section 19;

**Authority** means the Victorian WorkCover Authority;

**career firefighter** means a person who is or was employed by a fire service as a firefighter in a role in which firefighting duties are or were a substantial portion;

**CFA** means the Country Fire Authority established under the **Country Fire Authority Act 1958**;

**firefighter** means—

- (a) a career firefighter; or
- (b) a volunteer firefighter;

**firefighting** means exposure to the hazards of a fire scene, including extinguishing, controlling or preventing the spread of fires;

**volunteer firefighter** means a person who is or was a **volunteer officer or member** within the meaning of the **Country Fire Authority Act 1958** in a role in which firefighting duties are or were a substantial portion.

(2) A reference in this Act to **employment** in relation to a career firefighter includes **appointment**.”;

- (ix) Clause 5 renumbered 4;
- (x) Heading to Division 2 of Part 2 of the Bill;
- (xi) Clause 6 renumbered 5;
- (xii) Clause 6 as follows:

**"6 Determination of the qualifying period**

- (1) For the purposes of determining a period under section 5(1)(c), the following periods may be combined—
  - (a) any period during which the worker was employed as a career firefighter; and
  - (b) any period during which the worker served as a volunteer firefighter.
- (2) For the purposes of subsection (1), any consecutive or non-consecutive periods during which a worker has been employed or has served as specified in subsection (1)(a) or (b) may be combined.
- (3) If a worker has been employed or has served as specified in both paragraphs of subsection (1) at the same time, that period of concurrent employment or service is to be counted once only for the purposes of subsection (1).”;

- (xiii) Clause 8 renumbered 7;
- (xiv) Heading to Division 3 of Part 2 of the Bill;
- (xv) Clause 9 renumbered 8;
- (xvi) Clauses 9, 10 and 11 as follows:

**"9 Determination of the qualifying period**

- (1) For the purposes of determining a period under section 8, any period during which the volunteer firefighter was employed as a career firefighter may be combined with service as a volunteer firefighter.

- (2) For the purposes of subsection (1), any consecutive or non-consecutive periods during which a volunteer firefighter has been employed or has served as specified in subsection (1) may be combined.
- (3) If a volunteer firefighter has been employed or has served as a volunteer firefighter and a career firefighter at the same time, that period of concurrent employment or service is to be counted once only for the purposes of subsection (1).

**10 Determination of whether a firefighter is a volunteer firefighter for the purposes of this Division**

- (1) Subject to section 7(2), if a firefighter is serving as a volunteer firefighter at the time the injury occurs, they are to be taken to be a volunteer firefighter for the purposes of this Division.
- (2) Subject to section 7(2), if a firefighter has ceased employment or service as a firefighter, they are to be taken to be a volunteer firefighter for the purposes of this Division if their most recent service or employment as a firefighter was as a volunteer firefighter.

**11 Determination of whether section 8 requirement is met**

- (1) For the purposes of determining whether a volunteer firefighter attended fires to the extent reasonably necessary to fulfil the purpose of their service as a firefighter under section 8, the Authority must seek an expert opinion from the advisory committee.
- (2) In providing the expert opinion to the Authority, the advisory committee must have regard to—
  - (a) any relevant records, brigade records, CFA data, employer data and local knowledge; and
  - (b) any other matter prescribed by the regulations.
- (3) The Authority—
  - (a) must have regard to the expert opinion provided to the Authority under subsection (1); and
  - (b) is not required to make a determination that is consistent with the expert opinion provided under subsection (1).";

(xvii) Heading to Division 4 of Part 2 of the Bill;

(xviii) Clause 12 as follows:

**"12 Special consideration**

- (1) If a firefighter—
  - (a) suffers an injury that is a disease referred to in column 1 of the Table in Schedule 1; and
  - (b) would not be entitled to the presumption under Division 2 or 3 only because the firefighter does not satisfy the relevant qualifying period; and
  - (c) can prove in accordance with this Division that the firefighter has had an exceptional exposure event in a firefighting capacity whether within or outside Victoria while employed or serving as a firefighter—

the injury is presumed to be due to the nature of their employment or service as a firefighter.

- (2) A firefighter who intends to rely on subsection (1) must make an application for special consideration in accordance with section 14.";

(xix) Clause 14 renumbered 13;

(xx) Clause 14 as follows:

**"14 Application for special consideration**

- (1) An application for special consideration must be—
- (a) in the manner and form prescribed by the regulations; and
  - (b) made to the Authority.
- (2) An application for special consideration may only be made—
- (a) at the same time as a claim for compensation is made; or
  - (b) after a claim for compensation has been made but before the claim has been accepted or rejected; or
  - (c) within the period of 60 days after the claim for compensation has been rejected.
- (3) In subsection (2) and section 15, a **claim for compensation** means a claim for compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013** in respect of which the presumption under Division 2 or 3 is invoked.";

(xxi) Clause 15 of the Bill omitted;

(xxii) Clause 16 renumbered 15;

(xxiii) Heading to Division 5 of Part 2 of the Bill;

(xxiv) Clause 17 renumbered 16;

(xxv) Clause 17 as follows:

**"17 Compensation for certain diseases due to firefighting by volunteer firefighters**

- (1) Subject to section 18, if an injury to a volunteer firefighter is deemed under this Act to be due to the nature of their service as a firefighter, the volunteer firefighter must make a claim for compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013** in respect of that injury.
- (2) The compensation must be paid in accordance with and subject to the **Workplace Injury Rehabilitation and Compensation Act 2013** as if the volunteer firefighter were a worker within the meaning of that Act and the disease were an injury arising out of or in the course of their employment.
- (3) A claim for compensation must be made to the Authority in accordance with the **Workplace Injury Rehabilitation and Compensation Act 2013**.
- (4) All matters relating to compensation must be determined in accordance with the **Workplace Injury Rehabilitation and Compensation Act 2013** by the Authority, the Conciliation

Service, a Medical Panel, the County Court or the Magistrates' Court, as the case requires.

- (5) In making a determination in relation to any matter referred to in subsection (2), the Authority, the Conciliation Service, a Medical Panel, the County Court or the Magistrates' Court must, as far as practicable, be guided by reference to the applicable provisions of the **Workplace Injury Rehabilitation and Compensation Act 2013** governing the corresponding matter in that Act.
- (6) For the purpose of assessing compensation, the pre-injury average weekly earnings of a volunteer firefighter is to be computed by the Authority, the Conciliation Service, a Medical Panel, the County Court or the Magistrates' Court—
- (a) by reference to the volunteer firefighter's employment by any employer or employers during the relevant period before the injury; or
- (b) if the volunteer firefighter was not then working under a contract of service, on any basis that, in the opinion of the Authority, the Conciliation Service, a Medical Panel, the County Court or the Magistrates' Court, is best calculated to give the appropriate compensation for the volunteer firefighter's loss of earning capacity—

but so that any relevant maximum limits imposed by the **Workplace Injury Rehabilitation and Compensation Act 2013** are not exceeded.

- (7) For the purposes of enabling a return to work of a volunteer firefighter, the Authority may do any of the following—
- (a) plan the volunteer firefighter's return to work;
- (b) approve a provider of occupational rehabilitation services for the purposes of planning the volunteer firefighter's return to work under paragraph (a);
- (c) provide alternative assistance or programs to the volunteer firefighter or in respect of the employment of the volunteer firefighter.
- (8) The Authority must make any payment of compensation under this section out of the WorkCover Authority Fund.
- (9) For the purposes of subsection (8), any reasonable costs and expenses (including legal costs) incurred in administering claims under this section are taken to be a payment of compensation.";

(xxvi) Clause 19 renumbered 18;

(xxvii) Clauses 19 and 20 as follows:

**"19 Establishment of advisory committee**

- (1) The Minister must establish an advisory committee for the purposes of this Act in accordance with the regulations.
- (2) The purpose of the advisory committee is to provide an expert opinion to the Authority as to—
- (a) whether a volunteer firefighter has attended fires to the extent reasonably necessary to fulfil the purposes of service as a firefighter as required by section 8(1)(c); or

- (b) whether a firefighter has had an exceptional exposure event.
- (3) Without limiting the generality of section 21, the regulations may make provision for or with respect to—
  - (a) the appointment of the advisory committee, including—
    - (i) the number of members; and
    - (ii) the experience or qualifications of members; and
    - (iii) remuneration of members; and
  - (b) the powers and procedures of the advisory committee, including conditions of confidentiality of information provided to the advisory committee; and
  - (c) the form of an expert opinion and the process for providing an expert opinion to the Authority.

## 20 Payments

- (1) The Authority must make any payments necessary for the purposes of the administration of this Act (other than section 17) out of the WorkCover Authority Fund.
  - (2) There is to be paid into the WorkCover Authority Fund out of the Consolidated Fund, which is to the necessary extent appropriated accordingly, the amount of any payments under section 17.";
- (xxviii) Clause 22 renumbered 21;
- (xxix) Parts 3 to 9 of the Bill omitted;
- (xxx) Schedule 1;
- (b) a **Fire Services Legislation Amendment (Reform) Bill 2017** being the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 with the following changes:
- (i) Long title as follows:
 

"A Bill for an Act to amend the **Metropolitan Fire Brigades Act 1958**, the **Country Fire Authority Act 1958** and certain other Acts to reform fire services and for other purposes.";
  - (ii) Short title as follows:
 

**"Fire Services Legislation Amendment (Reform) Bill 2017"**;
  - (iii) Heading to Part 1 of the Bill;
  - (iv) Clauses 1 to 3 as follows:
 

**"1 Purpose**

The purpose of this Act is to—

    - (a) amend the **Metropolitan Fire Brigades Act 1958**—
      - (i) to abolish the Metropolitan Fire and Emergency Services Board and to establish Fire Rescue Victoria to take on its functions; and
      - (ii) to abolish the positions of Chief Executive Officer of the Metropolitan Fire and Emergency Services Board and Chief Officer of the Metropolitan Fire and Emergency Services, and to establish the positions of Fire Rescue Commissioner and Deputy Fire Rescue Commissioner; and



- (iii) to establish the Strategic Advisory Committee to advise Fire Rescue Victoria; and
  - (iv) to change the boundaries of the Fire Rescue Victoria fire district; and
  - (v) to provide a new mechanism for changing the boundaries of the Fire Rescue Victoria fire district by establishing the Fire District Review Panel to review the Fire Rescue Victoria fire district; and
- (b) amend the **Country Fire Authority Act 1958**—
- (i) to make it an objective of the Country Fire Authority to support the recruitment, development and retention of volunteer officers and members; and
  - (ii) to recognise the Country Fire Authority as a fully volunteer fire fighting service; and
  - (iii) to allow certain functions to be performed and powers to be exercised within the Fire Rescue Victoria fire district; and
- (c) make consequential and other amendments to other Acts.

## 2 Commencement

This Act comes into operation on a day to be proclaimed.

## 3 Principal Act

In this Act, the **Metropolitan Fire Brigades Act 1958** is called the Principal Act.”;

- (v) Part 2 of the Bill omitted;
- (vi) Heading to Part 3 of the Bill renumbered 2;
- (vii) Clauses 23 to 41 renumbered 4 to 22;
- (viii) Heading to Part 4 of the Bill renumbered 3;
- (ix) Clauses 42 to 45 renumbered 23 to 26;
- (x) Heading to Part 5 of the Bill renumbered 4;
- (xi) Clauses 46 to 52 renumbered 27 to 33;
- (xii) Heading to Part 6 of the Bill renumbered 5;
- (xiii) Clause 34 as follows:

### '34 New sections inserted

After section 98 of the Principal Act insert—

***"Transitional provisions relating to the Fire Services Legislation Amendment (Reform) Act 2017***

#### **98A Definitions**

In sections 99 to 120—

***approval date*** has the meaning given by section 105(5);

***commencing day*** means the day on which Part 2 of the **Fire Services Legislation Amendment (Reform) Act 2017** commences;

***Country Fire Authority instrument*** means an instrument (including a legislative instrument other than this Act) or an oral agreement subsisting immediately before the approval date—

- (a) to which the Country Fire Authority was a party; or
- (b) that was given to, or in favour of, the Country Fire Authority; or
- (c) that refers to the Country Fire Authority; or
- (d) under which—
  - (i) money is, or may become, payable to the Country Fire Authority; or
  - (ii) other property is to be, or may become liable to be, transferred to or by the Country Fire Authority;

**instrument** includes a document and an oral agreement;

**liabilities** means all liabilities, duties and obligations, whether actual, contingent or prospective;

**property** means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description;

**rights** means all rights, powers, privileges and immunities, whether actual, contingent or prospective;

**the transitional provisions** means sections 99 to 120.

#### **99 Fire Rescue Victoria**

On the commencing day—

- (a) the Metropolitan Fire and Emergency Services Board is abolished and its members go out of office; and
- (b) Fire Rescue Victoria is the successor in law of the Metropolitan Fire and Emergency Services Board; and
- (c) all rights, assets, liabilities and obligations of the Metropolitan Fire and Emergency Services Board immediately before its abolition become rights, assets, liabilities and obligations of Fire Rescue Victoria; and
- (d) Fire Rescue Victoria is substituted for the Metropolitan Fire Brigades Board as a party in any proceedings, contract, agreement or arrangement commenced or made by or against or in relation to the Metropolitan Fire and Emergency Services Board; and
- (e) Fire Rescue Victoria may continue and complete any other continuing matter or thing commenced by or against or in relation to the Metropolitan Fire and Emergency Services Board.

**100 Fire Rescue Commissioner**

On the commencing day—

- (a) the offices of Chief Officer and Chief Executive Officer are abolished and the holders of those offices go out of office; and
- (b) the Fire Rescue Commissioner is the successor in law of the Chief Officer or the Chief Executive Officer (as the case requires); and
- (c) all rights, assets, liabilities and obligations of the Chief Officer or the Chief Executive Officer become rights, assets, liabilities and obligations of the Fire Rescue Commissioner; and
- (d) the Fire Rescue Commissioner is substituted for the Chief Officer or the Chief Executive Officer as a party in any proceedings, contract, agreement or arrangement commenced or made by or against or in relation to the Chief Officer or the Chief Executive Officer (as the case requires); and
- (e) Fire Rescue Victoria may continue and complete any other continuing matter or thing commenced by or against or in relation to the Chief Officer or the Chief Executive Officer (as the case requires).

**101 Transfer of staff**

(1) A person (referred to in this section as a **transferred employee**) employed by the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board immediately before the commencing day is to be regarded as—

- (a) having been employed by Fire Rescue Victoria with effect from the commencing day; and
- (b) having been so employed on the same terms and conditions as those that applied to him or her, immediately before the commencing day, as an employee of the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires); and
- (c) having accrued an entitlement to benefits in connection with that employment that is equivalent to the entitlement that he or she had accrued, as an employee of the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires) immediately before the commencing day.

(2) The service of a transferred employee as an employee of Fire Rescue Victoria is to be regarded for all purposes as having been continuous with the service of the transferred employee, immediately before the commencing day, as an employee of the Chief Officer, the Chief Executive

Officer or the Metropolitan Fire Emergency Services Board (as the case requires).

- (3) A transferred employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an employee of the Chief Officer, the Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires) because of this section.
- (4) Nothing in this section prevents—
- (a) any of the terms and conditions of employment of a transferred employee being altered by or under any law, award or agreement with effect from any time after the commencing day; or
  - (b) a transferred employee from resigning or being dismissed at any time after the commencing day in accordance with the then existing terms and conditions of the transferred employee's employment with Fire Rescue Victoria.

**102 Transfer of Country Fire Authority staff**

- (1) A person (referred to in this section as a ***transferred employee***)—
- (a) who was appointed to perform functions under the **Country Fire Authority Act 1958**, whether by the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise, immediately before the commencing day; and
  - (b) to whom the following apply immediately before the commencing day—
    - (i) the transferred employee was performing a transferred function specified in column 1 of the table in Schedule 3; and
    - (ii) the transferred employee was performing that function at an integrated fire station, or Country Fire Authority premises, at an address or location set out in column 2 of the table in Schedule 3; and
    - (iii) the transferred employee belonged to a staff classification specified in column 3 of the table in Schedule 3—

is to be regarded as—

- (c) having been employed by Fire Rescue Victoria with effect from the commencing day; and
- (d) having been so employed on the same terms and conditions as those that applied him or her, immediately before the commencing day, as an employee of the Chief Officer or the Country Fire

Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise; and

- (e) having accrued an entitlement to benefits in connection with that employment that is equivalent to the entitlement that he or she had accrued, as an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise, immediately before the commencing day.
- (2) The service of a transferred employee as an employee of Fire Rescue Victoria is to be regarded for all purposes as having been continuous with the service of the transferred employee, immediately before the commencing day, as an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise.
  - (3) A transferred employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise because of this section.
  - (4) Nothing in this section prevents—
    - (a) any of the terms and conditions of employment of a transferred employee being altered by or under any law, award or agreement with effect from any time after the commencing day; or
    - (b) a transferred employee from resigning or being dismissed at any time after the commencing day in accordance with the then existing terms and conditions of the transferred employee's employment.

**103 Transfer of other Country Fire Authority staff**

- (1) The Minister may direct the Country Fire Authority to transfer a person, or persons included in a class of persons, to the employment of Fire Rescue Victoria on and from the day specified in the direction, if the person or persons—
  - (a) were employed to perform functions or duties under the **Country Fire Authority Act 1958**, whether by the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise, immediately before the commencing day; and
  - (b) were not transferred to Fire Rescue Victoria because of the operation of section 102.
- (2) If the Minister gives a direction under subsection (1) in relation to a person, or persons included in a class of persons—

- (a) the person or persons are taken to have been employed by Fire Rescue Victoria with effect from the day specified in the direction; and
  - (b) section 102 applies as if—
    - (i) the person had been transferred under that section; and
    - (ii) references in that section to the commencing day were references to the day specified in the direction.
- (3) The Minister must not give a direction under subsection (1) on or after 1 September 2018.

**104 Superseded references**

- (1) On and after the commencing day, in any Act (other than this Act), or in any instrument made under any Act or in any other document of any kind—
- (a) a reference to the Metropolitan Fire and Emergency Services Board is taken to be a reference to Fire Rescue Victoria; and
  - (b) a reference to the Chief Officer of the Metropolitan Fire and Emergency Services or the Chief Executive Officer of the Metropolitan Fire and Emergency Services Board is taken to be a reference to the Fire Rescue Commissioner; and
  - (c) a reference to the metropolitan district or the metropolitan fire district is taken to be a reference to the Fire Rescue Victoria fire district.
- (2) To avoid doubt, in this section a reference to the Metropolitan Fire and Emergency Services Board, the Chief Officer of the Metropolitan Fire and Emergency Services or the Chief Executive Officer of the Metropolitan Fire and Emergency Services Board includes deemed references under section 99 of this Act.

**105 Minister may direct Country Fire Authority to give an allocation statement**

- (1) The Minister may give a direction to the Country Fire Authority requiring the Country Fire Authority to give to the Minister a statement (an **allocation statement**) that—
- (a) sets out the property, rights, liabilities and obligations of the Country Fire Authority that are to be allocated to Fire Rescue Victoria on the approval date, which must be property, rights, liabilities and obligations of the Country Fire Authority that relate to the following—
    - (i) one or more integrated fire stations or Country Fire Authority premises situated at an address or location set out in column 2 of the table in Schedule 3;

- (ii) staff assigned to such a station or such stations or premises; and
  - (b) identifies the location of any such property of the Country Fire Authority and identifies the rights, liabilities and obligations; and
  - (c) allocates that property and those rights, liabilities and obligations to Fire Rescue Victoria; and
  - (d) includes such other information about that property and those rights, liabilities and obligations (other than information about their value) as is specified in the direction.
- (2) Without limiting subsection (1), a direction under subsection (1) may specify either or both of the following—
- (a) the property, rights, liabilities and obligations of the Country Fire Authority;
  - (b) one or more classes of property, rights, liabilities and obligations of the Country Fire Authority—  
  
that are to be allocated to Fire Rescue Victoria on the approval date, which must be property, rights, liabilities and obligations or classes of property, rights, liabilities and obligations of the Country Fire Authority that relate to either or both of the following—
  - (c) one or more integrated fire stations or Country Fire Authority premises situated at an address or location set out in column 2 of the table in Schedule 3;
  - (d) staff assigned to such a station or such stations or premises.
- (3) Despite subsection (1) and (2), a direction under subsection (1) must not have the effect that any of the following are to be allocated to Fire Rescue Victoria—
- (a) a property that is a Victorian Emergency Management Training Centre;
  - (b) a property that is a Country Fire Authority District Headquarter.
- (4) If the Minister gives a direction to the Country Fire Authority under subsection (1), the Country Fire Authority must give the allocation statement required by the direction to the Minister before the end of the period specified in the direction.
- (5) The Minister may approve the allocation statement.
- (6) If the Minister approves the allocation statement—
- (a) the Minister must sign the statement; and
  - (b) the date on which the Minister signs the allocation statement is the **approval date**.

- (7) The Minister may give more than one direction under subsection (1), but must not give a direction on or after 1 July 2019.
- 106 Property, rights and liabilities allocated in accordance with allocation statement**  
On the approval date of an allocation statement—
- (a) all property and rights of the Country Fire Authority, wherever located, that are allocated under the allocation statement, vest in Fire Rescue Victoria in accordance with the allocation statement; and
  - (b) all liabilities of the Country Fire Authority, wherever located, that are allocated under the allocation statement become liabilities of Fire Rescue Victoria in accordance with the allocation statement.
- 107 Allocation subject to encumbrances**  
Unless an allocation statement otherwise provides, if property and rights vest in Fire Rescue Victoria or liabilities become liabilities of Fire Rescue Victoria under the allocation statement—
- (a) the property and rights so vested are subject to the encumbrances (if any) to which they were subject immediately before so vesting; and
  - (b) the rights to which the Country Fire Authority was entitled in respect of those liabilities immediately before they ceased to be liabilities of the Country Fire Authority vest in Fire Rescue Victoria.
- 108 Substitution of party to agreement**  
If, under an allocation statement, the rights and liabilities of the Country Fire Authority under an agreement are allocated to Fire Rescue Victoria—
- (a) Fire Rescue Victoria becomes, on the approval date of the allocation statement, a party to the agreement in place of the Country Fire Authority; and
  - (b) on and after the approval date of the allocation statement, the agreement has effect as if Fire Rescue Victoria had always been a party to the agreement.
- 109 Country Fire Authority instruments**  
Unless an allocation statement otherwise provides, each instrument relating to property, rights or liabilities allocated to Fire Rescue Victoria under the allocation statement continues to have effect according to its tenor, on and after the approval date of the allocation statement, as if a reference in the instrument to the Country Fire Authority were a reference to Fire Rescue Victoria.
- 110 Proceedings**  
Unless an allocation statement otherwise provides if, immediately before the approval date of the allocation statement, proceedings relating to property, rights or



liabilities allocated to Fire Rescue Victoria (including arbitration proceedings) to which the Country Fire Authority was a party were pending or existing in any court or tribunal then, on and after the approval date, Fire Rescue Victoria—

- (a) is substituted for the Country Fire Authority as a party to the proceedings; and
- (b) has the same rights in the proceedings as the Country Fire Authority had.

**111 Interests in land**

Without affecting the generality of the transitional provisions and despite anything to the contrary in any other Act (other than the **Charter of Human Rights and Responsibilities Act 2006**) or law, if, immediately before the approval date for an allocation statement, the Country Fire Authority is, in relation to property, rights or liabilities allocated to Fire Rescue Victoria, the registered proprietor of an interest in land under the **Transfer of Land Act 1958**, then on and after the approval date—

- (a) Fire Rescue Victoria is taken to be the registered proprietor of that interest in land; and
- (b) Fire Rescue Victoria has the same rights and remedies in respect of that interest as the Country Fire Authority had.

**112 Easements**

If Fire Rescue Victoria acquires any right in the nature of an easement as a result of an allocation under the transitional provisions, that right is taken to be an easement even though there is no land vested in Fire Rescue Victoria which is benefited, or capable of being benefited, by that right.

**113 Action by Registrar of Titles**

On being requested to do so and on delivery of any relevant instrument, the Registrar of Titles must make any recordings in the Register that are necessary because of the operation of the transitional provisions.

**114 Taxes**

No stamp duty or other tax is chargeable under any Act in respect of anything done under the transitional provisions or in respect of any act or transaction connected with or necessary to be done because of the transitional provisions, including a transaction entered into or an instrument made, executed, lodged or given, for the purpose of, or connected with the transfer of property, rights or liabilities under an allocation statement.

**115 Evidence**

- (1) Documentary or other evidence that would have been admissible for or against the interests of the Country Fire

Authority in relation to property, rights or liabilities allocated to Fire Rescue Victoria under an allocation statement is admissible for or against the interests of Fire Rescue Victoria.

- (2) The **Evidence Act 2008** applies with respect to the books of account of the Country Fire Authority and to entries made in those books of account before the approval date for an allocation statement, whether or not they relate to Fire Rescue Victoria property, as if those books of account and entries were business records of Fire Rescue Victoria.

**116 Validity of things done under the transitional provisions**

Nothing effected by, or done or suffered under, the transitional provisions—

- (a) is to be regarded as placing any person in breach of contract or confidence or as otherwise making any person guilty of a civil wrong; or
- (b) is to be regarded as placing any person in a breach of or as constituting a default under any Act (other than the **Charter of Human Rights and Responsibilities Act 2006**) or other law or any provision in any agreement, arrangement or understanding including, without limiting the generality of the foregoing, any provision prohibiting, restricting or regulating the assignment or transfer of any property or the disclosure of any information; or
- (c) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of or to terminate any agreement or obligation; or
- (d) is to be regarded as giving rise to any remedy for a party to a contract or an instrument or as causing or permitting the termination of any contract or instrument because of a change in the beneficial or legal ownership of any property, right or liability; or
- (e) is to be regarded as causing any contract or instrument to be void or otherwise unenforceable; or
- (f) is to be regarded as frustrating any contract; or
- (g) releases any surety or other obligee wholly or in part from any obligation.

**117 Transitional provision relating to the Fire Services Property Levy Act 2012**

- (1) Despite the amendments made by **Fire Services Legislation Amendment (Reform) Act 2017**, for the purposes of calculating the levy for the levy year commencing on 1 July 2017 or 1 July 2018 under section 14 of the **Fire Services Property Levy Act 2012**—
- (a) a reference in the **Fire Services Property Levy Act 2012** to the Fire Rescue Victoria fire district is taken to be a reference to the metropolitan fire district

within the meaning of this Act as in force immediately before the commencing day; and

- (b) a reference in the **Fire Services Property Levy Act 2012** to the country area of Victoria is taken to be a reference to the country area of Victoria within the meaning of that Act as in force immediately before the commencing day.

- (2) In this section—

**levy** has the meaning given by section 3 of the **Fire Services Property Levy Act 2012**; and

**levy year** has the meaning given by section 3 of the **Fire Services Property Levy Act 2012**.

### **118 Transitional provision relating to insignias**

An insignia prescribed for the purposes of section 34(1)(pa) is taken for all purposes to be an insignia of Fire Rescue Victoria, on and after the commencing day, until a new insignia is prescribed.

### **119 Transitional regulations**

- (1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of the **Fire Services Legislation Amendment (Reform) Act 2017**.
- (2) Without limiting subsection (1), the regulations may make provision for or in relation to—
- (a) persons employed by the Country Fire Authority or the Chief Officer of the Country Fire Authority;
- (b) the sale, transfer or disposal of property, rights, liabilities and obligations of the Country Fire Authority to Fire Rescue Victoria or otherwise.
- (3) Regulations under this section may—
- (a) have a retrospective effect to a day on or after a day not earlier than the day on which this Act receives the Royal Assent; and
- (b) be of limited or general application; and
- (c) differ according to time, place or circumstance; and
- (d) leave any matter or thing to be decided by a specified person or class of person.
- (4) To the extent to which any provision of the regulations takes effect from a date that is earlier than the date of its making, the provision does not operate so as—
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its making; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its making.

- (5) Regulations under this section have effect despite anything to the contrary in any Act (other than this Act or the **Charter of Human Rights and Responsibilities Act 2006**) or in any subordinate instrument.
- (6) Sections 6 and 7 of the **Subordinate Legislation Act 1994** do not apply to any regulations made under this section.
- (7) This section expires on 1 July 2019.

#### **120 Renaming of Act—Savings provision**

- (1) On and from the commencing day, any reference in any Act (other than this Act), regulation, subordinate instrument, or other document whatsoever to the **Metropolitan Fire Brigades Act 1958** is to be construed as a reference to the **Fire Rescue Victoria Act 1958**, unless the contrary intention appears.
  - (2) Except as in this Act expressly or by necessary implication provided, all persons, things and circumstances appointed or created by or under this Act or existing or continuing under this Act immediately before the commencing day continue under and subject to this Act to have the same status, operation and effect as they respectively would have had if this Act had not been amended by section 23 of this Act.
  - (3) Nothing in this section limits or otherwise affects the operation of the **Interpretation of Legislation Act 1984**.";
- (xiv) Clause 54 renumbered 35;
  - (xv) Heading to Part 7 renumbered 6;
  - (xvi) Clauses 55 to 128, renumbered 36 to 109;
  - (xvii) Heading to Part 8 renumbered 7;
  - (xviii) Heading to Division 1 of Part 8 of the Bill;
  - (xix) Clause 129 renumbered 110;
  - (xx) Heading to Division 2 of Part 8 of the Bill;
  - (xxi) Clauses 130 to 133 renumbered 111 to 114;
  - (xxii) Heading to Division 3 of Part 8 of the Bill;
  - (xxiii) Clauses 134 to 136 renumbered 115 to 117;
  - (xxiv) Heading to Division 4 of Part 8 of the Bill;
  - (xxv) Clauses 137 to 143 renumbered 118 to 124;
  - (xxvi) Heading to Division 5 of Part 8 of the Bill;
  - (xxvii) Clauses 144 to 146 renumbered 125 to 127;
  - (xxviii) Heading to Division 6 of Part 8 of the Bill;
  - (xxix) Clause 147 renumbered 128;
  - (xxx) Heading to Division 7 of Part 8 of the Bill;
  - (xxxi) Clause 148 renumbered 129;
  - (xxxii) Heading to Division 8 of Part 8 of the Bill;

- (xxxiii) Clause 149 renumbered 130;
- (xxxiv) Heading to Division 9 of Part 8 of the Bill;
- (xxxv) Clause 150 renumbered 131;
- (xxxvi) Heading to Division 10 of Part 8 of the Bill;
- (xxxvii) Clauses 151 to 153 renumbered 132 to 134;
- (xxxviii) Heading to Division 11 of Part 8 of the Bill;
- (xxxix) Clauses 154 and 155 renumbered 135 and 136;
- (xl) Heading to Division 12 of Part 8 of the Bill;
- (xli) Clauses 156 and 157 renumbered 137 and 138;
- (xlii) Heading to Division 13 of Part 8 of the Bill;
- (xliii) Clause 158 renumbered 139;
- (xliv) Heading to Division 14 of Part 8 of the Bill;
- (xlv) Clauses 159 to 163 renumbered 140 to 144;
- (xlvi) Heading to Division 15 of Part 8 of the Bill;
- (xlvii) Clause 164 renumbered 145;
- (xlviii) Heading to Division 16 of Part 8 of the Bill;
- (xlix) Clause 165 renumbered 146;
- (l) Heading to Division 17 of Part 8 of the Bill;
- (li) Clause 166 renumbered 147;
- (lii) Heading to Division 18 of Part 8 of the Bill;
- (liii) Clauses 167 to 169 renumbered 148 to 150;
- (liv) Heading to Division 19 of Part 8 of the Bill;
- (lv) Clause 170 renumbered 151;
- (lvi) Heading to Division 20 of Part 8 of the Bill;
- (lvii) Clause 171 renumbered 152;
- (lviii) Heading to Division 21 of Part 8 of the Bill;
- (lix) Clause 172 renumbered 153;
- (lx) Heading to Division 22 of Part 8 of the Bill;
- (lxi) Clauses 173 and 174 renumbered 154 and 155;
- (lxii) Heading to Division 23 of Part 8 of the Bill;
- (lxiii) Clause 175 renumbered 156;
- (lxiv) Heading to Division 24 of Part 8 of the Bill;
- (lxv) Clause 176 renumbered 157;
- (lxvi) Heading to Division 25 of Part 8 of the Bill;
- (lxvii) Clause 177 renumbered 158;
- (lxviii) Heading to Part 9 of the Bill renumbered 8;
- (lxix) Clause 159 as follows:

**"159 Repeal of amending Act**

This Act is **repealed** on 1 July 2020.

**Note**

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).";

- (lxx) Schedule 1 of the Bill omitted.
- (c) That each Bill be printed and considered separately by the Council.

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 170, 171 and 172

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### FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017

*Committed Thursday, 29 March 2018.*

*Amendments and Further Amendment circulated: Mr Jennings (see pp 1142-67).*

**Clauses 1 to 3** — put and agreed to.

**Clause 4** — postponed.

**Clauses 5 and 6** — put and agreed to.

**Clause 7** —

Mr Finn moved, That the Acting President report progress and seek leave to sit again.

Debate ensued.

Question — put.

The Committee divided — The Acting President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Finn and Mr Ondarchie)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Mulino and Ms Pennicuik)*

Question negatived.

Mr Ondarchie moved, That the Acting President report progress and seek leave to sit again.

Debate ensued.

Question — put.

The Committee divided — The Acting President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Purcell and Mr Ramsay)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Ms Patten and Mr Somyurek)*

Question negatived.

Clause 7 — put and agreed to.

**Clauses 8 to 20** — put and agreed to.

*A Further Amendment proposed to be moved in Committee by Mr Jennings was circulated.*

**Clauses 21 and 22** — put and agreed to.

**Postponed Clause 4, by leave** — Mr Jennings moved Further Amendment No. 1 — put and agreed to.

Clause 4, as amended — put and agreed to.

Mr Rich-Phillips moved, That the Acting President report progress and seek leave to sit again.  
Debate ensued.

Ms Symes moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Melhem;  
Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing;  
Mr Somyurek; Ms Springle; Ms Symes; Ms Truong.  
*(Tellers: Ms Patten and Ms Symes)*

NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman Ms Crozier; Mr Dalla-Riva; Mr Davis;  
Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich;  
Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
*(Tellers: Mr O'Sullivan and Mr Young)*

Question agreed to.

Question — That the Acting President report progress and seek leave to sit again — put.

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Mr Bourman Ms Crozier; Mr Dalla-Riva; Mr Davis;  
Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich;  
Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
*(Tellers: Mr Morris and Mr Rich-Phillips)*

NOES, 18

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Melhem;  
Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing;  
Mr Somyurek; Ms Springle; Ms Symes; Ms Truong.  
*(Tellers: Mr Dalidakis and Mr Somyurek)*

Question negatived.

**Clause 23** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane;  
Mr Melhem; Ms Mikakos; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing;  
Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
*(Tellers: Mr Eideh and Dr Ratnam)*



## NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Purcell)*

Question agreed to.

**Clause 24** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

## AYES, 18

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Eideh and Mr Leane)*

## NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Donohue and Mr Purcell)*

Question agreed to.

**New clause** — Mr Jennings moved Amendment No. 1.

Question — That the new clause stand part of the Bill — put and agreed to.

**Clause 25** — Mr Jennings moved Amendment Nos. 2 and 3 — put and agreed to.

Clause 25, as amended — put.

The Committee divided — The Acting President in the Chair.

## AYES, 18

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Dalidakis and Ms Pennicuik)*

## NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Atkinson and Mr Davis)*

Question agreed to.

**Clause 26** — put and agreed to.

**Clause 27** — Mr Jennings moved Amendment No. 4.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 18

Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Dr Ratnam and Mr Somyurek)*

## NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Bourman)*

Question agreed to.

Clause 27, as amended — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Eideh and Mr Gepp)*

NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Morris and Mr Young)*

Question agreed to.

**Clause 28** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Ms Shing and Ms Springle)*

NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr O'Donohue)*

Question agreed to.

**Clauses 29 to 37** — put and agreed to.

**Clause 38** — Mr Jennings moved Amendment Nos. 5 and 6.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Ms Mikakos and Ms Truong)*

NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Dalla-Riva and Mr O'Sullivan)*

Question agreed to.

Clause 38, as amended — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Gepp and Mr Somyurek)*

## NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Mr Purcell)*

Question agreed to.

**New clause** — Mr Jennings moved Amendment No. 7.

Question — That the new clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

## AYES, 18

Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Mulino and Ms Symes)*

## NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Wooldridge and Mr Young)*

Question agreed to.

**Clause 39** — put and agreed to.

**Clause 40** — Mr Jennings moved Amendment No. 8.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 18

Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Ms Dunn and Mr Melhem)*

## NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Mr Morris)*

Question agreed to.

Clause 40, as amended — put.

The Committee divided — The Acting President in the Chair.

## AYES, 18

Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Leane and Mr Mulino)*

## NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Ms Fitzherbert)*

Question agreed to.

**New clause** — Mr Jennings moved Amendment No. 9.

Question — That the new clause stand part of the Bill — put and agreed to.

**Clause 41** — Mr Jennings moved Amendment Nos. 10 and 11 — put and agreed to.  
 Clause 41, as amended — put and agreed to.

**Clauses 42 and 43** — put and agreed to.

**Clause 44** — Mr Jennings moved Amendment Nos. 12 and 13 — put and agreed to.  
 Mr Jennings moved Amendment No. 14.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem;  
 Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing;  
 Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Ms Dunn and Mr Somyurek)*

NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis;  
 Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich;  
 Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Davis and Ms O'Sullivan)*

Question agreed to.

Mr Jennings moved Amendment Nos. 15 to 17.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem;  
 Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing;  
 Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Eideh and Dr Ratnam)*

NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis;  
 Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich;  
 Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Rich-Phillips)*

Question agreed to.

Clause 44, as amended — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem;  
 Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Shing;  
 Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Ms Pennicuik and Mr Somyurek)*

NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis;  
 Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr O'Sullivan; Mrs Peulich;  
 Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Morris and Ms Fitzherbert)*

Question agreed to.

**Clause 45** — put and agreed to.

**New clauses** — Mr Jennings moved Amendment No. 18.

Question — That the new clauses stand part of the Bill — put and agreed to.

**Clause 46** — Mr Jennings moved Amendment No. 19 — put and agreed to.  
Clause 46, as amended — put and agreed to.

**Clause 47** — Mr Jennings moved Amendment No. 20 — put and agreed to.  
Clause 47, as amended — put and agreed to.

**Clause 48** — Mr Jennings moved Amendment Nos. 21 to 24 — put and agreed to.  
Clause 48, as amended — put and agreed to.

**New clause** — Mr Jennings moved Amendment No. 25.  
Question — That the new clause stand part of the Bill — put and agreed to.

**Clauses 49 to 52**— put and agreed to.

**Clause 53** — Mr Jennings moved Amendment Nos. 26 to 29 — put and agreed to.  
Clause 53, as amended — put and agreed to.

**Clauses 54 to 127** — put and agreed to.

**Clause 128** — Mr Jennings moved Amendment No. 30 — put and agreed to.  
Clause 128, as amended — put and agreed to.

**Clauses 129 to 160** — put and agreed to.

**Clause 161** — Mr Jennings moved Amendment Nos. 31 and 32 — put and agreed to.  
Clause 161, as amended — put and agreed to.

**Clauses 162 to 177** — put and agreed to.

**New clause** — Mr Jennings moved Amendment No. 33.  
Question — That the new clause stand part of the Bill — put and agreed to.

**Clause 178** — Mr Jennings moved Amendment Nos. 36 and 37 — put and agreed to.  
Clause 178, as amended — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —**

**1. FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017**

Amendments circulated by Mr Jennings

NEW CLAUSE

1. Insert the following New Clause to follow clause 24—
 

**'BB New section 2A inserted**

After section 2 of the Principal Act **insert—**

**"2A Objectives relating to interaction between fire services agencies**

    - (1) It is the intention of the Parliament that Fire Rescue Victoria and the Country Fire Authority establish processes that will ensure that they—
      - (a) promote collaboration and coordination between fire services agencies to best meet the safety needs of the community; and
      - (b) recognise the importance of maintaining capacity to respond to peaks in demand for fire services within fire services agencies; and
      - (c) recognise and value the contribution of volunteer brigades; and
      - (d) recognise that both volunteer firefighters and career firefighters are vital to delivering safe and sustainable fire services; and
      - (e) maintain the ability of fire services agencies to respond to critical incidents, to prevent and suppress fires and to protect life and property.
    - (2) In this section, the expressions *career firefighter* and *volunteer firefighter* have the same meanings as in the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2017**.".'
2. Clause 25, line 32, omit '(1);".' and insert "(1);".
  1. Clause 25, after line 32 insert—
 

**'volunteer brigade** has the same meaning as it has in the **Country Fire Authority Act 1958**;".'
  2. Clause 27, line 7, after "Authority" insert ", in consultation with and as agreed by the Authority, to meet the Authority's objective under section 6B of the **Country Fire Authority Act 1958**, including support to maintain, strengthen and encourage the capability of volunteers".
  3. Clause 38, lines 15 to 19, omit "an agreement or arrangement with the Country Fire Authority under which officers or employees, or classes of officers or employees," and insert "a secondment agreement (within the meaning of section 25C(10)) with the Country Fire Authority under which officers or employees".
  4. Clause 38, lines 23 to 28, omit ", or an officer or employee included in a class of officers or employees, of Fire Rescue Victoria made available to the Country Fire Authority in accordance with an agreement or arrangement under subsection (3)" and insert "made

available to the Country Fire Authority under a secondment agreement (within the meaning of section 25C(10))".

NEW CLAUSE

5. Insert the following New Clause to follow clause 38—

**'CC New section 25C inserted**

After section 25B of the Principal Act **insert**—

**"25C Secondment agreements**

- (1) If Fire Rescue Victoria proposes to make one or more officers or employees of Fire Rescue Victoria available to the Country Fire Authority under a secondment agreement, the Chief Officer of the Country Fire Authority may agree to a particular officer or employee being made available under the secondment agreement if—
  - (a) the Fire Rescue Commissioner, in consultation with the Chief Officer of the Country Fire Authority, has conducted an equitable, fair and transparent selection process covering the officers and employees proposed to be made available under the secondment agreement; and
  - (b) the particular officer or employee participated in the equitable, fair and transparent selection process; and
  - (c) the Chief Officer of the Country Fire Authority is satisfied that the officer or employee selected through that process is suitable to be made available.
- (2) If the Chief Officer of the Country Fire Authority is not satisfied that suitable officers or employees can be made available as a result of subsection (1), the Chief Officer of the Country Fire Authority may request Fire Rescue Victoria to conduct a further external equitable, fair and transparent selection process, in consultation with the Chief Officer of the Country Fire Authority.
- (3) A person cannot be engaged as an officer or employee of Fire Rescue Victoria as a result of a selection process carried out under subsection (2) unless the person meets the registration requirements (however described) specified by the Firefighters Registration Board.
- (4) If Fire Rescue Victoria proposes to make one or more officers or employees of Fire Rescue Victoria available to the Country Fire Authority under a secondment agreement—
  - (a) the Chief Officer of the Country Fire Authority must agree to a particular officer or employee being made available under the secondment agreement if the officer or employee is a transferred employee (within the meaning of section 101 or 102) or a person transferred to the employment of Fire Rescue Victoria under section 103; and
  - (b) to avoid doubt, an officer or employee referred to in paragraph (a) is not required to satisfy subsections (1)(a), (b) and (c).
- (5) The Chief Officer of the Country Fire Authority has the order and control of the work of an officer or employee of Fire Rescue Victoria who is made available to the Country Fire Authority under a secondment agreement.
- (6) The Chief Officer of the Country Fire Authority may terminate a secondment agreement that covers only one officer or employee if the Chief Officer of the Country Fire Authority has conducted an equitable, fair and transparent process

to review the conduct of the officer or employee and, after conducting the process, is satisfied that such termination is appropriate.

- (7) If a secondment agreement covers more than one officer or employee, the Chief Officer of the Country Fire Authority may vary the secondment agreement so that it no longer covers a particular officer or employee, if the Chief Officer of the Country Fire Authority has conducted an equitable, fair and transparent process to review the conduct of the officer or employee and, after conducting the process, is satisfied that such termination is appropriate.
- (8) If a secondment agreement is terminated or varied, the officer or employee who is no longer covered by the secondment agreement remains an employee of Fire Rescue Victoria.
- (9) The Chief Officer of the Country Fire Authority may suspend an officer covered by a secondment agreement if the Chief Officer of the Country Fire Authority has conducted an equitable, fair and transparent process to review the conduct of the officer or employee and, after conducting the process, is satisfied that such suspension is appropriate.
- (10) In this section—

*secondment agreement* means an agreement between the Fire Rescue Commissioner and the Chief Officer of the Country Fire Authority under which one or more officers or employees of Fire Rescue Victoria are made available to the Country Fire Authority, whether on a full-time, part-time or other basis."

6. Clause 40, page 37, after line 10, insert—

"(2A) The Minister must not appoint a person as a member of the Strategic Advisory Committee if the person is—

- (a) an officer or employee of a fire services agency; or
- (b) an officer or employee of an industrial body that is responsible for an enterprise agreement that applies to a fire services agency; or
- (c) an officer or official of Volunteer Fire Brigades Victoria Incorporated."

#### NEW CLAUSE

7. Insert the following New Clause to follow clause 40—

**'DD New section 2 inserted**

After section 1 of the **Country Fire Authority Act 1958** insert—

**"2 Objectives relating to interaction between fire services agencies**

- (1) It is the intention of the Parliament that the Country Fire Authority and Fire Rescue Victoria establish processes that will ensure that they—
  - (a) promote collaboration and coordination between fire services agencies to best meet the safety needs of the community; and
  - (b) recognise the importance of maintaining capacity to respond to peaks in demand for fire services within fire services agencies; and
  - (c) recognise and value the contribution of volunteer brigades; and



- (d) recognise that both volunteer firefighters and career firefighters are vital to delivering safe and sustainable fire services; and
    - (e) maintain the ability of fire services agencies to respond to critical incidents, to prevent and suppress fires and to protect life and property.
  - (2) In this section, the expressions *career firefighter* and *volunteer firefighter* have the same meanings as they have in the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2017**.".!
8. Clause 41, line 12, omit "definition" and insert "definitions".
9. Clause 41, lines 13 to 21, omit all words and expressions on these lines and insert—
- "Fire Rescue Victoria** means Fire Rescue Victoria established under the **Fire Rescue Victoria Act 1958**;
- officer** means a person appointed under section 17(c) and, subject to sections 25B and 25C of the **Fire Rescue Victoria Act 1958**, is taken to include an officer or employee of Fire Rescue Victoria made available to the Country Fire Authority by Fire Rescue Victoria under a secondment agreement within the meaning of section 25C(10) of the **Fire Rescue Victoria Act 1958**";".!
10. Clause 44, page 46, line 35, omit "Victoria." and insert "Victoria; and".
11. Clause 44, page 46, after line 35, insert—
- "(c) the Chief Officer of the Country Fire Authority must cause a copy of the request, and the reasons for the request, to be published on the Internet site of the Country Fire Authority."
12. Clause 44, page 47, lines 1 to 34 and page 48, lines 1 to 4, omit all words and expressions on these lines and insert—
- "4J Object and procedures relating to review**
- (1) The object of a review of the Fire Rescue Victoria fire district is to conduct a risk-based assessment of the assignment of responsibility necessary for the provision of fire services by fire services agencies, in order to prevent, and protect against, loss of life and damage to property, infrastructure or the environment in Victoria, within—
    - (a) the Fire Rescue Victoria fire district; and
    - (b) the country area of Victoria.
  - (2) In conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel must have regard to any change in fire risk in the Fire Rescue Victoria fire district or the country area of Victoria.
  - (3) In conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel may—
    - (a) inquire into and inform itself of any matters relevant to the review as the Panel thinks fit; and
    - (b) consult with any person or body as the Panel thinks fit including, but not limited to, by seeking oral or written submissions.

- (4) In conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel must—
- (a) consult with all relevant fire services agencies and any municipal district directly affected by the review; and
  - (b) if the Fire District Review Panel considers that there is a change in fire risk—
    - (i) determine by instrument that there is a change in fire risk; and
    - (ii) take the steps set out in section 4K before completing the review.
- (5) A review of the Fire Rescue Victoria fire district requested by the Minister under section 4G(2)(a) must be completed within the period (if any) specified in the request.

**4K Procedures if Fire District Review Panel considers that there is a change in fire risk**

- (1) If, in conducting a review of the Fire Rescue Victoria fire district, the Fire District Review Panel determines under section 4J(4)(b)(i) that there is a change in fire risk—
- (a) the determination must be published as follows—
    - (i) the Panel must cause the determination to be published in the Government Gazette;
    - (ii) the Fire Rescue Commissioner must cause a copy of the determination to be published on the Internet site of Fire Rescue Victoria;
    - (iii) the Chief Officer of the Country Fire Authority must cause a copy of the determination to be published on the Internet site of the Country Fire Authority; and
  - (b) the Panel must notify the Chief Officer of the Country Fire Authority of the determination and must—
    - (i) request the Chief Officer to give advice to the Panel on how the Country Fire Authority will support the volunteer brigades to which the determination is relevant to ensure that they have the capacity to respond effectively to the change in fire risk; and
    - (ii) suspend the review, for a period of not more than 12 months beginning on the date on which the determination is published in the Government Gazette, in order to allow the Chief Officer to give that advice to the Panel; and
  - (c) if no advice has been received by the end of the period referred to in paragraph (b)(ii), the Panel must notify the Chief Officer that the period of suspension has ended, and request that the Chief Officer provide the advice referred to in paragraph (b)(i) within 30 days of the notice; and
  - (d) if advice has been received by the end of the period referred to in paragraph (b)(ii) or (c), the Panel must request that the Chief Officer provide, within 30 days of the request, further advice on the progress of the Country Fire Authority in delivering the support to the volunteer brigades as mentioned in paragraph (b)(i); and

- (e) at the end of the 30 day period referred to in paragraph (d), the Panel must finalise the review and prepare the report required by section 4L.
- (2) The review must be finalised whether or not any advice has been provided by the Chief Officer of the Country Fire Authority as mentioned in subsection (1), but if such advice has been provided, the Panel must have regard to the advice in preparing the report.
- (3) If the review was requested by the Minister under section 4G(2)(a), the period of suspension under subsection (1)(b)(ii) must be such as to ensure that the report of the review can be provided within the period (if any) specified in the Minister's request."
13. Clause 44, page 49, line 20, after "(1)" insert ", and the report of the Fire District Review Panel in respect of the review,".
14. Clause 44, page 49, line 24 after "(1)" insert ", and the report of the Fire District Review Panel in respect of the review,".
15. Clause 44, page 49, after line 25, insert—
- "(5) The Chief Officer of the Country Fire Authority must cause a determination made by the Minister under subsection (1), and the report of the Fire District Review Panel in respect of the review, to be published on the Internet site of the Country Fire Authority."

#### NEW CLAUSES

16. Insert the following New Clauses to follow clause 45—

##### **EE Definitions**

In section 3(1) of the **Country Fire Authority Act 1958**, in the definition of *fire danger period*, for "the country area of Victoria or any part thereof means the period declared pursuant to this Act to be the fire danger period in respect of the said country area or any part thereof (as the case may be)" **substitute** "an area of Victoria means the period declared under this Act to be the fire danger period in respect of the area".

##### **FF Declaration of fire danger period**

In section 4 of the **Country Fire Authority Act 1958**, for "the country area of Victoria or any specified part or parts thereof and, without affecting the generality of the foregoing, may declare different periods to be the fire danger period in respect of different parts of the said country area" **substitute** "one or more areas of Victoria to be the fire danger period in respect of the area, and may declare different periods in respect of different areas".

##### **GG Duties of owner etc. of land in case of fire during fire danger period**

In section 34(1) of the **Country Fire Authority Act 1958**, for "the country area of Victoria at any time during a fire danger period" **substitute** "an area of Victoria at any time during a fire danger period in respect of the area".

##### **HH General prohibition against lighting open air fires**

In section 37 of the **Country Fire Authority Act 1958**, for "the country area of Victoria (not including any land within a fire protected area) during a fire danger period" **substitute** "an area of Victoria (other than a fire protected area) during a fire danger period in respect of the area".

## II Prohibited actions near fires

In section 39 of the **Country Fire Authority Act 1958**, for "the country area of Victoria (not including any land within a fire protected area) during a fire danger period" **substitute** "an area of Victoria (other than a fire protected area) during a fire danger period in respect of the area".

### JJ Prohibition of high fire risk activities

In section 39E(1) and (2)(b) of the **Country Fire Authority Act 1958**, for "the country area of Victoria during a fire danger period" **substitute** "an area of Victoria during a fire danger period in respect of the area".

### KK Required safety features of motor vehicles driven during fire danger period near crops

- (1) In section 50(2) of the **Country Fire Authority Act 1958**, for "the country area of Victoria" **substitute** "an area of Victoria during a fire danger period in respect of the area".
- (2) In section 50(2)(c) of the **Country Fire Authority Act 1958** **omit** "during a fire danger period".

### LL Regulations

In section 110(1)(z) of the **Country Fire Authority Act 1958**, for "the country area of Victoria during a fire danger period" **substitute** "an area of Victoria during a fire danger period in respect of the area".

17. Clause 46, line 12, after "members" insert ", including those located in the Fire Rescue Victoria fire district,".
20. Clause 47, lines 21 to 23, omit "a fully volunteer fire fighting service, supported where necessary by paid staff" and insert "a fully volunteer fire fighting service under the command and control of a paid Chief Officer and supported where necessary by other paid staff. The Parliament recognises that this does not preclude the Authority from employing paid staff in the role of Chief Officer, Deputy Chief Officer and Executive Officer".
21. Clause 48, page 52, line 14, after "20AA(2)(a)" insert ", (b)".
22. Clause 48, page 52, lines 15 and 16, omit "goods and services" and insert "the provision of goods and services to or by the Authority".
23. Clause 48, page 52, line 19, omit "and (k) (registration etc. of brigades)" and insert ", (g), (i), (k) and (l) (registration etc. of brigades, matters relating to training, communications and publication of materials)".
24. Clause 48, page 52, after line 23, insert—
  - "(2A) The Authority must obtain the written consent of the Minister before exercising a power under section 20AA(2)(b) to do any of the following—
  - (a) entering into an agreement or arrangement with a person or body for the provision of goods or services by the Authority;
  - (b) forming, participating in the formation of, or becoming a member of a body corporate, association, partnership, trust or other body;
  - (c) entering into a joint venture agreement, shareholders agreement or unit holders agreement."

## NEW CLAUSE

25. Insert the following New Clause to follow clause 48—

**'MM New section 20AC inserted**

Before section 20A of the **Country Fire Authority Act 1958** insert—

**"20AC Role of volunteer brigades to be recognised and valued**

- (1) It is the intention of the Parliament that Fire Rescue Victoria recognise and value the contribution of volunteer brigades located in the Fire Rescue Victoria fire district.
- (2) In particular, Fire Rescue Victoria must, subject to operational requirements, request the assistance of all volunteer brigades located in the Fire Rescue Victoria fire district for the purposes of endeavouring to—
  - (a) prevent or suppress a fire in the Fire Rescue Victoria fire district (including preventing a fire spreading to the Fire Rescue Victoria fire district from outside the Fire Rescue Victoria fire district); or
  - (b) protect life or property in the Fire Rescue Victoria fire district."!

26. Clause 53, page 62, line 35, omit "1 September 2018" and insert "31 December 2019".

27. Clause 53, page 66, line 6, omit "1 July 2019" and insert "31 December 2019".

28. Clause 53, page 71, line 13, omit "or 1 July 2018" and insert ", 1 July 2018 or 1 July 2019".

29. Clause 53, page 73, line 25, omit "1 July 2019" and insert "31 December 2019".

30. Clause 128, page 101, line 23, omit "79R" and insert "93".

31. Clause 161, lines 27 to 31, omit all words and expressions on these lines and insert—

- '(1) In section 12(2)(b) of the **Fire Services Property Levy Act 2012**, for "for each levy year subsequent to the 2013–2014 levy year" substitute "for the 2014–2015, 2015–2016, 2016–2017, 2017–2018 and 2018–2019 levy years"!

32. Clause 161, page 112, line 7, omit "2017–2018" and insert "2018–2019".

## NEW CLAUSE

33. Page 118, after line 17, insert the following Part heading and New Clause—

**'Part 9—Amendments relating to causing fires and other matters**

**NN New sections 94A to 94F inserted**

After section 94 of the Principal Act insert—

*"Provisions relating to causing fires and other matters*

**94A Causing fire in the Fire Rescue Victoria fire district in extreme conditions of weather etc. an offence**

- (1) A person must not light, spread or maintain a fire in the Fire Rescue Victoria fire district if the circumstances of location, atmospheric temperature, wind velocity and flammable vegetation or other combustible substance are such that

lighting the fire causes, or is likely to cause, a fire that is a danger to the life or property of others.

Penalty: Imprisonment for not less than 3 months and not more than 2 years.

- (2) Subsection (1) does not apply if the person lights, spreads or maintains the fire under the direction or control of an officer or employee of Fire Rescue Victoria for the purpose of establishing a firebreak.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the accused proves—
  - (a) that one or more of the following applies—
    - (i) the danger was caused by the intervention or subsequent action of one or more persons acting without the knowledge or consent, or contrary to the wishes or instructions, of the accused;
    - (ii) the fire was lit at a time when the circumstances of atmospheric temperature and wind velocity referred to in subsection (1) were not present and could not reasonably have been foreseen;
    - (iii) at the time of the alleged offence the accused was the owner or occupier of the land upon which the fire was lit or was acting under the direction of that owner or occupier; and
  - (b) that the accused—
    - (i) took all precautions required by this or any other Act, and regulations under this or any other Act, with respect to the lighting of the fire; and
    - (ii) did everything in the power of the accused that was reasonable in the circumstances to suppress or extinguish the fire.

**94B Causing fire in the Fire Rescue Victoria fire district with intent to cause damage etc.**

- (1) A person must not, without lawful excuse, do an act in the Fire Rescue Victoria fire district that causes a fire, or is for the purpose of causing a fire, intending to destroy any vegetation, produce, stock, crop, fodder or other property belonging to another person.

Penalty: Imprisonment for not less than 12 months and not more than 20 years.

- (2) Subsection (1) does not apply if the person does the act under the direction or control of an officer or employee of Fire Rescue Victoria for the purposes of establishing a firebreak.

**94C Direction not to light fire**

- (1) Fire Rescue Victoria may, for the purpose of protecting life, property or the environment, direct one or more persons not to light a fire at a place, or within a period, specified in the direction.
- (2) A person must not, without reasonable excuse, fail to comply with a direction given to the person under subsection (1).

Penalty: 120 penalty units or imprisonment for 12 months or both.

**94D Power of Fire Rescue Victoria to close roads**

- (1) This section applies—

- (a) if there is a fire or a threat of a fire anywhere within the Fire Rescue Victoria fire district; and
  - (b) regardless of whether the fire—
    - (i) was lit under and in accordance with this Act or a direction or permit under this Act; or
    - (ii) is part of burning-off operations carried out under and in accordance with this Act; or
    - (iii) was lit under and in accordance with the **Forests Act 1958** or any direction or authority given under that Act.
- (2) Fire Rescue Victoria may, for the purpose of protecting life, property or the environment, or if, in the opinion of Fire Rescue Victoria, smoke from a fire impairs visibility on any road to such an extent that the safety of any persons using the road is endangered—
- (a) close any road or part of any road affected, or likely to be affected, as a consequence of a fire or smoke from a fire; and
  - (b) direct traffic on any road in the vicinity of the closed road or closed part of a road.
- (3) The power conferred on Fire Rescue Victoria by subsection (2) is exercisable by—
- (a) Fire Rescue Victoria; or
  - (b) a person authorised by Fire Rescue Victoria for the purposes of this subsection who is present at the fire.
- (4) The power conferred by this section is in addition to, and not in derogation from, the powers and authorities conferred on Fire Rescue Victoria or any person by or under this Act or any other Act.

#### **94E Power to direct extinguishment of fire**

- (1) An authorised officer may direct—
- (a) the occupier or owner of land in the Fire Rescue Victoria fire district; or
  - (b) a person residing upon or in control of land in the Fire Rescue Victoria fire district; or
  - (c) a person who has lit or maintained a fire on land in the Fire Rescue Victoria fire district—
- to extinguish the fire on that land or to take the steps directed by the authorised officer to extinguish the fire or to prevent the fire from spreading or causing injury.
- (2) An owner, occupier or person to whom a direction has been given under subsection (1) must, without delay, take all reasonable steps to comply with the direction, regardless of whether the fire—
- (a) was lit under and in accordance with this Act or a direction or permit issued under this Act; or
  - (b) was part of burning-off operations carried out under and in accordance with this Act; or
  - (c) was lit under and in accordance with the **Forests Act 1958**, or any direction or authority given under that Act.

Penalty: 120 penalty units or imprisonment for 12 months or both.

(3) In this section—

*authorised officer* means—

- (a) a police officer; or
- (b) the Fire Rescue Commissioner; or
- (c) an officer or employee exercising the powers of Fire Rescue Victoria; or
- (d) an officer or employee of Fire Rescue Victoria appointed for the purposes of this section.

#### 94F Power to arrest

A police officer may—

- (a) apprehend with or without warrant any person found lighting or maintaining any fire contrary to sections 94A to 94E or to the conditions or restrictions contained in any permit granted under or in relation to any of those sections; and
- (b) take the person before a bail justice or the Magistrates' Court to be dealt with according to law."

#### NEW CLAUSE

34. Page 119, before line 1, insert the following Part heading and New Clause—

### **'Part 10—Amendments relating to Fire Services Implementation Monitor**

#### OO New sections inserted

After section 120 of the Principal Act insert—

#### *"Fire Services Implementation Monitor*

#### 121 Definitions

In sections 121 to 144—

*agency* means any of the following—

- (a) a public service body within the meaning of the **Public Administration Act 2004**;
- (b) a public entity within the meaning of the **Public Administration Act 2004**;
- (c) a special body within the meaning of the **Public Administration Act 2004**, other than the following—
  - (i) a department of the Parliament of Victoria;
  - (ii) the IBAC within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**;
  - (iii) the Electoral Boundaries Commission established under section 3 of the **Electoral Boundaries Commission Act 1982**;



- (iv) the office of the Ombudsman within the meaning of the **Ombudsman Act 1973**;
- (v) the Victorian Auditor-General's Office within the meaning of the **Audit Act 1994**;
- (vi) the Victorian Electoral Commission established under section 6 of the **Electoral Act 2002**;
- (vii) the Victorian Inspectorate established under section 8 of the **Victorian Inspectorate Act 2011**;

**agency Head**, in relation to an agency that is a public service body, a public entity or a special body, means a public service body Head, public entity Head or special body Head, as the case requires, within the meaning of the **Public Administration Act 2004**;

**emergency agency** has the same meaning as in section 7AA(2);

**fire services reforms** means the measures provided for by the **Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2017**;

**Fire Services Statement** means the statement of that name issued in May 2017 by the Premier and the Minister for Emergency Services;

**implementation action** means an action specified in the Implementation Plan to implement or give effect to any aspect of the Plan;

**Implementation Plan** means the plan prepared under section 130, as in force from time to time;

**Monitor** means the Fire Services Implementation Monitor appointed under section 123;

**this Part** means sections 121 to 144.

## **122 Establishment**

There is to be a Fire Services Implementation Monitor.

## **123 Appointment**

- (1) The Governor in Council may, on the recommendation of the Minister, appoint a person as the Fire Services Implementation Monitor.
- (2) A person is not eligible to be the Monitor unless the Minister is satisfied that the person has—
  - (a) relevant senior executive management experience, particularly in an operational environment; and
  - (b) a strong understanding of complex multi-agency environments; and
  - (c) a significant record of providing evidence-based reports to Government.
- (3) The Monitor may be appointed on a full-time or part-time basis.

## **124 Remuneration and allowances**

- (1) The Monitor is entitled to be paid the remuneration and allowances that are determined by the Governor in Council.
- (2) The remuneration of the Monitor cannot be reduced during the Monitor's term of office unless the Monitor consents to the reduction.

**125 Terms and conditions**

The Monitor holds office—

- (a) for the term specified in the Monitor's instrument of appointment, which must not exceed 5 years, and is eligible for re-appointment; and
- (b) on the terms and conditions determined by the Governor in Council.

**126 Acting appointment**

- (1) The Governor in Council may, on the recommendation of the Minister, appoint a person to act as the Monitor—
  - (a) during a vacancy in the office of Monitor; or
  - (b) during any period when the Monitor is absent from duty or is for any other reason unable to perform the duties of the office.
- (2) The Governor in Council may appoint a person to perform a particular function or duty of the Monitor in relation to a particular matter or on a particular occasion if the Monitor is for any reason unable to perform that function or duty in relation to that matter or on that occasion.
- (3) The Monitor may, in consultation with the Minister, appoint a person to act as the Monitor for a period of not more than one month during any period when the Monitor is absent from duty or is for any other reason unable to perform the duties of the office.

**127 When Monitor ceases to hold office**

The Monitor ceases to hold office if the Monitor—

- (a) resigns by notice in writing delivered to the Governor in Council; or
- (b) becomes an insolvent under administration; or
- (c) is convicted of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
- (d) nominates for election for the Parliament of Victoria or of the Commonwealth or of another State or a Territory of the Commonwealth;  
or
- (e) is suspended or removed from office under section 128.

**128 Suspension and removal**

- (1) The Governor in Council may, on the recommendation of the Minister, suspend the Monitor from office on any of the following grounds—
  - (a) misconduct;
  - (b) neglect of duty;
  - (c) inability to perform the duties of the office;
  - (d) any other ground on which the Governor in Council is satisfied that the Monitor is unfit to hold office.
- (2) The Minister must cause to be laid before each House of the Parliament a full statement of the grounds of suspension within 7 sitting days of that House after the suspension.
- (3) The Monitor must be removed from office by the Governor in Council if each House of the Parliament, within 20 sitting days after the day when the statement

is laid before it, declares by resolution that the Monitor ought to be removed from office.

- (4) The Governor in Council must remove the suspension and restore the Monitor to office unless each House of the Parliament makes a declaration of the kind specified in subsection (3) within the time specified in that subsection.
- (5) If the Monitor is suspended from office under subsection (1), the Monitor is taken not to be the Monitor during the period of suspension.

### **129 Independence of the Monitor**

- (1) The Monitor is not subject to the general direction or control of the Minister in respect of the performance of the Monitor's functions or duties or the exercise of the Monitor's powers.
- (2) Subject to this Act and other laws of the State, the Monitor has complete discretion in respect of the performance of the Monitor's functions and duties and the exercise of the Monitor's powers.

### **130 Preparation, tabling and publication of Implementation Plan**

- (1) The Minister must prepare a plan (the *Implementation Plan*) within 60 days of the day on which section 121 came into operation.
- (2) The Implementation Plan must include, but is not limited to, priorities and proposed actions in relation to the following matters—
  - (a) the adoption of procedures by Fire Rescue Victoria and the Country Fire Authority to enable them to have regard to the priorities set out in the Fire Services Statement in carrying out their functions;
  - (b) the financial sustainability of Fire Rescue Victoria and the Country Fire Authority, including in relation to ensuring that volunteer brigades are not adversely affected by the fire services reforms;
  - (c) improvements in the ability of Fire Rescue Victoria, the Country Fire Authority and other emergency agencies to work effectively across organisational boundaries;
  - (d) the provision of operational and management support by Fire Rescue Victoria to the Country Fire Authority, and the effectiveness of this support in enabling the Country Fire Authority to meet the objectives set out in section 2 of the **Country Fire Authority Act 1958**;
  - (e) improvements in staff training in relation to Fire Rescue Victoria and the Country Fire Authority.
- (3) The Implementation Plan must also—
  - (a) include the development of a funding plan to determine the financial requirements of the Country Fire Authority and Fire Rescue Victoria, and identify and address the impact of—
    - (i) transfers of functions, resources and assets between the Country Fire Authority and Fire Rescue Victoria; and
    - (ii) the change to the Fire Rescue Victoria fire district upon the fire services property levy revenue base after the levy years referred to in section 117(1); and
    - (iii) any changes to the differential rates of the fire services property levy after the levy years referred to in section 117(1); and

- (b) include the development of a long-term funding plan for the Country Fire Authority and Fire Rescue Victoria, which identifies and addresses the issues mentioned in subsection (3)(a)(i), (ii) and (iii) in respect of the period after the third anniversary of the day on which section 121 came into operation.
- (4) The Minister may amend the Implementation Plan.
- (5) The Minister may consult Fire Rescue Victoria and the Country Fire Authority in preparing or amending the Implementation Plan.
- (6) The Minister must cause the Implementation Plan, and any amended Implementation Plan, to be laid before each House of Parliament within 7 sitting days of that House after the Plan is prepared or amended, as the case requires.
- (7) The Minister must, as soon as reasonably practicable after the Implementation Plan or an amended Implementation Plan is laid before each House of the Parliament—
  - (a) cause the Plan to be published in the Government Gazette; and
  - (b) notify the Monitor, the Fire Rescue Commissioner and the Chief Officer of the Country Fire Authority that the Plan has been laid before each House of the Parliament and published in the Government Gazette.
- (8) After having been notified as mentioned in subsection (7)(b)—
  - (a) the Fire Rescue Commissioner must cause a copy of the Plan to be published on the Internet site of Fire Rescue Victoria; and
  - (b) the Chief Officer of the Country Fire Authority must cause a copy of the Plan to be published on the Internet site of the Country Fire Authority.

### **131 Functions of the Monitor**

- (1) The Monitor has the following functions—
  - (a) to monitor and review the progress of Fire Rescue Victoria and the Country Fire Authority in carrying out the Implementation Plan, including by assessing—
    - (i) the progress of Fire Rescue Victoria and the Country Fire Authority in completing an implementation action; and
    - (ii) the effectiveness of the methods used by, or actions taken by, Fire Rescue Victoria and the Country Fire Authority in carrying out an implementation action; and
    - (iii) the impact of the fire services reforms upon the financial sustainability of Fire Rescue Victoria and the Country Fire Authority; and
    - (iv) the efficacy of particular implementation actions taken by agencies;
  - (b) to monitor and assess ongoing efforts to improve the interaction between Fire Rescue Victoria and the Country Fire Authority and other agencies;
  - (c) to consult and engage with agencies in the performance of the Monitor's functions;
  - (d) to prepare a quarterly report under section 141 in respect of updates provided to the Monitor by Fire Rescue Victoria and the Country Fire Authority under section 140;

- (e) to prepare annual reports on the findings of the Monitor in relation to the performance of the Monitor's functions.
- (2) The Monitor has any other function conferred on the Monitor by or under this or any other Act.

### **132 Powers of the Monitor**

The Monitor has all the powers necessary to perform the Monitor's functions.

### **133 Performance of functions of the Monitor**

The Monitor must, in performing the Monitor's functions—

- (a) have regard to the Implementation Plan; and
- (b) if the Monitor considers it necessary, engage in activities with, require demonstrations of systems by, or obtain documents from, an agency, to produce an accurate assessment of how an implementation action is being carried out or has been carried out; and
- (c) establish appropriate consultation arrangements with agency Heads and officers or employees of agencies, and with advisory bodies to Government, in order to—
  - (i) facilitate the effective monitoring and review of progress in the carrying out of an implementation action; and
  - (ii) obtain the information necessary to perform the monitoring and assessment function of the Monitor; and
- (d) provide written or oral advice to the Minister, and to any advisory bodies to Government that the Minister considers appropriate, about one or more of the following—
  - (i) compliance or non-compliance by an agency in relation to the completion of an implementation action;
  - (ii) corrective action by an agency that the Monitor consider necessary to address a concern that the Monitor has in relation to an implementation action;
  - (iii) methods developed by an agency that the Monitor considers best practice in relation to an implementation action; and
- (e) provide written or oral advice to the Minister, at the earliest reasonable opportunity, about any concern that the Monitor has about the carrying out of an implementation action; and
- (f) make recommendations to the Minister, and to any advisory body to Government that the Minister considers appropriate, in relation to the carrying out of an implementation action by an agency, and provide a copy of the recommendations to the agency Head concerned.

### **134 Power to require information to be given**

- (1) For the purposes of performing a function or duty under this Act, the Monitor may, by written notice, require an agency to give to the Monitor the information specified in the notice that the Monitor reasonably believes is necessary to perform the function or duty.
- (2) The agency must give the information to the Monitor within 7 days after receiving a notice under subsection (1) unless—

- (a) the Monitor has agreed to allow an extension of time for the giving of the information; or
  - (b) the Monitor has agreed that the agency is not able to give the information.
- (3) If the Monitor reasonably believes that it is urgent that the information be given within a period of less than 7 days—
- (a) the Monitor may specify a shorter period for the giving of the information; and
  - (b) the information must be given within the shorter period.

### **135 Power of entry and inspection**

- (1) Subject to subsection (3), the Monitor or one or more persons authorised by the Monitor may, if the Monitor considers it necessary for the purposes of performing the functions or duties of the Monitor—
- (a) enter any place of an agency during ordinary business hours and inspect that place and any document, thing or activity in that place that the Monitor reasonably considers to be relevant; and
  - (b) make a copy of any relevant document, or any document that the Monitor reasonably considers to be relevant.
- (2) The Monitor may, if the Monitor considers it necessary for the purposes of performing the functions or duties of the Monitor, require any agency—
- (a) to allow the Monitor, or one or more persons authorised by the Monitor, to observe the operation of a system, procedure or thing; and
  - (b) to demonstrate the operation of a system, procedure or other thing to the Monitor, or any persons authorised by the Monitor.
- (3) The Monitor must give an agency reasonable notice of an intention—
- (a) to enter any place of an agency for the purposes specified in subsection (1); and
  - (b) to require an agency to perform an action specified under subsection (2).

### **136 Duty to cooperate**

An agency must comply with any reasonable request made by the Monitor, or any person assisting the Monitor, that has been made for the purposes of performing the functions or exercising the powers of the Monitor.

### **137 Constraints on access to information not to apply**

- (1) An obligation to maintain secrecy or any other restriction on the disclosure of information by an agency, imposed by or under an Act or rule of law, does not apply—
- (a) to the disclosure of information required by the Monitor under section 134; or
  - (b) to information obtained by the Monitor under section 135.
- (2) The Monitor or any other person must not divulge or communicate, except to another person performing duties under this Act, any information which has come to the knowledge of the Monitor by reason, directly or indirectly, of subsection (1), if the person who had possession of that information could not, but for that subsection, lawfully have divulged that information to the Monitor or the other person.

- (3) Despite subsection (2) or any other law, the Monitor may include in a report under section 142 or 143 any information obtained in the course of the Monitor's performance of functions under this or any other Act (other than information that would disclose a deliberation or decision of Cabinet that has not been officially published) if the Monitor considers that—
  - (a) the information is relevant to the subject matter of the report; and
  - (b) following consultation with the Minister (if any) responsible for the agency that provided the information—the inclusion of the information in the report is in the public interest.

### **138 Use and disclosure of information**

The Monitor must not use or disclose confidential information obtained or received in the course of, or as a result of, the performance of the functions of the Monitor except as permitted by this Act.

### **139 Secretary may provide assistance**

The Monitor may request the Secretary to provide any assistance that is reasonably necessary for the Monitor to perform the Monitor's functions under this Act, including the provision of staff and facilities.

### **140 Fire Rescue Victoria and the Country Fire Authority to prepare outcomes frameworks and quarterly updates**

- (1) Fire Rescue Victoria and the Country Fire Authority must each, by 1 July 2019, prepare an outcomes framework that sets out—
  - (a) outcomes-based fire services performance measures for Fire Rescue Victoria or the Country Fire Authority, as the case requires; and
  - (b) such other matters as are prescribed by the regulations.
- (2) After preparing an outcomes framework under subsection (1)—
  - (a) the Fire Rescue Commissioner must cause a copy of the outcomes framework for Fire Rescue Victoria to be published on the Internet site of Fire Rescue Victoria; and
  - (b) the Chief Officer of the Country Fire Authority must cause a copy of the outcomes framework for the Country Fire Authority to be published on the Internet site of the Country Fire Authority.
- (3) An outcomes framework under subsection (1) may be reviewed and amended from time to time, and each amended outcomes framework must be published as mentioned in subsection (2).
- (4) The Fire Rescue Commissioner and the Chief Officer of the Country Fire Authority must prepare, and provide to the Monitor, a quarterly update that sets out the performance of Fire Rescue Victoria or the Country Fire Authority, as the case requires, against the performance measures set out in the relevant outcomes framework.
- (5) The first update under subsection (4) must be provided to the Monitor on 1 November 2019, and subsequent updates must be provided to the Monitor on 1 February, 1 May, 1 August and 1 November each year.
- (6) An update under subsection (4) must be accompanied by any supporting data relied upon in its preparation.

**141 Quarterly report to be prepared by the Monitor about updates**

- (1) The Monitor must, after receiving the quarterly updates from Fire Rescue Victoria and the Country Fire Authority under section 140(4), prepare and publish a quarterly report that sets out—
  - (a) the quarterly updates; and
  - (b) any supporting data relied upon in the preparation of the quarterly updates; and
  - (c) any other information that the Monitor considers relevant, including any comments on the accuracy of the quarterly updates or the supporting data.
- (2) The Monitor must cause a copy of a quarterly report prepared under subsection (1) to be published on the Internet site of the Monitor within 30 days after receiving the quarterly updates referred to in subsection (1).

**142 Reports prepared by the Monitor**

- (1) The Monitor must prepare a report on the operations of the Monitor in respect of each financial year as soon as practicable after the end of that financial year.
- (2) The Monitor may prepare a report on the operations of the Monitor at any other time.
- (3) The Monitor must ensure that a report under subsection (1) or (2) does not include information that is likely to identify a person unless the information is publicly available or the person has consented to the inclusion of the information in the report.
- (4) The Monitor must cause a report under subsection (1) or (2) to be laid before each House of the Parliament as soon as reasonably practicable after the report is prepared.
- (5) The Monitor must give a copy of each report prepared under subsection (1) or (2) to the Minister at least 28 days before the report is laid before a House of the Parliament under subsection (4).
- (6) The publication under this section of a report is absolutely privileged and the provisions of sections 73 and 74 of the **Constitution Act 1975**, and of any other Act or rule of law relating to the publication of the proceedings of the Parliament, apply to and in relation to the publication of that report as if—
  - (a) it were a report to which those sections applied; and
  - (b) it had been published by the Government Printer under the authority of the Parliament.

**143 Review of Part**

The Minister must cause a review of the operation of this Part to be undertaken as soon as practicable after the fifth anniversary of the day on which section 121 came into operation.

**144 Regulations**

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Part to be prescribed or necessary to be prescribed to give effect to this Part.
- (2) The regulations may relate to the matters to be included by Fire Rescue Victoria and the Country Fire Authority in an outcomes framework under section 140(1).



- (3) The regulations may—
- (a) be of general or limited application; and
  - (b) differ according to differences in time, place or circumstances; and
  - (c) confer a discretionary authority or impose a duty on a specified person or a specified class of person.

#### 145 Repeal of Part

Sections 121 to 144 are **repealed** on the tenth anniversary of the day on which section 121 came into operation.

#### 146 Transitional provision

- (1) As soon as practicable after the sunset day, the Monitor must prepare a report in accordance with section 142, as in force immediately before that day, with the following modifications.
- (2) The report is to cover the period beginning on 1 July in the year the sunset day occurs and ending on the sunset day.
- (3) The report must be provided to the Minister before the report is laid before a House of the Parliament.
- (4) In this section—

*sunset day* means the day that is the tenth anniversary of the day on which section 121 came into operation."!

#### NEW CLAUSE

35. Page 119, insert the following Part heading and New Clause ahead of Part 9—

### 'Part 11—Amendments relating to Firefighters Registration Board

#### XX New sections inserted

After section 146 of the Principal Act **insert**—

#### *"Firefighters Registration Board*

#### 147 Definitions

In sections 147 to 159—

*current firefighter* means an officer or employee of Fire Rescue Victoria who is employed in a role of which fire fighting duties form a substantial part;

*Firefighters Register* means the register of persons who have been assessed as satisfying the requirements for inclusion on the Firefighters Register;

*Firefighters Registration Board* means the Board established under section 149;

*Firefighters Registration Scheme* means the scheme referred to in section 148;

*qualification* means the recognition, by the award or issue of a certificate or otherwise, that a person has achieved specified learning outcomes or competencies through the completion of a course;

*qualification assessment* means an assessment of whether a person satisfies the competency and qualification requirements for inclusion on the Firefighters Register and may include requirements in relation to

certificates or other evidence in relation to those matters from professional organisations, higher education bodies or post-secondary technical or vocational educational institutions;

*this Part* means sections 147 to 159.

#### **148 Firefighters Registration Scheme**

- (1) This Part sets out the framework for the Firefighters Registration Scheme.
- (2) The objectives of the Firefighters Registration Scheme are—
  - (a) to provide for the registration of—
    - (i) officers and employees of Fire Rescue Victoria proposed to be made available to the Country Fire Authority under a secondment agreement within the meaning of section 25C(10) of this Act; and
    - (ii) other persons who wish to be employed by Fire Rescue Victoria in order to be made available to the Country Fire Authority under a secondment agreement within the meaning of section 25C(10) of this Act; and
  - (b) to provide for matters relating to the competencies necessary for the registration of such officers and employees; and
  - (c) to provide a mechanism for determining through qualification assessments whether persons satisfy the competency requirements for inclusion on the Firefighters Register.
- (3) The Firefighters Registration Scheme is to be administered by the Firefighters Registration Board.

#### **149 Establishment of Firefighters Registration Board**

- (1) There is to be a Firefighters Registration Board.
- (2) The Firefighters Registration Board consists of 4 members appointed under section 150.
- (3) The Firefighters Registration Board—
  - (a) is a body corporate with perpetual succession; and
  - (b) must have an official seal; and
  - (c) may sue and be sued in its corporate name; and
  - (d) may acquire, hold and dispose of real and personal property for the purpose of performing its functions; and
  - (e) may do and suffer all acts and things that bodies corporate may by law do and suffer and that are necessary or incidental for the performance of its functions.
- (4) The Minister must appoint one of the members of the Firefighters Registration Board to be the Chairperson of the Board.

#### **150 Appointment of members of the Firefighters Registration Board**

- (1) The Governor in Council may, on the recommendation of the Minister, appoint a person as a member of the Firefighters Registration Board.
- (2) The members of the Board must include—
  - (a) a nominee of the Minister; and

- (b) a nominee of an industrial body that is responsible for an enterprise agreement that applies to a fire services agency; and
  - (c) a former senior firefighter, who is to be nominated by current firefighters in accordance with an election process prescribed by the regulations; and
  - (d) an academic with relevant expertise, who is to be nominated by current firefighters in accordance with an election process prescribed by the regulations.
- (3) A member of the Firefighters Registration Board holds office for the period, not exceeding 5 years, specified in the instrument of the member's appointment.
- (4) A member of the Firefighters Registration Board is entitled to receive—
- (a) remuneration; and
  - (b) travelling or other allowances—
- fixed by the Governor in Council.
- (5) A member of the Firefighters Registration Board is eligible for re-appointment.
- (6) A member of the Firefighters Registration Board holds office on the terms and conditions specified in the instrument of the member's appointment.
- (7) A member of the Firefighters Registration Board who is a public sector employee within the meaning of the **Public Administration Act 2004** is not entitled to remuneration in respect of his or her appointment as a member.

#### **151 When member ceases to hold office**

A member of the Firefighters Registration Board ceases to hold office if the member—

- (a) resigns by notice in writing delivered to the Governor in Council; or
- (b) becomes an insolvent under administration; or
- (c) is convicted of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
- (d) nominates for election for the Parliament of Victoria or of the Commonwealth or of another State or a Territory of the Commonwealth; or
- (e) is removed from office under section 152.

#### **152 Removal from office**

A member of the Firefighters Registration Board may be removed from office by the Governor in Council on any of the following grounds—

- (a) misconduct;
- (b) neglect of duty;
- (c) inability to perform the duties of his or her office;
- (d) any other ground on which the Governor in Council is satisfied that the person is unfit for office.

#### **153 Independence of the Firefighters Registration Board**

The Firefighters Registration Board is not subject to the general direction or control of the Minister in respect of the performance of the Board's functions or duties or the exercise of the Board's powers.

**154 Functions of the Firefighters Registration Board**

- (1) The Firefighters Registration Board has the following functions—
- (a) to administer the Firefighters Registration Scheme;
  - (b) to perform the registration functions prescribed by the regulations in relation to—
    - (i) maintaining the Firefighters Register; and
    - (ii) including on the Firefighters Register persons who satisfy the competency requirements for inclusion on the Register;
  - (c) to perform functions in respect of setting professional capability and standards, including but not limited to—
    - (i) the recognition of qualifications and accredited courses of training, including through certificates or other evidence in relation to those matters from professional organisations, higher education bodies or post-secondary technical or vocational educational institutions; and
    - (ii) the establishment and approval of competencies that will satisfy the requirements for inclusion on the Firefighters Register; and
    - (iii) the development, establishment and maintenance of guidelines about appropriate standards;
  - (d) the provision of advice to Fire Rescue Victoria and the Chief Officer of the Country Fire Authority about matters relating to the functions set out in paragraphs (a) and (b);
  - (e) the provision of advice to the Minister on matters relating to the functions of the Firefighters Registration Board;
  - (f) such other functions as are prescribed by this Act or any other Act or regulations under this Act or any other Act.
- (3) In performing its functions, the Firefighters Registration Board is to have regard to any relevant standards relating to qualifications and competencies that are applicable to fire-fighting and emergency services.

**155 Validity of acts**

An act or decision of the Firefighters Registration Board is not invalid only—

- (a) because of a vacancy the membership of the Board; or
- (b) because of a defect or irregularity in, or in connection with, the appointment of a member of the Board.

**156 Powers of Firefighters Registration Board**

The Firefighters Registration Board has all the powers necessary to perform the Board's functions.

**157 Use and disclosure of information**

A person must not use or disclose information obtained or received in relation to, or in connection with, the carrying out of a qualification assessment except as authorised by this Act, regulations under this Act or otherwise by law.

Penalty: 60 penalty units.

**158 Reports prepared by the Firefighters Registration Board**

- (1) The Firefighters Registration Board must prepare a report on the work and activities of the Firefighters Registration Board in respect of each financial year as soon as practicable after the end of the financial year.
- (2) The Firefighters Registration Board must give a report under subsection (1) to the Minister not later than 3 months after the end of the relevant financial year.
- (3) The Minister must cause a report under subsection (1) to be laid before each House of the Parliament on or before 31 October each year or, if the House is not sitting on that day, on the first sitting day of that House after 31 October.
- (4) If a report under subsection (1) has not been given to the Minister within the period referred to in subsection (2), the Minister must—
  - (a) cause that fact, and the reasons for it, to be reported to each House of the Parliament; and
  - (b) cause the report under subsection (1) to be laid before each House of the Parliament as soon as practicable after the Minister receives it.
- (5) The Firefighters Registration Board may also prepare a report on the work and activities of the Firefighters Registration Board at any time, and must give the report to the Minister as soon as practicable.
- (6) The Minister must cause a report under subsection (5) to be laid before each House of the Parliament as soon as practicable.

**159 Regulations**

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Part to be prescribed or necessary to be prescribed to give effect to this Part.
- (2) The regulations may relate to the following—
  - (a) the appointment of Board members including, but not limited to, the process for appointing a member referred to in section 150(2)(c) or (d);
  - (b) the disclosure of Board members' interests;
  - (c) acting appointments of Board members;
  - (d) the conduct of Board meetings;
  - (e) the immunity and liability of Board members;
  - (f) the appointment, promotion, probation, transfer, suspension and removal of employees of the Board;
  - (g) the duties and conduct of employees of the Board;
  - (h) the powers of the Board to enter into agreement or arrangements;
  - (i) delegations;
  - (j) the preparation of the annual report by the Board;
  - (k) the carrying out of the registration function of the Board and matters relating to the Register, including but not limited to the following—
    - (i) applications for registration;
    - (ii) renewal of registration;
    - (iii) endorsement of registration;

- (iv) time limits;
  - (v) conditions on registration and variation of such conditions;
  - (vi) revocation of registration;
  - (l) the conduct and coordination of qualifications assessments of officers and employees of Fire Rescue Victoria who are to be made available to the Country Fire Authority under a secondment agreement within the meaning of section 25C(10) of this Act;
  - (m) the establishment of competencies and setting of standards;
  - (n) the criteria against which qualifications are to be assessed and decisions that may be made as a result of qualifications assessments;
  - (o) the accreditation of training or qualifications;
  - (p) the imposition of fees and charges;
  - (q) methods of communication for the Board, notifications to be made by the Board and the form of advice or decisions of the Board;
  - (r) review of decisions by VCAT;
  - (s) any other matter or thing required or permitted to be prescribed or necessary to be prescribed to give effect to this Part.
- (3) The regulations may—
- (a) be of general or limited application; and
  - (b) differ according to differences in time, place or circumstances; and
  - (c) confer a discretionary authority or impose a duty on a specified person or a specified class of person.
- (4) The regulations may—
- (a) apply, adopt or incorporate, with or without modification, any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body as formulated, issued, prescribed or published at the time the regulation is made or at any time before the regulation is made; and
  - (b) apply, adopt or incorporate, with or without modification, any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body as formulated, issued, prescribed (whether under this or any other Act) or published from time to time; and
  - (c) impose a penalty not exceeding 100 penalty units for a contravention of the regulations.
- (5) Sections 6 and 7 of the **Subordinate Legislation Act 1994** do not apply to the first regulations made under this section."!

36. Clause 178, line 3, omit "9" and insert "11 and this Part".

37. Note to clause 178, line 5, omit "this Act" and insert "Parts 3 to 11 and this Part".

Further Amendment circulated by Mr Jennings

1. Clause 4, lines 23 to 27, omit all words and expressions on these lines and insert—  
    "**volunteer firefighter** means a person who performs or has performed firefighting duties, in a role in which firefighting duties are or were a substantial portion, and who receives or received no remuneration for the performance of those duties."







# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 173

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#### No. 173 — Tuesday, 1 May 2018

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **ASSENT TO ACT** — The President read a Message from the Governor informing the Council that she had, on 10 April 2018, given the Royal Assent to the following Act presented to her by the Deputy Clerk of the Legislative Assembly:  
*Children Legislation Amendment (Information Sharing) Act 2018.*
- 3 **ENGINEERS REGISTRATION BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to establish a scheme for the registration of professional engineers to promote best practice in providing professional engineering services, to provide for the endorsement of registration, to provide protection to consumers of professional engineering services and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.  
Mr Jennings moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.
- 4 **GUARDIANSHIP AND ADMINISTRATION BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments the law relating to guardianship and administration, to repeal the Guardianship and Administration Act 1986 and to amend consequentially various other Acts and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.  
Mr Jennings moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.
- 5 **LEGAL IDENTITY OF DEFENDANTS (ORGANISATIONAL CHILD ABUSE) BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to provide for child abuse plaintiffs to sue an organisational defendant in respect of unincorporated*

*non-government organisations which use trusts to conduct their activities, to consequentially amend other Acts and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 6 PARKS VICTORIA BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to repeal and re-enact with amendments the Parks Victoria Act 1998 and to make consequential and related amendments to certain other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

## 7 PETITIONS —

**CYCLIST SAFETY IN VERMONT SOUTH** — Mr Leane presented a Petition bearing 442 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to construct a shared cycle and pedestrian path from Morack Road, connecting the Dandenong Creek Trail to the Eastlink Trail, including a new dedicated bridge to the south of the vehicle bridge, on Burwood Highway, Vermont South.

Ordered to lie on the Table.

\* \* \* \* \*

**CRIME POLICY** — Ms Crozier presented a Petition bearing 22 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to match the Coalition policy and introduce mandatory sentencing, toughen up the justice system and hold criminals to account.

Ordered to lie on the Table.

## 8 PAPERS —

**UNIVERSITY OF DIVINITY REPORT, 2017** — Ms Tierney moved, by leave, That there be laid before this House a copy of the University of Divinity Report, 2017.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 5 of 2018 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — 2016-17 FINANCIAL AND PERFORMANCE OUTCOMES** — Ms Patten presented a Report from the Public Accounts and Estimates Committee on the 2016-17 Financial and Performance Outcomes (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Patten moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — APPOINTMENT OF THE PARLIAMENTARY BUDGET OFFICER (VICTORIA)** — Ms Pennicuik presented a Report from the Public Accounts and Estimates Committee on the Appointment of the Parliamentary Budget Officer (Victoria).

Ordered to lie on the Table and the Report to be published.

Ms Pennicuik moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO VICFORESTS OPERATIONS** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to Economy and Infrastructure Committee's Inquiry into VicForests Operations.

\* \* \* \* \*

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — GOVERNMENT RESPONSE TO THE 2017-18 BUDGET ESTIMATES** — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Public Accounts and Estimates Committee's Report on the 2017-18 Budget Estimates.

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION INTO WODONGA CITY COUNCIL'S OVERCHARGING OF A WASTE MANAGEMENT LEVY** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on an Investigation into Wodonga City Council's overcharging of a waste management levy, April 2018.

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION INTO MARIBYRNONG CITY COUNCIL'S INTERNAL REVIEW PRACTICES FOR DISABILITY PARKING INFRINGEMENTS** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on an Investigation into Maribyrnong City Council's internal review practices for disability parking infringements, April 2018.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Bendigo Kangan Institute — Report, 2017.

Box Hill Institute — Report, 2017.

Centre for Adult Education — Report, 2017.

Chisholm Institute — Report, 2017.

Deakin University — Report, 2017.

Falls Creek Alpine Resort Management Board — Report, 2017.

Federation Training — Report, 2017.

Federation University Australia — Report, 2017.

Gambling Regulation Act 2003 — Amendment to the Category 1 Public Lottery Licence, 20 March 2018.

Gordon Institute of TAFE — Report, 2017.

Goulburn Ovens Institute of TAFE — Report, 2017.

Holmesglen Institute — Report, 2017.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32 in relation to the Climate Change Regulations 2017.

La Trobe University — Report, 2017.

Melbourne Polytechnic — Report, 2017.

Monash University — Report, 2017.

Mount Buller Mount Stirling Alpine Resort Management Board — Report, 2017.

Mount Hotham Alpine Resort Management Board — Report, 2017.

Municipal Association of Victoria — Report, 2016-17.

National Environment Protection Council — Report, 2015-16.

- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
- Ballarat Planning Scheme — Amendment C209.
  - Buloke Planning Scheme — Amendment C37.
  - Colac Otway Planning Scheme — Amendment C95.
  - East Gippsland Planning Scheme — Amendment C128.
  - Glen Eira Planning Scheme — Amendments C153 and C180.
  - Greater Dandenong Planning Scheme — Amendment C198.
  - Greater Shepparton Planning Scheme — Amendment C190.
  - Hume Planning Scheme — Amendment C222.
  - Manningham Planning Scheme — Amendment C123.
  - Melbourne Planning Scheme — Amendments C313 and C315.
  - Melbourne and Port Phillip Planning Schemes — Amendment GC89.
  - Moira Planning Scheme — Amendment C85.
  - Monash Planning Scheme — Amendments C125 (Part 1) and C136.
  - Moonee Valley Planning Scheme — Amendments C169.
  - Mount Alexander Planning Scheme — Amendment C73.
  - Surf Coast Planning Scheme — Amendment C121.
  - Victoria Planning Provisions — Amendments VC138, VC140 and VC145.
  - Wellington Planning Scheme — Amendment C84.
  - Yarra Ranges Planning Scheme — Amendment C167.
- Royal Melbourne Institute of Technology — Report, 2017.
- Southern Alpine Resort Management Board — Report, 2017.
- South West Institute of TAFE — Report, 2017.
- Statutory Rules under the following Acts of Parliament —
- Building Act 1993 — No. 38
  - Constitution Act 1975 — No. 43
  - County Court Act 1958 — No. 34
  - Criminal Procedure Act 2009 — No. 46
  - Domestic Animals Act 1994 — No. 35
  - Drugs, Poisons and Controlled Substances Act 1981 — No.45
  - Family Violence Protection Act 2008 — No. 36
  - Family Violence Protection Act 2008 and Magistrates' Court Act 1989 — No. 42
  - Greenhouse Gas Geological Sequestration Act 2008 — No. 41
  - Judicial Proceedings Reports Act 1958 — No. 37
  - Sheriff Act 2009 — No. 44
  - Subordinate Legislation Act 1994 — No. 40
  - Victoria Police Act 2013 — No. 39
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rule Nos. 34 to 38, 40 and 42 to 46.
  - Legislative instruments and related documents under section 16B in respect of —
    - Minister's Determination of 19 April 2018 of the cost recovery fee for participants in the first-stage behaviour change program under the Road Safety Act 1986.
    - Minister's Notice of 27 March 2018 fixing the value of the gaming machine charge for venue operators for 2016-17 under the Gambling Regulation Act 2003.
    - Minister's Order of 27 March 2018 of the Wildlife (Commercial Fisheries – Interaction with Protected Wildlife) under the Wildlife Act 1975.
    - Minister's Order of 13 April 2018 declaring offences against the laws of other States and Territories to be corresponding interstate drink-driving offences under the Road Safety Act 1986.
- Sunraysia Institute of TAFE — Report, 2017.
- Swinburne University of Technology — Report, 2017.
- The University of Melbourne — Report, 2017.
- Victoria University — Report, 2017.
- William Angliss Institute of TAFE — Report, 2017.
- Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) —

Notice Gazetted 29 March 2018.  
 Amendment Notice Gazetted 11 April 2018.  
 Wodonga Institute of TAFE — Report, 2017.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Bail Amendment (Stage Two) Act 2018 — Whole Act except Parts 2 and 3 — 5 April 2018 (*Gazette No. S136, 27 March 2018*).

Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 — Remaining Provisions of Part 4, Part 6 and Part 8 — 5 April 2018 (*Gazette No. S136, 27 March 2018*).

Children Legislation Amendment (Information Sharing) Act 2018 — Parts 1, 4, 5 (other than Division 3) and 6 — 11 April 2018 (*Gazette No. S164, 10 April 2018*).

Crimes Legislation Amendment (Protection of Emergency Workers and Others) Act 2017 — Part 1, Part 2 (except sections 21, 22 and 23), Part 3 (except section 24(2)) and Part 4 — 5 April 2018 (*Gazette No. S136, 27 March 2018*).

Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Act 2017 — 1 July 2018 (*Gazette No. S190, 24 April 2018*).

Family Violence Protection Amendment Act 2017 — Part 2 (except sections 32 and 41), Part 6 and Division 1 of Part 9 — 29 March 2018 (*Gazette No. S136, 27 March 2018*).

Justice Legislation Amendment (Body-worn Cameras and Other Matters) Act 2017 — Whole Act (except Part 2) — 1 April 2018 (*Gazette No. S136, 27 March 2018*).

Justice Legislation Amendment (Body-worn Cameras and Other Matters) Act 2017 — Part 2 — 18 April 2018 (*Gazette No. S178, 17 April 2018*).

Justice Legislation Amendment (Victims) Act 2018 — Remaining Provisions — 5 April 2018 (*Gazette No. S136, 27 March 2018*).

Justice Legislation Amendment (Protective Services Officers and Other Matters) Act 2017 — Parts 1, 2, 5, 7 and section 59 — 1 April 2018 (*Gazette No. S136, 27 March 2018*).

Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017 — Part 3.4 — 2 April 2018 — Part 2.2 (other than section 6), sections 42 and 43, Division 1 of Part 2.7 and sections 72, 74 and 75 — 30 April 2018 (*Gazette No. S136, 27 March 2018*).

Voluntary Assisted Dying Act 2017 — Part 1 (except sections 4, 6, 7 and 8) and Part 9 (except Divisions 4 and 5) — 1 July 2018 (*Gazette No. S190, 24 April 2018*).

**9 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 8 May 2018.

Question — put and agreed to.

**10 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 550 be postponed until later this day.

**12 SERVICE VICTORIA BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

On the motion of Ms Pennicuik, the debate was adjourned until later this day.

**13 BUDGET PAPERS, 2018-19** — Pursuant to section 27E of the *Financial Management Act 1994*, Mr Jennings laid on the Table a copy of —

(1) Budget Paper No. 2: Strategy and Outlook;

(2) Budget Paper No. 3: Service Delivery; and

(3) Budget Paper No. 5: Statement of Finances (incorporating Quarterly Financial Report No. 3).

Mr Jennings moved, by leave, That there be laid before this House a copy of —

(1) Budget Paper No. 1: Treasurer's Speech;

(2) Budget Paper No. 4: State Capital Program;

(3) the 2018-19 Budget Overview;

- (4) the Suburban Budget Information Paper;
- (5) the Rural and Regional Budget Information Paper; and
- (6) the Gender Equality Statement Budget Information Paper.

Question — put and agreed to.

The papers were presented by Mr Jennings and ordered to lie on the Table.

On the motion of Mr Jennings, the Budget Papers 2018-19 were ordered to be taken into consideration on the next day of meeting.

- 14 SERVICE VICTORIA BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 15 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and Answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Private bus companies** — substantive and supplementary questions asked by Mr Davis — response from Mr Dalidakis due Tuesday 8, May 2018.
- **Supervised injecting facility** — supplementary question asked by Ms Fitzherbert — response from Mr Jennings due Wednesday, 9 May 2018.
- **School cleaning contracts** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday 8, May 2018.
- **Ombudsman's Report on Electorate Office Employment** — substantive question asked by Mr Rich-Phillips — response from Mr Jennings due Tuesday, 8 May 2018.
- **Electorate Officer supervision** — substantive and supplementary questions asked by Mr Ramsay — response from Ms Tierney due Tuesday, 8 May 2018.
- **Border Force control of firearms** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Wednesday, 9 May 2018.

- 16 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 17 SERVICE VICTORIA BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Dr Carling-Jenkins and Mr Somyurek)*

NOES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Mr Morris)*

Question agreed to.

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

House in Committee.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Pulford declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole on the next day of meeting.

**18 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 9.04 p.m., adjourned until Tuesday, 8 May 2018.

ANDREW YOUNG  
*Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes No. 173

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### **SERVICE VICTORIA BILL 2017**

*Committed Tuesday, 1 May 2018*

*Amendments circulated: Mr Jennings and Ms Pennicuik (see p 1178).*

**Clause 1** — put and agreed to.

**Clause 2** — Mr Jennings moved Amendment No. 1 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clauses 3 and 4** — put and agreed to.

**Clause 5** — Question — That the clause be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr;  
Mr Gepp, Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten;  
Ms Pennicuik; Ms Pulford; Mr Purcell Dr Ratnam; Ms Shing; Mr Somyurek;  
Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Dalidakis and Dr Ratnam)*

NOES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert;  
Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich;  
Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Crozier and Mr O'Sullivan)*

Question agreed to.

**Clauses 6 to 14** — put and agreed to.

*Business interrupted at the conclusion of the declared extension pursuant to Standing Orders.*

**Progress reported.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. SERVICE VICTORIA BILL 2017***Amendment circulated by Mr Jennings*

1. Clause 2, line 5, omit "1 March" and insert "30 September".

*Amendment circulated by Ms Pennicuik*

1. Clause 57, line 8, omit "fifth" and insert "third".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 174, 175, and 176

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#### No. 174 — Tuesday, 8 May 2018

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **LONG SERVICE BENEFITS PORTABILITY BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to provide portability of long service benefits in certain industries and to amend other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

- 3 **JUSTICE LEGISLATION AMENDMENT (ACCESS TO JUSTICE) BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Australian Consumer Law and Fair Trading Act 2012, the Births, Deaths and Marriages Registration Act 1996, the Civil Procedure Act 2010, the County Court Act 1958, the Legal Aid Act 1978, the Legal Profession Uniform Law Application Act 2014, the Magistrates' Court Act 1989, the Victoria Law Foundation Act 2009 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford, the Bill was read a first time and, by leave, ordered to be read a second time later this day.

#### 4 **PETITIONS** —

**ARDEER RAILWAY STATION NOISE BARRIER** — Dr Carling-Jenkins presented a Petition bearing 18 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government and Public Transport Victoria to construct noise reduction barriers (reducing noise by at least 50 decibels) using greater than 50mm laminate or appropriate material, along the entire train line on Forrest Street (North and Yallourn Street, Ardeer) adjacent to the Ardeer Community Park, within 50 to 200 metres of dwellings.

Ordered to lie on the Table.

\* \* \* \* \*

**REDUCE CRIME RATES IN VICTORIA** — Dr Carling-Jenkins presented a Petition bearing 155 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Premier, the Hon. Daniel Andrews, to take immediate action to reduce crime rates in Victoria and to conduct a Parliamentary Inquiry into escalating crime rates in Victoria.

Ordered to lie on the Table.

\* \* \* \* \*

**VICTORIAN GREYHOUND RACING INDUSTRY** — Ms Pennicuik presented a Petition bearing 712 signatures from certain citizens of Victoria requesting that the Legislative Council ask the Minister for Racing, the Hon. Martin Pakula, to step down for his irresponsible promotion of a

gambling industry to children, and call on the Victorian Government to implement a phase out, to an eventual shutdown, of the greyhound racing industry in Victoria.

Ordered to lie on the Table.

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

## 5 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 6 of 2018 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO ELECTRIC VEHICLES** — Mr Finn presented a Report from the Standing Committee on the Economy and Infrastructure on the Inquiry into Electric Vehicles (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Finn moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendment C292.

Cardinia Planning Scheme — Amendment C230.

Casey Planning Scheme — Amendment C233.

Glenelg Planning Scheme — Amendment C82.

Greater Bendigo Planning Scheme — Amendments C221 and C223.

Greater Geelong Planning Scheme — Amendment C353.

Kingston Planning Scheme — Amendments C153 and C158.

Latrobe Planning Scheme — Amendment C109.

Macedon Ranges Planning Scheme — Amendment C123.

Maribyrnong Planning Scheme — Amendment C141.

Melbourne Planning Scheme — Amendments C281, C318 and C333.

Wangaratta Planning Scheme — Amendment C72.

Wodonga Planning Scheme — Amendment C105.

A Statutory Rule under the Road Safety Act 1986 — No. 47.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 39, 41, 47 and 48.

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

Order by the Governor in Council of 10 April 2018 declaring specified events to be Kardinia Park events under section 34 of the Kardinia Park Stadium Act 2016.

Minister's Publication of 23 April 2018 of the Code of Practice for the Keeping of Racing Greyhounds under section 63AC of the Domestic Animals Act 1994.

**6 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 9 May 2018:

- (1) Order of the Day No. 23 standing in the name of Mr Davis, in relation to the production of certain documents in relation to the West Gate Tunnel project agreements and contracts;
- (2) Notice of Motion No. 522 standing in the name of Ms Lovell, in relation to a regional sitting of the Legislative Council;
- (3) Notice of Motion given this day by Ms Patten in relation to charity exemptions for tax purposes;

- (4) Notice of Motion given this day by Mr O'Sullivan in relation to regional rail services; and  
 (5) Notice of Motion No. 538 standing in the name of Mr O'Donohue, in relation to policies for victims of crime.

Question — put and agreed to.

**7 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 550 be postponed until later this day.

**10 SERVICE VICTORIA BILL 2017** — Bill further considered in Committee of the whole House in Committee.

Bill reported with amendments.

Mr Jennings moved, That the report be adopted.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Eideh and Ms Truong)*

NOES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr O'Sullivan and Mrs Peulich)*

Question agreed to.

Mr Jennings moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Dr Carling-Jenkins and Mr Young)*

NOES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Dalla-Riva and Mr Ramsay)*

Question agreed to.

Bill read a third time.

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

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Supervision of social media use in prisons** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 9 May 2018.
- **Wild dog control** — substantive question asked by Ms Bath — response from Ms Pulford due Thursday, 10 May 2018.
- **Solar farms on agricultural land** — substantive and supplementary questions asked by Mr O'Sullivan — response from Ms Pulford due Thursday, 10 May 2018.
- **Ombudsman's report on electorate office employment – involvement of police** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Ms Tierney due Thursday, 10 May 2018.
- **Recycling – state budget 2018-19** — substantive and supplementary questions asked by Ms Truong — response from Mr Jennings due Thursday, 10 May 2018.
- **Planned burns impact on air quality** — supplementary question asked by Ms Dunn — response from Ms Pulford due Thursday, 10 May 2018.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 MAJOR EVENTS LEGISLATION AMENDMENT (TICKET SCALPING AND OTHER MATTERS) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Springle were circulated.

Debate continued.

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.

**14 LONG SERVICE LEAVE BILL 2017** — 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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

**15 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 7.14 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 175 — Wednesday, 9 May 2018

1 The President took the Chair and read the Prayer.

2 **PETITION — DRUG CHECKING SERVICES** — Ms Patten presented a Petition bearing 364 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work to immediately establish a trial of lab quality drug checking services in Victoria, which should be initiated immediately with police permission using their current discretionary powers.

Ordered to lie on the Table.

**3 QUESTIONS DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Small business assets** — substantive question asked by Mr Davis on Tuesday, 1 May 2018 — further response from Mr Dalidakis due Thursday, 10 May 2018.
- **Electorate Office staff** — substantive and supplementary questions asked by Mr Ramsay on Tuesday, 1 May 2018 — further response from Ms Tierney due Thursday, 10 May 2018.

**4 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Confiscation Act 1997 — Report, 2016-17 pursuant to section 139A by Victoria Police.

Crimes (Assumed Identities) Act 2004 — Report, 2016-17 pursuant to section 31 by the Independent Broad-based Anti-corruption Commission.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 49.

**5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.

**7 PRODUCTION OF DOCUMENTS — WEST GATE TUNNEL — ALL DOCUMENTS** — Debate resumed on the question, That this House —

(1) in accordance with Standing Order 11.01, requires the Leader of the Government to table by 2.00 p.m. on Tuesday 27 March 2018 a copy of all documents in full, signed by or on behalf of the Government of Victoria, concerned with or relating to the West Gate Tunnel project, including but not limited to —

(a) the West Gate Tunnel Project Agreement without redactions;

(b) any other contract, agreement or treaty signed by the current Government of Victoria with Transurban PL or any member of the Transurban WGT Co Pty Ltd consortium which seeks to vary, change or alter the tolling arrangements, time periods, charges, indexation or other tolling matter under the *Melbourne City Link Act 1995* or which would seek to later vary tolling arrangements under the *Melbourne City Link Act 1995*; and

(2) notes that, pursuant to Section 15(3) of the *Melbourne City Link Act 1995*, either House of the Parliament may revoke a variation of the agreement.

Mr Davis moved, as an amendment, That in paragraph (1), **omit** the words “Tuesday 27 March” and **insert** in their place “Tuesday 22 May”.

Debate ensued.

Question — That the amendment moved by Mr Davis be agreed to — put and agreed to.

Question — That the motion moved by Mr Davis, as amended, be agreed to — put and agreed to.

**8 REGIONAL SITTING OF THE COUNCIL IN GREATER SHEPPARTON** — Ms Lovell moved, That this House —

(1) recognises the significance of the City of Greater Shepparton as one of Victoria’s leading regional cities;

(2) meets and sits in the City of Greater Shepparton on Tuesday, 11 June 2019 at 12.30 p.m.; and

(3) authorises the President to do all things necessary to facilitate the Council sitting in the City of Greater Shepparton.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Aboriginal children in out of home care** — substantive and supplementary questions asked by Ms Springle — response from Ms Mikakos due Thursday, 10 May 2018.
- **“Safe and wanted” report recommendations** — substantive and supplementary questions asked by Ms Springle — response from Ms Mikakos due Thursday, 10 May 2018.
- **Kangaroo culling program – tagging** — substantive and supplementary questions asked by Mr Purcell — response from Mr Jennings due Tuesday, 22 May 2018.
- **Victoria police – licensing and regulation division** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Tuesday, 22 May 2018.
- **Independent Remuneration Tribunal Bill** — supplementary question asked by Mr Rich-Phillips — response from Mr Jennings due Thursday, 10 May 2018.
- **Major Events Bill – Government consultation** — substantive question asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 22 May 2018.
- **GOTAFE inquiry** — substantive and supplementary questions asked by Mr O’Sullivan — response from Ms Tierney due Thursday, 10 May 2018.
- **Prisoners – social media access** — supplementary question asked by Mr O’Donohue — response from Ms Tierney due Thursday, 10 May 2018.
- **Alleged misconduct of prison officers** — substantive and supplementary questions asked by Mr O’Donohue — response from Ms Tierney due Thursday, 10 May 2018.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 SERVICE VICTORIA BILL 2017** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**12 REGIONAL SITTING OF THE COUNCIL IN GREATER SHEPPARTON** — Debate resumed on the question, That this House —

- (1) recognises the significance of the City of Greater Shepparton as one of Victoria’s leading regional cities;
- (2) meets and sits in the City of Greater Shepparton on Tuesday, 11 June 2019 at 12.30 p.m.; and
- (3) authorises the President to do all things necessary to facilitate the Council sitting in the City of Greater Shepparton.

On the motion of Mr O’Sullivan, the debate was adjourned until later this day.

**13 CHARITABLE TAX EXEMPTIONS** — Ms Patten moved, That this House notes that —

- (1) many for-profit businesses are avoiding certain Victorian taxes by claiming charitable status, despite not engaging in objectively charitable work;
  - (2) principally, the businesses engaged in this avoidance are owned by religious institutions and take advantage of the charitable head of ‘advancement of religion’ to receive charitable tax exemptions despite operating as for-profit businesses and not carrying out objectively charitable works;
  - (3) the definition of charity for the purposes of Victorian statute should be re-defined to protect genuinely charitable organisations and ensure that for-profit businesses pay their fair share of Victorian taxes;
  - (4) none of the above refers to the genuine charitable works of religious run organisations or the usual activities conducted at a place of public worship;
- and calls on the Government to adopt into Victorian law, the exposure draft of the Charities Amendment (Charitable Purpose) Bill 2017 as a modern and fair solution to this issue.

Debate ensued.

On the motion of Ms Symes, the debate was adjourned until later this day.



**14 REGIONAL SITTING OF THE COUNCIL IN GREATER SHEPPARTON** — Debate resumed on the question, That this House —

- (1) recognises the significance of the City of Greater Shepparton as one of Victoria's leading regional cities;
- (2) meets and sits in the City of Greater Shepparton on Tuesday, 11 June 2019 at 12.30 p.m.; and
- (3) authorises the President to do all things necessary to facilitate the Council sitting in the City of Greater Shepparton.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Mr Dalla-Riva and Mr Davis)

NOES, 20

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

(Tellers: Ms Dunn and Mr Eideh)

The Ayes and Noes being equal, the question was negatived.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

**15 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**16 LONG SERVICE BENEFITS PORTABILITY BILL 2018** — Ms Tierney (for Mr Jennings) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Tierney, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

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

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

On the motion of Mr Ondarchie, the debate was adjourned for one week.

**17 JUSTICE LEGISLATION (ACCESS TO JUSTICE) BILL 2018** — Ms Tierney (for Mr Jennings) laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.

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

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**18 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.04 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 176 — Thursday, 10 May 2018

1 The President took the Chair and read the Prayer.

2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Assessing Benefits from the Regional Rail Link Project, May 2018 (*Ordered to be published*).

Maintaining the Mental Health of Child Protection Practitioners, May 2018 (*Ordered to be published*).

Family Violence Reform Implementation Monitor Act 2016 — Report of the Family Violence Reform Implementation Monitor: as at 1 November 2017 (*Ordered to be published*).

Statutory Rules under the following Acts of Parliament —

Estate Agents Act 1980 — Nos. 48 and 49.

Wildlife Act 1975 — No. 50.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 50.

**3 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**4 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**5 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 550 be postponed until later this day.

**6 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Young were circulated.

Debate continued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**7 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Prison officers – bonus payments** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 22 May 2018.
- **Allegations of improper conduct at Beechworth Prison** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 22 May 2018.
- **Youth justice centres** — substantive question asked by Ms Crozier — response from Ms Mikakos due Tuesday, 22 May 2018.
- **Small business ministerial council** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 22 May 2018.
- **Public housing investment** — supplementary question asked by Dr Ratnam — response from Ms Mikakos due Wednesday, 23 May 2018.
- **Children with disabilities – health care decisions** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Mikakos due Wednesday, 23 May 2018.
- **Gambling harm** — substantive question asked by Ms Patten — response from Mr Dalidakis due Wednesday, 23 May 2018.
- **Gun silencers** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Wednesday, 23 May 2018.

**8 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**9 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time.

*The President having ruled that certain amendments proposed to be moved in Committee by Mr Young were outside the scope of the Bill —*

Mr Young moved, That it be an instruction to the Committee that they have the power to consider new clauses to amend the objectives and functions of the Game Management Authority under the *Game Management Authority Act 2014*.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

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

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

**10 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT BILL 2017** — 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, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr Melhem)*

NOES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.

*(Tellers: Ms Dunn and Ms Pennicuik)*

Question agreed to

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

House in Committee.

Bill reported with amendments, the Report was adopted.

Ms Pulford moved, That the Bill be now read a third time and do pass.

Question — put.

The Council divided — The President in the Chair.

AYES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Finn and Mr Gepp)*

NOES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.

*(Tellers: Dr Ratnam and Ms Truong)*

Question agreed to.

Bill read a third time.

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 BUDGET PAPERS 2018-19** — Mr Mulino moved, That the Council take note of the Budget Papers, 2018-19.

Debate ensued.

On the motion of Ms Symes, the debate was adjourned until the next day of meeting.

**12 LIQUOR AND GAMBLING LEGISLATION AMENDMENT BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003, the Liquor Control Reform Act 1998, and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned for one week.

**13 APPROPRIATION (PARLIAMENT 2018-2019) BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2018/2019 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**14 APPROPRIATION (2018-2019) BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2018/2019 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Dalidakis, the second reading speech was incorporated into Hansard.

Mr Dalidakis moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**15 COGNATE DEBATE** — Mr Dalidakis moved, by leave, That this House authorises the President to permit the second reading debate on the Appropriation (2018-19) Bill 2018 to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2018-19.

Question — put and agreed to.

**16 SITTING OF THE COUNCIL** — Mr Dalidakis moved, That the Council, at its rising, adjourn until Tuesday, 22 May 2018.

Question — put and agreed to.

**17 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 7.16 p.m., adjourned until Tuesday, 22 May 2018.

ANDREW YOUNG  
Clerk of the Legislative Council

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 174, 175 and 176

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### SERVICE VICTORIA BILL 2017

*Committed Tuesday, 1 May 2018.*

*Amendments and Further Amendments circulated: Mr Jennings and Ms Pennicuik (see p 1192).*

#### **Tuesday, 8 May 2018 —**

*Progress having been reported on Tuesday, 1 May 2018, Bill further considered in Committee of the whole.*

**Clauses 15 to 56** — put and agreed to.

**Clause 57** — Ms Pennicuik moved Amendment No. 1 and Further Amendment No. 1 — put and agreed to.

Clause 57, as amended — put and agreed to.

**Clause 58** — Mr Jennings moved Further Amendment No. 1 — put and agreed to.

Clause 58, as amended — put and agreed to.

#### **Bill reported with amendments.**

\* \* \* \* \*

### MAJOR EVENTS LEGISLATION AMENDMENT (TICKET SCALPING AND OTHER MATTERS) BILL 2017

*Committed Tuesday, 8 May 2018.*

*Amendments circulated: Ms Springle (see pp 1192-99).*

#### **Clause 1 —**

Mr Ondarchie moved, That the Acting President report progress and seek leave to sit again.  
Debate ensued.

Question — That the Acting President report progress and seek leave to sit again — put.

The Committee divided — The Acting President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert;  
Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich;  
Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Davis and Mr Ramsay)*

NOES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr;  
Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten;  
Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek;  
Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Gepp and Ms Mikakos)*

Question negatived.

Mr Ondarchie moved, That the Acting President report progress and seek leave to sit again.

Question negatived.

Clause 1 — put and agreed to.

**Clauses 2 to 5** — put and agreed to.

**Clause 6** — Ms Springle moved Amendment Nos. 1 to 9.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.

*(Tellers: Ms Dunn and Ms Springle)*

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Somyurek)*

Question negatived.

Clause 6 — put and agreed to.

**Clauses 7 to 28** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

## **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2017**

*Committed Thursday, 10 May 2018.*

*Amendments circulated: Mr Young (see pp 1200-01).*

**Clauses 1 to 40** — put and agreed to.

**New clauses** — Mr Young moved Amendment No. 1.

Question — That the new clauses stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 21

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Morris and Mr Young)*

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Ms Springle; Mr Somyurek; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Mulino and Dr Ratnam)*

Question agreed to.

**Clause 41** — Mr Young moved Amendment Nos. 2 and 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 21

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr O'Donohue)*

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Eideh and Mr Somyurek)*

Question agreed to.

Clause 41, as amended — put and agreed to.

**Clauses 42 to 73** — put and agreed to.

**Clause 74** — Mr Young moved Amendment Nos. 4 and 5.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 21

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Patten and Mr Young)*

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Ms Dunn and Mr Leane)*

Question agreed to.

Clause 74, as amended — put and agreed to.

**Clauses 75 to 104** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT BILL 2017**

*Committed Thursday, 10 May 2018.*

*Amendments circulated: Ms Pulford (see p 1201).*

**Clause 1** — put and agreed to.

**Clause 2** — Ms Pulford moved Amendment No. 1 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clauses 3 to 32** — put and agreed to.

**Clause 33** — Ms Pulford moved Amendment No. 2 — put and agreed to.

Clause 33, as amended — put and agreed to.

**Bill reported with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. SERVICE VICTORIA BILL 2017**Amendment circulated by Mr Jennings

1. Clause 2, line 5, omit "1 March" and insert "30 September".

Further Amendment circulated by Mr Jennings

1. Clause 58, page 49, after line 13 insert—

"(3) Without limiting the requirements of section 5 or 10, the Minister must not recommend to the Governor in Council the making of a regulation—

- (a) for the purposes of section 5 prescribing as a transferred customer service function a customer service function of a service agency which is a Council; or
- (b) for the purposes of section 10 prescribing as a transferred identity verification function an identity verification function of a service agency which is a Council—

unless the Minister has obtained the prior agreement to that transfer of the relevant Council or Councils whose functions are to be transferred."

Amendment circulated by Ms Pennicuik

1. Clause 57, line 8, omit "fifth" and insert "third".

Further Amendment circulated by Ms Pennicuik

1. Clause 57, line 14, omit "fifth" and insert "third".

**2. MAJOR EVENTS LEGISLATION AMENDMENT (TICKET SCALPING AND OTHER MATTERS) BILL 2017**Amendments circulated by Ms Springle

1. Clause 6, line 18, omit "182C" and insert "153".

2. Clause 6, after line 18 insert—

**"major ticketing event** means—

- (a) a ticketed event to which a major event ticketing declaration applies; and

- (b) if an event referred to in paragraph (a) is to be replayed or rescheduled for any reason, includes the replaying of the event or the rescheduled event;"

3. Clause 6, page 4, line 1, omit "9A" and insert "9".

4. Clause 6, page 4, line 10, omit "2A" and insert "2".

5. Clause 6, page 4, lines 11 to 15, omit all words and expressions on those lines and insert—

'(2) In section 3(1) of the Principal Act—

- (a) in the definition of **sports event** omit ", in Part 9,";



(b) in the definitions of *ticket scheme* and *ticket scheme proposal*, for "sports ticketing event or a sports event" substitute "major ticketing event or a ticketed event".

6. Clause 6, page 4, after line 15 insert—

"( ) In section 3(1) of the Principal Act, the definitions of *sports event organiser*, *sports ticketing event* and *sports ticketing event declaration* are repealed."

7. Clause 6, page 4, line 16, omit "(3) After" and insert "(4) For".

8. Clause 6, page 4, line 16, omit "insert" and insert "substitute".

9. Clause 6, page 4, line 17, omit "2A" and insert "2".

10. Insert the following New Clauses to follow clause 6—

**'A Part 9 heading amended**

In the heading to Part 9 of the Principal Act, for "Sports" substitute "Major"

**B Division 1 of Part 9 substituted**

For Division 1 of Part 9 of the Principal Act substitute—

**"Division 1—Major event ticketing declaration**

**151 Notice of intention to make a major event ticketing declaration**

- (1) If the Minister intends to make a major event ticketing declaration in respect of a ticketed event, the Minister must give written notice to the ticketed event organiser.
- (2) A notice under subsection (1) must—
  - (a) specify whether the proposed major event ticketing declaration will apply to—
    - (i) the holding of the ticketed event on a particular occasion only; or
    - (ii) the holding of the ticketed event generally, regardless of when or how often the event is held, until the major event ticketing declaration is revoked; and
  - (b) state that, within 14 days after receiving the notice, the ticketed event organiser may give a written submission to the Minister on whether the ticketed event should be declared as a major ticketing event.

**152 Request for a major event ticketing declaration**

- (1) A ticketed event organiser may request the Minister make a major event ticketing declaration in respect of a ticketed event.
- (2) The request made by the ticketed event organiser must be in the form determined by the Minister.

**153 Major event ticketing declaration**

- (1) The Minister must make the major event ticketing declaration, or decide not to make the major event ticketing declaration, within 14 days of—

- (a) the end of the period for giving the Minister a submission under section 151; or
  - (b) the Minister receiving a request under section 152.
- (2) In making a decision under subsection (1), the Minister—
- (a) may consider the ticketed event organiser's submission (if any); and
  - (b) may consider the ticketed event organiser's request (if any); and
  - (c) must consider whether the ticketed event is major, having regard to the likely number of attendees for the event—
    - (i) on a particular occasion only; or
    - (ii) over the duration of the event; and
  - (d) may consider any other matters the Minister considers appropriate.
- (3) The Minister must notify the ticketed event organiser of the Minister's decision under subsection (1).
- (4) If the Minister makes a major event ticketing declaration, the major event ticketing declaration must specify whether it applies to—
- (a) the holding of the ticketed event on a particular occasion only; or
  - (b) the holding of the ticketed event generally, regardless of when or how often the event is held, until the major event ticketing declaration is revoked.
- (5) The Minister must ensure that a copy of the major event ticketing declaration is published in the Government Gazette.
- (6) A major event ticketing declaration applies to the holding of the ticketed event to which it applies, regardless of whether the ticketed event organiser changes.

### **153A Minister may revoke major event ticketing declaration**

- (1) The Minister may revoke a major event ticketing declaration if the Minister considers it is appropriate to do so, whether the major event ticketing declaration applies to—
- (a) the holding of the ticketed event on a particular occasion only; or
  - (b) the holding of the ticketed event generally, regardless of when or how often the event is held.
- (2) A revocation under subsection (1) must be in writing.
- (3) As soon as practicable after a major event ticketing declaration is revoked, the Minister must ensure that a copy of the revocation is—
- (a) given to the ticketed event organiser; and
  - (b) published in the Government Gazette."

## **C Requirement to lodge a ticket scheme proposal for major ticketing event**

- (1) In the heading to section 154 of the Principal Act, for "**sports ticketing event**" **substitute** "**major ticketing event**".
- (2) For section 154(1) of the Principal Act **substitute**—
  - "(1) Within 14 days after receiving notice that the Minister has made a major ticketing event declaration, a ticketed event organiser must give the Minister a ticket scheme proposal."

#### **D Sections 155(1) and 156 amended**

In sections 155(1) and 156 of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".

#### **E Decision to approve a ticket scheme**

- (1) In section 157(1) of the Principal Act—
  - (a) for "sports event organiser" **substitute** "ticketed event organiser";
  - (b) for "sports ticketing event" (where thrice occurring) **substitute** "major ticketing event".
- (2) In section 157(2)(a) of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".
- (3) In section 157(3)(a) of the Principal Act, for "28 days" **substitute** "14 days".
- (4) In section 157(3)(b) of the Principal Act—
  - (a) for "sports event organiser" **substitute** "ticketed event organiser";
  - (b) for "28 days" **substitute** "14 days".
- (5) In section 157(4)(b) and (5) of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".
- (6) In section 157(6) of the Principal Act—
  - (a) for "sports ticketing event" **substitute** "major ticketing event";
  - (b) for "sports event organiser" **substitute** "ticketed event organiser".
- (7) In the note at the foot of section 157 of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".

#### **F Ticket scheme proposal for an event that has not been declared**

- (1) For section 158(1) of the Principal Act **substitute**—
  - "(1) A ticketed event organiser of a ticketed event that is not the subject of a major event ticketing declaration may give the Minister a ticket scheme proposal for the event regardless of when the event is to be held."
- (2) In section 158(2)(a) of the Principal Act, for "sports ticketing event declaration" **substitute** "major event ticketing declaration".
- (3) In section 158(3) of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".
- (4) In section 158(4) of the Principal Act, for "sports ticketing event declaration" (wherever occurring) **substitute** "major event ticketing declaration".

- (5) In section 158(4)(d) of the Principal Act, for "sports ticketing event" **substitute** "major ticketing event".
- (6) In section 158(5) of the Principal Act, for "sports ticketing event declaration" **substitute** "major event ticketing declaration".
- (7) In section 158(5)(a) and (6) of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".
- (8) In section 158(6) of the Principal Act, for "28 days" **substitute** "14 days".

#### **G Replacement proposal if declaration applies to the event generally**

- (1) In section 159(1) of the Principal Act—
  - (a) for "sports event organiser" **substitute** "ticketed event organiser";
  - (b) in paragraph (a), for "sports ticketing event" **substitute** "major ticketing event";
  - (c) in paragraph (b), for "sports ticketing event declaration" **substitute** "major event ticketing declaration".
- (2) In the note at the foot of section 159(1) of the Principal Act, for "sports event that is held at least 9 months" **substitute** "ticketed event that is held".
- (3) In section 159(2) of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".
- (4) In section 159(4)(a) of the Principal Act, for "sports ticketing event" **substitute** "major ticketing event".
- (5) In section 159(4)(b)(i) and (ii) of the Principal Act, for "sports event that is held at least 9 months" **substitute** "ticketed event that is held".

#### **H Authorisations to sell or distribute tickets**

- (1) In section 160 of the Principal Act, for "sports ticketing event, the sports event organiser" **substitute** "major ticketing event, the ticketed event organiser".
- (2) In section 160(a) of the Principal Act, for "sports ticketing event on behalf of the sports event organiser" **substitute** "major ticketing event on behalf of the ticketed event organiser".

#### **I Variation of approved ticket scheme**

In section 161 of the Principal Act—

- (a) for "sports event organiser" **substitute** "ticketed event organiser";
- (b) for "sports ticketing event" **substitute** "major ticketing event".

#### **J Cancellation of approval of ticket scheme**

- (1) In section 162(1) of the Principal Act—
  - (a) for "sports ticketing event" **substitute** "major ticketing event";
  - (b) for "sports event organiser" (where twice occurring) **substitute** "ticketed event organiser".
- (2) In section 162(2) of the Principal Act, for "sports event" **substitute** "ticketed event".

11. Clause 7, omit this clause.

12. Clause 8, after line 7 insert—
- '( ) In section 163(2) of the Principal Act, for "sports ticketing event" **substitute** "major ticketing event".
  - ( ) In section 163(2)(b) of the Principal Act, for "sports event organiser" **substitute** "ticketed event organiser".'.
13. Clause 8, line 8, before "In section" insert "(3)".
14. Clause 8, after line 9 insert—
- '( ) In section 163(2A) of the Principal Act—
    - (a) for "sports ticketing event" **substitute** "major ticketing event";
    - (b) for "sports event organiser" **substitute** "ticketed event organiser".'.
15. Insert the following New Clauses to follow clause 8—
- 'K Holding event before there is an approved ticket scheme**
- (1) In section 164(1), (2) and (3) of the Principal Act, for "sports event organiser of a sports ticketing event" **substitute** "ticketed event organiser of a major ticketing event".
  - (2) For section 164(4)(a) of the Principal Act **substitute**—
    - "(a) either the receipt by—
      - (i) the ticketed event organiser of notice of the Minister's intention to make a major event ticketing declaration; or
      - (ii) the Minister of the request of the ticketed event organiser for a major event ticketing declaration; and".
  - (3) In section 164(4)(b) of the Principal Act—
    - (a) for "sports event organiser" **substitute** "ticketed event organiser";
    - (b) in subparagraph (i), for "sports ticketing event declaration" **substitute** "major event ticketing declaration".
- L Failing to comply with an approved ticket scheme**
- (1) In section 165(1) and (2) of the Principal Act, for "sports event organiser of a sports ticketing event" **substitute** "ticketed event organiser of a major ticketing event".
  - (2) In section 165(2) of the Principal Act, for "sports event organiser" (where secondly occurring) **substitute** "ticketed event organiser".
  - (3) In section 165(3) of the Principal Act, for "sports ticketing event on behalf of the sports event organiser" **substitute** "major ticketing event on behalf of the ticketed event organiser".'.
16. Clause 9, after line 10 insert—
- '( ) In section 166(1)(a) of the Principal Act—
    - (a) for "sports ticketing event" **substitute** "major ticketing event";
    - (b) for "sports event organiser" **substitute** "ticketed event organiser".'.
17. Clause 9, line 11, before "In section" insert "(2)".

18. Clause 9, after line 12 insert—

'( ) In section 166(1)(b) and (2) of the Principal Act, for "sports ticketing event" **substitute** "major ticketing event".'

19. Clause 10, lines 14 to 15, omit all words and expressions on those lines and insert—

'(1) In section 166A(1) of the Principal Act—

(a) for "sports ticketing event" **substitute** "major ticketing event";

(b) for "printed" **substitute** "displayed".'

20. Insert the following New Clause to follow clause 10—

**'M Sale or advertising for resale of 6 or more tickets at a premium**

After section 166 of the Principal Act **insert—**

**"166AA Sale of 6 or more tickets at a premium (scalping)**

A person who is not authorised to do so must not sell tickets for a major ticketing event on which a ticket condition under an approved ticket scheme prohibiting or restricting the sale or distribution of the tickets is displayed if the sale is—

(a) of 6 or more tickets; and

(b) at a price that exceeds the combined face value purchase price of all those tickets by more than 10%.

Penalty: 60 penalty units, in the case of a natural person;

300 penalty units, in the case of a body corporate.

**166AB Advertising for resale of 6 or more tickets at a premium**

A person who is not authorised to do so must not advertise or offer for resale tickets for a major ticketing event on which a ticket condition under an approved ticket scheme prohibiting or restricting the sale or distribution of the tickets is displayed if the advertisement or offering for resale is—

(a) for 6 or more tickets; and

(b) at a price that exceeds the combined face value purchase price of all those tickets by more than 10%.

Penalty: 60 penalty units, in the case of a natural person;

300 penalty units, in the case of a body corporate."

21. Clause 11, lines 28 to 29, omit all words and expressions on those lines and insert—

'(1) In section 166B(1) of the Principal Act—

(a) for "sports ticketing event" **substitute** "major ticketing event";

(b) for "printed" **substitute** "displayed".'

22. Insert the following New Clauses to follow clause 15—

**'N VCAT review of certain decisions**

(1) In section 168(1) of the Principal Act—

(a) for "sports event organiser" **substitute** "ticketed event organiser";

(b) in paragraph (a), for "sports ticketing event declaration" **substitute** "major event ticketing declaration".

(2) In section 168(2) of the Principal Act, for "sports event organiser" (where thrice occurring) **substitute** "ticketed event organiser".

**O Entry or search of premises with consent or with a warrant**

(1) In section 170(1) of the Principal Act—

(a) in paragraph (a), for "sports event organiser of a sports ticketing event" **substitute** "ticketed event organiser of a major ticketing event";

(b) in paragraph (b), for "sports event organiser" **substitute** "ticketed event organiser".

(2) In section 170(2) of the Principal Act, for "sports ticketing event" **substitute** "major ticketing event".

23. Clause 16, omit this clause.
24. Clause 18, line 22, omit "Parts 9 and 9A" and insert "Part 9".
25. Clause 18, page 22, lines 1 to 5, omit all words and expressions on those lines.
26. Clause 18, page 22, line 6, omit "(d)" and insert "(c)".
27. Clause 18, page 22, line 12, omit "(e)" and insert "(d)".
28. Clause 22, page 24, lines 2 and 3, omit "166A, 166B, 182F(1), 182F(2), 182G(1) or 182G(2)" and insert "166A or 166B".
29. Clause 22, page 24, lines 12 and 13, omit "166A, 166B, 182F(1), 182F(2), 182G(1) or 182G(2)" and insert "166A or 166B".
30. Clause 22, page 26, line 31, omit "or 182H(1)(b)".
31. Clause 23, omit this clause.
32. Clause 24, line 15, before "Any reference" insert "(1)".
33. Clause 24, line 24, omit 'appears.'" and insert "appears."
34. Clause 24, after line 24 insert—
  - (2) A sports ticketing event declaration made under section 152 and in force immediately before the commencement of section 8 of the **Major Events Legislation Amendment (Ticket Scalping and Other Matters) Act 2017**, is deemed to be a major event ticketing declaration on and from the commencement of section 8 of that Act."

### 3. PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2017

#### Amendments circulated by Mr Young

#### NEW CLAUSES

1. Insert the following new clauses to follow clause 40—

##### 'A Objectives of the Authority

For section 5(b) of the **Game Management Act 2014** substitute—

- "(b) to optimise the social, cultural and economic benefits of game hunting; and  
 (c) to support the development of recreational game hunting; and  
 (d) to support the development of commercial game hunting; and  
 (e) to work cooperatively with game hunting bodies in other States, in Territories and the Commonwealth; and  
 (f) to perform its functions and exercise its powers in any manner it considers best achieves its objectives.

##### B Functions

In section 6 of the **Game Management Act 2014**—

- (a) for paragraph (a) **substitute**—  
 "(a) to inform and educate game hunters and the public about rights and obligations in relation to game hunting; and";  
 (b) for paragraph (c) **substitute**—  
 "(c) to monitor, investigate, enforce and promote compliance with this Act and other Acts and the regulations made under them in so far as they relate to game hunting; and";  
 (c) in paragraph (g), after "responsibility in" **insert** "relation to recreational and commercial";  
 (d) in paragraph (i)(iv), for "habitat." **substitute** "habitat; and";  
 (e) after paragraph (i) **insert**—  
 "(j) to provide advice to the Minister or Secretary to assist in the development of strategic policy or legislation in relation to the development or management of game hunting and game management in Victoria; and  
 (k) to administer grants approved by the Minister in relation to game and game hunting."!

2. Clause 41, after line 10 insert—

'(1) For section 8(2) of the **Game Management Act 2014** substitute—

"(2) If the Authority is given a written direction under subsection (1), the Authority must publish the direction—

- (a) in the Government Gazette within 14 days of receiving the direction; and  
 (b) in its annual report; and



(c) on its Internet site.".'.!

3. Clause 41, line 11, before "After" insert "(2)".
4. Clause 74, line 11, omit "77" and insert "79".
5. Clause 74, line 19, omit "77" and insert "79".

**4. OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT BILL  
2017**

Amendments circulated by Ms Pulford

1. Clause 2, line 8, omit "January" and insert "October".
2. Clause 33, line 23, omit "January" and insert "October".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 177, 178, 179 and 180

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#### No. 177 — Tuesday, 22 May 2018

- 1 The President took the Chair, 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 15 May 2018, given the Royal Assent to the following Acts presented to her by the Acting Clerk of the Parliaments:  
*Long Service Leave Act 2018*  
*Major Events Legislation Amendment (Ticket Scalping and Other Matters) Act 2018*  
*Service Victoria Act 2018.*

- 3 **FORESTS (WOOD PULP AGREEMENT) REPEAL BILL 2018** — Ms Dunn introduced *A Bill for an Act to repeal the Forests (Wood Pulp Agreement) Act 1996, to terminate the Agreement set out in the Schedule to that Act and to provide that any rights, privileges, obligations or liabilities under that Agreement cease to exist on that termination and for other purposes.*  
On the motion of Ms Dunn, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

4 **PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 7 of 2018 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to —  
Code of Practice for the Keeping of Racing Greyhounds.  
Statutory Rule No. 38.

Land Acquisition and Compensation Act 1986 — Certification pursuant to section 7(1)(c) of the Act to not require the service of a notice of intention to acquire land.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Glen Eira and Kingston Planning Schemes — Amendment GC83.

Stonnington Planning Scheme — Amendment C274.

Victoria Planning Provisions — Amendments VC143 and VC146.

A Statutory Rule under the Seafood Safety Act 2003 — No. 51.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 51 and 55.

Documents under section 15 in relation to the  
Occupational Health and Safety Act 2004 —

Compliance code: Demolition.

Compliance code: Excavation.

Legislative Instruments and related documents under section 16B in respect of —  
Ministerial Order No. 1125 of 9 May 2018 for Procedures for Suspension and Expulsion  
of Students in Government Schools under the  
Education and Training Reform Act 2006.

Director of Housing's Determinations of Eligibility Criteria, Priority Categories and  
Priority Criteria for Applicants for Social Housing of 10 May 2018, under the  
Housing Act 1983.

Victorian Electoral Commission — Report on the Northcote District By-Election held on  
18 November 2017.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in  
respect of the following Acts were laid on the table by the Clerk:

Bail Amendment (Stage One) Act 2017 — Whole Act (except sections 11 and 14(10)) —  
21 May 2018 (*Gazette No. S218, 15 May 2018*).

Bail Amendment (Stage Two) Act 2018 — remaining provisions — 1 July 2018 (*Gazette No.  
S218, 15 May 2018*).

Crimes Legislation Amendment (Protection of Emergency Workers and Others) Act 2017 —  
sections 21 and 22 — 21 May 2018 (*Gazette No. S218, 15 May 2018*).

Firearms Amendment Act 2018 — remaining provisions — 9 May 2018 (*Gazette No. S209,  
8 May 2018*).

Gambling Legislation Amendment Act 2018 — sections 6 to 9, 11 and 18 — 9 May 2018  
(*Gazette No. S209, 8 May 2018*).

- 5 PRODUCTION OF DOCUMENTS — WEST GATE TUNNEL PROJECT** — The Clerk laid on  
the Table a letter from the Attorney-General dated 21 May 2018 in response to the Resolution  
of the Council of 9 May 2018 seeking the production of all documents relating to the West  
Gate Tunnel project, advising that the Council's deadline of 22 May 2018 does not allow  
sufficient time to respond and indicating that the Government would respond to the Council's  
resolution as soon as possible.

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

- 6 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given  
to the following General Business on Wednesday, 23 May 2018:

- (1) Order of the Day No. 1, second reading of the Crimes Amendment (Unlicensed Drivers)  
Bill 2018, standing in the name of Dr Carling-Jenkins;
- (2) Notice of Motion given this day by Mr Rich-Phillips in relation to appointing joint chairs of  
the Privileges Committee;
- (3) Notice of Motion No. 569 standing in the name of Mr O'Sullivan in relation to regional rail  
services;
- (4) Notice of Motion given this day by Dr Ratnam referring a matter to the Economy and  
Infrastructure Committee; and
- (5) Notice of Motion No. 538 standing in the name of Mr O'Donohue in relation to policies for  
victims of crime.

Question — put and agreed to.

- 7 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to  
Sessional Order 2.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to  
Standing Order 5.13.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion,  
Government Business, Nos. 497 to 550, be postponed until later this day.

- 10 PLANNING AND ENVIRONMENT AMENDMENT (DISTINCTIVE AREAS AND  
LANDSCAPES) BILL 2017** — Debate resumed on the question, That the Bill be now read a  
second time.

Amendments proposed to be moved in Committee by Mr Davis were circulated.  
Debate continued.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Training and Skills budget** — supplementary question asked by Ms Wooldridge — response from Ms Tierney due Wednesday, 23 May 2018.
- **GOTAFE staff issues** — supplementary question asked by Ms Lovell — response from Ms Tierney due Wednesday, 23 May 2018.
- **GOTAFE strategic plan** — substantive and supplementary questions asked by Ms Lovell — response from Ms Tierney due Wednesday, 23 May 2018.
- **Beechworth Prison misconduct** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 23 May 2018.
- **Corrections Victoria incidents** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 23 May 2018.
- **Invasive animals – Government response to Committee Inquiry** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Thursday, 24 May 2018.
- **Brauer College Warrnambool** — substantive and supplementary questions asked by Mr Purcell — response from Ms Tierney due Thursday, 24 May 2018.
- **Port rail shuttle** — substantive and supplementary questions asked by Ms Truong — response from Ms Pulford due Thursday, 24 May 2018.

- 12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 13 PLANNING AND ENVIRONMENT AMENDMENT (DISTINCTIVE AREAS AND LANDSCAPES) BILL 2017** — 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.

- 14 JUSTICE LEGISLATION AMENDMENT (ACCESS TO JUSTICE) BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

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Ms Tierney declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Tierney declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in a 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.

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

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 8.35 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 178 — Wednesday, 23 May 2018

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**SAFE SCHOOLS PROGRAM** — Mrs Peulich presented a Petition bearing 116 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to stop the implementation of the Safe Schools Program and ensure that any future anti-bullying programs be run by the Education Department, be inclusive of all forms of bullying and respectful of cultural and religious diversity.

Ordered to lie on the Table.

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

\* \* \* \* \*

**CRIMES AMENDMENT (UNLICENSED DRIVERS) BILL 2018** — Dr Carling-Jenkins presented a Petition bearing 915 signatures from certain citizens of Victoria requesting that the Legislative Council support the implementation of Jalal's Law by supporting the Crimes Amendment (Unlicensed Drivers) Bill 2018.

Ordered to lie on the Table.

3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Results of 2017 Audits: Technical and Further Education Institutes, May 2018 (*Ordered to be published*).

Results of 2017 Audits: Universities, May 2018 (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Banyule Planning Scheme — Amendments C118 and C150.

Bayside Planning Scheme — Amendment C157.

Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham Planning Schemes — Amendment GC93.

Darebin Planning Scheme — Amendment C180.

Melbourne Planning Scheme — Amendment C306.

Moonee Valley Planning Scheme — Amendment C177.

Moreland Planning Scheme — Amendment C170.

Gambling Regulation Act 2003 —

Amendment to the Category 1 Public Lottery Licence, 19 April 2018.

Amendment to the Category 1 Public Lottery Licence, 3 May 2018.

Ombudsman — Good Practice Guide to Dealing with Challenging Behaviour – Report and Guide, May 2018 (*Ordered to be published*).

**4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**6 CRIMES AMENDMENT (UNLICENSED DRIVERS) BILL 2018** — Dr Carling-Jenkins laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Dr Carling-Jenkins moved, That the Bill be now read a second time.

On the motion of Ms Symes, the debate was adjourned for one week.

**7 PRIVILEGES COMMITTEE** — Mr Rich-Phillips moved, That until otherwise ordered by the Council, for the remainder of the 58<sup>th</sup> Parliament —

- (1) Standing Order 23.09(3) be suspended;
- (2) the Privileges Committee shall elect two of its members to be joint chairs and the election of joint chairs shall be considered as a single question;
- (3) meetings of the Committee shall be chaired by the joint chairs on an alternating basis;
- (4) the administrative role and functions of the chair shall be exercised by agreement of the joint chairs;
- (5) a joint chair shall take the chair whenever the other joint chair is not present; and
- (6) each of the joint chairs shall have a deliberative vote only, regardless of who is chairing the meeting.

Debate ensued.

On the motion of Mr Morris, the debate was adjourned until later this day.

**8 REGIONAL RAIL SERVICES** — Mr O'Sullivan moved, That this House —

- (1) notes that the Andrews Labor Government are all excuses and no action when it comes to improving country rail services, including —
  - (a) hollow announcements of future works;
  - (b) blaming the federal government;
  - (c) continued failure to meet the Government's own punctuality standards;
- (2) congratulates the Liberal National Coalition policies to invest —
  - (a) \$633 million replacing Victoria's ageing fleet of diesel V/Line trains;
  - (b) \$77 million to double the current number of train services to Shepparton;
  - (c) \$32 million and return passenger trains to Donald;
- (3) further congratulates the Liberal National Coalition for its commitment of \$80 million for the next stage of track upgrades on the Mildura line which will pave the way for a future passenger service to Mildura;

and further notes that the Liberal National Coalition's announcement has been welcomed by the communities along the Warrnambool, Swan Hill, Shepparton, Albury-Wodonga, Mildura and Bairnsdale lines, reaffirming that an elected Liberal National Government would ensure the interests of country rail users are looked after again following four years of Labor neglect.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Air quality monitoring of planned burns** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Friday, 25 May 2018.

- **Rubicon Valley coupe logging** — substantive question asked by Ms Dunn — response from Ms Pulford due Friday, 25 May 2018.
- **Taxidermy licences** — substantive and supplementary questions asked by Mr Bourman — response from Mr Jennings due Friday, 25 May 2018.
- **Electronic monitoring of offenders** — substantive and supplementary questions asked by Mr Finn — response from Ms Tierney due Thursday, 24 May 2018.
- **Electronic monitoring contract** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Thursday, 24 May 2018.
- **Electronic monitoring system failures** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Thursday, 24 May 2018.
- **Solar development - impact on farming communities** — substantive and supplementary questions asked by Mr O'Sullivan — response from Mr Dalidakis due Friday, 25 May 2018.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT BILL 2017** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**12 REGIONAL RAIL SERVICES** — Debate continued on the question, That this House —

- (1) notes that the Andrews Labor Government are all excuses and no action when it comes to improving country rail services, including —
  - (a) hollow announcements of future works;
  - (b) blaming the federal government;
  - (c) continued failure to meet the Government's own punctuality standards;
- (2) congratulates the Liberal National Coalition policies to invest —
  - (a) \$633 million replacing Victoria's ageing fleet of diesel V/Line trains;
  - (b) \$77 million to double the current number of train services to Shepparton;
  - (c) \$32 million and return passenger trains to Donald;
- (3) further congratulates the Liberal National Coalition for its commitment of \$80 million for the next stage of track upgrades on the Mildura line which will pave the way for a future passenger service to Mildura;

and further notes that the Liberal National Coalition's announcement has been welcomed by the communities along the Warrnambool, Swan Hill, Shepparton, Albury-Wodonga, Mildura and Bairnsdale lines, reaffirming that an elected Liberal National Government would ensure the interests of country rail users are looked after again following four years of Labor neglect.

On the motion of Mr Finn, debate was adjourned until later this day.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 569, 572, 538 and 502 to 567 be postponed until later this day.

**14 PRIVILEGES COMMITTEE — CHAIR** — Ms Pennicuik moved, That this House appoints Ms Springle to be the Chair of the Privileges Committee and a member from a minority group or independent member to be the Deputy Chair of the Privileges Committee.

Debate ensued.

Mr Rich-Phillips moved, as an amendment, That the words "Ms Springle" be omitted with the view of inserting in their place "Mr Purcell".

Debate ensued.

Question — That the amendment moved by Mr Rich-Phillips be agreed to — put.

The Council divided — The President in the Chair.



AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr Young)*

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Ms Dunn and Ms Symes)*

Question agreed to.

Question — That the motion, as amended, be agreed to — put and agreed to.

**15 STANDING COMMITTEE REFERENCE — LAND TITLES** — Dr Ratnam moved, in an amended form, That this House requires the Standing Committee on Environment and Planning to inquire into, consider and report by 7 August 2018 on the proposed long term lease of the land titles and registry functions of Land Use Victoria, with particular reference to —

- (1) the implications for the ongoing integrity of the land use system in Victoria;
- (2) the risks to privacy and security of sensitive data held by Land Use Victoria;
- (3) the likely consequences for the cost and service levels of the titles and registry functions being commercialised;
- (4) the implications for the people employed at the Land Titles Office undertaking the work the government seeks to privatise;
- (5) the proposed financial arrangements of the sale and cost and benefit of those arrangements to Victoria in the long term; and
- (6) other Australian and international experiences of privatising similar services.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Pennicuik; Mrs Peulich; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Truong; Ms Wooldridge.

*(Tellers: Mr Ramsay and Ms Truong)*

NOES, 17

Mr Bourman; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Mr Purcell; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Gepp and Mr Mulino)*

Question agreed to.

**16 VICTIMS OF CRIME POLICIES** — Mr O'Donohue moved, That this House notes that —

- (1) since the election of the Andrews Labor Government there has been —
  - (a) a 303.47 per cent increase in calls and referrals to the Victims of Crime Helpline for non-family violence related crime;
  - (b) a 99.5 per cent increase in Victims Assistance Program cases related to non-family violence related crime;

and congratulates the Liberal Nationals Coalition on the suite of victims of crime policies announced that will put victims first in Victoria.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Mr Dalla-Riva and Mr Ondarchie)

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Ms Springle; Mr Somyurek; Ms Symes; Ms Tierney; Ms Truong.

(Tellers: Mr Eideh and Dr Ratnam)

Question negated.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

**17 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**18 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 5.56 p.m., adjourned until tomorrow.

ANDREW YOUNG

*Clerk of the Legislative Council*

## No. 179 — Thursday, 24 May 2018

1 The President took the Chair and read the Prayer.

2 **QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Public housing investment** — supplementary question asked by Dr Ratnam on 10 May 2018 — further response from Ms Mikakos due Friday, 25 May 2018.

3 **PETITION — AMENDMENTS TO SENTENCING LEGISLATION** — Mr Finn presented a Petition bearing 48 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to amend the *Sentencing Act 1991* in relation to serious offences.

Ordered to lie on the Table.

4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Gambling Regulation Act 2003 — Amendment to the Category 1 Public Lottery Licence, 8 May 2018.

Statutory Rules under the following Acts of Parliament —

Bail Act 1977 — No. 52.

Children, Youth and Families Act 2005 — No. 53.

Heritage Act 2017 — No. 54.

Supreme Court Act 1986 — Nos. 57 and 58.

Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 56.

Transport (Compliance and Miscellaneous) Act 1983 — No. 55.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 56 to 58.

- 5 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.
- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 be postponed until later this day.
- 8 PARKS VICTORIA BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Youth justice centres offenders** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Friday, 25 May 2018.
- **Child protection unallocated cases** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Friday, 25 May 2018.
- **Commencement of electronic monitoring contract** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Friday, 25 May 2018.
- **Ban on single-use plastic bags** — substantive and supplementary questions asked by Ms Springle — response from Mr Jennings due Tuesday, 5 June 2018.

- 10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 11 PARKS VICTORIA BILL 2018** — 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 LEGAL IDENTITY OF DEFENDANTS (ORGANISATIONAL CHILD ABUSE) BILL 2018** — 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.

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 ELECTORAL LEGISLATION AMENDMENT BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Electoral Act 2002 and the Public Administration Act 2004 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 14 NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to refer certain matters relating to the National Redress Scheme for Institutional Child Sexual Abuse to the Parliament of the Commonwealth for the purposes of section 51 (xxxvii) of the Constitution of the Commonwealth; and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 15 SERIOUS OFFENDERS BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide for enhanced protection of the community by requiring offenders who have served custodial sentences for certain serious sex offences or certain serious violence offences and who present an unacceptable risk of harm to the community to be subject to ongoing detention or supervision, to repeal the Serious Sex Offenders (Detention and Supervision) Act 2009, to consequentially amend other Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 16 STATE TAXATION ACTS AMENDMENT BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the Payroll Tax Act 2007 and the Unclaimed Money Act 2008 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 17 APPROPRIATION (2018–2019) BILL 2018** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2018-19** having been authorised to be debated concurrently pursuant to an Order of the Council on 10 May 2018].

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

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Ms Tierney declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Ms Pulford declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

**18 ADJOURNMENT** — The Acting President proposed, That the House do now adjourn.

Debate ensued.

*And the Council having continued to sit after 12 midnight —*

FRIDAY, 25 MAY 2018

Debate continued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 12.11 a.m., adjourned until later this day.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 180 — Friday, 25 May 2018

**1** The President took the Chair and read the Prayer.

**2 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 5 June 2018.

Question — put and agreed to.

**3 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 be postponed until later this day.

**4 LABOUR HIRE LICENSING BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**5 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

**TAFE COURSE FEES** — Ms Tierney having given answers to a question without notice and a supplementary question relating to TAFE course fees —

On the motion of Mr Morris, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Snobs Creek logging** — supplementary question asked by Ms Dunn — response from Ms Pulford due Tuesday, 5 June 2018.
- **Air quality monitoring data in western suburbs** — substantive and supplementary questions asked by Ms Truong — response from Mr Jennings due Wednesday, 6 June 2018.
- **Access to parks** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Wednesday, 6 June 2018.
- **Youth detention breaches** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Tuesday, 5 June 2018.
- **GOTAFE workforce optimisation plan** — substantive question asked by Ms Lovell — response from Ms Tierney due Tuesday, 5 June 2018.

- **TAFE course frees** — substantive and supplementary questions asked by Mr Morris — response from Ms Tierney due Tuesday, 5 June 2018.

**QUESTIONS DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed further written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Electronic monitoring contract** — substantive question asked by Mr O'Donohue on 24 May 2018 — further response from Ms Tierney due Tuesday, 5 June 2018.
- **Child protection unallocated cases** — substantive and supplementary questions asked by Ms Crozier on 24 May 2018 — further response from Ms Mikakos due Tuesday, 5 June 2018.
- **Air quality monitoring of planned burns** — substantive question asked by Ms Dunn on Wednesday, 23 May 2018 — further response from Ms Pulford due Wednesday, 6 June 2018.

**6 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**7 LABOUR HIRE LICENSING BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

Mr Dalla-Riva moved, That debate be adjourned until the Economy and Infrastructure Committee has inquired into, considered, and reported on the Labour Hire Licensing Bill 2017 by Tuesday, 19 June 2018.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Mr O'Sullivan and Mr Purcell)

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

(Tellers: Mr Eideh and Ms Springle)

The Ayes and the Noes being equal, the question was negatived.

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

*Business having been interrupted at 4.00 p.m. pursuant to Standing Orders —*

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Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

(Tellers: Mr Gepp and Mr Leane)

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Ms Bath and Mr Young)

Question agreed to.

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

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

---

Mr Jennings declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

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Bill further considered in a Committee of the whole.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole on the next day of meeting.

**8 ADJOURNMENT** — The Acting President proposed, That the House do now adjourn.

Debate ensued.

And then the Council, at 6.16 p.m., adjourned until Tuesday, 5 June 2018.

ANDREW YOUNG  
*Clerk of the Legislative Council*





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 177, 178, 179 and 180

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### PLANNING AND ENVIRONMENT AMENDMENT (DISTINCTIVE AREAS AND LANDSCAPES) BILL 2017

*Committed Tuesday, 22 May 2018.*

*Amendments circulated: Mr Davis (see pp 1219-20).*

**Clauses 1 and 2** — put and agreed to.

**Clause 3** — Mr Davis moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Lovell and Mr Ramsay)*

NOES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Gepp and Ms Patten)*

Question negated.

Clause 3 — put and agreed to.

**Clause 4** — Mr Davis moved Amendment Nos. 2 to 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Finn and Mr Morris)*

NOES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Dr Carling-Jenkins and Ms Springle)*

Question negated.

Clause 4 — put and agreed to.

**Clauses 5 to 36** — put and agreed to.

**Bill reported without amendment.**

**JUSTICE LEGISLATION AMENDMENT (ACCESS TO JUSTICE) BILL 2018**

*Committed Tuesday, 22 May 2018.*

*Amendments circulated: Ms Pennicuik (see pp 1220-1).*

**Clauses 1 to 18** — put and agreed to.

**Clause 19** — Ms Pennicuik moved Amendment Nos. 1 to 11 — put and negatived.

Clause 19 — put and agreed to.

**Clauses 20 to 77** — put and agreed to.

**Bill reported without amendment.**

**PARKS VICTORIA BILL 2018**

*Committed Thursday, 24 May 2018.*

**Clauses 1 to 253** — put and agreed to.

**Bill reported without amendment.**

**LEGAL IDENTITY OF DEFENDANTS (ORGANISATIONAL CHILD ABUSE) BILL 2018**

*Committed Thursday, 24 May 2018.*

**Clauses 1 to 20** — put and agreed to.

**Bill reported without amendment.**

**LABOUR HIRE LICENSING BILL 2017**

*Committed Friday, 25 May 2018.*

**Clauses 1 to 17** — put and agreed to.

**Clause 18** — Debate commenced.

*Committee interrupted at the conclusion of the declared extension pursuant to Standing Orders.*

**Progress reported.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. PLANNING AND ENVIRONMENT AMENDMENT (DISTINCTIVE AREAS AND LANDSCAPES) BILL 2017**Amendments circulated by Mr Davis

1. Clause 3, lines 7 and 8, omit all words and expressions on these lines and insert—

"**declared area** means the following—

- (a) an area to which an order under section 46AO applies;
- (b) an area of land taken to be a declared area under section 46AZO;'

2. Clause 4, page 22, after line 32 insert—

**"Division 6—Localised Planning Statement policy areas and other matters****46AZM Definitions**

In this Division—

**localised planning statement** means a statement that is described as a localised planning statement and prepared by the Department in partnership with one or more municipal councils and adopted by the Minister, in relation to land sufficiently identified in the statement—

- (a) that has distinctive areas or landscapes; and
- (b) that is located within one or more relevant municipal districts;

**relevant municipal district** means the municipal district of any of the following municipal councils—

- (a) the Borough of Queenscliffe Council;
- (b) the Greater Geelong City Council;
- (c) the Macedon Ranges Shire Council;
- (d) the Mornington Peninsula Shire Council;
- (e) the Yarra Ranges Shire Council;

**VPP Amendment VC110** means the amendment to the Victoria Planning Provisions and planning schemes in respect of which a notice of approval of amendment was published in the Government Gazette on 27 March 2017 under section 4D.

**46AZN VPP Amendment VC110 not to apply in relation to declared areas**

Despite anything to the contrary in this Act or in a declared area planning scheme, the amendments made to that declared area planning scheme by VPP Amendment VC110 do not apply in relation to a declared area.

**46AZO Certain localised planning statement policy areas are declared areas**

- (1) Subject to subsection (2), an area of land that is identified as the subject of a localised planning statement is taken to be a declared area.
- (2) If, at the commencement of this section, there is no localised planning statement for any areas of land located in a relevant municipal district—

- (a) the Minister must cause a localised planning statement for land in the municipal district to be prepared and adopted within 2 years after that commencement; and
  - (b) on the adoption of the localised planning statement, an area of land that is identified as the subject of the statement is taken to be a declared area.
- (3) An area of land to which subsection (1) or (2) applies is taken—
- (a) to have a majority of the attributes set out in section 46AP(1); and
  - (b) to be under threat of significant or irreversible land use change as described in section 46AP(2)."

3. Clause 4, page 23, line 1, omit "6" and insert "7".
4. Clause 4, page 23, line 2, omit "46AZM" and insert "46AZP".

## 2. JUSTICE LEGISLATION AMENDMENT (ACCESS TO JUSTICE) BILL 2018

### Amendments circulated by Ms Pennicuik

1. Clause 19, page 19, line 15, omit "may—" and insert "may give VLA comments on the plan."
2. Clause 19, page 19, lines 16 to 18, omit all words and expressions on these lines.
3. Clause 19, page 19, lines 21 to 23, omit "taken an action referred to in subsection (5)(a) or (b), the Attorney-General is taken to have approved the strategic plan." and insert "given VLA comments in accordance with that subsection, VLA must publish the strategic plan on its internet site as soon as practicable."
4. Clause 19, page 19, lines 24 to 26, omit "requests amendments under subsection (5)(b), VLA must—" and insert "gives comments under subsection (5), the following provisions apply—".
5. Clause 19, page 19, lines 27 and 28, omit "consult the Attorney-General about the requested amendments;" and insert "VLA may amend the strategic plan having regard to the comments;".
6. Clause 19, page 19, lines 29 to 33, omit all words and expressions on these lines and insert—
  - "(b) no later than one month after comments are given, VLA must—
  - (i) publish the plan, incorporating any amendments made under paragraph (a), on its internet site; and
  - (ii) if the plan was amended, give a copy of the amended plan to the Attorney-General."
7. Clause 19, page 20, lines 1 and 2, omit "with the Attorney-General's agreement," and insert "after consulting the Attorney-General,".
8. Clause 19, page 20, lines 2 and 3, omit "approved by the Attorney-General." and insert "published under subsection (6) or (7)(b)(i)."

9. Clause 19, page 20, line 4, omit "VLA must publish a strategic plan" insert "As soon as practicable after amending a strategic plan under subsection (8), VLA must publish the plan".
10. Clause 19, page 20, line 5, omit "site—" and insert "site."
11. Clause 19, page 20, lines 6 to 10, omit all words and expressions on these lines.





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 181, 182, 183 and 184

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#### No. 181 — Tuesday, 5 June 2018

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **THE LATE MR DAVID LEWIS TREASURE** — The President advised the House of the death, on 19 May 2018 of Mr David Lewis Treasure, Member of the Legislative Assembly for the Electoral District of Gippsland East from 1992 to 1999.  
Members stood in their places as a mark of respect to the memory of the late David Lewis Treasure.
- 3 **ASSENT TO ACTS** — The President read Messages from the —  
Lieutenant-Governor informing the Council that he had, on 29 May 2018, given the Royal Assent to the following Acts presented to him by the Acting Clerk of the Parliaments:  
*Justice Legislation Amendment (Access to Justice) Act 2018*  
*Offshore Petroleum and Greenhouse Gas Storage Amendment Act 2018*  
*Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018*  
Governor informing the Council that she had, on 5 June 2018, given the Royal Assent to the following Acts presented to her by the Acting Clerk of the Parliaments:  
*Legal Identity of Defendants (Organisational Child Abuse) Act 2018*  
*Parks Victoria Act 2018.*
- 4 **PETITIONS** —  
**SAFE SCHOOLS PROGRAMS** — Dr Carling-Jenkins presented a Petition bearing 56 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to review the 'Safe Schools Program' and the 'Catching on Early' and 'Catching on Later' programs and ultimately disband them.  
Ordered to lie on the Table.  

\* \* \* \* \*

**CYCLIST SAFETY IN VERMONT SOUTH** — Mr Leane presented a Petition bearing 19 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to construct a shared cycle and pedestrian path from Morack Road, connecting the Dandenong Creek Trail to the Eastlink Trail, including a new dedicated bridge to the south of the vehicle bridge, on Burwood Highway, Vermont South.  
Ordered to lie on the Table.
- 5 **PAPERS** —  
**LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO THE PUBLIC HOUSING RENEWAL PROGRAM** — Ms Fitzherbert presented a Report from the Legal and Social Issues Standing Committee on the Inquiry into the Public Housing Renewal Program (including Appendices, an Extract of Proceedings and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Fitzherbert moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 8 of 2018 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Land Acquisition and Compensation Act 1986 — Certification pursuant to section 7(1)(c) of the Act to not require the service of a notice of intention to acquire land.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Alpine Planning Scheme — Amendment C54.

Boroondara Planning Scheme — Amendment C267.

East Gippsland Planning Scheme — Amendment C144.

Benalla, South Gippsland, Southern Grampians and Wodonga Planning Schemes — Amendment GC66.

Hobsons Bay Planning Scheme — Amendment C107.

Knox Planning Scheme — Amendment C149.

Latrobe Planning Scheme — Amendment C106 (Part 1).

Mansfield Planning Scheme — Amendment C36.

Melbourne Planning Scheme — Amendment C324.

Monash Planning Scheme — Amendment C137.

Mornington Peninsula Planning Scheme — Amendments C200 and C209.

Port Phillip Planning Scheme — Amendment C143.

Whitehorse Planning Scheme — Amendment C197.

Whittlesea Planning Scheme — Amendments C218 and C220.

Statutory Rules under the following Acts of Parliament —

Aboriginal Heritage Act 2006 — No. 59.

Conveyancers Act 2006 — Nos. 60, 61, 62 and 63.

Second-Hand Dealers and Pawnbrokers Act 1989 — No. 64.

Subordinate Legislation Act 1994 — No. 65.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 52 to 54, 60 to 66 and 70.

Victorian Electoral Commission — Report on the Greater Geelong City Council General Election 2017.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Amendment and Revocation Notice, Gazetted 25 May 2018.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Commercial Passenger Vehicle Industry Amendment (Further Reforms) Act 2017 — Part 1 and section 6(1) — 2 June 2018 — Remaining provisions — 2 July 2018 (*Gazette No. S248, 29 May 2018*).

Major Events Legislation Amendment (Ticket Scalping and Other Matters) Act 2018 — Whole Act — 1 June 2018 (*Gazette No. S248, 29 May 2018*).



- 6 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 6 June 2018:
- (1) Notice of Motion given this day by Mr Davis in relation to the production of certain documents relating to the Government land transfer for the new AFL headquarters at Docklands;
  - (2) Notice of Motion No. 565 standing in the name of Ms Crozier relating to the negative impacts of the Medically Supervised Injecting Centre in Richmond;
  - (3) Notice of Motion No. 576 standing in the name of Ms Truong to revoke Amendment GC93 to the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham Planning Schemes;
  - (4) Notice of Motion No. 577 standing in the name of Dr Ratnam to revoke Amendments to various planning schemes relating to certain public housing projects;
  - (5) Notice of Motion No. 575 standing in the name of Ms Fitzherbert in relation to bowel cancer and the availability of colonoscopies;
  - (6) Notice of Motion No. 533 standing in the name of Ms Wooldridge in relation to mandatory youth drug treatment; and
  - (7) Notice of Motion No. 566 standing in the name of Mr Ondarchie in relation to the Government's attack on school cleaning small businesses.

Question — put and agreed to.

- 7 PRIVILEGES COMMITTEE — MEMBERSHIP AND REPORTING DATE** — Mr Purcell moved, by leave, That —
- (1) pursuant to Standing Order 7.07, the Order of the Council of 23 May 2018 relating to the chairing arrangements for the Privileges Committee be rescinded to the extent necessary so as to provide that Ms Springle is elected Deputy Chair of the Committee; and
  - (2) the Resolution of the Council of 28 March 2018 requiring the Privileges Committee to inquire into and report by 19 June 2018 on the use of electorate office staffing entitlements, be amended so as to now require the Committee to present its final report by 23 August 2018.

Question — put and agreed to.

- 8 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 be postponed until later this day.
- 11 STATE TAXATION ACTS AMENDMENT BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 12 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Edged weapons in prison** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 6 June 2018.
- **Non-TAFE providers – funded places** — substantive and supplementary questions asked by Ms Wooldridge — response from Ms Tierney due Wednesday, 6 June 2018.
- **County court cells incident** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 6 June 2018.
- **State Budget – adult and community education providers** — supplementary question asked by Mr Morris — response from Ms Tierney due Wednesday, 6 June 2018.

- **Murray Basin Rail Project** — substantive and supplementary questions asked by Mr Ramsay — response from Ms Pulford due Thursday, 7 June 2018.
- **Murray Basin Rail Project – Stage 3** — substantive and supplementary questions asked by Mr O'Sullivan — response from Ms Pulford due Thursday, 7 June 2018.
- **Disability advocate scams** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Mr Dalidakis due Thursday, 7 June 2018.
- **Public housing renewal program** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Mikakos due Thursday, 7 June 2018.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**14 STATE TAXATION ACTS AMENDMENT BILL 2018** — 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.

**15 LIQUOR AND GAMBLING LEGISLATION AMENDMENT BILL 2018** — 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 having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

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Mr Dalidakis declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in a 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.

**16 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 7.52 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 182 — Wednesday, 6 June 2018

1 The President took the Chair and read the Prayer.

2 **PAPERS** —

**ABSOLUTELY EVERYONE STATE DISABILITY PLAN ANNUAL REPORT 2017** — Ms Mikakos moved, by leave, That there be laid before this House a copy of Absolutely Everyone State Disability Plan Annual Report 2017.

Question — put and agreed to.

The Report was presented by Ms Mikakos and ordered to lie on the Table.

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Office — Annual Plan, 2018-19.

Auditor-General's Report on Community Health Program, June 2018 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 67 and 68.

Victorian Environmental Assessment Council Act 2001 — Minister's letter of request for an assessment by the Victorian Environmental Assessment Council of Victoria's coastal reserves, pursuant to section 26C of the Act.

- 3 LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE — EXTENSION TO REPORTING DATE** — Mr Purcell moved, by leave, That the resolution of the Council of 23 November 2016 and further resolution of 19 September 2017 requiring the Law Reform, Road and Community Safety Committee to inquire into and report by 30 June 2018 on VicRoads management of country roads, be amended so as to now require the Committee to present its report by 26 July 2018.

Question — put and agreed to.

- 4 STANDING COMMITTEES MEMBERSHIP** — Mr Jennings moved, by leave, That —
- (1) Ms Shing be discharged from the Standing Committee on Environment and Planning;
  - (2) Mr Mulino be discharged from the Standing Committee on Legal and Social Issues;
  - (3) Ms Shing be appointed to the Standing Committee on Legal and Social Issues; and
  - (4) Mr Mulino be appointed to the Standing Committee on Environment and Planning.

Question — put and agreed to.

- 5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 7 PRODUCTION OF DOCUMENTS — AFL HEADQUARTERS AND ETIHAD STADIUM, DOCKLANDS** — Mr Davis moved, That, this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table by 2.00 p.m. on Tuesday, 19 June 2018 —

- (1) a copy of all documents in full, concerning the Andrews Government's decision to provide a long-term concession for the Australian Football League (AFL) to locate its headquarters on a parcel of waterfront land in Docklands, including —
  - (a) all correspondence, including emails, relating to this concession between the Department of Environment, Land, Water and Planning, the Department of Economic Development, Jobs, Transport and Resources, the Department of Premier and Cabinet, the Minister for Sport, the Premier, the Minister for Planning and the AFL, its lawyers and agents;
  - (b) all contracts, assessments and analyses of, in particular, but not limited to, the value of the land;
  - (c) all assessments, opinions or commentary provided by the Victorian Valuer-General and/or the Victorian Government Land Monitor;
  - (d) all Ministerial briefings; and
- (2) similarly, the arrangements struck by the Andrews Labor Government with the AFL concerning Etihad Stadium, including financial and other arrangements, and including, but not limited to, any long-term leases and the detailed provision of this concession and including the delivery of (1)(a) to (d) above.

Debate ensued.

Question — put and agreed to.

**8 NORTH RICHMOND SUPERVISED INJECTING ROOM** — Ms Crozier moved, That this House notes —

- (1) the Minister for Families and Children, Jenny Mikakos, confirmed that community playgroups and Vietnamese playgroups in North Richmond have been axed due to the Andrews Government's botched supervised injecting room;
- (2) despite the danger to children, the botched legislation means that the supervised injecting room is now located thirty seven meters from a primary school, despite Daniel Andrews' assurances it would be away from the school;
- (3) research from the Australian Institute of Family Studies found playgroups offer a positive social experience for parents, help them make new friends and enable them to learn more about caring for their kids;
- (4) that since the election of the Andrews Labor Government, crime is up 10.9 per cent in Richmond, yet Daniel Andrews chooses to axe family playgroups, which have a positive benefit for families and children;

and further notes that the Andrews Government incorrectly legislated the wrong part of the Community Health centre to house the injecting room, which is an embarrassing and costly mistake.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Emergency Management Victoria – air quality** — substantive and supplementary questions asked by Ms Dunn — response from Mr Dalidakis due Friday, 8 June 2018.
- **Review of Forest Pulp Agreement** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Thursday, 7 June 2018.
- **GPS monitoring of parolees** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Thursday, 7 June 2018.
- **Melbourne Remand Centre riot review** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Thursday, 7 June 2018.
- **Children at risk of sexual exploitation** — substantive and supplementary questions asked by Ms Fitzherbert — response from Ms Mikakos due Thursday, 7 June 2018.
- **Accommodation for vulnerable children** — substantive and supplementary questions asked by Mr Morris — response from Ms Mikakos due Thursday, 7 June 2018.

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**QUESTIONS DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed further written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Funding for non-TAFE providers** — supplementary question asked by Ms Wooldridge on Tuesday, 5 June 2018 — further response from Ms Tierney due Thursday, 7 June 2018.
- **Free TAFE courses** — supplementary question asked by Mr Morris on Tuesday, 5 June 2018 — further response from Ms Tierney due Thursday, 7 June 2018.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 NORTH RICHMOND SUPERVISED INJECTING ROOM** — Debate continued on the question, That this House notes —

- (1) the Minister for Families and Children, Jenny Mikakos, confirmed that community playgroups and Vietnamese playgroups in North Richmond have been axed due to the Andrews Government's botched supervised injecting room;

- (2) despite the danger to children, the botched legislation means that the supervised injecting room is now located thirty seven meters from a primary school, despite Daniel Andrews' assurances it would be away from the school;
- (3) research from the Australian Institute of Family Studies found playgroups offer a positive social experience for parents, help them make new friends and enable them to learn more about caring for their kids;
- (4) that since the election of the Andrews Labor Government, crime is up 10.9 per cent in Richmond, yet Daniel Andrews chooses to axe family playgroups, which have a positive benefit for families and children;

and further notes that the Andrews Government incorrectly legislated the wrong part of the Community Health centre to house the injecting room, which is an embarrassing and costly mistake.

On the motion of Mr Ramsay, the debate was adjourned until later this day.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 576 be postponed until later this day.

**13 REVOCATION OF AMENDMENTS C118, C150, C157, C180, C306, C177 AND C170** — Dr Ratnam moved, That this House —

- (1) notes that on Wednesday, 23 May 2018 the following planning schemes were tabled —
  - (a) Amendments C118 and C150 to the Banyule Planning Scheme;
  - (b) Amendment C157 to the Bayside Planning Scheme;
  - (c) Amendment C180 to the Darebin Planning Scheme;
  - (d) Amendment C306 to the Melbourne Planning Scheme;
  - (e) Amendment C177 to the Moonee Valley Planning Scheme;
  - (f) Amendment C170 to the Moreland Planning Scheme; and
- (2) pursuant to section 38(2) of the *Planning and Environment Act 1987* revokes the amendments to the planning schemes outlined in paragraphs (1)(a) to (f).

Debate ensued.

On the motion of Ms Pulford, the debate was adjourned until later this day.

**14 COLONOSCOPY WAITING LISTS** — Ms Fitzherbert moved, That this House notes —

- (1) in Australia, bowel cancer has a five-year survival rate of 68 per cent, and is the second leading cause of cancer deaths;
- (2) 90 per cent of cases of bowel cancer can be successfully treated if found early, but this occurs in fewer than 40 per cent of cases;
- (3) Bowel Cancer Australia is campaigning for timely access to quality colonoscopy, and advises that research shows diagnostic intervals exceeding 120 days are associated with poorer outcomes;
- (4) documents obtained from Victorian hospitals through Freedom of Information confirm that the Department of Health and Human Services does not collect and maintain public waiting list data for colonoscopies in public hospitals, and that many Victorians are forced to wait months longer for a colonoscopy than is clinically advised;

and calls on the Andrews Government to monitor and report colonoscopy waiting lists.

Debate ensued.

Question — put and agreed to.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

**15 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

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

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.49 p.m., adjourned until tomorrow.

## No. 183 — Thursday, 7 June 2018

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — WOORAYL STREET RESERVE** — Mr Davis presented a Petition bearing 275 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to cancel development plans of the Woorayl Street Reserve and re-establish this area as open space to protect Glen Eira's remaining heritage trees and open spaces.  
Ordered to lie on the Table.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:  
Statutory Rules under the following Acts of Parliament —  
Borrowing and Investment Powers Act 1987 — No. 69.  
Children, Youth and Families Act 2005 — Criminal Procedure Act 2009 — No. 70.  
Impounding of Livestock Act 1994 — No. 66.  
Subordinate Legislation Act 1994 — No. 67.  
Transfer of Land Act 1958 — No. 68.
- 4 **MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.
- 5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 6 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 be postponed until later this day.
- 7 **NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.  
Question — put and agreed to.  
Bill read a second time.  
*Business having been interrupted at 12 noon pursuant to Sessional Orders —*
- 8 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.  
\* \* \* \* \*
- QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:
- **Qantas proposed pilot training academy** — substantive question asked by Mr Rich-Phillips — response from Ms Pulford due Friday, 8 June 2018.
  - **Wildlife control permits** — substantive and supplementary questions asked by Mr Ramsay — response from Mr Jennings due Tuesday, 19 June 2018.
  - **Medicinal cannabis** — supplementary question asked by Ms Wooldridge — response from Ms Pulford due Tuesday, 19 June 2018.
  - **Malmsbury Project funding** — substantive question asked by Ms Lovell — response from Ms Pulford due Friday, 8 June 2018.
  - **Hemp use in advanced manufacturing** — substantive question asked by Ms Patten — response from Mr Dalidakis due Friday, 8 June 2018.
  - **Crown casino gaming machines** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Dalidakis due Tuesday, 19 June 2018.
- 9 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 10 **NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL 2018** — Bill 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.

- 11 SERIOUS OFFENDERS BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Tierney were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

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

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

- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No.3 be postponed until later this day.

- 13 MARINE AND COASTAL BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

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Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Debate continued.

Amendments proposed to be moved in Committee by Mr Jennings were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Ms Dunn were circulated.

Debate continued.

Question — put and agreed to.

Bill read a second time.

*The President having ruled that an amendment proposed to be moved in Committee by Ms Dunn was outside the scope of the Bill —*

Ms Dunn moved, That it be an instruction to the Committee that they have the power to consider an amendment to amend the *Catchment and Land Protection Act 1994* to require the composition of Catchment Management Authority boards to include at least two members with expertise in marine and coastal science or management.

Debate ensued.

Question — put and agreed to.

Bill ordered to be committed to a Committee of the whole on the next day of meeting.

- 14 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 11.11 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 184 — Friday, 8 June 2018

- 1 The President took the Chair and read the Prayer.
- 2 **ADVANCING THE TREATY PROCESS WITH ABORIGINAL VICTORIANS BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to advance the treaty process between Aboriginal Victorians and the State by providing for the recognition of the Aboriginal Representative Body, enshrining the guiding principles for the treaty process and requiring the Aboriginal Representative Body and the State to work together to establish elements necessary to support future treaty negotiations and for other purposes* and requesting the agreement of the Council.  
 On the motion of Mr Jennings (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
 Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
 On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.  
 Mr Jennings moved, That the Bill be now read a second time.  
 On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.
- 3 **EDUCATION LEGISLATION AMENDMENT (VICTORIAN INSTITUTE OF TEACHING, TAFE AND OTHER MATTERS) BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Education and Training Reform Act 2006 in relation to the registration of teachers and early childhood teachers, the sharing of information between the Victorian Institute of Teaching and other bodies relating to registered teachers or applicants for registration, the handling of complaints by the Victorian Registration and Qualifications Authority and to provide for a TAFE institute to merge with an adult education institution and to make other miscellaneous amendments to that Act and to make related amendments to the Working with Children Act 2005 and to the Children, Youth and Families Act 2005 and to make minor amendments to the Public Administration Act 2004 and to amend various university Acts in relation to members of university Councils and for other purposes* and requesting the agreement of the Council.  
 On the motion of Mr Jennings (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
 Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
 On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.  
 Mr Jennings moved, That the Bill be now read a second time.  
 On the motion of Mr Ondarchie (for Mrs Peulich), the debate was adjourned for one week.
- 4 **JUSTICE LEGISLATION AMENDMENT (TERRORISM) BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Terrorism (Community Protection) Act 2003, the Bail Act 1977, the Children, Youth and Families Act 2005, the Corrections Act 1986, the Crimes Act 1958, the Criminal Procedure Act 2009, the Sentencing Act 1991 and the Commission for Children and Young People Act 2012 and for other purposes* and requesting the agreement of the Council.  
 On the motion of Mr Jennings (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
 Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
 On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.  
 Mr Jennings moved, That the Bill be now read a second time.  
 On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.
- 5 **PETITION — PORT PHILLIP SPECIALIST SCHOOL UPGRADE** — Ms Fitzherbert presented a Petition bearing 378 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to match Port Phillip Specialist School's fundraising and provide the additional \$150,000 needed to complete the kitchen teaching space upgrade project.



Ordered to lie on the Table.

**6 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Education and Care Services National Law Act 2010 — Education and Care Services National Amendment Regulations 2018 pursuant to section 303 of the Act.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Kingston Planning Scheme — Amendment C152.

Moorabool Planning Scheme — Amendment C78.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 59.

**7 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 19 June 2018.

Question — put and agreed to.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 be postponed until later this day.

**9 APPROPRIATION (PARLIAMENT 2018-2019) BILL 2018** — 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.

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.

**10 MARINE AND COASTAL BILL 2017** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Midfield – Regional Development Victoria** — supplementary question asked by Mr Purcell — response from Ms Pulford due Tuesday, 19 June 2018.
- **Vulnerable children – accommodation** — substantive and supplementary questions asked by Mr Morris — response from Ms Mikakos due Tuesday, 19 June 2018.
- **Government subsidised training – enrolments** — substantive and supplementary questions asked by Mrs Peulich — response from Ms Tierney due Tuesday, 19 June 2018.
- **TAFES – repayment of funds** — substantive and supplementary questions asked by Ms Lovell — response from Ms Tierney due Tuesday, 19 June 2018.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 MARINE AND COASTAL BILL 2017** — Bill further considered in Committee of the whole.

*Business having been interrupted at 4.00 p.m. pursuant to Standing Orders —*

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Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

---

Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Mr Jennings declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

---

Bill further considered in Committee of the whole.

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

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

**14 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.32 p.m., adjourned until Tuesday, 19 June 2018.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 181, 182, 183 and 184

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### STATE TAXATION ACTS AMENDMENT BILL 2018

*Committed Tuesday, 5 June 2018.*

**Clauses 1 to 27** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### LIQUOR AND GAMBLING LEGISLATION AMENDMENT BILL 2018

*Committed Tuesday, 5 June 2018.*

**Clauses 1 to 70** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL 2018

*Committed Thursday, 7 June 2018.*

**Clauses 1 to 12** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### SERIOUS OFFENDERS BILL 2018

*Committed Thursday, 7 June 2018.*

*Amendments circulated: Ms Tierney and Mr O'Donohue (see p 1240).*

**Clauses 1 to 173** — put and agreed to.

**Clause 174** — Ms Tierney moved Amendment No.1 — put and agreed to.

Clause 174, as amended — put and agreed to.

**Clauses 175 to 292** — put and agreed to.

**Clause 293** — Mr O'Donohue moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert;  
Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich;  
Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr O'Sullivan and Mr Ramsay)*

## NOES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Mulino and Ms Pulford)*

Question negatived.

Clause 293 — put and agreed to.

**Clause 294** — Mr O'Donohue moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Finn and Mr Morris)*

## NOES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Dalidakis and Mr Somyurek)*

Question negatived.

Mr O'Donohue moved Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Mr Dalla-Riva)*

## NOES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Ms Patten and Ms Springle)*

Question negatived.

Clause 294 — put and agreed to.

**Clauses 295 to 372** — put and agreed to.

**Schedules 1 to 3** — put and agreed to.

**Schedule 4** — Ms Tierney moved Amendment No. 2 — put and agreed to.

Schedule 4, as amended — put and agreed to.

**Bill reported with amendments.**

**APPROPRIATION (PARLIAMENT 2018-2019) BILL 2018**

*Committed Friday, 8 June 2018.*

**Clauses 1 to 7** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**MARINE AND COASTAL BILL 2017**

*Committed Friday, 8 June 2018.*

*Amendments circulated: Mr Jennings and Ms Dunn (see pp 1241-4).*

**Clause 1** — Mr Jennings moved Amendment Nos. 1 to 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Ms Pennicuik and Mr Somyurek)*

NOES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Mr O'Sullivan)*

Question agreed to.

Ms Dunn moved Amendment Nos. 2 and 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.

*(Tellers: Dr Ratnam and Ms Springle)*

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Dr Carling-Jenkins and Mr Leane)*

Question negated.

Ms Dunn moved Amendment No. 6.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.

*(Tellers: Ms Pennicuik and Ms Truong)*

## NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Purcell and Ms Tierney)*

Question negatived.

Ms Dunn moved Amendment No. 7.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.

*(Tellers: Dr Ratnam and Ms Truong)*

## NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Dalidakis and Mr Young)*

Question negatived.

Clause 1, as amended — put and agreed to.

**Clauses 2 to 6** — put and agreed to.

**Clause 7** — Mr Jennings moved Amendment Nos. 5 and 6 — put and agreed to.

Clause 7, as amended — put and agreed to.

**Clause 8** — Ms Dunn moved Amendment No. 13 — put and negatived.

Clause 8 — put and agreed to.

**Clause 9** — Ms Dunn moved Amendment No. 14 — put and negatived.

Ms Dunn moved Amendment Nos. 15 and 16 — put and negatived.

Clause 9 — put and agreed to.

**Clauses 10 to 15** — put and agreed to.

**Clause 16** — Ms Dunn moved Amendment Nos. 20 and 21 — put and negatived.

Clause 16 — put and agreed to.

**Clauses 17 to 29** — put and agreed to.

**Clause 30** — Ms Dunn moved Amendment No. 23 — put and negatived.

Clause 30 — put and agreed to.

**Clauses 31 to 36** — put and agreed to.

**Clause 37** — Ms Dunn moved Amendment Nos. 24 and 25 — put and negatived.

Clause 37 — put and agreed to.

**Clauses 38 to 41** — put and agreed to.

**Clause 42** — Ms Dunn moved Amendment No. 26 — put and negatived.  
Clause 42 — put and agreed to.

**Clauses 43 to 49** — put and agreed to.

**Clause 50** — Ms Dunn moved Amendment No. 30 — put and negatived.  
Clause 50 — put and agreed to.

**Clause 51** — Ms Dunn moved Amendment Nos. 32 and 33 — put and negatived.  
Clause 51 — put and agreed to.

**Clauses 52 to 57** — put and agreed to.

**Clause 58** — Ms Dunn moved Amendment Nos. 34 and 35 — put and negatived.  
Clause 58 — put and agreed to.

**Clauses 59 to 85** — put and agreed to.

**Clause 86** — Ms Dunn moved Amendment No. 44 — put and negatived.  
Clause 86 — put and agreed to.

**Clauses 87 to 100** — put and agreed to.

**Bill reported with amendments.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. SERIOUS OFFENDERS BILL 2018**Amendments circulated by Ms Tierney

- 1 Clause 174, lines 22 to 32, omit all words and expressions on these lines and insert—
- "(2) Sections 28 and 29 of the **Criminal Procedure Act 2009** apply as if a reference to the Magistrates' Court were a reference to the Supreme Court or the County Court.
  - (3) If the Supreme Court or the County Court grants a summary hearing, the hearing and determination of the charge must be conducted in accordance with Part 3.3 of the **Criminal Procedure Act 2009** as far as practicable.
  - (4) The court may impose any sentence in respect of an offence against section 169 that is heard and determined summarily that could be imposed by the Magistrates' Court.
  - (5) This section applies despite anything to the contrary in any Act or rule of law (other than the **Charter of Human Rights and Responsibilities Act 2006**)."

## AMENDMENT OF SCHEDULES

- 2 Schedule 4, page 306, line 29, omit "After section 129" and insert "At the end of Part 11".

Amendments circulated by Mr O'Donohue

1. Clause 293, page 230, line 3, after "(a)" insert "is or".
2. Clause 294, lines 24 to 25, omit "293(2)(a), (b) or (c)" and insert "293(2)(a)".
3. Clause 294, lines 28 to 29, omit all words and expressions on these lines and insert—
  - "following to be deputy chairperson of the Authority—
  - (a) a member referred to in section 293(2)(a);
  - (b) a member referred to in section 293(2)(c) who—
    - (i) is a Queen's Counsel or Senior Counsel with significant experience in the criminal law; or
    - (ii) is or has been a Chief Crown Prosecutor or a Crown Prosecutor within the meaning of the **Public Prosecutions Act 1994**."
4. Clause 295, lines 7 to 8, omit "293(2)(a), (b) or (c)" and insert "293(2)(a)".
5. Clause 295, line 9, omit "those provisions" and insert "that provision".
6. Clause 295, lines 21 to 23, omit "293(2)(a), (b) or (c) or a person who is qualified to be a member under those provisions" and insert "293(2)(a) or a member of the Authority referred to in section 293(2)(c) and described in section 294(2)(b) or a person who is qualified to be such a member".



**2. MARINE AND COASTAL BILL 2017**Amendments circulated by Mr Jennings

1. Clause 1, page 2, line 8, after "for" insert "ecologically sustainable".
2. Clause 1, page 2, line 19, after "issue-based" insert "and integrated".
3. Clause 1, page 3, line 8, omit "Victoria." and insert "Victoria; and".
4. Clause 1, page 3, after line 8 insert—  
"( ) to provide for effective community engagement and education in planning and management."
5. Clause 7, line 31, omit "protection." and insert "protection; and".
6. Clause 7, after line 31 insert—  
"( ) to build scientific understanding of the marine and coastal environment."

Amendments circulated by Ms Dunn

1. Clause 1, page 2, line 8, after "for" insert "ecologically sustainable".
2. Clause 1, page 2, line 15, omit "and" (where first occurring).
3. Clause 1, page 2, line 16, after "Report" insert "and a marine spatial planning framework and marine spatial plans".
4. Clause 1, page 2, line 19, after "issue-based" insert "and integrated".
5. Clause 1, page 2, line 23, after "plans" insert "as part of a marine spatial planning framework".
6. Clause 1, page 2, line 27, after "application" insert "and public consultation".
7. Clause 1, page 2, line 31, after "erosion" insert "and estuarine water quality and habitat condition".
8. Clause 1, page 3, line 6, after "co-ordinated" insert "spatial".
9. Clause 1, page 3, line 8, omit "Victoria." and insert "Victoria; and".
10. Clause 1, page 3, after line 8 insert—  
"( ) to provide for effective community engagement and education in planning and management."
11. Clause 7, line 31, omit "protection." and insert "protection; and".
12. Clause 7, after line 31 insert—  
"( ) to build scientific understanding of marine and coastal environments."
13. Clause 8, line 14, after "environment" insert "and legislation applying to them".

14. Clause 9, page 14, lines 1 and 2, omit "working with natural processes where practical" and insert "maintaining ecological processes including water and nutrient flows, community structures and food webs, and ecosystem links".
15. Clause 9, page 14, line 4, omit "possible." and insert "possible; and".
16. Clause 9, page 14, after line 4 insert—
  - "( ) maintaining viable populations of all native marine and coastal species in functioning biological communities; and
  - ( ) maintaining marine and coastal biological diversity, including the capacity for evolutionary change; and
  - ( ) minimising the impacts of human use on marine and coastal ecosystems so that they do not degrade ecosystem function."

#### NEW CLAUSE

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

**"A Marine spatial planning**  
It is a guiding principle for the management of the marine and coastal environment that the focus of marine spatial planning will be to maintain or restore species diversity, habitat diversity and heterogeneity, the populations of key species and connectivity and to enhance ecological sustainability while seeking to balance ecological, social, economic and governance objectives."
18. Clause 16, page 16, line 9, after "Strategy" insert "and the marine spatial planning framework and marine spatial plans prepared under the framework".
19. Clause 16, page 16, line 12, after "Strategy" insert "and the marine spatial planning framework and marine spatial plans prepared under the framework".
20. Clause 16, page 17, line 3, omit "Act." and insert "Act;".
21. Clause 16, page 17, after line 3 insert—
  - "( ) to advise the Minister on any matter under this Act;
  - ( ) to publicly report on advice given to the Minister and other relevant Ministers."
22. Clause 22, page 19, line 33 and page 20, line 1, omit "a summary of any advice the Council has given to the Minister" and insert "a report on and record of all advice provided to the Minister, or to any other Minister who has responsibilities in relation to the marine and coastal environment, given".
23. Clause 30, page 25, lines 6 and 7, omit "for the implementation of actions" and insert "and measurable indicators for the period of the Strategy".
24. Clause 37, line 19, omit "environment." and insert "environment;".
25. Clause 37, after line 19 insert—
  - "( ) the trends in the condition of the marine and coastal environment;

( ) recommendations for improving the condition of the marine and coastal environment and mitigating threats."

26. Clause 42, after line 19 insert—

"( ) The Minister must establish a community reference group to provide advice to the regional and strategic partnership."

27. Clause 46, page 34, after line 27 insert—

"( ) the marine spatial planning framework and marine spatial plans prepared under the framework; and"

28. Clause 46, page 35, line 18, omit "authority." and insert "authority;".

29. Clause 46, page 35, after line 18 insert—

"( ) a community reference group."

30. Clause 50, page 37, lines 28 and 29, omit "beneficial uses and to" and insert "marine and coastal biodiversity, manage ecologically sustainable uses and".

31. Clause 51, page 38, after line 12 insert—

"( ) the marine spatial planning framework and marine spatial plans prepared under the framework; and"

32. Clause 51, page 39, line 2, omit "party." and insert "party;".

33. Clause 51, page 39, after line 2 insert—

"( ) any other stakeholder and community interests."

34. Clause 58, line 15, omit "applies." and insert "applies; and"

35. Clause 58, after line 15 insert—

"( ) management zones specifying allowed and disallowed uses."

36. Clause 59, page 43, after line 2 insert—

"( ) the marine spatial planning framework and marine spatial plans prepared under the framework; and"

37. Clause 59, page 43, line 28, omit "land." and insert "land;".

38. Clause 59, page 43, after line 28 insert—

"( ) any other stakeholder and community interests."

39. Clause 68, after line 17 insert—

"( ) On receipt of an application, the responsible authority must publish a copy of the application and a statement that submissions on the application may be made to the authority—

(a) in a local newspaper and a newspaper circulating generally throughout Victoria; and

(b) on the Internet site of the authority."

40. Clause 69, page 47, after line 25 insert—  
"( ) the marine spatial planning framework and marine spatial plans prepared under the framework; and".
41. Clause 69, page 48, after line 3 insert—  
"( ) In addition to subsection (1), the Minister must consider any submissions from the community in relation to the matter."
42. Clause 70, page 49, after line 15 insert—  
"( ) The Minister must publish notice of the making of a determination on the Internet site of the Department, including reasons for the determination."
43. Clause 76, after line 10 insert—  
"( ) the marine spatial planning framework and marine spatial plans prepared under the framework;"
44. Clause 86, after line 2 insert—  
'( ) After section 15(3) of the **Catchment and Land Protection Act 1994** insert—  
"(4) The board of each Authority must consist of at least two members with expertise in marine and coastal science or management."'.
45. Clause 86, lines 7 and 8, omit "Policy and to the Marine and Coastal Strategy" and insert "Policy, the Marine and Coastal Strategy and marine spatial plans prepared under the marine spatial planning framework".
46. Clause 93, line 14, omit "62" and insert "63".
47. Clause 93, line 15, omit "70" and insert "71".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 185, 186, 187 and 188

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#### No. 185 — Tuesday, 19 June 2018

- 1 The President took the Chair, 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 13 June 2018, given the Royal Assent to the following Acts presented to her by the Acting Clerk of the Legislative Assembly:  
*Liquor and Gambling Legislation Amendment Act 2018*  
*National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018*  
*State Taxation Acts Amendment Act 2018.*  
On this day, given the Royal Assent to the following Act presented to her by the Speaker:  
*Appropriation (Parliament 2018-2019) Act 2018.*
- 3 **TOLL FINE ENFORCEMENT BILL 2018** — Ms Truong introduced *A Bill for an Act to amend the EastLink Project Act 2004 and the Melbourne City Link Act 1995 to make the enforcement of fines for unpaid tolls fairer and for other purposes.*  
On the motion of Ms Truong, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 4 **FIREARMS AMENDMENT (SILENCERS) BILL 2018** — Mr Bourman introduced *A Bill for an Act to amend the Firearms Act 1996 to introduce changes to the controls around the acquisition, possession, use, registration and storage of silencers for use on firearms, to consequentially amend certain other Acts and for other purposes.*  
On the motion of Mr Bourman, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 5 **PAPERS** —  
**ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE — INQUIRY INTO THE MANAGEMENT, GOVERNANCE AND USE OF ENVIRONMENTAL WATER** — Mr Ramsay presented a Report from the Environment, Natural Resources and Regional Development Committee on the Inquiry into the Management, Governance and Use of Environmental Water (including an Appendix), together with Transcripts of Evidence.  
Ordered to lie on the Table and the Report to be published.  
Mr Ramsay moved, That the Council take note of the Report.  
Debate ensued.  
Question — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 9 of 2018 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

**OMBUDSMAN — INVESTIGATION INTO THE ADMINISTRATION OF THE FAIRNESS FUND FOR TAXI AND HIRE CAR LICENCE HOLDERS** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation into the administration of the Fairness Fund for taxi and hire car licence holders.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Gambling Regulation Act 2003 — Amendment to the Category 1 Public Lottery Licence, 23 May 2018.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C210.

Boroondara Planning Scheme — Amendment C278.

Cardinia Planning Scheme — Amendment C239.

Darebin Planning Scheme — Amendment C166.

Golden Plains Planning Scheme — Amendments C77 and C79.

Greater Geelong Planning Scheme — Amendment C349.

Greater Shepparton Planning Scheme — Amendments C192, C193 (Part 1), C197 and C203.

Hepburn Planning Scheme — Amendment C63.

Latrobe Planning Scheme — Amendment C110.

Melton Planning Scheme — Amendment C194.

Moonee Valley Planning Scheme — Amendment C182.

Stonnington Planning Scheme — Amendments C249 and C266.

Whitehorse Planning Scheme — Amendment C193.

Statutory Rules under the following Acts of Parliament —

Drugs, Poisons and Controlled Substances Act 1981 — No. 72.

Occupational Health and Safety Act 2004 — No. 71.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 69, 71 to 73, 76 and 77.

Legislative instruments and related documents under section 16B in respect of the Reporting Exemption Order for Incorporated Associations 2018 of 5 June 2018, under the Associations Incorporation Reform Act 2012.

Victorian Law Reform Commission — Report on Access to Justice – Litigation Funding and Group Proceedings, March 2018 (*Ordered to be published*).

**6 PRODUCTION OF DOCUMENTS — AFL HEADQUARTERS AND ETIHAD STADIUM, DOCKLANDS** — The Clerk laid on the Table a letter from the Attorney-General dated 19 June 2018 in response to the Resolution of the Council of 6 June 2018 seeking the production of documents relating to the Government's decision to provide a long-term concession for the Australian Football League to locate its headquarters on a parcel of waterfront land in Docklands, advising that the Council's deadline of 19 June 2018 does not allow sufficient time to respond and indicating that the Government would respond to the Council's resolution as soon as possible.

**7 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 20 June 2018:

- (1) Order of the Day made this day, second reading of the Toll Fine Enforcement Bill 2018;
- (2) Order of the Day made this day, second reading of the Firearms Amendment (Silencers) Bill 2018;
- (3) Notice of Motion given this day by Ms Wooldridge in relation to the production of certain documents relating to the trial of a medically supervised injecting centre;

- (4) Notice of Motion No. 591 standing in the name of Ms Fitzherbert in relation to the production of certain documents relating to the Cricket Victoria and Junction Oval agreement;
- (5) Order of the Day No. 1, resumption of debate on the Crimes Amendment (Unlicensed Drivers) Bill 2018;
- (6) Notice of Motion No. 582 standing in the name of Mrs Peulich in relation to the impact of cost of living pressures;
- (7) Notice of Motion No. 533 standing in the name of Ms Wooldridge in relation to mandatory youth drug treatment; and
- (8) Notice of Motion No. 566 standing in the name of Mr Ondarchie in relation to the Government's reforms to school cleaning small businesses.

Question — put and agreed to.

- 8 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 9 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 be postponed until later this day.
- 11 LABOUR HIRE LICENSING BILL 2017** — Bill further considered in Committee of the whole.  
*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*
- 12 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Prisoner transfers to court** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 20 June 2018.
- **Judy Lazarus Transition Centre escape** — substantive question asked by Ms Fitzherbert — response from Ms Tierney due Wednesday, 20 June 2018.
- **Prisoner transfer services strike** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 20 June 2018.
- **Crime in Victorian justice centres** — supplementary question asked by Mr Finn — response from Ms Tierney due Wednesday, 20 June 2018.
- **Working with children checks** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 20 June 2018.
- **Recycling funding** — substantive question asked by Mr Purcell — response from Mr Jennings due Thursday, 21 June 2018.
- **Mandatory reporting – religious confessions** — substantive and supplementary questions asked by Ms Springle — response from Ms Tierney due Thursday, 21 June 2018.

**QUESTIONS DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed further written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Government subsidised training – enrolments** — substantive question asked by Mrs Peulich on 8 June 2018 — further response from Ms Tierney due Wednesday, 20 June 2018.
- **GO TAFE** — substantive question asked by Ms Lovell on 8 June 2018 — further response from Ms Tierney due Wednesday, 20 June 2018.

- 13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 14 LABOUR HIRE LICENSING BILL 2017** — Bill further considered in Committee of the whole.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Pulford declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Ms Pulford moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 21

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Ms Patten and Ms Truong)*

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Dalla-Riva and Ms Fitzherbert)*

Question agreed to.

Bill read a third time.

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

**15 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 9:02 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## **No. 186 — Wednesday, 20 June 2018**

**1** The President took the Chair and read the Prayer.

**2 PETITIONS** —

**BUCKLEY STREET LEVEL CROSSING** — Mr Finn presented a Petition bearing 275 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to stop the proposed road under rail crossing design at the Buckley Street Level Crossing, explore the Moonee Valley City Council's rail under road proposal, provide as much financial investment in the Essendon level crossing removal as in marginal electorates and to not proceed with any proposal without community support and consideration of the long term consequences.



Ordered to lie on the Table.

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

\* \* \* \* \*

**BUCKLEY STREET LEVEL CROSSING** — Mr Finn presented a Petition bearing 413 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to pause, listen to the Mooney Valley Council and the community and redesign the Buckley Street Level Crossing removal project in line with community expectations with rail under road.

Ordered to lie on the Table.

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

### 3 PAPERS —

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — INQUIRY INTO PERINATAL SERVICES** — Dr Carling-Jenkins presented a Report from the Family and Community Development Committee on the Inquiry into Perinatal Services (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Dr Carling-Jenkins moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Follow Up of Selected 2012-13 and 2013-14 Performance Audits, June 2018  
(*Ordered to be published*).

The Victorian Government ICT Dashboard, June 2018 (*Ordered to be published*).

4 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

5 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

6 **TOLL FINE ENFORCEMENT BILL 2018** — Ms Truong laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Truong moved, That the Bill be now read a second time.

On the motion of Ms Symes, the debate was adjourned for one week.

7 **FIREARMS AMENDMENT (SILENCERS) BILL 2018** — Mr Bourman laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Bourman moved, That the Bill be now read a second time.

On the motion of Ms Symes, the debate was adjourned for one week.

8 **PRODUCTION OF DOCUMENTS — MEDICALLY SUPERVISED INJECTING CENTRE TRIAL** — Ms Wooldridge moved, That this House, in accordance with Standing Order 11.01, requires the leader of the Government to table by 12.15 p.m. on Tuesday, 17 July 2018, a copy of all documents in full, dated from 1 February 2017 to present, concerning the Andrews Government's trial of a medically supervised injecting centre, including —

- (1) all correspondence, including briefs, emails, letters and typed and handwritten departmental notes, relating to the medically supervised injecting centre between any of the Department of Health and Human Services, the Department of Premier and Cabinet, the Minister for Mental Health, the Premier and North Richmond Community Health;
- (2) all correspondence, including briefs, emails, letters and typed and handwritten departmental notes, relating to the medically supervised injecting centre between any of

- the Department of Education and Training, the Department of Premier and Cabinet, the Minister for Education, the Premier and Richmond West Primary School;
- (3) all contracts or amended service agreements between the Department of Health and Human Services and North Richmond Community Health;
  - (4) all contracts or amended service agreements between North Richmond Community Health and any service providers, including syringe suppliers, construction, waste disposal and security contractors;
  - (5) any correspondence to and from the Department of Health and Human Services relating to the drafting of the regulations;
  - (6) all reports or minutes of consultation with stakeholders including at residential, business and community stakeholder forums;
  - (7) all Ministerial and Department Secretary briefings or memos; and
  - (8) a schedule of documents not produced on the basis of executive privilege.

Debate ensued.

Question — put and agreed to.

## 9 PRODUCTION OF DOCUMENTS — CRICKET VICTORIA AND JUNCTION OVAL —

Ms Fitzherbert moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table by 2.00 p.m. on Wednesday, 4 July 2018, a copy of all documents in full, concerning the Andrews Government's agreement to give Cricket Victoria ownership of buildings and fixtures at Junction Oval for the duration of its lease ('the agreement'), including —

- (1) a copy of the 30 June 2016 lease pertaining to Junction Oval, and any subsequent changes to the lease;
- (2) ministerial briefings and all correspondence, including emails, relating to the agreement, between the Department of Environment, Land, Water and Planning, the Department of Economic Development, Jobs, Transport and Resources, the Department of Premier and Cabinet, the Minister for Sport, the Premier, the Minister for Planning, the Member for Albert Park, Cricket Victoria and Cricket Australia, and their lawyers and agents;
- (3) all contracts, assessments and analyses of the value of the buildings and fixtures;
- (4) ministerial briefings and all correspondence, including emails and contracts, about the use of the name Citipower Centre; and
- (5) ministerial briefings and all correspondence, including emails and contracts, about community access to the Citipower Centre.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

## 10 QUESTIONS — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Men's health** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due on Friday, 22 June 2018.
- **Stand down payments to forestry contractors** — substantive question asked by Ms Dunn — response from Ms Pulford due Thursday, 21 June 2018.
- **Crown Casino gaming machines** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Dalidakis due on Friday, 22 June 2018.
- **Lara Prison precinct** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Thursday, 21 June 2018.
- **Lara Prison cost** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Thursday, 21 June 2018.
- **Apprenticeship enrolments** — substantive and supplementary questions asked by Mrs Peulich — response from Ms Tierney due Thursday, 21 June 2018.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**12 PRODUCTION OF DOCUMENTS — CRICKET VICTORIA AND JUNCTION OVAL** — Debate continued on the question, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table by 2.00 p.m. on Wednesday, 4 July 2018, a copy of all documents in full, concerning the Andrews Government's agreement to give Cricket Victoria ownership of buildings and fixtures at Junction Oval for the duration of its lease ('the agreement'), including —

- (1) a copy of the 30 June 2016 lease pertaining to Junction Oval, and any subsequent changes to the lease;
- (2) ministerial briefings and all correspondence, including emails, relating to the agreement, between the Department of Environment, Land, Water and Planning, the Department of Economic Development, Jobs, Transport and Resources, the Department of Premier and Cabinet, the Minister for Sport, the Premier, the Minister for Planning, the Member for Albert Park, Cricket Victoria and Cricket Australia, and their lawyers and agents;
- (3) all contracts, assessments and analyses of the value of the buildings and fixtures;
- (4) ministerial briefings and all correspondence, including emails and contracts, about the use of the name Citipower Centre; and
- (5) ministerial briefings and all correspondence, including emails and contracts, about community access to the Citipower Centre.

Question — put and agreed to.

**13 CRIMES AMENDMENT (UNLICENSED DRIVERS) BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

Ms Symes moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until the proposals contained in the Bill have been referred to the Law Reform, Road and Community Safety Committee for inquiry, consideration and report by 22 August 2018".

Debate ensued.

Question — put and agreed to.

**14 COST OF LIVING** — Mrs Peulich moved, That this House notes the serious impact of the rising cost of living on Victorians, their families and businesses, and including but not limited to, the escalating costs of —

- (1) electricity and gas;
- (2) housing affordability;
- (3) childcare;
- (4) transport;
- (5) council rates and charges;

and calls on Labor Members to stand up for their communities and local businesses rather than just pay lip service to 'delivering for all Victorians'.

Debate ensued.

Mr O'Donohue moved, That debate be adjourned until later this day.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(Tellers: Ms Crozier and Mr Young)

## NOES, 21

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

(Tellers: Ms Dunn and Mr Gepp)

Question negatived.

Debate resumed on the question, That this House notes the serious impact of the rising cost of living on Victorians, their families and businesses, and including but not limited to, the escalating costs of —

- (1) electricity and gas;
- (2) housing affordability;
- (3) childcare;
- (4) transport;
- (5) council rates and charges;

and calls on Labor Members to stand up for their communities and local businesses rather than just pay lip service to ‘delivering for all Victorians’.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, debate stood adjourned in the name of Ms Bath —*

- 15 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.
- 16 MARINE AND COASTAL BILL 2017** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 17 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 and Orders of the Day Nos. 1 to 6, Government Business, be postponed until later this day.
- 18 APPROPRIATION (2018–2019) BILL 2018** — Debate resumed on the question, That the Bill be now read a second time [the motion to take note of the **Budget Papers, 2018-19** having been authorised to be debated concurrently pursuant to an Order of the Council on 10 May 2018].
- 19 ADJOURNMENT** — The Acting President proposed the question, That the House do now adjourn.  
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.  
And then the Council, at 6:22 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 187 — Thursday, 21 June 2018

- 1 The President took the Chair and read the Prayer.
- 2 **LABOUR HIRE LICENSING BILL 2017** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 3 **PETITIONS** —  
**WOORAYL STREET RESERVE** — Mr Davis presented a Petition bearing 229 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to cancel development plans of the Woorayl Street Reserve and re-establish this area as open space to protect Glen Eira’s remaining heritage trees and open spaces.  
Ordered to lie on the Table.

**CYCLIST SAFETY IN VERMONT SOUTH** — Mr Leane presented a Petition bearing 55 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to construct a shared cycle and pedestrian path from Morack Road, connecting the Dandenong Creek Trail to the Eastlink Trail, including a new dedicated bridge to the south of the vehicle bridge, on Burwood Highway, Vermont South.

Ordered to lie on the Table.

**4 CHILDREN'S COURT OF VICTORIA REPORT, 2016-17** — Ms Tierney presented, by command of the Governor, the Report of the Children's Court of Victoria for the year 2016-17. The Report was presented by Ms Tierney and ordered to lie on the Table.

**5 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations Notified between 28 March and 18 June 2018 (*Ordered to be published*).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Cardinia Planning Scheme — Amendment C236.

Casey Planning Scheme — Amendment C239.

Darebin and Whittlesea Planning Schemes — Amendment GC86.

Greater Shepparton Planning Scheme — Amendment C209.

Melbourne Planning Scheme — Amendment C317.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 75.

Disability Act 2006 — No. 74.

Planning and Environment Act 1987 — No. 76.

Subordinate Legislation Act 1994 — No. 73.

Victorian Government Report in Multicultural Affairs, 2016-17.

**6 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 be postponed until later this day.

**9 ADVANCING THE TREATY PROCESS WITH ABORIGINAL VICTORIANS BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Dr Ratnam were circulated.

Debate continued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and an answer to a certain question on notice was circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Prisoner Minogue social media** — supplementary question asked by Mr O'Donohue — response from Ms Tierney due Friday, 22 June 2018.
- **Prisoner Minogue appeal – legal fees** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Friday, 22 June 2018.
- **Parkville Youth Justice centre – alleged assault** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Friday, 22 June 2018.
- **Recycling taskforce** — substantive and supplementary questions asked by Ms Truong — response from Mr Jennings due on Tuesday, 24 July 2018.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 12 ADVANCING THE TREATY PROCESS WITH ABORIGINAL VICTORIANS BILL 2018** — 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.
- 13 SERIOUS OFFENDERS BILL 2018** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 14 FLORA AND FAUNA GUARANTEE AMENDMENT BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Flora and Fauna Guarantee Act 1988 to promote Victoria's biodiversity by establishing objectives and principles of the Act, imposing additional obligations to consider biodiversity in decision-making, improving transparency and accountability and making various other amendments to strengthen the Act and to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Pulford (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.  
Ms Pulford moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.
- 15 JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE PROTECTION AND OTHER MATTERS) BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005, the Coroners Act 2008, the County Court Act 1958, the Criminal Procedure Act 2009, the Family Violence Protection Act 2008, the Magistrates' Court Act 1989, the Personal Safety Intervention Orders Act 2010, the Supreme Court Act 1986 and the Victorian Civil and Administrative Tribunal Act 1998, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Pulford (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Pulford, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.  
Ms Pulford moved, That the Bill be now read a second time.  
Ms Pulford made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.  
On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.
- 16 LOCAL GOVERNMENT BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to reform the law relating to local government in Victoria, to repeal the City of Greater Geelong Act 1993, to amend the City of Melbourne Act 2001, the Local Government Act 1989 and the Victoria Grants Commission Act 1976, and to consequentially amend certain other Acts and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Pulford (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Pulford laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

- 17 PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR REDUNDANCIES AND OTHER MATTERS) BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Administration Act 2004 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 18 EDUCATION LEGISLATION AMENDMENT (VICTORIAN INSTITUTE OF TEACHING, TAFE AND OTHER MATTERS) BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

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Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Ms Tierney declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

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Debate continued.

*And the Council having continued to sit after 12 midnight —*

FRIDAY, 22 JUNE 2018

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Ms Tierney moved, That the sitting be extended.

Question — put and negatived.

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*The debate stood adjourned in the name of Mr O'Sullivan —*

- 19 ADJOURNMENT** — The Acting President proposed, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 12.32 a.m., adjourned until later this day.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 188 — Friday, 22 June 2018

- 1 The President took the Chair and read the Prayer.
- 2 **LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE** — The President read a letter from Ms Patten resigning from the Law Reform, Road and Community Safety Committee, effective from today.
- 3 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 24 July 2018.  
Question — put and agreed to.
- 4 **LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE** — Mr Jennings moved, by leave, That Dr Carling-Jenkins be a member of the Law Reform, Road and Community Safety Committee.  
Question — put and agreed to.
- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 be postponed until later this day.
- 6 **ELECTORAL LEGISLATION AMENDMENT BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Dr Ratnam were circulated.  
Debate continued.  
*Business having been interrupted at 12.00 p.m. pursuant to Sessional Orders —*
- 7 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Police resources in rural Victoria** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Wednesday, 25 July 2018.
- **Alcohol and other drugs treatment** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Tuesday, 24 July 2018.
- **Timber exports to China** — supplementary question asked by Ms Dunn — response from Ms Pulford due Tuesday, 24 July 2018.
- **Pill testing at festivals** — substantive and supplementary questions asked by Ms Springle — response from Ms Mikakos due Wednesday, 25 July 2018.
- **Corrections Victoria relocation costs** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 24 July 2018.
- **Latrobe Valley Authority** — substantive and supplementary questions asked by Ms Bath — response from Mr Jennings due Wednesday, 25 July 2018.
- **State Election – Government caretaker guidelines** — substantive question asked by Mr Rich-Phillips — response from Mr Jennings due Wednesday, 25 July 2018.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Parkville Youth Justice Centre – alleged assault** — substantive and supplementary questions asked by Ms Crozier on 21 June 2018 — further response from Ms Mikakos due Tuesday, 24 July 2018.

- 8 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 9 **ELECTORAL LEGISLATION AMENDMENT BILL 2018** — Debate continued on the question, That the Bill be now read a second time.  
Amendments proposed to be moved in Committee by Mr Jennings were circulated.  
Debate continued.



Question — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

(Tellers: Mr Eideh and Ms Pennicuik)

NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Ms Fitzherbert and Mr O'Sullivan)

Question agreed to.

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

House in Committee.

*Business having been interrupted at 4.00 p.m. pursuant to Standing Orders —*

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Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Mr Jennings declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

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Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension at 6.00 p.m. pursuant to Standing Orders —*

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Mr Jennings moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

(Tellers: Mr Leane and Ms Truong)

NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mrs Peulich and Mr Ramsay)

Question agreed to.

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Bill further considered in Committee of the whole.

*And the Council having continued to sit after 12 midnight —*

SATURDAY, 23 JUNE 2018

The Acting President reported progress and asked leave to sit again.

Bill to be further considered in Committee of the whole on the next day of meeting.

**10 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 12.21 a.m., adjourned until Tuesday, 24 July 2018.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 185, 186, 187 and 188

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### LABOUR HIRE LICENSING BILL 2017

*Committed Friday, 25 May 2018.*

*Amendments circulated: Mr Ondarchie (see pp 1270-3).*

### Tuesday, 19 June 2018 —

*Progress having been reported on Friday, 25 May 2018, Bill further considered in Committee of the whole.*

### Clause 18 — debate resumed.

Mr Ondarchie moved, That the Acting President report progress and seek leave to sit again.

Debate ensued.

Question — put.

The Committee divided — The Acting President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Ms Lovell)*

NOES, 22

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Dalidakis and Mr Somyurek)*

Question negatived

Clause 18 — put and agreed to.

### Clause 19 —

Mr Ondarchie moved, That the Acting President report progress and seek leave to sit again.

Ms Pulford moved, That the question be now put.

*And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —*

Question — That the question be now put — put and agreed to.

Question — That progress be reported — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Purcell and Mr Ramsay)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Gepp and Dr Ratnam)*

The Ayes and Noes being equal, the question was negatived.

Clause 19 — put and agreed to.

**Clauses 20 and 21** — put and agreed to.

Amendments proposed to be moved in Committee by Mr Ondarchie were circulated.

**Clause 22** — Mr Ondarchie moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Morris and Mr Young)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Leane and Ms Patten)*

The Ayes and Noes being equal, the question was negatived.

Mr Ondarchie moved Amendments Nos. 2 to 6.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Mr O'Donohue)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Eideh and Ms Tierney)*

The Ayes and Noes being equal, the question was negatived.

Clause 22 — put and agreed to.

**Clauses 23 to 25** — put and agreed to.

**Clause 26** — Mr Ondarchie moved Amendment No. 7.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Dalla-Riva and Mr Morris)*

## NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Mulino and Ms Truong)*

The Ayes and Noes being equal, the question was negated.

Clause 26 — put and agreed to.

**Clauses 27 to 34** — put and agreed to.

**Clause 35** —

Mr Ondarchie moved, That the Acting President report progress and seek leave to sit again.

Debate ensued.

Question — put.

The Committee divided — The Acting President in the Chair.

## AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Fitzherbert and Mr Ramsay)*

## NOES, 21

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Ms Dunn and Mr Somyurek)*

Question negated.

Clause 35 — put and agreed to.

**Clauses 36 to 38** — put and agreed to.

**Clause 39** — Mr Ondarchie moved Amendment No. 8.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Mr Young)*

## NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Dalidakis and Mr Eideh)*

The Ayes and Noes being equal, the question was negated.

Clause 39 — put and agreed to.

**Clauses 40 to 44** — put and agreed to.

**Clause 45** — Mr Ondarchie moved Amendment No. 9.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Morris and Mr Purcell)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Gepp and Ms Springle)*

The Ayes and Noes being equal, the question was negatived.

Clause 45 — put and agreed to.

**Clause 46** — Mr Ondarchie moved Amendment No. 10 — put and negatived.

Clause 46 — put and agreed to.

**Clauses 47 to 66** — put and agreed to.

**Clause 67** — Mr Ondarchie moved Amendment Nos. 11 to 13 — put and negatived.

Clause 67 — put and agreed to.

**Clauses 68 to 84** — put and agreed to.

**Clause 85** — Mr Ondarchie moved Amendment No. 14.

Question — that the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 21

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Finn)*

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Mulino and Mr Somyurek)*

Question agreed to.

Clause 85, as amended — put and agreed to.

**Clauses 86 to 88** — put and agreed to.

**Clause 89** — Mr Ondarchie moved Amendment No. 15 — put and negatived.

Clause 89 — put and agreed to.

**Clauses 90 to 101** — put and agreed to.

**Clause 102** — Mr Ondarchie moved Amendment No. 16 — put and negatived.

Clause 102 — put and agreed to.

**Clauses 103 to 110** — put and agreed to.

**Clause 111** — put and agreed to.

**New Clause to follow Clause 111** — Mr Ondarchie moved Amendment No. 17.

Question — That the new clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 21

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Donohue and Mr O'Sullivan)*

NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Ms Dunn and Ms Mikakos)*

Question agreed to.

**New Clause to follow Clause 111** — Mr Ondarchie moved Amendment No. 18 — put and negatived.

**Clause 112** — put and agreed to.

**Clause 113** — Mr Ondarchie moved Amendment No. 19 — put and negatived.

Mr Ondarchie moved Amendment No. 20 — put and negatived.

Mr Ondarchie moved Amendment No. 21 — put and negatived.

Clause 113 — put and agreed to.

**Clauses 114 to 118** — put and agreed to.

**New part heading and New Clauses** — Mr Ondarchie moved Amendment No. 22.

Question — That the new part heading and new clauses stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Ramsay and Mr Rich-Phillips)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Ms Dunn and Ms Pennicuik)*

The Ayes and Noes being equal, the question was negatived.

**Clause 119** — put and agreed to.

**Bill reported with amendments.**

**ADVANCING THE TREATY PROCESS WITH ABORIGINAL VICTORIANS BILL 2018***Committed Thursday, 21 June 2018.**Amendments circulated: Dr Ratnam (see pp 1273 - 86).***Clause 1** — Dr Ratnam moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 6

Ms Dunn; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Springle; Ms Truong.  
*(Tellers: Mr Purcell and Ms Truong)*

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Mr Gepp)*

Question negatived.

Clause 1 — put and agreed to.

**Clause 2** — put and agreed to.**Clause 3** — Dr Ratnam moved Amendment Nos. 3 to 6.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 6

Ms Dunn; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Springle; Ms Truong.  
*(Tellers: Ms Dunn and Ms Truong)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Eideh and Mr Somyurek)*

Question negatived.

Clause 3 — put and agreed to.

**New Clause to follow Clause 3** — Dr Ratnam moved Amendment No. 7.

Question — That the new clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 6

Ms Dunn; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Springle; Ms Truong.  
*(Tellers: Ms Pennicuik and Ms Springle)*



## NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Dalidakis and Mr Morris)*

Question negatived.

**Clauses 4 to 8** — put and agreed to.

**New Clause to follow Clause 8** — Dr Ratnam moved Amendment No. 8.

Question — That the new clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

AYES, 6

Ms Dunn; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Springle; Ms Truong.

*(Tellers: Dr Ratnam and Ms Truong)*

NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Davis and Mr Leane)*

Question negatived.

**Clauses 9 to 11** — put and agreed to.

**Clause 12** — Dr Ratnam moved Amendment No. 16 — put and negatived.

Clause 12 — put and agreed to.

**Clauses 13 to 21** — put and agreed to.

**New Clause to follow Clause 21** — Dr Ratnam moved Amendment No. 24 — put and negatived.

**Clause 22** — Dr Ratnam moved Amendment No. 25 — put and negatived.

Clause 22 — put and agreed to.

**Clauses 23 to 26** — put and agreed to.

**Clause 27** — Dr Ratnam moved Amendment No. 26 — put and negatived.

Clause 27 — put and agreed to.

**Clauses 28 to 34** — put and agreed to.

**Clause 35** — Dr Ratnam moved Amendment No. 27 — put and negatived.

Clause 35 — put and agreed to.

**Clause 36** — Dr Ratnam moved Amendment Nos. 29 to 31 — put and negatived.

Clause 36 — put and agreed to.

**Clauses 37 to 44** — put and agreed to.

**Preamble** — Dr Ratnam moved Amendment No. 37 to insert a new clause.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.

(*Tellers: Ms Springle and Ms Truong*)

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Ms Lovell and Mr Somyurek*)

Question negatived.

Preamble — put and agreed to.

**Bill reported without amendments.**

\* \* \* \* \*

## **ELECTORAL LEGISLATION AMENDMENT BILL 2018**

*Committed Friday, 22 June 2018.*

*Amendments circulated: Mr Bourman, Mr Jennings, Dr Ratnam and Mr Rich-Phillips (see pp 1286 - 1302).*

### **Clause 1** —

Amendments proposed to be moved in Committee by Mr Bourman were circulated.

Amendments proposed to be moved in Committee by Mr Rich-Phillips were circulated.

Clause 1 — put and agreed to.

**Clause 2** — Mr Jennings moved Amendment Nos. 1 to 4 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clauses 3 to 7** — put and agreed to.

**Clause 8** — Mr Jennings moved Amendment Nos. 5 and 6 — put and agreed to.

Clause 8, as amended — put and agreed to.

**Clauses 9 to 13** — put and agreed to.

**Clause 14** — Mr Jennings moved Amendment Nos. 7 and 8 — put and agreed to.

Clause 14, as amended — put and agreed to.

**Clauses 15 to 23** — put and agreed to.

**Clause 24** — Mr Jennings moved Amendment No 9.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

(*Tellers: Mr Dalidakis and Ms Pulford*)

## NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.  
(*Tellers: Ms Bath and Mr Dalla-Riva*)

Question agreed to.

Clause 24, as amended — put and agreed to.

**Clauses 25 to 27** — put and agreed to.

**New Clause to follow Clause 27** — Mr Jennings moved Amendment No. 10.

Question — That the new clause stand part of the Bill — put.

The Committee divided — The Acting President in the Chair.

## AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.  
(*Tellers: Mr Eideh and Ms Pulford*)

## NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.  
(*Tellers: Mr Purcell and Mr Ramsay*)

Question agreed to.

**Clause 28** — put and agreed to.

**Clauses 29 and 30** — put and agreed to.

**New Clause to follow Clause 30** — Mr Jennings moved Amendment No. 11.

Question — That the new clause stands part of the Bill — put and agreed to.

**Clauses 31 to 34** — put and agreed to.

**Clause 35** — Mr Rich-Phillips moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

## AYES, 21

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Bourman and Mr O'Donohue*)

## NOES, 19

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(*Tellers: Ms Tierney and Ms Truong*)

Question agreed to.

Clause 35, as amended — put and agreed to.

**Clause 36** — Mr Jennings moved Amendment No. 12 — put and agreed to.

Clause 36, as amended — put and agreed to.

**Clauses 37 to 39** — put and agreed to.

**Clause 40** — Mr Jennings moved Amendment Nos. 13 to 15 — put and agreed to.

Mr Jennings moved Amendment Nos. 16 and 17 — put and agreed to.

Mr Jennings moved Amendment No. 18 — put and agreed to.

Mr Jennings moved Amendment No. 19 — put and agreed to.

*The Committee having granted leave to proceed as follows —*

Mr Jennings, moved Amendment Nos. 20, 21, 23 and 24.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Ms Dunn and Ms Mikakos)*

NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Crozier and Mr Purcell)*

Question agreed to.

Mr Jennings moved Amendment No. 22 — put and agreed to.

Clause 40, as amended — put and agreed to.

**Clauses 41 and 42** — put and agreed to.

**Clause 43** — Mr Bourman moved Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Finn and Mr Mulino)*

NOES, 6

Ms Dunn; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Springle; Ms Truong.

*(Tellers: Dr Ratnam and Ms Truong)*

Question agreed to.

Clause 43, as amended — put and agreed to.

**Clause 44** — Mr Jennings moved Amendment No. 25 — put and agreed to.

Mr Jennings moved Amendment No. 26 — put and agreed to.

Mr Jennings moved Amendment No. 27 — put and agreed to.

Clause 44, as amended — put and agreed to.

**Clause 45** — Mr Jennings moved Amendment No. 28 — put and agreed to.

Mr Jennings moved Amendment No. 29 — put and agreed to.

*The Committee having granted leave to proceed as follows —*

Mr Jennings moved amendment Nos. 30, 31 and 47 and suggested amendment Nos. 35 and 45, with amendment Nos. 30, 31 and 47 to be suggested amendments.

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

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Ms Springle and Ms Symes)*

NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Davis and Mr Morris)*

Question agreed to.

*The Committee having granted leave to proceed as follows —*

Mr Jennings moved suggested amendment Nos. 32 to 34, 36 to 44 and 46.

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

The Committee divided — The Acting President in the Chair.

AYES, 17

Mr Bourman; Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Mr Young.

*(Tellers: Mr Dalidakis and Mr Young)*

NOES, 23

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Truong; Ms Wooldridge.

*(Tellers: Mr Ramsay and Ms Springle)*

Question negatived.

**Progress reported.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. LABOUR HIRE LICENSING BILL 2017**Amendments circulated by Mr Ondarchie

1. Clause 22, lines 27 and 28, omit "a court, tribunal or regulator" and insert "a court or tribunal".
2. Clause 22, line 31, after "standard" insert "and, to the extent that the requirement that a person is a fit and proper person relates to a decision to cancel a licence or not to renew a licence, the finding is final, within the meaning of subsection (3)".
3. Clause 22, page 23, line 24, omit "Act;" and insert "Act."
4. Clause 22, page 23, line 25, omit all words and expressions on this line.
5. Clause 22, page 23, after line 25, insert—
  - "(2) A person is not taken not to be a fit and proper person merely because the person was an officer of a body corporate referred to subsection (1)(a), (b), (c), (d), (e) or (f), unless the person was personally culpable in relation to the matter or matters specified in whichever of those provisions is applicable in respect of the body corporate."
6. Clause 22, page 23, before line 26, insert—
  - "(3) For the purposes of subsection (1)(b)(i), a finding is *final* if all rights of review or appeal available in respect of the finding have been exhausted, whether because—
    - (a) all applications that are capable of being made for review or appeal have been made and the finding has been upheld; or
    - (b) if not all such applications have been made and been unsuccessful, all time periods within which such applications may be made have expired."
7. Clause 26, lines 5 to 13, omit all words and expressions on these lines and insert—
  - "(b) remains in force until the licence is cancelled or otherwise ceases to be in force."
8. Clause 39, page 41, after line 7, insert—
  - "(4) If the Authority has decided to suspend a licence, and has given the holder of the licence a notice under subsection (2), the holder of the licence may give the Authority a written response to the suspension.
  - (5) The Authority must—
    - (a) consider any response given under subsection (4); and
    - (b) make a decision to revoke the suspension, unless the Authority remains satisfied of the matters specified in subsection (1).
  - (6) The Authority must make a decision to revoke a suspension if the Authority ceases to be satisfied of the matters specified in subsection (1) in relation to the suspension, whether or not a response has been given under subsection (4)."
9. Clause 45, lines 25 to 26, omit "nominated officers for the licence are available to the Authority during hours" and insert "at least one nominated officer for the licence is available to the Authority during the normal business hours of the holder of the licence".
10. Clause 46, line 7, after "must" insert "not, without reasonable excuse, fail to".

11. Clause 67, lines 6 to 9, omit ", at all reasonable times at each place at which the holder of the licence conducts the business of providing labour hire services, keep" and insert "make".
12. Clause 67, line 10, after "business" insert "of providing labour hire services".
13. Clause 67, page 57, after line 7, insert—
  - "(6) The requirements in subsection (1) and (2) to make documents available for inspection apply only to the extent that is reasonably practicable to make the documents available."
14. Clause 85, line 12, after "any person" insert ", other than—
  - (a) an officer or an employee of an organisation registered under the Fair Work (Registered Organisations) Act 2009 of the Commonwealth; or
  - (b) a person who has had an entry permit under the Fair Work Act 2009 of the Commonwealth refused or cancelled, and that refusal or cancellation has not been overturned."
15. Clause 89, page 74, after line 5, insert—
  - "(3) A reference to an inspector in this section is taken to include a reference to a person assisting an inspector."
16. Clause 102, page 83, after line 20, insert—
  - "(5) The commencement of an application to VCAT for review of a decision to refuse to renew a licence, impose a condition on a licence or cancel a licence (other than at the request of the holder of the licence) is taken to suspend the operation of the decision until the application is determined."

#### NEW CLAUSES

17. Insert the following New Clause to follow Clause 111—

**"AA Interstate licensees may be registered**

The Mutual Recognition Act 1992 of the Commonwealth applies as if providing labour hire services were an occupation within the meaning of that Act.

**Note**

The Mutual Recognition Act 1992 of the Commonwealth is adopted in Victoria by section 4 of the **Mutual Recognition (Victoria) Act 1998**. In accordance with section 17 of the Mutual Recognition Act 1992 of the Commonwealth, a person who holds the right to provide labour hire services in another State or a Territory will be, on notifying the Authority, entitled to be registered as a licensed labour hire provider in Victoria."

18. Insert the following New Clause to follow Clause 111—

**"BB Inspection of Register before entering into arrangement for provision labour hire services**

For the purposes of section 15(2)(b), it is a reasonable excuse if the person—

- (a) within the period of 3 months immediately before entering into the arrangement, searched the Register in respect of the labour hire provider and ascertained that the provider was a licensed labour hire provider; and
- (b) at the time of entering into the arrangement, was not reasonably aware that the provider had ceased to be a licensed labour hire provider."

19. Clause 113, page 91, lines 7 to 9, omit all words and expressions on these lines.
20. Clause 113, page 91, after line 9, insert—
- "(4) The power of the Governor in Council to make regulations is subject to the regulations being disallowed by a House of Parliament in accordance with section 23 of the **Subordinate Legislation Act 1994**".
21. Clause 113, page 91, before line 10, insert—
- "(5) If regulations are made that prescribe a number of nominated office holders for a licence and, in a particular case, the number exceeds the number of natural persons who are responsible for the day-to-day conducting of the business to which the particular licence relates or will relate (the *relevant number*), the prescribed number is taken for all purposes to be the relevant number."

#### NEW CLAUSES

22. Page 94, after line 6, insert the following Part heading and New Clauses—

### **'Part 9—Amendments relating to the meaning of *provides labour hire services***

#### **119 New section 10(1) inserted**

After the heading to section 10 of the **Labour Hire Licensing Act 2018** insert—

- "(1) Despite sections 7 and 8, and to avoid doubt, a person (a *provider*) does not provide labour hire services if the provider supplies one or more individuals to perform work for another person (a *host*) in any of the following circumstances—
- (a) as part of a genuine supply chain or a contracting or subcontracting arrangement that does not involve the on-hire of a worker to a host to work under the instruction of the host, including, but not limited to, a supply chain or a contracting or subcontracting arrangement in the construction industry;
  - (b) as part of the outsourcing of a business or part of a business to a third party;
  - (c) if the supply by the provider of one or more individuals to perform work for other businesses is not the main purpose of the business ordinarily carried on by the provider;
  - (d) as part of a short term, ad hoc arrangement between businesses;
- Note**
- Examples of such arrangements are workers of one farm business assisting another farm business by picking crops for a day, or workers of one concrete business providing assistance to another concrete business during a concrete pour.
- (e) if the provider supplies the individual or individuals to perform work—
    - (i) in the case of a provider that is a body corporate, for a related body corporate, within the meaning of the Corporations Act, of the provider; or
    - (ii) in the case of a provider that is a partner in a joint venture, for an entity that is a common joint venture partner of the provider;



- (iii) in the case of a provider that is part of an entity or group of entities that jointly carry on business as one recognised business, for another entity in the business;
- (f) as part of a bona fide secondment arrangement;
- (g) as part of a consultancy arrangement;
- (h) in the case of a provider that is a body corporate, if an individual supplied by the provider is an executive officer of the body corporate and is the only individual supplied by the provider to perform work for the host;
- (i) if the supply of the individual or individuals to the host is not for the purposes of a business or undertaking conducted by the host, including but not limited to the situation where the supply is for the domestic or personal purposes of the host;
- (j) as part of a group apprenticeship or trainee scheme;
- (k) if the individual or individuals supplied to the host are Australian legal practitioners performing work for a client;
- (l) if the individual or individuals supplied are employees of an organisation registered under the Fair Work (Registered Organisations) Act 2009 of the Commonwealth, in the course of providing assistance to members of that organisation; and
- (m) as part of a work experience arrangement or an educational placement."

#### 120 New section 10(1) inserted

In section 10 of the **Labour Hire Licensing Act 2018** before "Despite" insert "(2)".

#### 121 Commencement of sections 119 and 120

Despite section 2, sections 119 and 120 commence immediately after the commencement of section 10 of the **Labour Hire Licensing Act 2018**.'

## 2. ADVANCING THE TREATY PROCESS WITH ABORIGINAL VICTORIANS BILL 2018

### Amendments circulated by Dr Ratnam

1. Clause 1, lines 5 and 6, omit "Aboriginal Victorians," and insert "Clans and First Nations,".
2. Clause 1, line 10, omit "Aboriginal Victorians" and insert "Clans and First Nations".
3. Clause 3, page 5, lines 8 to 25, omit all words and expressions on these lines.
4. Clause 3, page 5, after line 25 insert—

"*Clan* means—

- (a) an Aboriginal Traditional Owner Group or Aboriginal extended family group that has—
  - (i) a traditional connection to a specific territory of land that is wholly or partly in the area now known as Victoria; and

(ii) shared Ancestors and Descendants, Aboriginal language, cultural heritage, beliefs, spirituality, traditions or customary law; or

(b) an Aboriginal Traditional Owner Group or Aboriginal extended family group listed as a Clan in Schedule 1;

**Clan Elders Council** means a body that—

(a) consists of a gathering of Elders from Clans and First Nations that choose to participate and for which each participating Clan and First Nation self-determines its representatives; and

(b) exists for the purpose of providing advice and advocacy on advancing the treaty process;".

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

**"First Nation** means—

(a) a group of Clans with a shared Aboriginal language that has a traditional connection to a specific territory of land that is wholly or partly in the area now known as Victoria; or

(b) a First Nation listed in Schedule 1;".

6. Clause 3, page 6, after line 3 insert—

**"traditional connection**, in relation to land, means an identifiable connection through time, whether or not there is a change to the nature of the connection or the manner the connection is expressed;".

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

**"A Act does not affect sovereignty**

A treaty between the State and a Clan or a First Nation is not an act of cession by the Clan or the Clans the First Nation represents and does not diminish or displace the sovereign status Clans assert."

8. Insert the following New Clauses to follow clause 8—

**"B Meaning of treaty**

(1) A treaty is a legally binding agreement that is negotiated in good faith between the State and a Clan, a group of Clans, or a First Nation and is agreed to with the free, prior and informed consent of the Clan or the Clans the First Nation represents.

(2) A treaty must—

(a) address past and present injustices; and

(b) provide resources to the Clan or First Nation; and

(c) provide culturally appropriate powers of decision-making to the Clan or First Nation; and

(d) ensure control of the Clan or First Nation's own affairs rests with the Clan or First Nation; and

(e) support peace and reconciliation; and

(f) promote the human rights of Aboriginal Victorians.

- (3) A treaty may include matters additional to those specified in subsection (2).
- (4) Nothing in this Act prevents Clans or First Nations from entering into any agreement with the State that is not a treaty.

### **C Recognition of Clans and First Nations**

- (1) Schedule 1 sets out Clans and First Nations for the purposes of this Act.
- (2) Nothing in this section limits the participation in the treaty process of a Clan or a First Nation that is not included in Schedule 1.

#### **Note**

Section 3 sets out the definitions of *Clan* and *First Nation* for the purposes of this Act.

### **D Attorney-General may recognise Clans and First Nations**

- (1) The Attorney-General may recognise an entity to be a Clan or a First Nation by notice published in the Government Gazette.
- (2) Nothing in this section limits the participation in the treaty process of a Clan or a First Nation that is not recognised by the Attorney-General."

9. Clause 9, line 5, omit "Aboriginal Victorians" and insert "Clans and First Nations".
10. Clause 9, line 10, omit "Aboriginal Victorians" and insert "Clans and First Nations".
11. Clause 10, line 15, omit "Aboriginal Victorians" and insert "Clans and First Nations".
12. Clause 10, line 22, omit "Aboriginal Victorians" and insert "Clans and First Nations".
13. Clause 10, lines 24 and 25, omit "Aboriginal Victorians" and insert "Clans and First Nations".
14. Clause 11, line 31, omit "Commissioner," insert "Commissioner working in partnership with the Clan Elders Council,".
15. Clause 12, line 6, after "must" insert "work in partnership with the Clan Elders Council to".
16. Clause 12, after line 13 insert—
  - "( ) A recommendation under subsection (1) must be made in respect of an entity—
    - (a) that consists solely of representatives of Clans and First Nations; and
    - (b) for which each Clan that chooses to participate self-determines the Clan's representation."
17. Clause 13, lines 25 and 26, omit "Aboriginal Victorians" and insert "Clans and First Nations".
18. Clause 13, line 28, omit "Aboriginal Treaty Working Group" and insert "Clan Elders Council".
19. Clause 13, line 32, omit "Aboriginal Victorians" and insert "Clans and First Nations".
20. Clause 17, page 14, lines 3 to 13, omit all words and expressions on these lines and insert—
  - "(a) for the purpose of working in partnership with Clans, convene or cause to be convened a forum, or more than one forum, in relation to the Aboriginal Representative Body that is open to all Clans and First Nations; and"
21. Clause 17, page 14, line 24, omit "Aboriginal Victorians" and insert "Clans".

22. Clause 20, line 11, omit "Aboriginal Victorians" and insert "Clans and First Nations".
23. Clause 20, after line 19 insert—
- "( ) the Clans;
  - ( ) the First Nations;"
24. Insert the following New Clause to follow clause 21—
- "E United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP)**
- All processes engaged in or undertaken pursuant to this Act must ensure the treaty process proceeds in accordance with the Articles of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly of the United Nations on 13 September 2007 (resolution 61/295)".
25. Clause 22, after line 7 insert—
- "( ) Any decisions in the treaty process that affect Clans must be made in consultation, cooperation and with the free, prior and informed consent of the Clans before they are finally adopted and implemented."
26. Clause 27, after line 5 insert—
- "( ) The Treaty Authority must be—
  - (a) independent from all other parties to the treaty process; and
  - (b) free from any actual or perceived conflict of interest between the activities of the Treaty Authority and any natural persons employed or assisting in the performance of the functions of the Treaty Authority, and the outcomes of the treaty process."
27. Clause 35, after line 5 insert—
- "( ) The self-determination fund must be—
  - (a) established within 30 days of the day the Aboriginal Representative Body is declared; and
  - (b) adequately funded to achieve the purposes specified in section 36."
28. Clause 36, lines 9 and 10, omit "Aboriginal Victorians" and insert "Clans".
29. Clause 36, after line 11 insert—
- "( ) supporting mapping of the genealogy of Clans—
  - (i) in order for Aboriginal people to fully identify and connect to their cultural heritage and Clans; and
  - (ii) for better participation in the treaty process;"
30. Clause 36, line 15, omit "prosperity." and insert "prosperity;"
31. Clause 36, after line 15 insert—
- "( ) supporting a process of truth telling of the history of Victoria from the perspectives of Clans and other Aboriginal Victorians."
32. Clause 41, line 14, omit "Aboriginal Victorians" and insert "Clans".
33. Clause 41, lines 22 and 23, omit "Aboriginal Victorians" and insert "Clans".

34. Insert the following New Schedule to follow clause 44—

## "Clans and First Nations

TABLE 1

<i>Item</i>	<i>Column 1</i>	<i>Column 2</i>
	<i>First Nation</i>	<i>Clans</i>
1	Barapa Barapa	Gunbower gundidj Kurrowertukhe Mially Water Clan Moyberrer Balug Perregoo Tanne Balug Teerap Balug Yulowil Balug
2	Bidwell	Unknown
3	Boonwurrung / Bunwurrung	Bun Wurrung Balug Mayne Balug Ngaruk William Yallock Ballug Yalukit Willam Yowengarra
4	Dhudhuroa / Yatmaithang	Dhudhuroa Boengar Mittong Ginning Matong Tarrer Mittung Theddora Mittung Gundungerre Kandangora Mittung Yatte Mittong
5	Dja Dja Wurrung / Jaara	Bial Balug Burung Balug Bulangurd Gundidj Catto's Run Clan Galgal Gundidj Gurabungalid Gundidj Banyul Willam

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		Dja Dja Wurrung Balug
		Galgal Balug
		Gunangara Gundidj
		Larning Gundidj
		Liarga Balug
		Tardardyinlar
		Munal Gundidj
		Dirag Balug
		Durid Balug
		Wurn Balug
		Wungaragira Gundidj
		Yung Balug
6	Djab Wurrung	Baumbidj Gundidj
		Djargurd Balug
		Koenghegulluc
		Korongow Werroke Gundidj
		Leehoorah Gundidj
		Mullungkil Gundidj
		Djargurd Wurrung
		Netcunde
		Tarnbeere Gundidj
		Teerinyillum Gundidj
		Uropine Gundidj
		Wane Gundidj Colac
		Worong Gundidj
7	Girai Wurrung / Kirrae Wurrung	Baradh Gundidj
		Badadgil Gundidj
		Burug Gundidj
		Duram Gundidj
		Flat Topped Hill Clan
		Garar Gundidj
		Garngigung Gundidj
		Girai Wurrung Kirrae Wurrung
		Gilambidj Gundidj
		Gilidmurar Gundidj
		Gulag gundidj

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		Gular Gundidj
		Gun Gundidj
		Gunawurd Gundidj
		Gunindarar
		Ngalung Barar Balug
		Mt Noorat Clan
		Ngaragurd Gundidj
		Girai Wurrung Kirrae Wurrung
		Purteet Chowel Gundidj
		Lake Terang Clan
		Warnmbul Gundidj
8	Gulidjan	Beeac Clans
		Birregurra Clans
		Guraldjin Balug
		Gulidjan Balug
9	Gunditj Miring / Dhauwurd Wurrung Gunditjmarra	Art Gundij
		Ballumin Gudidj
		Bate Gundidj
		Biteboren Gundidj
		Bokerer Gundidj
		Bome Gundidj
		Bonedol Gundidj
		Can Can Corro Gundidj
		Carnbul Gundidj
		Cart Gundidj
		Cartcorang Gundidj
		Corry Gundidj
		Cupponenet Gundidj
		Dandeeyallum
		Direk Gundidj
		Gilgar Gundidj
		Kerrup Gundidj
		Kilcarer Gundidj
		Gundidj
		Koroit Gundidj
		Lay Gundidj Mallo

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Mallun Gundidj  
Meen Gundidj  
Mendeet Gudidj Marayn  
Monwer gundidj  
Moperer Gundidj  
Mordoneneet Gundidj  
Morro Gunditj  
Mum Keelunk Gundidj  
Mumdorrong Gundij  
Nancurrer Gundidj  
Nartitbeer Gundidj  
Net Net Yune Gundidj  
Nilan Gundij  
Omebegare Rege Gundidj  
Pallapnue Gunditj  
Peerracer  
Ponungdeet Gundidj  
Pyipgil Gundidj  
Tarrerwung Gundidj  
Tarerer Gundidj  
Tarngonene Wurrer Gundidj  
Teerar Gundidj  
Tolite Gundidj  
Tone Gundidj  
Ure Gundidj  
Wane Gundidj  
Wanedeet Gundidj  
Warerangur Gundidj  
Waywac Gundidj  
Weereweerip Gundidj  
Woortenwan  
Worcarre Gundidj  
Worerome Killink Gundij  
Worn Gundidj  
Tallo Gundidj  
Yambeet Gundidj  
Yarrer Gundidj

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		Yiyar Gundidj
		Yowen
10	Gunai / Kurnai	Brataualung
		Tatungulung
		Braiakaulung
		Brabralung
		Krauatungulung
11	Jardwadjali	Apsley Clan
		Barbadin Balug
		Bernet
		Buluga
		Bung Bung Gul Gundidj
		Congbool and Yat Nat Clan
		Darkogang Gundidj
		Djappuminyu
		Djura Balug
		Jardwadjala
		Djurid Balug
		Kallutbeer Kanal Gundidj
		Karrebil Gundidj
		Konongwootong Gundidj
		Koroite
		Konenicen Balug
		Kum Balug
		Larnaget
		Jardwadjala
		Lil Lil Gundidj
		Mideriber Gundidj
		Moody Balug
		Murray Murra Barap
		Ngarum Ngarum Balug
		Pellerwin Balug
		Pobbiberer Balug
		Rockburrer Balug
		Tuan Balug
		Jardwadjala

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		Tukallut Balug
		Tununder Balug
		Ullswater Clan
		Wanemollechoke
		Welleetpar
		Whiteburer Gundidj
		Worrercite
		Yamneborer Balug
		Yareen Me Yoke
		Yetteker Balug
12	Latji Latji	Balug Mernen Bandjel Gundidj Lail Buil
13	Monero-Ngarigu / Southern Monero	Unknown
14	Ngintait	Unknown
15	Ngurai Illum Wurrung	Benbedora Balug Gunung-Willam Ngurai-Illam Balug
16	Nyeri Nyeri / Yary Yary	Unknown
17	Tati Tati / Dadi Dadi	Jungeegatchera
18	Taungurung	Buthera Balug Look Willam Moomoom Gundidj Nattarak Balug Nira Balug Warring-Illum Balug Yarran-Illum Balug Yeerun-Illam Balug Yowung-Illam Balug
19	Tjapwurrung	Bankneit Bar Gundidj Beeripmo Balug Boner Balug Buller Buller Cote Gundidj Carbonong Gundidj Cart Cart Worrata Gundidj

Curruc Balug  
 Gnareeb Gnareeb Gundidj  
 Jacelet  
 Kolorer Gundidj  
 Konegilwerring Gundidj  
 Mingalac Gundidj  
 Mitteyer Balug  
 Mutterchoke Balug  
 Neetssheere Balug  
 Tjapwurrung  
 Peeripar Balug  
 Poit Balug  
 Punnoinjon Gundidj  
 Puppellenneering  
 Tappoc Gundidj  
 Terrel Balug  
 Terrumbehal Gundidj  
 The Gums Clan  
 Tillac Gundidj  
 Tin Balug  
 Tjapwurrung  
 Tonedidgerer Balug  
 Tool Balug  
 Toorac Balug  
 Toorac Balug  
 Uelgal Gundidj  
 Ural Balug  
 Utoul Balug  
 Wattenpeer Balug  
 Tjapwurrung  
 Weeripcart Balug  
 Worrembeetbeer Gundidj  
 Wurcurri Gundidj  
 Yam Yam Burer Balug  
 Yourwychall Gundidj

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		Beerekwart Balug
		Bengalat Balug
		Berrejin Balug
		Borogundidj
		Burrumbeet Balug
		Keyeet Balug
		Carringham Balug
		Carninje Balug
		Corac Balug
		Corrin Corrinjer Balug
		Gerarlture
		Marpeang Balug
		Mear Balug
		Mojjerra Balug
		Moner Balug
		Monmart
		Neerer Balug
		Pakeheneek Balug
		Peerickelmoon Balug
		Tooolora Balug
		Woodeallope Gundidj
		Wada Wurrung Balug
		Wongerrer Balug
		Worinyaloke Balug
		Yaawang
21	Wadi Wadi / Weki Weki	Nat Konedeyoke
		Targundidj
22	Wamba Wamba / Wemba Wemba	Bael Bael Gundidj
		Dietchen Balug
		Geroung Bukeer
		Gourrmjanyuk
		Koron Gundidj
		Mallenjerrick
		Moorta Moorta
		Murrabit Gundidj
23	Waywurru / Waveroo	Tarrer Mittag

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24	Wergaia Wergaia Wotjobaluk Djupagalk Jardwajala	Banyiinong Balug/Banju Bunan Gundidj Bulla Bulla Wycher Karroit Balug Djubagalg Gundidj Duwin Barap Jakel Balug Jackal Barap Jarambiuk Wergaia Jarrung Jarrung Kapun Kapun Bara Kreitch Balug Gur Balug Nyill Porrone Gundidj Wengen Marongeitch Witch Wundauk/Njarimbalug Yarrikuluk Yoonjareup
<hr/>		
25	Woi-wurrung / Wurundjeri	Wurundjeri Willam Gunung Willam Balug Talling Willum Kurung Jang Balug Marin Balug Wurundjeri Balug Bulug Willam
<hr/>		
26	Yorta Yorta	Darrinban Wongatban Merdiderban Maddemowero Yewngotban Biggolatban Ungidderroban Mowatban Derranatban Toolinyagan

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		Boongatpan
		Angootheriban
		Kailthiban
		Moiraduban
		Towroonban
		Wolithiga
27	Yuin	Unknown

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"

#### AMENDMENT OF PREAMBLE

35. Preamble, omit "traditional owners" (where first occurring) and insert "Traditional Owners and Clans".
36. Preamble, omit "traditional owners" (where second, third and fourth occurring) and insert "Clans".
37. Preamble, page 2, omit "Victorian traditional owners maintain that their sovereignty has never been ceded, and" and insert "The State of Victoria recognises that the Clans have never ceded sovereignty over the land now known as Victoria. The State of Victoria recognises that".
38. Preamble, page 2, omit "Aboriginal Victorians" (where third occurring) and insert "Clans and First Nations".
39. Preamble, page 2, omit "Aboriginal Victorians" (where fifth, seventh and eighth occurring) and insert "Clans and First Nations".
40. Preamble, page 2, omit "Aboriginal Victorians" (where ninth occurring) and insert "Clans".
41. Preamble, page 2, omit "traditional owners" (where first, third, fourth, fifth and sixth occurring) and insert "Traditional Owners".
42. Preamble, page 3, omit "traditional owners" and insert "Clans and Traditional Owners".

### 3. ELECTORAL LEGISLATION AMENDMENT BILL 2018

#### Amendments circulated by Mr Bourman

1. Clause 43, page 37, line 6, omit "An" and insert "Subject to subsection (3), an".
2. Clause 43, page 37, line 22, after this line insert—
  - "(3) Despite subsection (2), if the first appointment of an entity as the nominated entity of a registered political party is made before 1 July 2020, an entity is eligible to be appointed as the nominated entity of the registered political party if the entity is an incorporated body—
    - (a) that—
      - (i) operates for the principal benefit of the members of the registered political party; or

(ii) is established and maintained, or is the trustee of a trust established and maintained, for the principal benefit of the members of the registered political party; and

(b) that does not have voting rights in the registered political party."

3. Clause 43, page 37, line 23, omit "(3)" and insert "(4)".

Amendments circulated by Mr Jennings

1. Clause 2, page 2, line 5, after "Parts" insert "2,".

2. Clause 2, page 2, line 8, omit all words and expressions on this line and insert—

"(2) Section 47(2) comes into operation on 1 August 2018."

3. Clause 2, page 2, line 9, after "(3)" insert "Part 4 (except section 47(2)), and".

4. Clause 2, page 2, lines 11 to 14, omit all words and expressions on these lines.

5. Clause 8, page 5, line 6, after "made" insert "during the period commencing 115 days before the day of the 2018 general election resulting from the expiration of the Assembly, or".

6. Clause 8, page 5, line 8, omit "a" and insert "any other".

7. Clause 14, page 8, line 10, after "made" insert "during the period commencing 115 days before the day of the 2018 general election resulting from the expiration of the Assembly, or".

8. Clause 14, page 8, line 11, omit "a" and insert "any other".

9. Clause 24, page 13, line 21, after this line insert—

'(2) For section 101(2)(c) of the **Electoral Act 2002** substitute—

"(c) must not be physically attached to, or form part of, other written material issued by a person or organisation other than the Commission; and".

NEW CLAUSE

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

**'AA New section 104A inserted and consequential amendments**

(1) After section 104 of the **Electoral Act 2002** insert—

**"104A Information to be provided to registered political parties and candidates**

(1) Subject to subsection (3), the Commission must provide on request, the name and address of any person whose application to vote by post (whether in writing or electronic form) has been accepted under section 104(1) or (1A) to—

(a) each registered political party; and

(b) each candidate who is not endorsed by a registered political party who is standing for the region or district in which the address of the person is located—

as soon as practicable after the declaration and ballot-paper has been issued under section 104(1A).

- (2) The Commission may provide the information under subsection (1) electronically or in an electronic form.
- (3) The Commission must not provide particulars of silent electors or itinerant electors under this section.
- (4) A person must not use information provided under subsection (1) for any purpose unless the use is for a purpose in connection with the election.  
 Penalty: In the case of a natural person, 600 penalty units;  
 In the case of a body corporate or registered political party, 3000 penalty units.
- (5) A person must not disclose information provided under subsection (1) unless the disclosure is for any purpose in connection with the election.  
 Penalty: In the case of a natural person, 600 penalty units;  
 In the case of a body corporate or registered political party, 3000 penalty units.

**Note**

Section 179A applies to an offence against subsection (4) or (5)."

- (2) In section 37(1) of the **Electoral Act 2002**, for "or 34" **substitute** ", 34 or 104A".
- (3) After section 179A(2)(f) of the **Electoral Act 2002 insert**—  
 "(fa) section 104A(4) and (5);".'

11. Insert the following New Clause to follow clause 30—

**'BB Part 6A substituted**

For Part 6A of the **Electoral Act 2002 substitute**—

**"Part 6A—Electronic voting and electronic assisted voting****Division 1—Electronic voting****110A Application of Part 6 to electronic voting**

Part 6 applies to and in respect of electronic voting subject to the provisions of this Part.

**110B No entitlement to electronic voting**

This Part does not create an entitlement to vote by electronic voting.

**110C Availability of electronic voting**

Electronic voting is available at a voting centre which is designated by the Commission as an electronic voting centre.

**110D Who can access electronic voting?**

- (1) Electronic voting can be accessed by—  
 (a) an eligible class of electors; and  
 (b) any other class of electors prescribed by the regulations for the purposes of this section.
- (2) In this Division, *eligible class of electors* means electors who otherwise cannot vote without assistance because of—



- (a) blindness or low vision; or
- (b) a motor impairment; or
- (c) insufficient literacy skills (whether in the English language or in their primary spoken language).

### **Division 2—Electronic assisted voting**

#### **110E Application of Part 6 to electronic assisted voting**

Part 6 applies to and in respect of electronic assisted voting subject to the provisions of this Part.

#### **110F Availability of electronic assisted voting**

- (1) The Commission must determine that electronic assisted voting is available at an election.
- (2) The Commission must designate a voting centre as an electronic assisted voting centre.

#### **110G Who can access electronic assisted voting?**

Electronic assisted voting can be accessed by a prescribed eligible class or classes of electors prescribed by the regulations for the purposes of this section.

#### **110H Commission to approve procedures for electronic assisted voting**

- (1) The Commission may approve procedures to facilitate voting by a prescribed eligible class or classes of electors at an election by means of electronic assisted voting.
- (2) The Commission may engage an independent person or auditor to conduct audits of the computer program, systems and information technology used under the approved procedures.

### **Division 3—General**

#### **110HA Definition**

In this Part, *electronic assisted voting* includes voting by the use of electronic equipment, telephone or other technology.

#### **110HB Approval of computer program or system for electronic voting and electronic assisted voting**

- (1) The Commission may approve a computer program or system to enable electronic voting and electronic assisted voting if the Commission is satisfied that the criteria specified in subsection (2) apply.
- (2) The criteria are—
  - (a) the proper use of the computer program or system will give the same result in the recording of votes in an election as would be obtained if no computer program or system was used in the recording of votes;
  - (b) the computer program or system will enable a visual display or auditory description (including the names and order of the candidates and other details about the candidates as they appear on the ballot-paper) of the ballot-paper and voting instructions to be provided to an elector so that the elector may vote using a touch screen or a keypad;

- (c) the computer program or system will enable an elector to select consecutive preferences beginning with the figure "1" or, in the case of an election for the Legislative Council, to select only one party or group in accordance with section 93A(2)(a);
  - (d) the computer program or system allows an elector to correct a mistake before the vote is processed by the computer program;
  - (e) the computer program or system allows an elector to give an informal vote by selecting no preferences for any candidate or by voting for less than the number of vacancies to be filled at the election;
  - (f) the computer program or system allows an elector to abandon for any reason the electronic ballot-paper without completing the vote;
  - (g) the computer program or system can produce a paper record of each vote cast using an electronic ballot-paper to enable the counting of votes in the election;
  - (h) the computer program or system will prevent any person from ascertaining the vote of a particular elector.
- (3) The Commission may approve a process for capturing preferences into the approved computer program or system for electronic voting or for electronic assisted voting.

#### **110HC Security arrangements**

The Commission must ensure that arrangements are in place to ensure that—

- (a) systems, computer programs and electronic devices used or intended to be used for or in connection with electronic voting and electronic assisted voting are kept secure from interference; and
- (b) the integrity of voting is maintained while electronic voting and electronic assisted voting is being used.

#### **110HD Ballot-papers**

- (1) For the purposes of this Part, a ballot-paper prepared under section 74 may be in an electronic form.
- (2) The Commission may approve changes to the electronic form of the ballot-paper which are necessary to facilitate the visual display or auditory description of the electronic form.
- (3) The Commission may approve changes to the form of the ballot-paper printed from the ballot-paper in an electronic form.

#### **110HE Voting**

- (1) For the purposes of section 92, if section 110D applies to a person entitled to vote, the person may be given access to an electronic ballot-paper.
- (2) For the purposes of section 92, if section 110G applies to a person entitled to vote, the person may authorise an election official to access and complete a ballot-paper on their behalf.
- (3) If an elector given access to an electronic ballot-paper has complied with the voting instructions provided and the vote is processed by the computer program, the elector is to be taken for the purposes of sections 93 and 93A to have marked the elector's vote on the ballot-paper in accordance with those sections.

- (4) For the purposes of section 93(6), an elector using electronic voting or electronic assisted voting is to be taken to have deposited their vote in the ballot-box—
  - (a) in the case of electronic voting, when they submit their electronic ballot-paper using the approved computer program; or
  - (b) in the case of electronic assisted voting, when the election official has confirmed completion of the ballot-paper.
- (5) For the purposes of section 98, a person to whom section 110D applies is entitled to apply to vote at an early voting centre.
- (6) The validity of a vote cast in accordance with this section cannot be disputed on the ground that the elector could have voted without assistance.

#### **110I Offence in relation to electronic voting and electronic assisted voting**

- (1) A person must not, without reasonable excuse, destroy or interfere with any computer program, data file or electronic device which is used, or intended to be used, for or in connection with electronic voting and electronic assisted voting.
- (2) A person who contravenes subsection (1) is guilty of an indictable offence.  
Penalty: Level 6 imprisonment (5 years maximum) or level 6 fine (600 penalty units).

#### **Note**

Section 179A applies to an offence against this section."

12. Clause 36, page 21, lines 14 and 15, omit ", registered political party or organisation may display one sign" and insert "or registered political party may display 2 signs".
13. Clause 40, page 25, line 2, omit all words and expressions on this line.
14. Clause 40, page 25, line 3, omit "(b)" and insert "(a)".
15. Clause 40, page 25, line 6, omit "(c)" and insert "(b)".
16. Clause 40, page 25, line 16, after this line insert—

*"election campaigning period* means the period—

- (a) commencing on 1 October in the year of a general election as a result of the expiration of the Assembly and ending at 6 p.m. on the day of the general election; or
  - (b) commencing on the day on which the writ is issued for any other election and ending at 6 p.m. on the day of the election;"
17. Clause 40, page 26, lines 28 and 29, omit all words and expressions on these lines and insert—

"(b) a registered political party; or  
(c) an elected member—

but does not include expenditure incurred by an associated entity or third party campaigner on any material that is published, aired or otherwise disseminated outside of the election campaigning period unless the material refers to—

- (d) a candidate or a registered political party; and
- (e) how a person should vote at an election;"

18. Clause 40, page 27, line 16, after "that" insert "receives political donations or".
19. Clause 40, page 27, line 17, omit "\$2000" and insert "\$4000".
20. Clause 40, page 28, lines 19 to 26, omit all words and expressions on these lines and insert—
- "(g) an annual subscription paid to a registered political party by a person in respect of the person's membership of the registered political party;"
21. Clause 40, page 28, lines 30 to 35, and page 29, lines 1 to 10, omit all words and expressions on these lines and insert—
- "(i) an annual levy paid to a registered political party by—
- (i) an elected member or a member of staff of the elected member (including an electoral officer); or
- (ii) an employee or elected official of the registered political party;"
22. Clause 40, page 29, line 17, after this line insert—
- "(ja) a gift made for Commonwealth electoral purposes that is not paid into the State campaign account;"
23. Clause 40, page 31, line 10, omit "expenditure;" and insert—
- "expenditure—
- in which case, the whole or the part of the gift used, or intended to be used, for the purposes specified in subparagraphs (i) and (ii) is a political donation;"
24. Clause 40, page 31, line 25, omit "expenditure;" and insert—
- "expenditure—
- in which case, the whole or the part of the gift used, or intended to be used, for the purposes specified in subparagraphs (i) and (ii) is a political donation;"
25. Clause 44, page 41, line 6, after this line insert—
- "**administrative expenditure funding** means funding paid to a registered political party or an independent elected member for administrative expenses, including expenses incurred in complying with this Part;"
26. Clause 44, page 41, lines 7 to 9, omit all words and expressions on these lines.
27. Clause 44, page 41, line 15, after "member" insert ",".
28. Clause 45, page 42, line 2, before "After" insert "(1)".
29. Clause 45, page 48, lines 30 to 36, and page 49, lines 1 to 8, omit all words and expressions on these lines and insert—
- "(5) If a registered agent of an associated entity or a third party campaigner pays into the State campaign account an amount received as—
- (a) an annual subscription paid to the associated entity or third party campaigner by a person in respect of the person's membership of the associated entity or third party campaigner; or

- (b) an annual levy paid to the associated entity or third party campaigner by an elected official or employee of the associated entity or third party campaigner—

the amount is to be taken to be a political donation within the meaning of section 206(1) and sections 216, 217D, 217J and 217K apply accordingly."

30. Clause 45, page 50, line 30, omit "group." insert 'group.'.

31. Clause 45, page 51, line 1, omit all words and expressions on these lines and insert—

'(2) Before section 208 of the **Electoral Act 2002** insert—

**"Division 1C—Administrative'**

32. **Suggested amendment to the Legislative Assembly -**

Clause 45, page 51, lines 5 to 34, page 52, lines 1 to 31, and page 53, lines 1 to 11, omit all words and expressions on these lines and insert—

"(1) The following are eligible to receive an annual amount of administrative expenditure funding as follows—

(a) for an independent elected member or the first member of a registered political party, an amount of \$250 000;

(b) for a registered political party that has more than 1 elected member, an amount of \$40 000 for each of the second to forty-fifth elected members.

(2) Subject to subsections (3) and (4), the Commission must make payments of administrative expenditure funding under this section quarterly in advance to an independent elected member or registered political party.

(3) In an election quarter, the Commission must make payments of administrative expenditure funding—

(a) in advance on a pro-rata basis for the period—

(i) beginning on 1 October of that year; and

(ii) ending in the day of the general election; and

(b) in arrears on a pro-rata basis for the period—

(i) beginning on the day after the day of the general election; and

(ii) ending on 31 December in that year.

(4) The entitlement to receive a quarterly payment of administrative expenditure funding is to be calculated on a pro-rata basis for—

(a) each day in the quarter that an elected member is an independent member;  
or

(b) each day in the quarter that an elected member is a member of a registered political party."

33. **Suggested amendment to the Legislative Assembly -**

Clause 45, page 53, line 12, omit "(7)" and insert "(5)".

34. **Suggested amendment to the Legislative Assembly -**

Clause 45, page 53, line 21, omit "(8)" and insert "(6)".

35. **Suggested amendment to the Legislative Assembly -**  
Clause 45, page 53, line 25, omit "paid into the State campaign account or".
36. **Suggested amendment to the Legislative Assembly -**  
Clause 45, page 53, line 27, omit "(9)" and insert "(7)".
37. **Suggested amendment to the Legislative Assembly -**  
Clause 45, page 53, line 30, omit "(8)" and insert "(6)".
38. **Suggested amendment to the Legislative Assembly -**  
Clause 45, page 54, line 1, omit "(10)" and insert "(8)".
39. **Suggested amendment to the Legislative Assembly -**  
Clause 45, page 54, line 2, omit "(9)" and insert "(7)".
40. **Suggested amendment to the Legislative Assembly -**  
Clause 45, page 54, lines 8 and 9, omit all words and expressions on these lines and insert—  
    "(9) The first payment under this section is to be—  
        (a) made on 1 August 2018; and  
        (b) paid on a pro-rata basis for the period commencing on 1 August 2018 and ending on 30 September 2018."
41. **Suggested amendment to the Legislative Assembly -**  
Clause 45, page 54, line 10, omit "(12)" and insert "(10)".
42. **Suggested amendment to the Legislative Assembly -**  
Clause 45, page 54, line 10, omit "(4)(a) or (5)(a)" and insert "(3)(a)".
43. **Suggested amendment to the Legislative Assembly -**  
Clause 45, page 54, line 13, omit "(13)" and insert "(11)".
44. **Suggested amendment to the Legislative Assembly -**  
Clause 45, page 54, lines 13 and 14, omit "(4)(b), (5)(b) or (6)" and insert "(3)(b)".
45. **Suggested amendment to the Legislative Assembly -**  
Clause 45, page 54, line 24, after this line insert—  
    "(12) In this section, *election quarter*, of a year in which a general election is held, means the quarter of that year beginning on 1 October."
46. **Suggested amendment to the Legislative Assembly -**  
Clause 45, page 54, line 25, omit "(14)" and insert "(13)".
47. Clause 45, page 54, line 27, after this line insert—

'(3) In section 207G(6) of the **Electoral Act 2002**, after "not" insert "paid into the State campaign account or".'

48. **Suggested amendment to the Legislative Assembly -**

Clause 50, page 57, line 18, after this line insert—

'(3) In section 211(3) of the **Electoral Act 2002**, after "the election" insert "or the candidate is elected at the election".'

49. Clause 52, page 60, line 23, omit "(2)(a), (b)" and insert "(2)(b)".

50. Clause 52, page 62, line 27, omit "50(2)" and insert "52(2)".

NEW CLAUSE

51. **Suggested amendment to the Legislative Assembly -**

Insert the following New Clause to follow clause 53—

**'CC New Division 2A inserted in Part 12**

After Division 2 of Part 12 of the **Electoral Act 2002** insert—

**"Division 2A—Policy development funding**

**215A Policy development funding**

- (1) The Commission must make payments of policy development funding to eligible registered political parties to reimburse costs relating to policy development in accordance with this section.
- (2) An eligible registered political party is entitled to an annual payment of policy development funding equal to the greater of—
  - (a) the sum of \$1.00 for each first preference vote given for a candidate who was endorsed by the registered political party at the previous general election; or
  - (b) \$25 000.
- (3) A registered political party is an eligible registered political party if—
  - (a) the registered political party has been a registered political party for the whole of the calendar year; and
  - (b) the registered officer of the registered political party did not receive a payment under section 212(3) in respect of any election during the calendar year or the previous general election; and
  - (c) the registered political party was not entitled to receive a payment of administrative expenditure funding under section 207G during the calendar year; and
  - (d) the Commission is satisfied that the registered political party operates as a genuine political party; and
  - (e) the registered officer of the registered political party has complied with subsection (4).
- (4) For the purpose of having an entitlement under subsection (2), the registered officer of the registered political party must, within 20 weeks of the end of the calendar year, provide to the Commission a statement, in the form approved by

the Commission, specifying that the registered political party has spent or incurred policy development expenditure in relation to the calendar year—

- (a) not less than the amount of the entitlement under subsection (2); or
  - (b) less than the amount of the entitlement under subsection (2), being the amount specified in the statement.
- (5) For the purposes of subsection (4), *policy development expenditure* means expenditure as determined from time to time by the Commission but does not include political expenditure or electoral expenditure.
- (6) The registered officer of the registered political party must ensure that any payment received from the Commission under this section is not—
- (a) paid into the State campaign account; or
  - (b) used for electoral expenditure.

### **215B Audit of statement**

- (1) A statement under section 215A(4) must be provided to the Commission with the certificate of a registered company auditor within the meaning of the Corporations Act.
- (2) A certificate under subsection (1) must state that the auditor—
- (a) was given full and free access at all reasonable times to all accounts, records, documents and papers relating directly or indirectly to any matter required to be specified in the statement; and
  - (b) examined the material referred to in paragraph (a) for the purpose of giving the certificate; and
  - (c) received all information and explanations that the auditor requested in respect of any matter required to be specified in the statement; and
  - (d) has no reason to believe that any matter stated in the statement is not correct.
- (3) A statement is to be taken not to have been provided to the Commission unless the certificate required by this section is attached to the statement.

### **215C Powers of Commission**

- (1) If the Commission is satisfied on reasonable grounds that information provided in the statement or the certificate is materially incorrect, the Commission may by notice in writing request the auditor to provide further information as specified in the notice within 14 days of the date of the notice.
- (2) If the auditor fails to provide the requested information, the Commission may by notice in writing request the registered officer of the registered political party to provide further information as specified in the notice within 14 days of the date of the notice.
- (3) If the registered officer of the registered political party fails to provide the requested information, the Commission may—
- (a) withhold any payment under section 215A until the requested information is provided; or
  - (b) if a payment has already been made under section 215A, take proceedings to recover the payment under section 215D(4).

### **215D Making of payments**



- (1) An amount is only payable if the statement required to be provided to the Commission has been provided to the Commission.
- (2) The amount payable is—
  - (a) if the statement specifies that not less than the entitlement has been spent or incurred, the whole of the entitlement; or
  - (b) if the statement specifies that an amount that is less than the entitlement has been spent or incurred, an amount equal to the amount specified in the statement.
- (3) If an amount is payable under section 215A, the Commission must make the payment to the registered officer of the registered political party within 30 days after the Commission has been provided the statement.
- (4) If a payment is made and the recipient is not entitled to receive the whole or a part of the amount paid, that amount or that part of that amount may be recovered by the Commission as a debt due to the State by action against the person in a court of competent jurisdiction."!

52. Clause 54, page 67, line 6, after this line insert—

- "(9) For the purposes of this section, any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity—
- (a) is not to be included for the purposes of calculating the sum of political donations made by the donor for the purposes of subsection (2)(b); and
  - (b) does not require the provision of a disclosure return under subsection (2) or (4)."

53. Clause 55, page 69, lines 12 to 14, omit all words and expressions on these lines and insert—

"exceeds the general cap is made for Commonwealth electoral purposes and is not paid into the State campaign account of the person or entity."

54. Clause 55, page 72, line 13, before "The" insert "(1)".

55. Clause 55, page 73, line 31, after this line insert—

- "(2) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii) or the sum of all outstanding debts to a person or entity during a financial year under subsection (1)(b)(v), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded."

56. Clause 55, page 73, line 33, before "The" insert "(1)".

57. Clause 55, page 75, line 14, after this line insert—

- "(2) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii) or the sum of all outstanding debts to a person or entity during a financial year under subsection (1)(b)(v), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded."

58. Clause 55, page 75, line 17, before "The" insert "(1)".
59. Clause 55, page 76, line 35, after this line insert—
- "(2) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii) or the sum of all outstanding debts to a person or entity during a financial year under subsection (1)(b)(v), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded."
60. Clause 55, page 77, line 2, before "The" insert "(1)".
61. Clause 55, page 78, line 18, after this line insert—
- "(2) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii) or the sum of all outstanding debts to a person or entity during a financial year under subsection (1)(b)(v), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded."
62. Clause 55, page 79, line 12, after this line insert—
- "(3) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded."
63. Clause 55, page 79, line 18, after this line insert—
- "217NA Annual returns in respect of financial year commencing on 1 July 2018**
- The period in respect of which an annual return is to be provided in respect of the financial year commencing on 1 July 2018 is the period commencing 25 November 2018 and ending on 30 June 2019 and this Division is to be construed accordingly."
64. Clause 55, page 81, in item 3 of the TABLE, omit "\$2000" and insert "\$4000".
65. **Suggested amendment to the Legislative Assembly -**
- Clause 55, page 81, omit items 4 to 8 of the TABLE and insert—
- "4 Section 207G(1)(a)—\$250 000
- 5 Section 207G(1)(b)—\$40 000".
66. **Suggested amendment to the Legislative Assembly -**
- Clause 55, page 81, after item 10 of the TABLE insert—
- "10A Section 215A(2)(a)—\$1.00
- 10B Section 215A(2)(b)—\$25 000".
- NEW CLAUSE
67. Insert the following New Clause to follow clause 62—

**'DD New sections 222DB and 222DC inserted**

After section 222DA of the **Electoral Act 2002** insert—

**"222DB Review to be conducted**

- (1) The Minister must cause an independent review of the operation of the amendments of this Act made by the **Electoral Legislation Amendment Act 2018** (the *2018 amendments*) to be conducted by an expert panel appointed under section 222DC.
- (2) The review must be completed within 12 months after 25 November 2022.
- (3) The review must examine and make recommendations in relation to the following—
  - (a) whether this Act should be further amended to provide for a cap on political expenditure and if so—
    - (i) whether the cap should apply generally or to specific persons or entities;
    - (ii) the value of the cap;
    - (iii) the consequences of a failure to comply with the cap;
  - (b) the impact of the 2018 amendments upon third party campaigners, small community groups and not-for-profit entities;
  - (c) the operation of the disclosure scheme given effect to by the 2018 amendments including, but not limited to, the operation of disclosure returns;
  - (d) the effectiveness of the 2018 amendments so far as they relate to electronic assisted voting.
- (4) The review may examine and make recommendations in relation to contemporary trends and issues in respect of the electoral funding including, but not limited to, the funding of political parties or candidates (however described).
- (5) The Minister must cause a copy of a report of the review to be laid before each House of Parliament on or before 10 sitting days after the day on which the review is completed.
- (6) If the review recommends that this Act be amended, the Minister must use the Minister's best endeavours to ensure that the Act is amended in accordance with the recommendations before the general election to be held in November 2026.

**222DC Review to be conducted by expert panel**

- (1) The review of the 2018 amendments must be conducted by an expert panel comprised of 3 members appointed by the Minister.
- (2) Before appointing the expert panel, the Minister must propose 3 members to the Electoral Matters Committee established under section 5 of the **Parliamentary Committees Act 2003**, each of whom must have experience in one or more of the following areas—
  - (a) community advocacy and engagement;
  - (b) legal and regulatory compliance;
  - (c) contemporary issues relating to electoral funding.
- (3) A proposed member must not be any of the following—

- (a) a current employee of a public service body, a public entity or a special body (within the meaning of the **Public Administration Act 2004**);
  - (b) a current employee or executive of a registered political party;
  - (c) the current Electoral Commissioner or an employee or other member of staff of the Commission;
  - (d) a current or former Member of the Parliament of Victoria.
- (4) The Electoral Matters Committee may, within 30 days of receiving advice of 3 proposed members of the expert panel from the Minister, veto one or more of the proposed members.
- (5) If the Electoral Matters Committee vetoes one or more of the proposed members, the Electoral Matters Committee must propose 2 alternative member for each vetoed proposed member, each of whom—
- (a) must have experience in an area specified in paragraph (2)(a), (b) or (c); and
  - (b) must not be a person specified in subsection (3).
- (6) If the Electoral Matters Committee proposes 2 alternative members for a vetoed proposed member, the Minister must appoint one of the alternative members instead of appointing the proposed vetoed member, unless the alternative member does not satisfy the requirements of subsection (5)(a) and (b), in which case the Minister must ask the Electoral Matters Committee to propose another member.
- (7) In conducting the review, the expert panel may inform itself as it sees fit, having regard to appropriate privacy considerations relating to electronic assisted voting."'

68. Clause 63, page 87, lines 13 to 30, omit all words and expressions on these lines and insert—

- '(2) Without limiting the generality of subsection (1), the following are entitled to be provided with one Parliamentary adviser—
- (a) each independent elected member of the Parliament of Victoria;
  - (b) the Leader of any party represented in the Parliament of Victoria which is not a party forming Government and which has only one elected member.
- (2A) Without limiting the generality of subsection (1), the Leader of any party represented in the Parliament of Victoria which is not a party forming Government and which has more than one elected member but less than 6 elected members, is entitled to be provided with—
- (a) 2 Parliamentary advisers; and
  - (b) one Parliamentary adviser for each 2 elected members of the party.
- (2B) Without limiting the generality of subsection (1), the Leader of any party represented in the Parliament of Victoria which is not a party forming Government and which has more than 5 elected members but less than 12 elected members, is entitled to be provided with—
- (a) one Parliamentary adviser; and
  - (b) one Parliamentary adviser for each 2 elected members of the party.

(2C) Without limiting the generality of subsection (1), the Leader of any party represented in the Parliament of Victoria which is not a party forming Government and which has more than 11 elected members, is entitled to be provided with one Parliamentary adviser for each 2 elected members of the party.".'.

69. Clause 63, page 88, line 8, omit "207G(14)" and insert "207G(13)".

Amendments circulated by Dr Ratnam

1. **Suggested amendment to the Legislative Assembly -**

Clause 45, page 51, lines 5 to 34, page 52, lines 1 to 31, and page 53, lines 1 to 11, omit all words and expressions on these lines and insert—

"(1) The following are eligible to receive an annual amount of administrative expenditure funding as follows—

(a) for an independent elected member, an amount of \$150 000;

(b) for a registered political party, an amount of—

(i) \$150 000 for the first elected member; and

(ii) \$100 000 for the second elected member; and

(iii) \$80 000 for the third elected member; and

(iv) \$60 000 for the fourth elected members; and

(v) \$40 000 for each of the fifth to the fortieth elected members.

(2) Subject to subsections (3) and (4), the Commission must make payments of administrative expenditure funding under this section quarterly in advance to an independent elected member or registered political party.

(3) In an election quarter, the Commission must make payments of administrative expenditure funding—

(a) in advance on a pro-rata basis for the period—

(i) beginning on 1 October of that year; and

(ii) ending in the day of the general election; and

(b) in arrears on a pro-rata basis for the period—

(i) beginning on the day after the day of the general election; and

(ii) ending on 31 December in that year.

(4) The entitlement to receive a quarterly payment of administrative expenditure funding is to be calculated on a pro-rata basis for—

(a) each day in the quarter that an elected member is an independent member;  
or

(b) each day in the quarter that an elected member is a member of a registered political party.".

2. **Suggested amendment to the Legislative Assembly -**

Clause 45, page 54, line 10, omit "(4)(a) or (5)(a)" and insert "(3)(a)".

3. **Suggested amendment to the Legislative Assembly -**

Clause 45, page 54, lines 13 and 14, omit "(4)(b), (5)(b) or (6)" and insert "(3)(b)".

4. **Suggested amendment to the Legislative Assembly -**

Clause 55, page 81, omit items 4 to 8 of the TABLE and insert—

- "4 Section 207G(1)(a)—\$150 000
- 5 Section 207G(1)(b)(i)—\$150 000
- 6 Section 207G(1)(b)(ii)—\$100 000
- 7 Section 207G(1)(b)(iii)—\$80 000
- 8 Section 207G(1)(b)(iv)—\$80 000".

Amendments circulated by Mr Rich-Phillips

1. Clause 35, page 19, line 13, omit "**section**" and insert "**sections 152 and**".

2. Clause 35, page 19, line 14, after this line insert—

'(1) After section 152(3) of the **Electoral Act 2002** insert—

"(4) A person must not, subject any person who within 100 metres of the entrance of a building used as a voting centre is handing out how-to-vote cards or supporting a candidate at an election, to violence or intimidation.

(5) A person who contravenes subsection (4) is guilty of an indictable offence.

Penalty: Level 6 imprisonment (5 years maximum) or level 6 fine (600 penalty units).".'



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 189, 190, 191 and 192

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#### No. 189 — Tuesday, 24 July 2018

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **THE LATE MR BERNARD PHILLIP DUNN O.A.M** — Ms Pulford moved, That this House expresses its sincere sorrow at the death, on 15 June 2018, of Mr Bernard Phillip Dunn, O.A.M, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the North Western Province from 1969 to 1988 and as Leader of the National Party in the Legislative Council from 1979 to 1988.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

Pursuant to Standing Order 5.12 the sitting was suspended for one hour as further mark of respect to the late Bernard Phillip Dunn, O.A.M.

*[Sitting suspended from 12.23 p.m. until 1.29 p.m.]*

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

On the following dates, given the Royal Assent to the following Acts presented to them by the:

Acting Clerk of the Parliaments on 26 June 2018 —

*Labour Hire Licensing Act 2018*

*Marine and Coastal Act 2018*

*Serious Offenders Act 2018*

Speaker on 26 June 2018 —

*Appropriation (2018-2019) Act 2018*

Acting Clerk of the Parliaments on 3 July 2018 —

*Advancing the Treaty Process with Aboriginal Victorians Act 2018.*

- 4 **PETITIONS** —

**VICTORIA'S SENTENCING LAWS** — Mr Bourman presented a Petition bearing 248 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to address the current leniency in the sentencing of criminals in our legal system and ensure that sentencing provides a deterrent to repeat offenders committing violent crimes.

Ordered to lie on the Table.

\* \* \* \* \*

**CONTAINER DEPOSIT SCHEME IN VICTORIA** — Dr Rachel Carling-Jenkins presented a Petition bearing 73 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to fund a container deposit scheme in metropolitan and regional Victoria.

Ordered to lie on the Table.

**SAFE SCHOOLS PROGRAMS** — Dr Rachel Carling-Jenkins presented a Petition bearing 325 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to review the ‘Safe Schools Program and the ‘Catching on Early’ and ‘Catching on Later’ programs and ultimately disband them.

Ordered to lie on the Table.

\* \* \* \* \*

**WOORAYL STREET RESERVE** — Ms Fitzherbert (for Mr Davis) presented a Petition bearing 207 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to cancel development plans of the Woorayl Street Reserve and re-establish this area as open space to protect Glen Eira’s remaining heritage trees and open spaces.

Ordered to lie on the Table.

\* \* \* \* \*

**BANGERANG CULTURAL CENTRE, SHEPPARTON** — Ms Lovell presented a Petition bearing 701 signatures from certain citizens of Victoria requesting that the Legislative Council ensures that the Andrews Government provides permanent, ongoing funding to re-open the Bangerang Cultural Centre and ensure its future and longevity without delay.

Ordered to lie on the Table.

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

\* \* \* \* \*

**MICKLEHAM ROAD AND SOMERTON ROAD DUPLICATION UPGRADE** — Mr Ondarchie presented a Petition bearing 408 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to prioritise the duplication upgrades of Mickleham Road and Somerton Road in Greenvale.

Ordered to lie on the Table.

\* \* \* \* \*

**BEECHWORTH SECONDARY COLLEGE REDEVELOPMENT** — Ms Symes presented a Petition bearing 352 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to deliver, before November 2018, the full allocation of funding required by Beechworth Secondary College to implement its entire redevelopment plans.

Ordered to lie on the Table.

## 5 PAPERS —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Ms Bath presented Alert Digest No. 10 of 2018 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ANNUAL REVIEW 2017** — Ms Bath presented the Annual Review 2017 from the Scrutiny of Acts and Regulations Committee on Regulations and Legislative Instruments (including Appendices).

Ordered to lie on the Table and to be published.

Ms Bath moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**OMBUDSMAN — INVESTIGATION INTO CHILD SEX OFFENDER ROBERT WHITEHEAD’S INVOLVEMENT WITH PUFFING BILLY AND OTHER RAILWAY BODIES** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman’s Report on the Investigation into child sex offender Robert Whitehead’s involvement with Puffing Billy and other railway bodies, June 2018.



**OMBUDSMAN — OMBUDSMAN'S RECOMMENDATIONS — SECOND REPORT —**

Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on the Ombudsman's recommendations – second report, July 2018.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE —** The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to the Conveyancers (Qualifications and Experience) Regulations 2018, dated 21 June 2018.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Boroondara Planning Scheme — Amendments C263 (Part 1), C268 (Part 3) and C299.

Casey Planning Scheme — Amendment C237.

Frankston, Mount Alexander and Wyndham Planning Schemes — Amendment GC90.

Greater Geelong Planning Scheme — Amendments C373 and C381.

Greater Shepparton Planning Scheme — Amendment C196.

Hobsons Bay Planning Scheme — Amendment C109.

Hume Planning Scheme — Amendments C222 and C223.

Knox Planning Scheme — Amendment C163.

Maribyrnong, Melbourne, Port Phillip and Stonnington Planning Schemes — Amendment GC82.

Melbourne Planning Scheme — Amendments C190 (Part 2), C325 and C332.

Melton Planning Scheme — Amendment C197.

Mitchell Planning Scheme — Amendment C132.

Mitchell and Whittlesea Planning Schemes — Amendment GC101.

Moonee Valley Planning Scheme — Amendment C187.

Mornington Peninsula Planning Scheme — Amendment C221.

Queenscliffe Planning Scheme — Amendment C29.

Stonnington Planning Scheme — Amendment C279.

Victoria Planning Provisions — Amendment VC150.

Whittlesea Planning Scheme — Amendment C192.

Wodonga Planning Scheme — Amendments C125 and C127.

Statutory Rules under the following Acts of Parliament —

Associations Incorporation Reform Act 2012 — No. 81.

Australian Consumer Law and Fair Trading Act 2012 — No. 98.

Building Act 1993 — No. 100.

Commercial Passenger Vehicle Industry Act 2017 — Nos. 84 and 85.

Estate Agents Act 1980 — Nos. 82 and 97.

Health Services Act 1988 — No. 83.

Marine Safety Act 2010 — No. 101.

Mineral Resources (Sustainable Development) Act 1990 — No.78.

Motor Car Traders Act 1986 — Nos. 94 and 95.

Planning and Environment Act 1987 — Nos. 92 and 93.

Professional Boxing and Combat Sports Act 1985 — No. 79.

Public Health and Wellbeing Act 2008 — No. 99.

Road Safety Act 1986 — Nos. 87 to 89.

Service Victoria Act 2018 — No. 90.

State Superannuation Act 1988 — No. 80.

Subordinate Legislation Act 1994 — No. 91.

Surveillance Devices Act 1999 — No. 96.

Transport (Compliance and Miscellaneous) Act 1983 — No. 86.

Victorian Civil and Administrative Tribunal Act 1998 — No. 77.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of —

Compliance code: Hazardous substances made under the Occupational Health and Safety Act 2004.

Rail Safety National Law National Regulations (Fees) Variation Regulations 2018 made under the Rail Safety National Law (South Australia) Act 2012.

Statutory Rule Nos. 74, 75, 78, 79, 81 to 89, 91 to 101, 103 and 104.

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

Amendment to the Code of Practice for the Operation of Breeding and Rearing Businesses 2014 under the Domestic Animals Act 1994, dated 12 June 2018.

Determination of annual fees for driver accreditations and regulatory fees, made under the Commercial Passenger Vehicle Industry Act 2017, dated 7 June 2018.

Determination of specifications relating to fare calculation devices, security cameras installed in commercial passenger vehicles and wheelchair accessible vehicles, made under the Commercial Passenger Vehicle Industry Act 2017, dated 29 June 2018.

Notice of declaration of the Melbourne Magistrates' Court, Melbourne Children's Court, Melbourne County Court and Melbourne Supreme Court as each being a venue of a court under the Criminal Procedure Act 2009, dated 20 June 2018.

Victorian Lottery System Requirements Version 2.0, made under the Gambling Regulation Act 2003, dated 12 June 2018.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Justice Legislation Amendment (Access to Justice) Act 2018 — Parts 4, 7 and 9 — 1 July 2018 (*Gazette No. S284, 19 June 2018*).

Labour Hire Licensing Act 2018 — Part 1, Part 4, Divisions 2, 4, 5 and 7 of Part 7 and Part 9 — 27 June 2018 (*Gazette No. S305, 26 June 2018*).

Legal Identity of Defendants (Organisational Child Abuse) Act 2018 — 1 July 2018 (*Gazette No. S305, 26 June 2018*).

Planning and Environment Amendment (Public Land Contributions) Act 2018 — 2 July 2018 (*Gazette No. S305, 26 June 2018*).

Service Victoria Act 2018 — 1 July 2018 (*Gazette No. S284, 19 June 2018*).

## 6 PRODUCTION OF DOCUMENTS —

**CRICKET VICTORIA AND JUNCTION OVAL AGREEMENT** — The Clerk laid on the Table a letter from the Acting Attorney-General dated 3 July 2018 in response to the Resolution of the Council of 20 June 2018 seeking the production of documents relating to the Andrews Government's agreement to give Cricket Victoria ownership of buildings and fixtures at Junction Oval for the duration of its lease, advising that the Council's deadline of 4 July 2018 does not allow sufficient time to respond and that the Government would respond to the Council's resolution as soon as possible.

\* \* \* \* \*

**MEDICALLY SUPERVISED INJECTING CENTRE TRIAL** — The Clerk laid on the Table a letter from the Attorney-General dated 17 July 2018 in response to the Resolution of the Council of 20 June 2018 seeking the production of documents relating to the Andrews Government's trial of a medically supervised injecting centre, advising that the Council's deadline of 17 July 2018 does not allow sufficient time to respond and indicating that the Government would respond to the Council's resolution as soon as possible.

## 7 BUSINESS OF THE COUNCIL — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 25 July 2018:

- (1) Order of the Day No. 11, second reading of the Environment Protection Amendment (Container Deposit Scheme) Bill 2018;
- (2) Notice of motion given this day by Ms Wooldridge in relation to the continuing absence from office of the Deputy President;
- (3) Order of the Day No. 2, resumption of debate on the Firearms Amendment (Silencers) Bill 2018;

- (4) Notice of motion given this day by Ms Wooldridge, noting the Government's failure to comply with the order to produce the Department of Health and Human Services weekly compendium documents; and
- (5) Notice of motion given this day by Mr Davis in relation to the Coalition's East-West and North-East Link transport package.

Question — put and agreed to.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

- 8 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Adult Parole Board** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 25 July 2018.
- **Extended lockdowns in prisons** — substantive and supplementary questions asked by Ms Lovell — response from Ms Tierney due Wednesday, 25 July 2018.
- **Emergency management day calculations for lockdowns** — substantive and supplementary questions asked by Mr Finn — response from Ms Tierney due Wednesday, 25 July 2018.
- **Review of incorrect prisoner release** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 25 July 2018.
- **Prisoner transport system** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 25 July 2018.
- **VicRoads tender for line-marking** — substantive and supplementary questions asked by Mr Morris — response from Ms Pulford due Thursday, 26 July 2018.
- **Care leavers Australasia network redress scheme** — substantive and supplementary questions asked by Ms Springle — response from Ms Tierney due Thursday, 26 July 2018.

- 9 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 10 **MINISTER'S STATEMENTS** — Statements were made by a Minister pursuant to Sessional Order 2.

- 11 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 12 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 be postponed until later this day.

- 13 **ELECTORAL LEGISLATION AMENDMENT BILL 2018** — Bill further considered in Committee of the whole.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

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Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in Committee of the whole.

The Acting President reported progress that the Committee had suggested amendments for the consideration of the Assembly and asked leave to sit again.

Bill returned to the Assembly with a Message requesting they make the amendments suggested by the Council.

Bill to be again considered in Committee of the whole on the next day of meeting.

**14 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and a responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 7.19 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 190 — Wednesday, 25 July 2018

1 The President took the Chair and read the Prayer.

2 **RESIGNATION OF DEPUTY PRESIDENT** — The President read a letter from Mr Eideh resigning as Deputy President of the Legislative Council.

3 **ELECTION OF DEPUTY PRESIDENT** — The President called for nominations for Deputy President.

Mr Jennings nominated Mr Elasmarr to be Deputy President.

Ms Pulford seconded the nomination.

There being no further nominations the President declared Mr Elasmarr to be elected Deputy President.

4 **PETITION — FIREARM NOISE SUPPRESSORS** — Mr Bourman presented a Petition bearing 5,935 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to allow licensed recreational shooters to be eligible to own firearm noise suppressors.

Ordered to lie on the Table.

5 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Local Government Insurance Risks, July 2018 (*Ordered to be published*).

Managing the Municipal and Industrial Landfill Levy, July 2018 (*Ordered to be published*).

Ombudsman — Complaints to the Ombudsman: resolving them early, July 2018 (*Ordered to be published*).

6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

7 **ACTING PRESIDENT** — The President laid on the Table the following Warrant nominating an Acting President:

### LEGISLATIVE COUNCIL VICTORIA

Pursuant to the provisions of Standing Order 2.12 of the Legislative Council, I hereby nominate —

Mr Mark Gepp

to be an Acting President whenever requested to do so by the President or Deputy President.

Given under my hand on 25 July 2018.

BRUCE ATKINSON  
President of the Legislative Council

8 **ENVIRONMENT PROTECTION AMENDMENT (CONTAINER DEPOSIT SCHEME) BILL 2018** — Ms Springle laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Springle moved, That the Bill be now read a second time.

Debate ensued.

On the motion of Ms Symes, the debate was adjourned for one week.

**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 597 and Order of the Day, General Business, No. 2 be postponed until later this day.

**10 PRODUCTION OF DOCUMENTS — DEPARTMENT OF HEALTH AND HUMAN SERVICES** — Ms Wooldridge moved, That this House —

- (1) notes the failure of the Leader of the Government to comply, to the satisfaction of the House, with the resolution of the Council of 23 November 2016 requiring the Leader of the Government to table in the Council certain documents relating to the weekly briefing compendium sent from the Department of Health and Human Services to the Minister for Health and Minister for Ambulance Services;
- (2) notes the letter from the Attorney-General dated 3 February 2017 in relation to the documents outlined in paragraph (1) stating that the Government, on behalf of the Crown, makes a claim of executive privilege and that 25 of the 49 documents identified were only provided in part;
- (3) further notes that a subsequent review of 3 April 2018 by the Office of the Victorian Information Commissioner of a matching freedom of information request, narrowed to consider only the redacted parts from the previously produced documents, determined that much of the redacted information contains “purely factual descriptions of past and present events” or “some of the information is available publically or at least circulated widely”;
- (4) notes that the Minister's failure to genuinely comply with the resolution of the Council is inconsistent with the Andrews Government's election commitment to accountability to Parliament by the Executive;
- (5) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the *Constitution Act 1975*, and the power to make Standing Orders under section 43 of that Act;
- (6) affirms the right of the Council to require the production of documents;
- (7) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the Government and demand accountability by the Government;

and requires the Leader of the Government to table by 12 noon on the next sitting Tuesday following the adoption of this resolution, the documents required to be tabled by the resolution of the Council outlined in paragraph (1) that have not already been tabled.

Debate ensued.

Question — put and agreed to.

**11 OPPOSITION TRANSPORT POLICY** — Mr Davis moved, That this House —

- (1) congratulates the Liberal Nationals Coalition on its recent commitment to build both the East-West Link and a North-East Link if elected to government;
- (2) acknowledges that this commitment, combined with the Liberal Nationals Coalition's plan to remove 55 of Melbourne and Geelong's most congested and dangerous intersections, represents a bold plan to get Victoria moving again; and
- (3) condemns the Andrews Labor Government for wasting \$1.3 billion of taxpayers' money tearing up the East-West Link contract and, in doing so, precipitating Melbourne's ongoing congestion crisis.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**12 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Brauer College** — substantive and supplementary questions asked by Mr Purcell — response from Ms Tierney due Friday, 27 July 2018.

- **Asylum seekers support payments** — substantive question asked by Ms Springle — response from Mr Jennings due Friday, 27 July 2018.
- **NDIS – epilepsy funding** — supplementary question asked by Ms Patten — response from Ms Mikakos due Friday, 27 July 2018.
- **Lever action shotguns** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Friday, 27 July 2018.
- **Grevillea unit** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Thursday, 26 July 2018.
- **Ministerial code of conduct** — supplementary question asked by Mr Ondarchie — response from Mr Dalidakis due Thursday, 26 July 2018.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**14 OPPOSITION TRANSPORT POLICY** — Debate continued on the question, That this House —

- (1) congratulates the Liberal Nationals Coalition on its recent commitment to build both the East-West Link and a North-East Link if elected to government;
- (2) acknowledges that this commitment, combined with the Liberal Nationals Coalition's plan to remove 55 of Melbourne and Geelong's most congested and dangerous intersections, represents a bold plan to get Victoria moving again; and
- (3) condemns the Andrews Labor Government for wasting \$1.3 billion of taxpayers' money tearing up the East-West Link contract and, in doing so, precipitating Melbourne's ongoing congestion crisis.

On the motion of Mr Ondarchie, the debate was adjourned until later this day.

**15 FIREARMS AMENDMENT (SILENCERS) BILL 2018** — Debate resumed on the question, That the Bill be read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 4

Mr Bourman; Dr Carling-Jenkins; Mr Purcell; Mr Young.  
(*Tellers: Mr Bourman and Mr Young*)

NOES, 36

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Ms Pulford; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Ms Wooldridge.  
(*Tellers: Mr Mulino and Mr O'Sullivan*)

Question negatived.

**16 OPPOSITION TRANSPORT POLICY** — Debate resumed on the question, That this House —

- (1) congratulates the Liberal Nationals Coalition on its recent commitment to build both the East-West Link and a North-East Link if elected to government;
- (2) acknowledges that this commitment, combined with the Liberal Nationals Coalition's plan to remove 55 of Melbourne and Geelong's most congested and dangerous intersections, represents a bold plan to get Victoria moving again; and
- (3) condemns the Andrews Labor Government for wasting \$1.3 billion of taxpayers' money tearing up the East-West Link contract and, in doing so, precipitating Melbourne's ongoing congestion crisis.

Question — put.

The Council divided — The President in the Chair.

## AYES, 17

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.  
(Tellers: Ms Crozier and Ms Fitzherbert)

## NOES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(Tellers: Ms Dunn and Ms Shing)

Question negatived.

**17 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**18 ELECTORAL LEGISLATION AMENDMENT BILL 2018** — The Acting President read a Message from the Assembly informing the Council that they had made some of the suggested amendments made by the Council in this Bill and had not made some of the suggested amendments.

Ms Tierney moved, That the Message be referred to the Committee of the whole on the Bill on the next day of meeting.

Question — put and agreed to.

**19 CORRECTIONS AMENDMENT (PAROLE) BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Corrections Act 1986 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Tierney, the Bill was read a first time.

Ms Tierney moved, That the Bill be treated as an urgent Bill.

Question — put and agreed to.

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

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

Ms Tierney 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 Mr O'Donohue, the debate was adjourned until the next day of meeting.

**20 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.16 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 191 — Thursday, 26 July 2018

1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**ROSANNA ROAD, HEIDELBERG** — Ms Dunn presented a Petition bearing 498 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to, as a matter of urgency, apply sufficient government funding and resources to implement safety and amenity changes along Rosanna Road in Heidelberg to protect all road users.

Ordered to lie on the Table.

**BANGERANG CULTURAL CENTRE, SHEPPARTON** — Ms Lovell presented a Petition bearing 1,006 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide permanent, ongoing funding to re-open the Bangerang Cultural Centre and ensure its future and longevity without delay.

Ordered to lie on the Table.

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

\* \* \* \* \*

**SAVE BELGRAVE SOUTH COMMUNITY HOUSE** — Mr O'Donohue presented a Petition bearing 122 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to save the Belgrave South Community House so that long time community groups can continue to use this facility now and into the future.

Ordered to lie on the Table.

\* \* \* \* \*

**ANZAC DAY** — Mr Davis presented a Petition bearing 43 signatures from certain citizens of Victoria requesting that the Legislative Council calls upon the Andrews Labor Government to not change ANZAC day, a day which honours all men and women who have served this nation in times of war.

Ordered to lie on the Table.

### 3 PAPERS —

**LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE — INQUIRY INTO VICROADS' MANAGEMENT OF COUNTRY ROADS** — Mr Gepp presented an Interim Report from the Law Reform, Road and Community Safety Committee on the Inquiry into VicRoads' Management of Country Roads (including an Appendix).

Ordered to lie on the Table and to be published.

Mr Gepp moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on School Councils in Government Schools, July 2018 (*Ordered to be published*).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Building Amendment Regulations 2018.

Melbourne Cricket Ground Trust — Report, 2017-18.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Melbourne Planning Scheme — Amendment C221.

Yarra Planning Scheme — Amendment C243.

Statutory Rules under the following Acts of Parliament —

Drugs, Poisons and Controlled Substances Act 1981 — No. 102.

Rail Safety (Local Operations) Act 2006 — No. 103.

Transport (Safety Schemes Compliance and Enforcement) Act 2014 — No. 104.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 102.

Wrongs Act 1958 — Notice of Scale of Fees and Costs for Referrals of Medical Questions to Medical Panels, dated 2 July 2018.

**4 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**5 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.



- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 be postponed until later this day.
- 7 CORRECTIONS AMENDMENT (PAROLE) BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Maryvale mill site** — substantive and supplementary questions asked by Ms Dunn — response from Mr Dalidakis due Tuesday, 7 August 2018.
- **Double-bunking – assessment** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Friday, 27 July 2018.
- **Police cells capacity** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Friday, 27 July 2018.
- **Ministerial code of conduct – fundraising** – supplementary question asked by Ms Wooldridge — response from Mr Jennings due Friday, 27 July 2018.
- **Reportable deaths – disability care** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Mikakos due Tuesday, 7 August 2018.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Ministerial code of conduct** —supplementary question asked by Mr Ondarchie on Wednesday, 25 July 2018 — further response from Mr Dalidakis due Friday, 27 July 2018.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 10 CORRECTIONS AMENDMENT (PAROLE) BILL 2018** — 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.

- 11 ELECTORAL LEGISLATION AMENDMENT BILL 2018** — Bill and Message from the Assembly further considered in Committee of the whole.

Bill reported with amendments and the Report was adopted.

Mr Jennings moved, That the Bill be now read a third time.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Bourman and Mr Melhem)*

## NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.  
(*Tellers: Ms Bath and Dr Carling-Jenkins*)

Question agreed to.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill, including the amendments made by the Assembly on the suggestion of the Council, with amendments.

**12 JUSTICE LEGISLATION AMENDMENT (TERRORISM) BILL 2018** — 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, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Bourman and Mrs Peulich*)

## NOES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.  
(*Tellers: Ms Dunn and Dr Ratnam*)

Question 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 and passed.

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

**13 ELECTORAL LEGISLATION AMENDMENT BILL 2018** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**14 ENVIRONMENT PROTECTION AMENDMENT BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to reform the legislative framework for the protection of human health and the environment from pollution and waste, to amend the Environment Protection Act 2017, to repeal the Environment Protection Act 1970, to amend the Mineral Resources (Sustainable Development) Act 1990 and to make consequential amendments to other Acts* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**15 JUSTICE LEGISLATION (POLICE AND OTHER MATTERS) BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Bail Act 1977, the Confiscation Act 1997, the Corrections Act 1986, the Crimes Act 1958, the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Act 2017, the Drugs, Poisons and Controlled Substances Act 1981, the Firearms Act 1996, the Magistrates' Court Act 1989, the Protected Disclosure Act 2012, the Second-Hand Dealers and*

*Pawnbrokers Act 1989, the Sentencing Act 1991, the Sex Offenders Registration Act 2004, the Sex Offenders Registration Amendment (Miscellaneous) Act 2017, the Surveillance Devices Act 1999, the Victoria Police Act 2013 and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 16 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENT BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to justice legislation and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 17 RACING AMENDMENT (INTEGRITY AND DISCIPLINARY STRUCTURES) BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Racing Act 1958 to establish a Victorian Racing Integrity Board, to establish the Victorian Racing Tribunal for all codes of racing, to provide for greater transparency and enhanced integrity in the control of racing industries, to consequentially amend the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned for one week.

- 18 VICTORIAN INDUSTRY PARTICIPATION POLICY (LOCAL JOBS FIRST) AMENDMENT BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Victorian Industry Participation Policy Act 2003 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Mikakos (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned for one week.

- 19 EDUCATION LEGISLATION AMENDMENT (VICTORIAN INSTITUTE OF TEACHING, TAFE AND OTHER MATTERS) BILL 2018** — 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.

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.

**20 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 9.51 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 192 — Friday, 27 July 2018

**1** The President took the Chair and read the Prayer.

**2 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 7 August 2018.

Question — put and agreed to.

**3 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 be postponed until later this day.

**4 JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE PROTECTION AND OTHER MATTERS) BILL 2018** — 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 having been interrupted at 12.00 p.m. pursuant to Sessional Orders —*

**5 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Feral animals – hunting** — substantive question asked by Mr Young — response from Mr Jennings due Wednesday, 8 August 2018.
- **Mandatory reporting laws** — substantive question asked by Ms Patten — response from Ms Tierney due Wednesday, 8 August 2018.
- **Land fill levy** — supplementary question asked by Ms Truong — response from Mr Jennings due Wednesday, 8 August 2018.
- **Dame Phyllis Frost Centre** — supplementary question asked by Ms Pennicuik — response from Ms Tierney due Wednesday, 8 August 2018.
- **Free TAFE policy** — substantive question asked by Ms Bath — response from Ms Tierney due Tuesday, 7 August 2018.
- **Ministerial car use** — supplementary question asked by Mr Ondarchie — response from Mr Dalidakis due Tuesday, 7 August 2018.

**6 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**7 JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE PROTECTION AND OTHER MATTERS) BILL 2018** — Bill further considered in Committee of the whole.

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole later this day.

**8 ADJOURNMENT** — Mr Dalidakis moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 3.43 p.m., adjourned until Tuesday, 7 August 2018.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 189, 190, 191 and 192

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### ELECTORAL LEGISLATION AMENDMENT BILL 2018

*Committed Friday, 22 June 2018.*

*Amendments circulated by Mr Jennings on 22 June 2018 (see pp 1287-1301)*

*Further Amendments circulated: Mr Jennings (see pp 1324-33).*

### **Tuesday, 24 July 2018 —**

*Progress having been reported on Friday, 22 June 2018, Bill further considered in Committee of the whole.*

Further Amendments proposed to be moved in Committee by Mr Jennings were circulated.

**Clause 45** — Mr Jennings moved Further Suggested Amendment No. 1.

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

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Ms Springle; Mr Somyurek; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Eideh and Mr Mulino)*

NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Dr Carling-Jenkins)*

Question agreed to.

Clause 45 — stands postponed.

**Clause 46** — Mr Jennings moved Further Suggested Amendment No. 2 — put and agreed to.

Clause 46 — stands postponed.

**Clauses 47 to 49** — put and agreed to.

**Clause 50** — Mr Jennings moved Suggested Amendment No. 48.

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

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Ms Springle; Mr Somyurek; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Ms Dunn and Mr Somyurek)*

NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Morris and Mrs Peulich)*

Question agreed to.

Clause 50 — stands postponed.

**Clause 51** — put and agreed to.

**Clause 52** — Mr Jennings moved Amendment No. 49.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Ms Springle; Mr Somyurek; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Ms Patten and Ms Truong)*

NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Davis and Mr O'Sullivan)*

Question agreed to.

Mr Jennings moved Amendment No. 50 — put and agreed to.

Clause 52, as amended — put.

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Ms Springle; Mr Somyurek; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Dalidakis and Mr Gepp)*

NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr O'Donohue and Mr Ramsay)*

Question agreed to.

**Clause 53** — put and agreed to.

**New Clause to follow clause 53** — Mr Jennings moved Suggested Amendment No. 51.

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

The Committee divided — The Acting President in the Chair.

AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Ms Springle; Mr Somyurek; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Mulino and Mr Somyurek)*

NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Morris and Mr Purcell)*



Question agreed to.

New Clause to follow Clause 53 — stands postponed.

**Clause 54** — Mr Jennings moved Amendment No. 52 — put and agreed to.  
Clause 54, as amended — put and agreed to.

**Clause 55** — Mr Jennings moved Amendment Nos. 53 to 62 — put and agreed to.  
Mr Jennings moved Amendment No. 63 — put and agreed to.  
Mr Jennings moved Amendment No. 64 — put and agreed to.  
Mr Jennings moved Further Suggested Amendment No. 3 — put and agreed to.  
Mr Jennings moved Further Suggested Amendment No. 4 — put and agreed to.  
Mr Jennings moved Suggested Amendment No. 66 — put and agreed to.  
Clause 55 — stands postponed.

**Clauses 56 to 62** — put and agreed to.

**New Clause to follow Clause 62** — Mr Jennings moved Amendment No. 67.  
Question — That the new clause stand part of the Bill — put and agreed to.

**Clause 63** — Mr Jennings moved Further Suggested Amendment No. 5 — put and agreed to.  
Mr Jennings moved Further Suggested Amendment No. 6 — put and agreed to.  
Clause 63 — stands postponed.

**Clause 64** — put and agreed to.

#### **Progress reported with suggested amendments.**

**Thursday, 26 July 2018** —

*Progress having been reported on Tuesday, 24 July 2018, Bill further considered in Committee of the whole.*

**Postponed Clause 45** —

Question — That Clause 45, as amended by the Assembly on the suggestion of the Council and as amended by the Council, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings;  
Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford;  
Dr Ratnam; Ms Shing; Ms Springle; Mr Somyurek; Ms Symes; Ms Tierney;  
Ms Truong; Mr Young.

*(Tellers: Mr Gepp and Mr Young)*

NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis;  
Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie;  
Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr O'Donohue and Mr Purcell)*

Question agreed to.

**Postponed Clause 46** —

Question — That Clause 46, as amended by the Assembly on the suggestion of the Council, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Ms Springle; Mr Somyurek; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Ms Patten and Ms Truong)*

NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Mr Davis)*

Question agreed to.

**Postponed Clause 50 —**

Question — That Clause 50, as amended by the Assembly on the suggestion of the Council, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Ms Springle; Mr Somyurek; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Mulino and Dr Ratnam)*

NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Dr Carling-Jenkins and Mr O'Sullivan)*

Question agreed to.

**Postponed New Clause to follow Clause 53 —**

Question — That the New Clause to follow Clause 53, as amended by the Assembly on the suggestion of the Council, stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Bourman; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Ms Springle; Mr Somyurek; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Dalidakis and Ms Mikakos)*

NOES, 18

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Dalla-Riva and Mr Morris)*

Question agreed to.

**Postponed Clause 55 —**

Question — That Clause 55, as amended by the Assembly on the suggestion of the Council and as amended by the Council, stand part of the Bill — put and agreed to.

**Postponed Clause 63 —**

Question — That Clause 63, as amended by the Assembly on the suggestion of the Council, stand part of the Bill — put and agreed to.

**Bill reported with amendments including the Amendments made by the Assembly on the suggestion of the Council.**

\* \* \* \* \*

**CORRECTIONS AMENDMENT (PAROLE) BILL 2018**

*Committed Thursday, 26 July 2018.*

**Clauses 1 to 7 —** put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**JUSTICE LEGISLATION AMENDMENT (TERRORISM) BILL 2018**

*Committed Thursday, 26 July 2018.*

**Clauses 1 to 135 —** put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**EDUCATION LEGISLATION AMENDMENT (VICTORIAN INSTITUTE OF TEACHING, TAFE AND OTHER MATTERS) BILL 2018**

*Committed Thursday, 26 July 2018.*

**Clauses 1 to 98 —** put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE PROTECTION AND OTHER MATTERS) BILL 2018**

*Committed Friday, 27 July 2018.*

**Clause 1 —** debate ensued.

Mr O'Donohue moved, That the Deputy President report progress and seek leave to sit again.

Debate ensued.

Question — put and agreed to.

**Progress reported.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. ELECTORAL LEGISLATION AMENDMENT BILL 2018**

For Amendments circulated by Mr Jennings on 22 June 2018 see pp 1287-1301 from Supplement to Minutes Nos. 185, 186, 187 and 188.

Further Amendments circulated by Mr Jennings

**1. Suggested amendment to the Legislative Assembly -**

Clause 45, page 51, lines 3 to 34, page 52, lines 1 to 31, page 53, lines 1 to 33 and page 54, lines 1 to 27, omit all words and expressions on these lines and insert—

**"207G Definitions**

In this Division—

*claimable expenditure* means expenditure for administrative expenses as determined by the Commission, subject to the following—

- (a) the following expenditure is included—
  - (i) expenditure for the administration or management of the activities of the eligible party or elected member;
  - (ii) expenditure for conferences, seminars, meetings or similar functions at which the policies of the eligible party or elected member are discussed or formulated;
  - (iii) expenditure in respect of the audit of the financial accounts of, or claims for payment or disclosures under the Act of, the eligible party or elected member;
  - (iv) expenditure on the remuneration of staff engaged in the matters referred to in subparagraphs (i) to (iii) for the eligible party or elected member to the extent that that expenditure relates to the time that the staff are engaged in those matters;
  - (v) expenditure on equipment or vehicles used by staff whilst engaged in the matters referred to in subparagraphs (i) to (iii) for the eligible party or elected member to the extent that that expenditure relates to use of the equipment or vehicles by the staff whilst engaged in those matters;
  - (vi) expenditure on office accommodation for the staff and equipment referred to in subparagraphs (iv) and (v);
  - (vii) expenditure on interest payments on loans;
- (b) the following expenditure is not included—
  - (i) political expenditure;
  - (ii) electoral expenditure;
  - (iii) expenditure for which an elected member has claimed a parliamentary allowance as a member;
  - (iv) expenditure that is incurred substantially in respect of operations or activities relating to the election of members

of the eligible party to a Parliament other than the Parliament of Victoria;

*election quarter*, of a year in which a scheduled general election period occurs, means the quarter of that year beginning on 1 October;

*independent elected member* means an elected member who is not a member of a registered party;

*scheduled general election period* means the period commencing on 1 July in a year that a general election under section 61(1)(a) is to be held and ending on the day that the general election is held (both days inclusive).

#### **207GA Entitlement to administrative expenditure funding**

- (1) Subject to this section and section 207GB, the following are eligible to receive an annual amount of administrative expenditure funding as follows—
  - (a) for an independent elected member, an amount of \$200 000;
  - (b) for a registered political party, an amount of—
    - (i) \$200 000 for the first elected member; and
    - (ii) \$70 000 for the second elected member; and
    - (iii) \$35 000 for each of the third to the forty-fifth elected members.
- (2) The Commission must make payments of administrative expenditure funding under this section quarterly in advance.
- (3) In an election quarter, the Commission must make payments of administrative expenditure funding—
  - (a) in advance on a pro-rata basis for the period—
    - (i) beginning on 1 October of that year; and
    - (ii) ending in the day of the general election; and
  - (b) in arrears on a pro-rata basis for the period—
    - (i) beginning on the day after the day of the general election; and
    - (ii) ending on 31 December in that year.
- (4) The entitlement to receive a quarterly payment of administrative expenditure funding is to be calculated on a pro-rata basis for—
  - (a) each day in the quarter that an elected member is an independent elected member; or
  - (b) each day in the quarter that an elected member is a member of a registered political party.
- (5) In a scheduled general election period—
  - (a) an independent elected member only has an entitlement under subsection (1) if the independent elected member subsequently nominates as a candidate under section 69 and stands for election to the Parliament of Victoria at the general election; and
  - (b) a registered political party only has an entitlement under subsection (1) in respect of each elected member of the registered political party who subsequently nominates as a candidate under section 69 and stands for

election to the Parliament of Victoria at the general election as an endorsed candidate of that registered political party.

- (6) Despite subsection (3), the first payment of administrative expenditure funding is to be—
- (a) payable from 1 August 2018; and
  - (b) paid on a pro-rata basis for the period commencing on 1 August 2018 and ending on 30 September 2018.

**207GB Request to Commission to receive administrative expenditure funding**

- (1) For the purpose of having an entitlement to receive payments of administrative expenditure funding in respect of a scheduled general election period, the registered officer of a registered political party or the registered agent of an independent elected member must provide a request in writing to the Commission that the registered political party or independent elected member receive payments of administrative expenditure funding for the period.
- (2) A request under subsection (1) must—
- (a) be in the form determined by the Commission; and
  - (b) in the case of a request by the registered agent of an independent elected member, state that the independent elected member intends to stand for election to the Parliament of Victoria at the general election in that year; and
  - (c) in the case of a request by the registered officer of a registered political party, state—
    - (i) that all of the elected members intend to stand for election to the Parliament of Victoria at the general election in that year as endorsed candidates of the registered political party; or
    - (ii) if all of the elected members do not intend to stand for election to the Parliament of Victoria at the general election in that year as endorsed candidates of the registered political party, the number of elected members that do intend to stand for election to the Parliament of Victoria at the general election in that year as endorsed candidates of the registered political party;
  - (d) include an acknowledgement from the registered officer or registered agent that administrative expenditure funding that is not used to incur claimable expenditure must be repaid to the Commission; and
  - (e) include an acknowledgement from the registered officer or registered agent that administrative expenditure funding will not be—
    - (i) paid into the State campaign account; or
    - (ii) used to incur any of the following expenditure—
      - (A) political expenditure;
      - (B) electoral expenditure;
      - (C) expenditure for which an elected member has claimed a parliamentary allowance as a member;

- (D) expenditure that is incurred substantially in respect of operations or activities relating to the election of members of the eligible party to a Parliament other than the Parliament of Victoria.
- (3) For the purpose of having an entitlement to receive payments of administrative expenditure funding in respect of any period other than a scheduled general election period, the registered officer of a registered political party or the registered agent of an independent elected member must provide a request in writing to the Commission that the registered political party or independent elected member receive payments of administrative expenditure funding for the period.
  - (4) A request under subsection (3) must—
    - (a) be in the form determined by the Commission; and
    - (b) include an acknowledgement from the registered officer or registered agent that administrative expenditure funding that is not used to incur claimable expenditure must be repaid to the Commission; and
    - (c) include an acknowledgement from the registered officer or registered agent that administrative expenditure funding will not be—
      - (i) paid into the State campaign account; or
      - (ii) used to incur any of the following expenditure—
        - (A) political expenditure;
        - (B) electoral expenditure;
        - (C) expenditure for which an elected member has claimed a parliamentary allowance as a member;
        - (D) expenditure that is incurred substantially in respect of operations or activities relating to the election of members of the eligible party to a Parliament other than the Parliament of Victoria.
  - (5) A request under subsection (3) continues in effect until—
    - (a) a new request is provided under subsection (3); or
    - (b) the commencement of the next scheduled general election period.
  - (6) If an elected member ceases to be a member of a registered political party and becomes an independent elected member during the term of the Parliament, the registered agent of the independent elected member must provide a request to the Commission under subsection (1) or (3) for the purpose of having an entitlement to receive payments of administrative expenditure funding.
  - (7) If the number of elected members of a registered political party increases during the term of the Parliament, the registered officer of the registered political party must provide a new request to the Commission under subsection (1) or (3) for the purpose of having an entitlement to receive payments of administrative expenditure funding in respect of the increase in the number of elected members.
  - (8) If the entitlement of a registered political party decreases during the term of the Parliament because the number of elected members of the registered political party has decreased, the registered officer of the registered political party—
    - (a) is not required to provide a new request to the Commission under subsection (1) or (3); and

- (b) is required to notify the Commission, within 28 days of the decrease in the number of elected members occurring, of the number of elected members of the registered political party so as to enable the Commission to calculate the payment of administrative expenditure funding in accordance with section 207GA(4).
- (9) If the entitlement of an independent elected member decreases during the term of the Parliament because the elected member has ceased to be an independent elected member, the registered agent of the independent elected member—
  - (a) is not required to provide a new request to the Commission under subsection (1) or (3); and
  - (b) is required to notify the Commission, within 28 days of the elected member ceasing to be an independent elected member, that the elected member has ceased to be an independent elected member so as to enable the Commission to calculate the payment of administrative expenditure funding in accordance with section 207GA(4).
- (10) For the purposes of a request made under this section before 25 November 2018—
  - (a) if the request is made under subsection (1), subsection (2) applies as if subsection (2)(e)(i) were omitted; and
  - (b) if the request is made under subsection (3), subsection (4) applies as if subsection (4)(c)(i) were omitted.
- (11) For the avoidance of doubt, if a request under this section is not provided to the Commission before a payment of administrative expenditure funding is due to be made by the Commission, the entitlement to the payment of administrative expenditure funding is not affected but the Commission cannot make the payment until the request is provided to the Commission.

#### **207GC Annual return**

- (1) The registered officer of a registered political party or the registered agent of an independent elected member must, within 16 weeks after the end of each calendar year, provide an annual return to the Commission that—
  - (a) is in the form determined by the Commission; and
  - (b) specifies that the registered political party or independent elected member has in relation to the calendar year spent or incurred claimable expenditure—
    - (i) not less than the amount of the entitlement to administrative expenditure funding under section 207GA; or
    - (ii) less than the amount of the entitlement to administrative expenditure funding under section 207GA, being the amount specified in the annual return.
- (2) An annual return under subsection (1) must be accompanied by a declaration made by the registered officer of the registered political party or the registered agent of the independent elected member providing the annual return stating that the registered officer or registered agent has no reason to believe that any matter stated in the annual return is not correct.
- (3) If the Commission has not been provided with an annual return within the period specified in subsection (1)—



- (a) the registered political party or independent elected member is to be taken to have incurred no claimable expenditure in relation to the calendar year; and
- (b) the registered political party or independent elected member must repay to the Commission in accordance with section 207GF the total amount of payments of administrative expenditure funding received in relation to that calendar year.

**207GD Audit of annual return**

- (1) An annual return under section 207GC(1) by the registered officer of a registered political party must be provided to the Commission with the certificate of a registered company auditor within the meaning of the Corporations Act.
- (2) An annual return under section 207GC(1) by the registered agent of an independent elected member must be provided to the Commission with the certificate of an independent auditor advising that the statement has been audited in accordance with Australian Accounting Standards as specified in section 334(1) of the Corporations Act.
- (3) A certificate under subsection (1) or (2) must state that the auditor—
  - (a) was given full and free access at all reasonable times to all accounts, records, documents and papers relating directly or indirectly to any matter required to be specified in the annual return; and
  - (b) examined the material referred to in paragraph (a) for the purpose of giving the certificate; and
  - (c) received all information and explanations that the auditor requested in respect of any matter required to be specified in the annual return; and
  - (d) has no reason to believe that any matter stated in the annual return is not correct.
- (4) An annual return is to be taken not to have been provided to the Commission unless the certificate required by this section is attached to the annual return.

**207GE Powers of Commission**

- (1) If the Commission is satisfied on reasonable grounds that information provided in the annual return or the certificate is materially incorrect, the Commission may by notice in writing request the auditor to provide further information as specified in the notice within 14 days of the date of the notice.
- (2) If the auditor fails to provide the requested information, the Commission may by notice in writing request the registered officer of the registered political party or the registered agent of the independent elected member to provide further information as specified in the notice within 14 days of the date of the notice.
- (3) If the registered officer of the registered political party or the registered agent of the independent elected member fails to provide the requested information, the Commission may—
  - (a) withhold any payment under section 207GA until the requested information is provided; or
  - (b) if a payment has already been made under section 207GA, recover the payment under section 207GF.

**207GF Recovery of administrative expenditure funding**

- (1) If a registered political party or an independent elected member has received a payment of administrative expenditure funding in respect of any quarter that exceeds the entitlement at the end of that quarter as a result of being calculated on a pro-rata basis under section 207GA or for any other reason, an amount equal to the excess must be—
  - (a) deducted by the Commission from any amount of administrative expenditure funding payable to the registered political party or the independent elected member in respect of any subsequent quarter; or
  - (b) if the Commission makes a request in writing to the registered officer of the registered political party or the registered agent of the independent elected member, repaid to the Commission within the period specified in the request.
- (2) If the total amount of the payments of administrative expenditure funding received in respect of a calendar year by a registered political party or an independent elected member is greater than the amount of claimable expenditure specified in the annual return in respect of that calendar year, an amount equal to the excess must be—
  - (a) deducted by the Commission from any amount of administrative expenditure funding payable to the registered political party or the independent elected member in respect of any subsequent quarter; or
  - (b) if the Commission makes a request in writing to the registered officer of the registered political party or the registered agent of the independent elected member, repaid to the Commission within the period specified in the request; or
  - (c) if the registered political party or independent elected member is not entitled to receive payments of administrative expenditure funding in the subsequent quarter, repaid to the Commission within 60 days of the date of the notice requesting the payment.
- (3) If a registered political party has received any payments of administrative expenditure funding in respect of a scheduled general election period and some or all of the elected members of the registered political party did not stand for election to the Parliament of Victoria at the general election as an endorsed candidate of that registered political party, the total amount of payments of administrative expenditure funding in the scheduled general election period in respect of the elected members who did not stand must be repaid to the Commission by the registered political party within 60 days of the end of the calendar year in which the payments of administrative expenditure funding were made.
- (4) If an independent elected member has received any payments of administrative expenditure funding in respect of a scheduled general election period and the independent elected member did not stand for election to the Parliament of Victoria at the general election, the total amount of payments of administrative expenditure funding in the scheduled general election period in respect of the independent elected member must be repaid to the Commission by the former independent elected member within 60 days of the end of the calendar year in which the payments of administrative expenditure funding were made.

- (5) If the registered political party, independent elected member or former independent elected member does not repay any amount required to be repaid to the Commission under this section, the Commission may recover the amount as a debt due to the State in a court of competent jurisdiction.

**207GG Prohibition on the payment or use of administrative expenditure funding**

- (1) The registered officer of a registered political party or the registered agent of an independent elected member must ensure that any payment of administrative expenditure funding received on or after 25 November 2018 is not paid into the State campaign account.
- (2) The registered officer of a registered political party or the registered agent of an independent elected member must ensure that any payment of administrative expenditure funding received by the registered political party or the independent elected member is not used to incur any of the following expenditure—
- (a) political expenditure;
  - (b) electoral expenditure;
  - (c) expenditure for which an elected member has claimed a parliamentary allowance as a member;
  - (d) expenditure that is incurred substantially in respect of operations or activities relating to the election of members of the eligible party to a Parliament other than the Parliament of Victoria.
- (3) If the Commission becomes aware that a payment of administrative expenditure funding has been paid or used in contravention of subsection (1) or (2), the Commission must notify the registered officer of the registered political party or the registered agent of the independent elected member that the registered political party or the independent elected member must pay a penalty equal to 200 per cent of the amount paid or used in contravention of subsection (1) or (2) to the Commission within 60 days of the date of the notice.
- (4) If the registered political party or the independent elected member does not pay the amount specified under subsection (3), the Commission may—
- (a) deduct the amount from any amount of administrative expenditure funding payable to the registered political party or the independent elected member in respect of any subsequent quarter; or
  - (b) if the registered political party or independent elected member is not entitled to receive payments of administrative expenditure funding in the subsequent quarter, recover the amount as a debt due to the State in a court of competent jurisdiction."

2. **Suggested amendment to the Legislative Assembly -**

Clause 46, page 55, line 8, after "Division" insert "1C or".

3. **Suggested amendment to the Legislative Assembly -**

Clause 55, page 80, line 10, after "return" insert "provided under this Division".

4. **Suggested amendment to the Legislative Assembly -**

Clause 55, page 81, omit items 4 to 8 of the TABLE and insert—

"4 Section 207GA(1)(a)—\$200 000

- 5 Section 207GA(1)(b)(i)—\$200 000
- 6 Section 207GA(1)(b)(ii)—\$70 000
- 7 Section 207GA(1)(b)(iii)—\$35 000".

5. **Suggested amendment to the Legislative Assembly -**

Clause 63, page 87, lines 13 to 30, omit all words and expressions on these lines and insert—

- '(2) Without limiting the generality of subsection (1), the following are entitled to be provided with one Parliamentary adviser—
  - (a) each independent elected member of the Parliament of Victoria;
  - (b) the Leader of any party represented in the Parliament of Victoria which is not a party forming Government and which has only one elected member.
- (2A) Without limiting the generality of subsection (1), the Leader of any party represented in the Parliament of Victoria which is not a party forming Government and which has more than one elected member but less than 6 elected members, is entitled to be provided with—
  - (a) 2 Parliamentary advisers; and
  - (b) one Parliamentary adviser for each 2 elected members of the party.
- (2B) Without limiting the generality of subsection (1), the Leader of any party represented in the Parliament of Victoria which is not a party forming Government and which has more than 5 elected members but less than 12 elected members, is entitled to be provided with—
  - (a) one Parliamentary adviser; and
  - (b) one Parliamentary adviser for each 2 elected members of the party.
- (2C) Without limiting the generality of subsection (1), the Leader of any party represented in the Parliament of Victoria which is not a party forming Government and which has more than 11 elected members, is entitled to be provided with one Parliamentary adviser for each 2 elected members of the party.
- (2D) For the purposes of determining the entitlement under subsections (2), (2A), (2B) and (2C)—
  - (a) the number of elected members of a party represented in the Parliament of Victoria; and
  - (b) the number of independent elected members of the Parliament of Victoria—

is to be determined as at the date that the result of the general election at which the members are elected is declared by the Commission under section 121 of the **Electoral Act 2002**.
- (2E) The entitlement determined under subsection (2D) is to be recalculated as at the date that the result of an election, other than a general election, is declared by the Commission under section 121 of the **Electoral Act 2002** only in relation to—
  - (a) the elected member who held the seat that became vacant and resulted in the holding of the election; and

(b) the candidate that is declared elected at the election and is an elected member of a party represented in the Parliament of Victoria or an independent elected member of the Parliament of Victoria.".'.!

6. **Suggested amendment to the Legislative Assembly -**

Clause 63, page 88, line 8, lines 4 to 9, omit all words and expressions on these lines and insert—

*'candidate* has the same meaning as it has in section 3 of the **Electoral Act 2002**;

*elected member* has the same meaning as it has in section 206(1) of the **Electoral Act 2002**;

*general election* has the same meaning as it has in section 3 of the **Electoral Act 2002**;

*independent elected member* has the same meaning as it has in section 207G of the **Electoral Act 2002**;

*party* has the same meaning as *registered political party* has in section 3 of the **Electoral Act 2002**.".'.!





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 193, 194, and 195

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#### No. 193 — Tuesday, 7 August 2018

- 1 The President took the Chair, 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 Acting Clerk of the Parliaments:
  - On 31 July 2018 —
    - Corrections Amendment (Parole) Act 2018*
    - Electoral Legislation Amendment Act 2018.*
  - On 7 August 2018 —
    - Education Legislation Amendment (Victorian Institute of Teaching, TAFE and Other Matters) Act 2018*
    - Justice Legislation Amendment (Terrorism) Act 2018.*
- 3 **PETITIONS** —
  - FOSTER CARERS** — Ms Bath presented a Petition bearing 197 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to review the Department of Health and Human Services' practices and decisions regarding children in foster care, and improve communication in relation to decisions to remove children from care, outstanding carer payments and the provision of medical records.

Ordered to lie on the Table.

\* \* \* \* \*

**SAWMILL OPERATION EXTENSIONS** — Ms Bath presented a Petition bearing 735 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately restore and honour the commitment made by VicForests that extensions will be available to A.G. Brown Sawmill, Dindi Sawmill, Fenning Timbers, Kelly's Timber, Powelltown Sawmill and Ryan & McNulty who signed Timber Supply Agreements before 30 June 2017, thereby safeguarding jobs and livelihoods in the local communities of these businesses.

Ordered to lie on the Table.

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**SAWMILL OPERATION EXTENSIONS** — Ms Lovell presented a Petition bearing 60 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately restore and honour the commitment made by VicForests that extensions will be available to A.G. Brown Sawmill, Dindi Sawmill, Fenning Timbers, Kelly's Timber, Powelltown Sawmill and Ryan & McNulty who signed Timber Supply Agreements before 30 June 2017, thereby safeguarding jobs and livelihoods in the local communities of these businesses.

Ordered to lie on the Table.

**4 PAPERS —**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Ms Bath presented Alert Digest No. 11 of 2018 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**ENVIRONMENT AND PLANNING COMMITTEE — LAND USE VICTORIA** — Mr Davis presented a Report from the Environment and Planning Committee on the Inquiry into the proposed long term lease of land titles and registry functions of Land Use Victoria (including Appendices and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report be published.

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

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PARLIAMENTARY BUDGET OFFICE — OPERATIONAL PLAN 2018-19** — Pursuant to section 23(4)(c) of the *Parliamentary Budget Officer Act 2017*, the Clerk laid on the Table a copy of the Parliamentary Budget Office's Operational Plan 2018-19.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 1 July 2018 giving approval to grant a lease at Point Leo Foreshore Reserve.

Minister's Order of 25 June 2018 giving approval to grant a licence at Point Leo Foreshore Reserve.

Environment Protection Act 1970 — Notices pursuant to 18D in relation to —

Revocation of Waste Management Policy (Ships' Ballast Water).

Waste Management Policy (E-Waste).

Waste Management Policy (Siting, Design and Management of Landfills).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to the Road Safety Road Rules Further Amendment Rules 2018.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Victoria Planning Provisions — Amendment VC148.

Yarra Planning Scheme — Amendments C218 and C219.

Statutory Rules under the following Acts of Parliament —

Environment Protection Act 1970 — No. 106.

Improving Cancer Outcomes Act 2014 — No. 107.

Subordinate Legislation Act 1994 — No. 105.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 80, 105 to 107 and 110.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Advancing the Treaty Process with Aboriginal Victorians Act 2018 — 1 August 2018 (*Gazette No. S356, 31 July 2018*).

Liquor and Gambling Legislation Amendment Act 2018 — sections 48 and 68 and Divisions 4, 6, 7, 9 and 10 of Part 2 and Divisions 2 and 3 of Part 3 — 18 July 2018 — Division 8 of Part 2 — 13 September 2018 (*Gazette No. S337, 17 July 2018*).

Marine and Coastal Act 2018 — 1 August 2018 (*Gazette No. S337, 17 July 2018*).

Serious Offenders Act 2018 — 3 September 2018 (*Gazette No. S356, 31 July 2018*).



**5 PRODUCTION OF DOCUMENTS — DEPARTMENT OF HEALTH AND HUMAN SERVICES**

— The Clerk laid on the Table a letter from the Attorney-General dated 6 August 2018 in response to the Resolution of the Council of 25 July 2018 seeking the production of documents relating to the Department of Health and Human Services, advising that the Council's deadline of 7 August 2018 does not allow sufficient time to respond and indicating that the Government would respond to the Council's resolution as soon as possible.

**6 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 8 August 2018:

- (1) Notice of Motion given this day by Mr O'Donohue in relation to Ministers under police investigation;
- (2) Order of the Day No.1, resumption of debate on the Environment Protection Amendment (Container Deposit Scheme) Bill 2018;
- (3) Notice of Motion given this day by Mr Davis in relation to the Cranbourne, Frankston and Hurstbridge rail lines;
- (4) Notice of Motion No. 602 standing in the name of Mr O'Donohue in relation to sworn police and Protective Services Officer numbers; and
- (5) Order of the Day No. 23 standing in the name of Mrs Peulich in relation to the rising cost of living in Victoria.

Question — put and agreed to.

**7 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.**8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.**9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 be postponed until later this day.**10 JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE PROTECTION AND OTHER MATTERS) BILL 2018** — Bill further considered in Committee of the whole.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Prisoner day release** — substantive question asked by Ms Wooldridge — response from Ms Tierney due Wednesday, 8 August 2018.
- **Prisoner transportation escort practices** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 8 August 2018.
- **Corrections Victoria review of prisoner day release** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 8 August 2018.
- **Police investigations – Ministerial appointments** — substantive and supplementary questions asked by Mr Finn — response from Mr Jennings due Thursday, 9 August 2018.
- **Affordable rental schemes** — supplementary question asked by Ms Patten — response from Mr Jennings due Thursday, 9 August 2018.
- **AGL Gas Terminal – Crib Point** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Pulford due Thursday, 9 August 2018.
- **Crown Casino compliance breaches** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Dalidakis due Thursday, 9 August 2018.

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Ministerial car use** — supplementary question asked by Mr Ondarchie on Friday, 27 July 2018 — further response from Mr Dalidakis due Wednesday, 8 August 2018.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE PROTECTION AND OTHER MATTERS) BILL 2018** — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

**14 OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Dalidakis were circulated.

Question — put and agreed to.

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

House in Committee.

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

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

**15 VICTORIAN INDUSTRY PARTICIPATION POLICY (LOCAL JOBS FIRST) AMENDMENT BILL 2018** — 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 having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

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Mr Jennings declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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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.

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

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 7.20 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 194 — Wednesday, 8 August 2018

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION — FOSTER CARERS** — Ms Bath presented a Petition bearing 25 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to review the Department of Health and Human Services' practices and decisions regarding children in foster care, and improve communication between the department, agencies and foster carers in relation to decisions to remove children from care, outstanding carer payments and the provision of medical records.

Ordered to lie on the Table.

3 **PAPERS —**

**ELECTORAL MATTERS COMMITTEE — CIVICS AND ELECTORAL PARTICIPATION IN VICTORIAN STATE PARLIAMENTARY ELECTIONS** — Ms Patten presented a Report from the Electoral Matters Committee on the Inquiry into civics and electoral participation in Victorian state parliamentary elections (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report be published.

Ms Patten moved, That the Council take note of the Report.

Question — put and agreed to.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Managing Rehabilitation Services in Youth Detention, August 2018 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of a Declaration of the feral or wild population of the cat to be an established pest animal on specified Crown land.

- 4 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 5 **MISUSE OF ELECTORAL OFFICE ENTITLEMENTS — MINISTERIAL POSITIONS** — Mr O'Donohue moved, That this House —
- (1) notes Victoria Police's Fraud and Extortion Squad has announced a formal investigation into Labor's red shirt rorts affair; and
  - (2) calls on the Premier to stand down the Leader of the Government and Special Minister of State, Hon. Gavin Jennings MLC, the Attorney-General and Minister for Racing, Hon. Martin Pakula MP, the Minister for Sport, Minister for Tourism and Major Events, and Minister for Veterans, Hon. John Eren MP, the Minister for Families and Children, Minister for Youth Affairs and Minister for Early Childhood Education, Hon. Jenny Mikakos MLC, the Minister for Training and Skills and Minister for Corrections, Hon. Gayle Tierney MLC, and the Minister for Energy, Environment and Climate Change and Minister for Suburban Development, Hon. Lily D'Ambrosio MP, from their Ministerial positions pending the outcome of this criminal investigation.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 6 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3.
- PUBLIC LAND USE** — Mr Jennings having given answers to a question without notice and supplementary question relating to public land use —
- On the motion of Mr Davis, the Minister's answers were ordered to be taken into consideration on the next day of meeting.
- QUESTIONS** — Questions without notice continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Release of former Naphthine Government staff salaries** — supplementary question asked by Mr Rich-Phillips — response from Mr Jennings due Thursday, 9 August 2018.
- **Australian Council of Private Education and Training (ACPET)** — substantive and supplementary questions asked by Mrs Peulich — response from Ms Tierney due Thursday, 9 August 2018.
- **Navitas training provider** — substantive question asked by Ms Fitzherbert — response from Ms Tierney due Thursday, 9 August 2018.
- **Public land use** — substantive question asked by Mr Bourman — response from Mr Jennings due Tuesday, 21 August 2018.

**7 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**8 MISUSE OF ELECTORAL OFFICE ENTITLEMENTS — MINISTERIAL POSITIONS** — Debate continued on the question, That this House —

- (1) notes Victoria Police's Fraud and Extortion Squad has announced a formal investigation into Labor's red shirt rorts affair; and
- (2) calls on the Premier to stand down the Leader of the Government and Special Minister of State, Hon. Gavin Jennings MLC, the Attorney-General and Minister for Racing, Hon. Martin Pakula MP, the Minister for Sport, Minister for Tourism and Major Events, and Minister for Veterans, Hon. John Eren MP, the Minister for Families and Children, Minister for Youth Affairs and Minister for Early Childhood Education, Hon. Jenny Mikakos MLC, the Minister for Training and Skills and Minister for Corrections, Hon. Gayle Tierney MLC, and the Minister for Energy, Environment and Climate Change and Minister for Suburban Development, Hon. Lily D'Ambrosio MP, from their Ministerial positions pending the outcome of this criminal investigation.

On the motion of Mr Leane, the debate was adjourned until later this day.

**9 ENVIRONMENT PROTECTION AMENDMENT (CONTAINER DEPOSIT SCHEME) BILL 2018** — 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, 8

Dr Carling-Jenkins; Ms Dunn; Ms Patten; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Springle; Ms Truong.

*(Tellers: Dr Carling-Jenkins and Ms Truong)*

NOES, 32

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Ramsay and Ms Symes)*

Question negatived.

**10 MISUSE OF ELECTORAL OFFICE ENTITLEMENTS — MINISTERIAL POSITIONS** — Debate resumed on the question, That this House —

- (1) notes Victoria Police's Fraud and Extortion Squad has announced a formal investigation into Labor's red shirt rorts affair; and
- (2) calls on the Premier to stand down the Leader of the Government and Special Minister of State, Hon. Gavin Jennings MLC, the Attorney-General and Minister for Racing, Hon. Martin Pakula MP, the Minister for Sport, Minister for Tourism and Major Events, and Minister for Veterans, Hon. John Eren MP, the Minister for Families and Children, Minister for Youth Affairs and Minister for Early Childhood Education, Hon. Jenny Mikakos MLC, the Minister for Training and Skills and Minister for Corrections, Hon. Gayle Tierney MLC,

and the Minister for Energy, Environment and Climate Change and Minister for Suburban Development, Hon. Lily D'Ambrosio MP, from their Ministerial positions pending the outcome of this criminal investigation.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Ms Fitzherbert and Mr Morris)

NOES, 22

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

(Tellers: Ms Dunn and Ms Patten)

Question negatived.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

**11 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

**12 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.45 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 195 — Thursday, 9 August 2018

- 1 The President took the Chair and read the Prayer.
- 2 **OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 3 **VICTORIAN HEALTH PROMOTION FOUNDATION** — The President read a letter from the Minister for Health dated 7 August 2018 requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to elect one Member for appointment to the Victorian Health Promotion Foundation.
- 4 **PETITION — FOSTER CARERS** — Ms Bath presented a Petition bearing 11 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to review the Department of Health and Human Services' practices and decisions regarding children in foster care, and promote effective and respectful communication in relation to decisions to remove children from care, outstanding carer payments and the provision of medical records.  
Ordered to lie on the Table.
- 5 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
  - Parliamentary Committees Act 2003 — Government response to the Accountability and Oversight Committee's Report into Victorian Oversight Agencies 2016-17.
  - Planning and Environment Act 1987 — Notice of Approval of the Victoria Planning Provisions — Amendment VC151.
  - Statutory Rules under the following Acts of Parliament —
    - Electoral Act 2002 — No. 111.
    - Magistrates' Court Act 1989 — No. 110.

Subordinate Legislation Act 1994 — Nos. 108 and 109.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 90.

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

Declaration of percentages of post-2022 new club and hotel venue Gaming Machine Entitlements under the Gambling Regulation Act 2003, dated 3 July 2018.

Declaration of Renewable Energy Sources under the Renewable Energy (Jobs and Investment) Act 2017, dated 29 June 2018.

**6 MINISTER'S STATEMENT** — A statement was made by a Minister pursuant to Sessional Order 2.

**7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 be postponed until later this day.

**9 ENVIRONMENT PROTECTION AMENDMENT BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

Mr Davis moved, as an amendment, That all the words after "That" be omitted with the view of inserting in their place "this House refuses to read this Bill a second time until the proposals contained in the Bill have been referred to the Environment, Natural Resources and Regional Development Committee for inquiry, consideration and report by 18 September 2018 and amendments have been prepared to address the concerns that have been raised regarding the Bill".

Debate ensued.

Amendments proposed to be moved in Committee by Ms Truong were circulated.

Debate continued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Timber release plan** — supplementary question asked by Ms Bath — response from Ms Pulford due Tuesday, 21 August 2018.
- **Prisoner participation in school awareness programs** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 21 August 2018.
- **Transurban tolls** — substantive question asked by Ms Truong — response from Mr Jennings due Wednesday, 22 August 2018.
- **Ice prevention programs in schools** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Tierney due Wednesday, 22 August 2018.
- **Drug harm reduction** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Wednesday, 22 August 2018.

\* \* \* \* \*

**AUSTRALIAN COUNCIL OF PRIVATE EDUCATION AND TRAINING (ACPET)** — Ms Tierney having provided a written response to a question without notice and supplementary question relating to the Australian Council of Private Education and Training (ACPET) —

On the motion of Mrs Peulich, the Minister's written response was ordered to be taken into consideration on the next day of meeting.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**12 ENVIRONMENT PROTECTION AMENDMENT BILL 2018** — Debate continued on the question, That the Bill be now read a second time, *and on the reasoned amendment moved by Mr Davis*, That all the words after "That" be omitted with the view of inserting in their place

“this House refuses to read this Bill a second time until the proposals contained in the Bill have been referred to the Environment, Natural Resources and Regional Development Committee for inquiry, consideration and report by 18 September 2018 and amendments have been prepared to address the concerns that have been raised regarding the Bill”.

Question — That the reasoned amendment moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Mr Morris)*

NOES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Dr Ratnam and Mr Somyurek)*

Question negatived.

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

The Council divided — The President in the Chair.

AYES, 21

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Gepp and Mr Melhem)*

NOES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Sullivan and Mr Young)*

Question agreed to.

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

House in Committee.

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

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

**13 EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

Debate continued.

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.

- 14 RACING AMENDMENT (INTEGRITY AND DISCIPLINARY STRUCTURES) BILL 2018** — 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 ordered to be committed to a Committee of the whole later this day.
- 15 CHILDREN, YOUTH AND FAMILIES AMENDMENT (YOUTH OFFENDER COMPLIANCE) BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005 in relation to parole and other matters and to make amendments to certain Acts related to the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 and to make consequential amendments to the Surveillance Devices Act 1999 and to amend the Children Legislation Amendment (Information Sharing) Act 2018 in relation to a definition that Act inserts in the Children, Youth and Families Act 2005 and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Mikakos (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.  
Ms Mikakos moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.
- 16 DISABILITY SERVICE SAFEGUARDS BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to provide a regulatory scheme for disability workers and disability students, to amend the Residential Tenancies Act 1997 to provide for the rights and duties of SDA residents and SDA providers consistent with the National Disability Insurance Scheme, to make consequential amendments to the Disability Act 2006, the Health Complaints Act 2016, the Land Tax Act 2005, the Ombudsman Act 1973, the Public Administration Act 2004, the Supported Residential Services (Private Proprietors) Act 2010 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Mikakos (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.  
Ms Mikakos moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.
- 17 PREVENTION OF FAMILY VIOLENCE BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to establish the Family Violence Prevention Agency and the Board of the Family Violence Prevention Agency and to appoint the chief executive officer and for other purposes* and requesting the agreement of the Council.  
On the motion of Ms Mikakos, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
Ms Mikakos laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.  
On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.  
Ms Mikakos moved, That the Bill be now read a second time.  
On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.
- 18 VICTIMS AND OTHER LEGISLATION AMENDMENT BILL 2018** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Victims' Charter Act 2006, the Victims of Crime Commissioner Act 2015 and the Sentencing Act 1991 to further provide for the rights of victims and the obligations of investigatory agencies, prosecuting agencies and victims' services agencies in proceedings for criminal offences, and to amend the Jury Directions Act 2015 in relation to directions on the language and cognitive skills of*



*child witnesses, and to amend the Children, Youth and Families Act 2005 in relation to historical care and protection orders, and for other purposes and requesting the agreement of the Council.*

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

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

On the motion of Ms Mikakos, the second reading speech was incorporated into Hansard.

Ms Mikakos moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**19 SITTING OF THE COUNCIL** — Ms Mikakos moved, That the Council, at its rising, adjourn until Tuesday, 21 August 2018.

Question — put and agreed to.

**20 RACING AMENDMENT (INTEGRITY AND DISCIPLINARY STRUCTURES) BILL 2018** — Bill 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.

**21 ADJOURNMENT** — Ms Pulford moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 9.40 p.m., adjourned until Tuesday, 21 August 2018.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 193, 194 and 195

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### JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE PROTECTION AND OTHER MATTERS) BILL 2018

*Committed Friday, 27 July 2018.*

#### **Tuesday, 7 August 2018 —**

*Progress having been reported on Friday, 27 July 2018, Bill further considered in Committee of the whole.*

**Clauses 1 to 117** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016

*Committed Tuesday, 7 August 2018.*

*Amendments circulated: Mr Dalidakis (see p 1350).*

**Clause 1** — put and agreed to.

**Clause 2** — Mr Dalidakis moved Amendment No. 1 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clauses 3 to 7** — put and agreed to.

**Clause 8** — Mr Dalidakis moved Amendment No. 2 — put and agreed to.

Clause 8, as amended — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

### VICTORIAN INDUSTRY PARTICIPATION POLICY (LOCAL JOBS FIRST) AMENDMENT BILL 2018

*Committed Tuesday, 7 August 2018.*

*Amendments circulated: Ms Dunn (see p 1350).*

**Clauses 1 to 6** — put and agreed to.

**Clause 7** — Ms Dunn moved Amendment Nos. 1 to 3.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.  
*(Tellers: Dr Ratnam and Ms Springle)*

## NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Dalidakis and Mr Leane)*

Question negatived.

Clause 7 — put and agreed to.

**Clauses 8 to 19** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**ENVIRONMENT PROTECTION AMENDMENT BILL 2018**

*Committed Thursday, 9 August 2018.*

*Amendments and suggested amendments circulated: Mr Jennings and Ms Truong (see pp 1350-2).*

**Clauses 1 to 6** — put and agreed to.

**Clause 7** — Mr Jennings moved Amendment Nos. 1 and 2 — put and agreed to.

Clause 7, as amended — put and agreed to.

**Clauses 8 to 64** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2018**

*Committed Thursday, 9 August 2018.*

*Amendments circulated: Mr O'Donohue (see pp 1352-3).*

**Clauses 1 to 18** — put and agreed to.

**Clause 19** — Mr O'Donohue moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Crozier and Mr Rich-Phillips)*

## NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Gepp and Mr Mulino)*

Question negatived.

Clause 19 — put and agreed to.

**Clauses 20 to 47** — put and agreed to.

**Clause 48** — Mr O'Donohue moved Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Finn and Ms Lovell)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Eideh and Ms Shing)*

Question negatived.

Clause 48 — put and agreed to.

**Clauses 49 to 67** — put and agreed to.

**Clause 68** — Mr O'Donohue moved Amendment No. 4.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Ramsay)*

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Purcell and Ms Truong)*

Question negatived.

Clause 68 — put and agreed to.

**Clauses 69 to 97** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

**RACING AMENDMENT (INTEGRITY AND DISCIPLINARY STRUCTURES) BILL 2018**

*Committed Thursday, 9 August 2018.*

**Clauses 1 to 36** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016**Amendments circulated by Mr Dalidakis

1. Clause 2, page 2, line 2, omit "1 July 2017" and insert "1 February 2019".
2. Clause 8, line 2, omit "1 July 2018" and insert "1 February 2020".

**2. VICTORIAN INDUSTRY PARTICIPATION POLICY (LOCAL JOBS FIRST) AMENDMENT BILL 2018**Amendments circulated by Ms Dunn

1. Clause 7, page 4, line 13, after "industry", insert "other than goods that are, or are made in whole or part from, native forest timber".
2. Clause 7, page 4, line 17, after "industry", insert "other than to the extent that the construction activities use products that are, or are made in whole or part from, native forest timber".
3. Clause 7, page 4, after line 24, insert—
  - "*native forest* means a local indigenous plant community—
    - (a) the dominant species of which are trees; and
    - (b) containing throughout its growth the complement of native species and habitats normally associated with that forest type or having the potential to develop those characteristics; and
    - (c) including a forest with those characteristics that has been regenerated with human assistance following disturbance; and
    - (d) excluding a plantation of native species or previously logged native forest that has been regenerated with non-endemic native species;"

**3. ENVIRONMENT PROTECTION AMENDMENT BILL 2018**Amendments circulated by Mr Jennings

1. Clause 7, page 144, line 27, omit "waste; and" and insert "waste, including—".
2. Clause 7, page 144, after line 27 insert—
  - "(i) reuse and recycling of the priority waste; and
  - (ii) if the person produced or generated the priority waste, avoiding producing or generating similar priority waste in the future; and"

Suggested Amendments circulated by Mr Truong

1. **Suggested amendment to the Legislative Assembly -**  
 Clause 18, page 396, line 26, omit "451(2)." and insert "451(2); and".

2. **Suggested amendment to the Legislative Assembly -**

Clause 18, page 396, after line 26 insert—

- "(c) the Premier and the Minister have had regard to any recommendations made by the Sustainability Fund Account advisory committee appointed under section 451A in relation to the use of money paid out of the Sustainability Fund Account."

3. **Suggested amendment to the Legislative Assembly -**

Clause 18, page 399, after line 3 insert—

**"451A Sustainability Fund Account advisory committee**

- (1) The Minister, after consultation with the Premier, may appoint a Sustainability Fund Account advisory committee.
- (2) The Sustainability Fund Account advisory committee consists of up to 8 members appointed by the Minister after consultation with the Premier.
- (3) In appointing members of the Sustainability Fund Account advisory committee, the Minister must ensure that the members collectively have skills, expertise or knowledge in relation to the following—
  - (a) environment protection and conservation;
  - (b) waste management and abatement;
  - (c) climate change;
  - (d) community networks;
  - (e) issues relating to industry;
  - (f) economics and business management;
  - (g) finance or law;
  - (h) local government;
  - (i) rural and regional affairs.
- (4) The Minister may determine the terms of appointment (including any remuneration and allowances) of the members of the Sustainability Fund Account advisory committee.
- (5) The Sustainability Fund Account advisory committee must give the Department of Environment, Land, Water and Planning a copy of all the recommendations it makes to the Premier and the Minister and the reasons for the recommendations.
- (6) The annual report of the operations of the Department of Environment, Land, Water and Planning required under Part 7 of the **Financial Management Act 1994** must include a copy of the recommendations and the reasons for the recommendations for the financial year in which the recommendations were made together with a list of how money paid out of the Sustainability Fund Account has been used in that financial year.

- (7) The Secretary to the Department of Environment, Land, Water and Planning must cause to be published a copy of the recommendations, the reasons for the recommendations and the list referred to in subsection (6) on the Internet site of the Department of Environment, Land, Water and Planning within 3 days after the annual report is tabled before a House of the Parliament.

**451B Functions of Sustainability Fund Account advisory committee**

The functions of the Sustainability Fund Account advisory committee include the following—

- (a) to make recommendations to the Premier and the Minister in relation to the use of money paid out of the Sustainability Fund Account, including whether the use of money paid out is in accordance with the purposes referred to in section 449(3);
- (b) to advise the Premier and the Minister on the operation of the Sustainability Fund Account;
- (c) to advise the Premier and the Minister about fostering community action or innovation in relation to the reduction of greenhouse gas substance emissions or the adaptation or adjustment to climate change in Victoria;
- (d) to advise the Premier and the Minister about fostering environmentally sustainable uses of resources and best practices in waste management;
- (e) to advise the Premier and the Minister about any matters related to climate change or fostering environmentally sustainable uses of resources and best practices in waste management that are referred to the Sustainability Fund Account advisory committee by the Premier or the Minister;
- (f) to monitor the progress of projects that have been funded by money paid out of the Sustainability Fund Account.

**451C Minister must report on Sustainability Fund Account**

- (1) The Minister must, no more than 3 months after the end of a financial year, prepare a report on the activities of the Sustainability Fund Account during that financial year.
- (2) The Minister must cause a copy of the report to be laid before each House of the Parliament as soon as practicable after the report has been prepared."

**4. EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2018**

Amendments circulated by Mr O'Donohue

- 1 Clause 19, page 12, line 20, omit "and".
- 2 Clause 19, page 12, after line 20 insert—  
  - "(vi) the Volunteer Fire Brigades Victoria Incorporated; and".



- 3 Clause 48, page 32, lines 19 to 22, omit all words and expressions on these lines and insert—

**"Act 1958)**—

- (A) a person, or the person holding a position or role for the time being, nominated by the Country Fire Authority; and
- (B) if the region is served by a brigade that is a member of the Volunteer Fire Brigades Victoria Incorporated, a person, or the person holding a position or role for the time being, nominated by the Board of the Volunteer Fire Brigades Victorian Incorporated;".

- 4 Clause 68, page 49, lines 28 to 31, omit all words and expressions on these lines and insert—

**"Authority Act 1958)**—

- (A) a person, or the person holding a position or role for the time being, nominated by the Country Fire Authority; and
- (B) if the municipal district is served by a brigade that is a member of the Volunteer Fire Brigades Victoria Incorporated, a person, or the person holding a position or role for the time being, nominated by the Board of the Volunteer Fire Brigades Victorian Incorporated;".





# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 196, 197, 198 and 199

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#### No. 196 — Tuesday, 21 August 2018

- 1 The President took the Chair, 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 Acting Clerk of the Parliaments:

On 14 August 2018 —

*Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018*

*Owners Corporation Amendment (Short-stay Accommodation) Act 2018*

*Victorian Industry Participation Policy (Local Jobs First) Amendment Act 2018.*

On 21 August 2018 —

*Emergency Management Legislation Amendment Act 2018*

*Racing Amendment (Integrity and Disciplinary Structures) Act 2018.*

- 3 **PETITIONS** —

**CRIMES AMENDMENT (UNLICENSED DRIVERS) BILL 2018** — Dr Carling-Jenkins presented a Petition bearing 146 signatures from certain citizens of Victoria requesting that the Legislative Council support the implementation of Jalal's Law by supporting the Crimes Amendment (Unlicensed Drivers) Bill 2018.

Ordered to lie on the Table.

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**BAN OPERA HOUSE YABBIENETS** — Ms Pennicuik presented a Petition bearing 433 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to introduce legislation banning the sale of Opera House Nets in Victoria.

Ordered to lie on the Table.

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

\* \* \* \* \*

**SOUTH-WEST WATER QUALITY** — Mr Purcell presented a Petition bearing 221 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide funding and resources to improve the taste and quality of water in the south-west communities of Portland, Heywood and Port Fairy.

Ordered to lie on the Table.

- 4 **PAPERS** —

**PARTNERSHIPS VICTORIA METROPOLITAN MOBILE RADIO CONTRACT EXTENSION PROJECT SUMMARY, DECEMBER 2017** — Mr Dalidakis moved, by leave, That there be laid before this House a copy of Partnerships Victoria Metropolitan Mobile Radio Contract Extension Project Summary, December 2017.

Question — put and agreed to.

The Report was presented by Mr Dalidakis and ordered to lie on the Table.

\* \* \* \* \*

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Ms Bath presented Alert Digest No. 12 of 2018 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

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**ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE — INQUIRY INTO FUEL PRICES IN REGIONAL VICTORIA, AUGUST 2018** — Pursuant to section 36(2)(c) of the *Parliamentary Committees Act 2003*, the Clerk laid on the Table a copy of the Government Response to the Economic, Education, Jobs and Skills Committee's Report on the Inquiry into fuel prices in regional Victoria.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 29 July 2018 giving approval to grant a lease at Point Leo Foreshore Reserve.

Minister's Order of 7 August 2018 giving approval to grant a licence in relation to Glendhu Historic Area.

Independent Review Panel — Gaming Machines Licensing Process: regulatory review, pursuant to section 10.2A.11 of the *Gambling Regulation Act 2003* (*Ordered to be published*).

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to the —

Code of Practice for the Operation of Breeding and Rearing Businesses 2014.

Waste Management Policy (E-Waste).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Baw Baw Planning Scheme — Amendment C116.

Bayside Planning Scheme — Amendment C155.

Boroondara Planning Scheme — Amendment C271.

Glen Eira Planning Scheme — Amendment C157.

Greater Bendigo, Greater Shepparton, Mitchell, Moonee Valley and Wellington Planning Schemes — Amendment GC91.

Greater Bendigo Planning Scheme — Amendment C236.

Greater Shepparton Planning Scheme — Amendment C202.

Latrobe Planning Scheme — Amendment C103.

Melbourne Planning Scheme — Amendments C284, C326 and C334.

Melton Planning Scheme — Amendment C181.

Mitchell and Whittlesea Planning Schemes — Amendment GC106.

Monash Planning Scheme — Amendment C86.

Wangaratta Planning Scheme — Amendment C75.

Wellington Planning Scheme — Amendment C101.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 108, 109, 111 and 113.

Victorian Inspectorate — Report 2017-18, No. 2, pursuant to section 30Q of the *Surveillance Devices Act 1999* in relation to agencies authorised to use surveillance devices.

**5 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 22 August 2018:

- (1) Order of the Day No. 2, second reading of the *Forests (Wood Pulp Agreement) Repeal Bill 2018*;
- (2) Notice of Motion given this day by Ms Fitzherbert in relation to International Pregnancy and Infant Loss Remembrance Day;

- (3) Notice of Motion No. 606 standing in the name of Mr Davis in relation to the Cranbourne, Frankston and Hurstbridge rail lines;
- (4) Notice of Motion No. 601 standing in the name of Mr Purcell in relation to firefighters' presumptive rights compensation legislation;
- (5) Notice of Motion given this day by Ms Wooldridge in relation to the performance of the Andrews Government over the past four years;
- (6) Notice of Motion No. 602 standing in the name of Mr O'Donohue in relation to sworn police and Protective Services Officer numbers; and
- (7) Order of the Day No. 19 standing in the name of Mrs Peulich in relation to the rising cost of living in Victoria.

Question — put and agreed to.

- 6 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 573 be postponed until later this day.
- 9 RESIDENTIAL TENANCIES AMENDMENT (LONG-TERM TENANCY AGREEMENTS) BILL 2017** — Debate resumed on the question, That the Bill be now read a second time.  
*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*
- 10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

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**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Youth justice precincts** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 22 August 2018.
- **Assault on youth offender** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Wednesday, 22 August 2018.
- **Youth justice centres cell capacity** — substantive and supplementary questions asked by Mr Ramsay — response from Ms Mikakos due Wednesday, 22 August 2018.
- **Parks Victoria building contract** — substantive and supplementary questions asked by Ms Fitzherbert — response from Mr Jennings due Thursday, 23 August 2018.
- **PTV – complaints regarding Sky News** — substantive and supplementary questions asked by Mr Davis — response from Ms Pulford due Thursday, 23 August 2018.
- **Public dental care** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Thursday, 23 August 2018.
- **Maryvale paper mill planning approvals** — substantive and supplementary questions asked by Ms Dunn — response from Mr Dalidakis due Thursday, 23 August 2018.

- 11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 12 RESIDENTIAL TENANCIES AMENDMENT (LONG-TERM TENANCY AGREEMENTS) BILL 2017** — Debate continued on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Mr Dalidakis were circulated.

Debate continued.

Question — put and agreed to.

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

House in Committee.

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

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

- 13 DISABILITY SERVICE SAFEGUARDS BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

Mr Dalidakis declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

Question — put and agreed to.

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

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

Ms Tierney declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole on the next day of meeting.

- 14 ADJOURNMENT** — Ms Mikakos moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 8.59 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 197 — Wednesday, 22 August 2018

- 1 The President took the Chair and read the Prayer.

2 **PETITIONS** —

**WOORAYL STREET RESERVE** — Mr Davis presented a Petition bearing 10 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to cancel development plans of the Woorayl Street Reserve and re-establish this area as open space to protect Glen Eira's remaining heritage trees and open spaces.

Ordered to lie on the Table.

\* \* \* \* \*

**KEYSBOROUGH SOUTH SECONDARY SCHOOL** — Ms Springle presented a Petition bearing 320 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to determine a site location and commit funding for the construction of a new public secondary school for the wider Keysborough region.

Ordered to lie on the Table.

- 3 **CORRECTIONS AMENDMENT (ADULT PAROLE BOARD) BILL 2018** — Mr O'Donohue introduced *A Bill for an Act to amend the Corrections Act 1986 and for other purposes*.

On the motion of Mr O'Donohue, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**4 PAPERS —**

**ACCOUNTABILITY AND OVERSIGHT COMMITTEE — INQUIRY INTO METHODOLOGIES AND OUTCOMES FROM VICTORIAN OMBUDSMAN REPORTS Tabled IN THE PARLIAMENT** — Ms Symes presented a Report from the Accountability and Oversight Committee on the Inquiry Into Methodologies and Outcomes From Victorian Ombudsman Reports Tabled in the Parliament, together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Symes moved, That the Council take note of the Report.

Question — put and agreed to.

\* \* \* \* \*

**ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE — INQUIRY INTO CAREER ADVICE ACTIVITIES IN VICTORIAN SCHOOLS** — Mr Elasmar presented a Report from the Economic, Education, Jobs and Skills Committee on the Inquiry into Career Advice Activities in Victorian Schools (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Mr Elasmar moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:

Surveyor-General — Report on the administration of the Survey Co-ordination Act 1958, 2017-18.

**5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 FORESTS (WOOD PULP AGREEMENT) REPEAL BILL 2018** — Ms Dunn laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Ms Dunn moved, That the Bill be now read a second time.

On the motion of Ms Pulford, the debate was adjourned for one week.

**8 INTERNATIONAL PREGNANCY AND INFANT LOSS REMEMBRANCE DAY** — Ms Fitzherbert moved, That this House calls on the Government to join other Australian states in recognising October 15 each year as International Pregnancy and Infant Loss Remembrance Day.

Debate ensued.

Question — put and agreed to.

**9 METROPOLITAN RAIL — OPPOSITION POLICY** — Mr Davis moved, That this House supports the following recent commitments to metropolitan rail enhancement that would see —

- (1) an extension of the metropolitan rail network from Cranbourne to Clyde with dual and electrified tracks —
  - (a) including new stations being built at Cranbourne East and Clyde, along with 350 additional parking places;
  - (b) including improvement of local bus services to connect commuters to the new railway stations; and
  - (c) noting that this is the first stage of an upgrade to the Cranbourne rail corridor and future upgrades to the Cranbourne line will also be essential, including the full duplication from Cranbourne to Dandenong, and a future extension to Koo Wee Rup;
- (2) the duplication and electrification of the rail line from Frankston to Baxter and notes that —

- (a) the Turnbull Government has already committed \$225 million towards the project in the 2018-19 Federal Budget, matched recently by the Liberal-National State Coalition;
  - (b) the new metro stations at Frankston East, Langwarrin and Baxter will provide easy access to rail services for local commuters and help ease congestion around Frankston;
  - (c) passengers will be able to commute more easily to Monash University, Frankston Hospital and Frankston Private Hospital, Chisholm TAFE or directly into Melbourne;
  - (d) this will improve local bus services to connect commuters to the new railway stations; and
- (3) the full duplication of the rail line between Greensborough and Eltham to provide for the growing population in Melbourne's north and allow more frequent and reliable rail services.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Schools in Wyndham area** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Tierney due Friday, 24 August 2018.
- **AGL Crib Point** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Pulford due Friday, 24 August 2018.
- **Victorian African Community Action Plan** — substantive and supplementary questions asked by Ms Truong — response from Mr Jennings due Friday, 24 August 2018.
- **Fulham Correctional Centre** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Friday, 24 August 2018.
- **Free TAFE courses** — supplementary question asked by Mr Morris — response from Ms Tierney due Thursday, 23 August 2018.
- **Parks Victoria camping sites** — substantive and supplementary questions asked by Mr O'Sullivan — response from Mr Jennings due Friday, 24 August 2018.
- **Support for food manufacturing industry** — substantive and supplementary questions asked by Ms Lovell — response from Ms Pulford due Friday, 24 August 2018.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Sexual assault in Youth Justice facility** — substantive and supplementary questions asked by Ms Crozier on Tuesday, 21 August 2018 — further response from Ms Mikakos due Thursday, 23 August 2018.

- 11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 12 METROPOLITAN RAIL — OPPOSITION POLICY** — Debate continued on the question, That this House supports the following recent commitments to metropolitan rail enhancement that would see —

- (1) an extension of the metropolitan rail network from Cranbourne to Clyde with dual and electrified tracks —
  - (a) including new stations being built at Cranbourne East and Clyde, along with 350 additional parking places;
  - (b) including improvement of local bus services to connect commuters to the new railway stations; and



- (c) noting that this is the first stage of an upgrade to the Cranbourne rail corridor and future upgrades to the Cranbourne line will also be essential, including the full duplication from Cranbourne to Dandenong, and a future extension to Koo Wee Rup;
- (2) the duplication and electrification of the rail line from Frankston to Baxter and notes that —
  - (a) the Turnbull Government has already committed \$225 million towards the project in the 2018-19 Federal Budget, matched recently by the Liberal-National State Coalition;
  - (b) the new metro stations at Frankston East, Langwarrin and Baxter will provide easy access to rail services for local commuters and help ease congestion around Frankston;
  - (c) passengers will be able to commute more easily to Monash University, Frankston Hospital and Frankston Private Hospital, Chisholm TAFE or directly into Melbourne;
  - (d) this will improve local bus services to connect commuters to the new railway stations; and
- (3) the full duplication of the rail line between Greensborough and Eltham to provide for the growing population in Melbourne's north and allow more frequent and reliable rail services.

On the motion of Mr Somyurek, debate was adjourned until later this day.

**13 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION LEGISLATION** — Mr Purcell moved, That this House notes that the —

- (1) Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 was defeated in this House in March 2018;
- (2) purpose of the presumptive rights element of the Bill is to provide a rebuttable presumption to claim compensation under the *Workplace Injury Rehabilitation and Compensation Act 2013* for career and volunteer firefighters who are suffering, or will suffer, from certain cancers;
- (3) presumptive rights compensation legislation included in the Bill had support amongst volunteer and career firefighters and members of this House;

and therefore calls on the Government to expedite the introduction and passing of a new Bill that addresses only the presumptive rights compensation issue before this Parliament expires in October.

Debate ensued.

Question — put and agreed to.

**14 METROPOLITAN RAIL — OPPOSITION POLICY** — Debate resumed on the question, That this House supports the following recent commitments to metropolitan rail enhancement that would see —

- (1) an extension of the metropolitan rail network from Cranbourne to Clyde with dual and electrified tracks —
  - (a) including new stations being built at Cranbourne East and Clyde, along with 350 additional parking places;
  - (b) including improvement of local bus services to connect commuters to the new railway stations; and
  - (c) noting that this is the first stage of an upgrade to the Cranbourne rail corridor and future upgrades to the Cranbourne line will also be essential, including the full duplication from Cranbourne to Dandenong, and a future extension to Koo Wee Rup;
- (2) the duplication and electrification of the rail line from Frankston to Baxter and notes that —
  - (a) the Turnbull Government has already committed \$225 million towards the project in the 2018-19 Federal Budget, matched recently by the Liberal-National State Coalition;
  - (b) the new metro stations at Frankston East, Langwarrin and Baxter will provide easy access to rail services for local commuters and help ease congestion around Frankston;

- (c) passengers will be able to commute more easily to Monash University, Frankston Hospital and Frankston Private Hospital, Chisholm TAFE or directly into Melbourne;
  - (d) this will improve local bus services to connect commuters to the new railway stations; and
- (3) the full duplication of the rail line between Greensborough and Eltham to provide for the growing population in Melbourne's north and allow more frequent and reliable rail services.

Question — put and agreed to.

- 15 LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE — EXTENSION TO REPORTING DATE** — Dr Carling-Jenkins moved, by leave, That the Resolution of the Council of 20 June 2018 requiring the Law Reform, Road and Community Safety Committee to inquire into and report by 22 August 2018 on the Crimes Amendment (Unlicensed Drivers) Bill 2018, be amended so as to now require the Committee to present its report by 18 September 2018.

Question — put and agreed to.

- 16 RESIDENTIAL TENANCIES AMENDMENT (LONG-TERM TENANCY AGREEMENTS) BILL 2017** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

- 17 ENVIRONMENT PROTECTION AMENDMENT BILL 2018** — The Acting President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders —*

- 18 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

- 19 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 5.38 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 198 — Thursday, 23 August 2018

- 1 The President took the Chair and read the Prayer.

- 2 PRODUCTION OF DOCUMENTS — CITY OF PORT PHILLIP DRAFT PLANNING SCHEME AMENDMENT C107** — The Clerk laid on the Table a letter from the Secretary of the Department of Environment, Land, Water and Planning, dated 16 August 2018 in response to the Resolution of the Council of 7 October 2015 seeking the production of documents relating to Port Phillip Planning Scheme Amendment C107 —

- requesting that Parliament replace the PDF version of certain documents in the Tabled Documents Database to ensure that the redacted data is not searchable within the PDF version of the documents; and
- confirming that the replacement PDF versions of the documents exactly match the hardcopy versions tabled in Parliament.

- 3 PETITION — WYNDHAM VALE RAILWAY STATION NAME CHANGE** — Mr Finn presented a Petition bearing 374 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to rename Wyndham Vale Station as Manor Lakes Station to avoid confusion, to comply with naming guidelines and to better reflect the location of the station in the new suburb of Manor Lakes.

Ordered to lie on the Table.

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

#### 4 PAPERS —

**GOVERNMENT RESPONSE TO THE COMMUNITY VISITORS REPORT, 2017** — Ms Mikakos moved, by leave, That there be laid before this House a copy of the Government Response to the Community Visitors Report, 2017.

Question — put and agreed to.

The Report was presented by Ms Mikakos and ordered to lie on the Table.

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#### **LEGISLATIVE COUNCIL PRIVILEGES COMMITTEE — INQUIRY INTO MATTERS RELATING TO THE MISUSE OF ELECTORATE OFFICE STAFFING ENTITLEMENTS —**

Mr Purcell presented a Report from the Legislative Council Privileges Committee on the Inquiry into matters relating to the misuse of electorate office staffing entitlements (including Appendices, Extracts of Proceedings and Minority Reports), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

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

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Victorian Equal Opportunity and Human Rights Commission — Report on the operation of the Charter of Human Rights and Responsibilities, 2017 (*Ordered to be published*).

Parliamentary Committees Act 2003 — Government response to the Law Reform, Road and Community Safety Committee's Report on the Inquiry into Drug Law Reform.

Statutory Rules under the following Acts of Parliament —

Firearms Act 1996 — No. 114.

Subordinate Legislation Act 1994 — No. 112.

Victorian Plantations Corporation Act 1993 — No. 113.

5 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

7 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 545 be postponed until later this day.

8 **DISABILITY SERVICE SAFEGUARDS BILL 2018** — 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.

9 **VICTIMS AND OTHER LEGISLATION AMENDMENT BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

10 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **WorkCover claim – IBAC Investigation** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Jennings due Tuesday, 4 September 2018.

- **Melbourne remand centre – WorkCover premium** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Friday, 24 August 2018.
- **Australian sustainable hardwood acquisition** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Tuesday, 4 September 2018.
- **Firearm licensing applications** — substantive and supplementary questions asked by Mr Young — response from Ms Tierney due Tuesday, 4 September 2018.
- **Native forest logging supply** — substantive and supplementary questions asked by Ms Dunn — response from Mr Jennings due Tuesday, 4 September 2018.
- **NDIS funding gaps** — substantive and supplementary questions asked by Ms Springle — response from Ms Mikakos due Tuesday, 4 September 2018.
- **Port Fairy and Terang ambulance stations** — substantive question asked by Mr Purcell — response from Ms Mikakos due Tuesday, 4 September 2018.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Free TAFE courses** — supplementary question asked by Mr Morris on Wednesday, 22 August 2018 — further response from Ms Tierney due Friday, 24 August 2018.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**12 VICTIMS AND OTHER LEGISLATION AMENDMENT BILL 2018** — 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 ordered to be committed to a Committee of the whole later this day.

**13 PREVENTION OF FAMILY VIOLENCE BILL 2018** — 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 having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

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Ms Tierney declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in Committee of the whole.

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.

**14 VICTIMS AND OTHER LEGISLATION AMENDMENT BILL 2018** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Ms Tierney declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

---

Bill further considered in Committee of the whole.

Bill reported with an 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 with an amendment.

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

Debate ensued.

*And the Council having continued to sit after 12 midnight —*

FRIDAY, 24 AUGUST 2018

Debate continued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 12.24 a.m., adjourned until later this day.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 199 — Friday, 24 August 2018

1 The President took the Chair and read the Prayer.

2 **BUILDING AMENDMENT (REGISTRATION OF BUILDING TRADES AND OTHER MATTERS) BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993 to make it an offence for persons to carry out certain types of building work without being registered or licensed to do so, to provide for the provisional registration of builders and the licensing of building employees who carry out certain building work and related offences, to prohibit the use of certain wall cladding products, to amend certain disciplinary requirements for building practitioners, to provide further for the regulation of swimming pools and spas, to amend the Local Government Act 1989 to provide for agreements to rectify defective cladding on buildings and charges to fund the rectification, to make minor and consequential amendments to the Oaths and Affirmations Act 2018, the Domestic Building Contracts Act 1995 and the Sale of Land Act 1962 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

3 **GAMBLING REGULATION AMENDMENT (WAGERING AND BETTING) BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Gambling Regulation Act 2003 to alter the tax arrangements in relation to wagering and betting and to make consequential amendments to the Taxation Administration Act 1997 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech (except for the statement under section 85(5) of the *Constitution Act 1975*) was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

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

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

- 4 OWNER DRIVERS AND FORESTRY CONTRACTORS AMENDMENT BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Owner Drivers and Forestry Contractors Act 2005 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie, the debate was adjourned for one week.

- 5 RESIDENTIAL TENANCIES AMENDMENT BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Residential Tenancies Act 1997, to make consequential amendments to that Act and other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Dalidakis), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Ms Pulford, the second reading speech was incorporated into Hansard.

Ms Pulford moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

- 6 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 4 September 2018.

Question — put and agreed to.

- 7 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 545 be postponed until later this day.

- 8 LONG SERVICE BENEFITS PORTABILITY BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12.00 p.m. pursuant to Sessional Orders* —

- 9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Women's public health – access to terminations** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Wednesday, 5 September 2018.
- **Drought relief – roadside droving** — substantive question asked by Mr Purcell — response from Ms Pulford due Wednesday, 5 September 2018.
- **Salvation Army – out of home care services** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Tuesday, 4 September 2018.
- **Metropolitan Remand Centre** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 4 September 2018.
- **Operation Oyster – Metropolitan Remand Centre** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Tuesday, 4 September 2018.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **PTV – complaints regarding Sky News** — substantive and supplementary questions asked by Mr Davis on Tuesday, 21 August 2018 — further response from Ms Pulford due Wednesday, 5 September 2018.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 LONG SERVICE BENEFITS PORTABILITY BILL 2018** — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

(Tellers: Mr Eideh and Ms Truong)

NOES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr Dalla-Riva and Mr O'Sullivan)

Question agreed to.

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

House in Committee.

*Business having been interrupted at 4.00 p.m. pursuant to Standing Orders —*

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Ms Mikakos declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

---

Ms Tierney declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

---

Bill further considered in Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

The Deputy President reported progress and asked leave to sit again.

Bill to be again considered in Committee of the whole on the next day of meeting.

**12 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.27 p.m., adjourned until Tuesday, 4 September 2018.

ANDREW YOUNG  
Clerk of the Legislative Council





# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 196, 197, 198 and 199

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### RESIDENTIAL TENANCIES AMENDMENT (LONG-TERM TENANCY AGREEMENTS) BILL 2017

*Committed Tuesday, 21 August 2018.*

*Amendments circulated: Mr Dalidakis (see p 1372).*

**Clause 1** — put and agreed to.

**Clause 2** — Mr Dalidakis moved Amendment No. 1 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clauses 3 to 18** — put and agreed to.

**Clause 19** — Mr Dalidakis moved Amendment No. 2 — put and agreed to.

Clause 19, as amended — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

### DISABILITY SERVICE SAFEGUARDS BILL 2018

*Committed Tuesday, 21 August 2018.*

**Clause 1** — debate commenced.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

**Progress reported.**

**Thursday, 23 August 2018 —**

*Progress having been reported on Tuesday, 21 August 2018, Bill further considered in Committee of the whole.*

**Clause 1** — debate resumed.

Clause 1 — put and agreed to.

**Clauses 2 to 320** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### PREVENTION OF FAMILY VIOLENCE BILL 2018

*Committed Thursday, 23 August 2018.*

*Amendments circulated: Ms Crozier (p 1372)*

**Clause 1** — put and agreed to.

Amendments proposed to be moved in Committee by Ms Crozier were circulated.

**Clauses 2 to 26** — put and agreed to.

**Clause 27** — put and negatived.

**New Clause to follow Clause 26** — Ms Crozier moved Amendment No. 2 — put and agreed to.

**Clauses 28 to 30** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**VICTIMS AND OTHER LEGISLATION AMENDMENT BILL 2018**

*Committed Thursday, 23 August 2018.*

*Amendment circulated: Ms Springle (p 1372)*

Amendments proposed to be moved in Committee by Ms Springle were circulated.

**Clauses 1 to 34** — put and agreed to.

**Clause 35** — Ms Springle moved Amendment No. 1 — put and agreed to.

Clause 35, as amended — put and agreed to.

**Clause 36** — put and agreed to.

**Bill reported with an amendment.**

\* \* \* \* \*

**LONG SERVICE BENEFITS PORTABILITY BILL 2018**

*Committed Friday, 24 August 2018.*

*Amendments circulated: Ms Mikakos, Mr Ondarchie and Ms Springle (pp 1372-4; 1378)*

*Further amendments circulated: Ms Mikakos and Mr Ondarchie (including amendments to Ms Mikakos' amendments) (pp 1374-8).*

Amendments and further amendments proposed to be moved in Committee by Ms Mikakos were circulated.

Amendments and further amendments (including amendments to Ms Mikakos' amendments) proposed to be moved in Committee by Mr Ondarchie were circulated.

Amendments proposed to be moved in Committee by Ms Springle were circulated.

**Clause 1** — Mr Ondarchie moved, That the Deputy President report progress and ask leave to sit again.

Debate ensued.

Question — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Davis and Mr Ramsay)*

NOES, 23

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Mr Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Dalidakis and Ms Springle)*

Question negatived.

Consideration of clause 1 continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

**Progress reported.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. RESIDENTIAL TENANCIES AMENDMENT (LONG-TERM TENANCY AGREEMENTS) BILL 2017**Amendments circulated by Mr Dalidakis

1. Clause 2, line 5, omit "1 August 2018" and insert "1 February 2019".
2. Clause 19, line 3, omit "1 August 2019" and insert "1 February 2020".

**2. PREVENTION OF FAMILY VIOLENCE BILL 2018**Amendments circulated by Ms Crozier

1. Clause 27, omit this clause.

## NEW CLAUSE

2. Insert the following New Clause to follow clause 26—

**"A Report of the Board on the financial performance of the Agency**

- (1) The Board must prepare a report on the financial performance of the Agency during the financial year ending on the preceding 30 June.
- (2) The Board must cause a report under subsection (1) to be laid before each House of the Parliament as soon as practicable after the end of the financial year to which it relates."

**3. VICTIMS AND OTHER LEGISLATION AMENDMENT BILL 2018**Amendment circulated by Ms Springle

Clause 35, line 26, after "responsibility." insert "In many cases, crimes were committed against a child and instead of the perpetrator being held to account, the child was subject to a historical care and protection order, despite the child not having committed any crime."

**4. LONG SERVICE BENEFITS PORTABILITY BILL 2018**Amendments circulated by Ms Mikakos

1. Clause 2, line 10, omit "April" and insert "July".
2. Schedule 1, page 66, lines 18 to 20, omit all words and expressions on these lines and insert—
  - "(2) *Community service work* does not include—
    - (a) an activity that is funded by the National Disability Insurance Scheme within the meaning of the National Disability Insurance Scheme Act 2013 of the Commonwealth, unless such an activity, or class of activity, is prescribed to be community service work; or

- (b) a service provided by an entity that is a licensed children's service under the **Children's Services Act 1996** or an approved provider under the Education and Care Services National Law (Victoria), unless such a service, or class of service, is prescribed to be community service work; or
  - (c) an activity, or class of activity, prescribed not to be community service work."
3. Schedule 1, page 66, lines 24 to 31, omit all words and expressions on these lines and insert—
- "(a) a non-profit entity that employs one or more individuals to perform community service work; or"

Amendments circulated by Mr Ondarchie

1. Clause 3, line 15, omit "Schedule 2" and insert "Schedule 1".
2. Clause 3, lines 16 to 19, omit all words and expressions on these lines.
3. Clause 3, line 21, omit "Schedule 2" and insert "Schedule 1".
4. Clause 3, lines 22 to 31, omit all words and expressions on these lines and insert—

**"contract worker**, for a covered industry, has the meaning given by the covered industry schedule for that industry;"
5. Clause 3, page 3, lines 5 to 14, omit all words and expressions on these lines and insert—

**"covered industry** means—

  - (a) the contract cleaning industry; or
  - (b) the security industry;

**covered industry schedule** means—

  - (a) for the contract cleaning industry—Schedule 1; or
  - (b) for the security industry—Schedule 2;"
6. Clause 3, page 6, lines 17 to 29, omit all words and expressions on these lines and insert—

**"registered active contract worker**, for a covered industry, means a contract worker registered under section 19 who is in the active part of the workers register for the industry;"
7. Clause 3, page 7, lines 5 to 18, omit all words and expressions on these lines and insert—

**"registered active worker**, for a covered industry, means a registered active employee or a registered active contract worker for the industry;"
8. Clause 3, page 7, line 21, omit "Schedule 3" and insert "Schedule 2".
9. Clause 3, page 7, line 22, omit "Schedule 3" and insert "Schedule 2".
10. Clause 3, page 7, lines 23 to 30, omit all words and expressions on these lines and insert—

**"service period**—

  - (a) for a worker for the contract cleaning industry—see clause 8 of Schedule 1; or

(b) for a worker for the security industry—see clause 8 of Schedule 2;".

11. Clause 3, page 8, lines 2 to 13, omit all words and expressions on these lines and insert—  
     "**worker**, for a covered industry, means an employee or a contract worker for the industry;".
12. Clause 4, line 20, omit paragraph (a).
13. Clause 22, page 22, lines 22 to 28, omit subclause (4) and insert—  
     "(4) However, subsection (3)(b) does not apply if the person is entitled to payment in lieu under—  
         (a) clause 15 of Schedule 1; or  
         (b) clause 15 of Schedule 2."
14. In the heading to clause 24, omit "**Application and relevant day**" and insert "**Meaning of relevant day**".
15. Clause 24, lines 26 and 27, omit subclause (1).
16. Clause 24, line 28, omit "(2)".
17. Clause 24, line 31, omit "Schedule 2" and insert "Schedule 1".
18. Clause 24, line 34, omit "Schedule 3" and insert "Schedule 2".
19. Clause 56, line 30, omit "Schedule 2" and insert "Schedule 1".
20. Clause 56, line 31, omit "Schedule 3" and insert "Schedule 2".
21. Clause 80, page 63, lines 5 to 16, omit subclause (3).

#### AMENDMENT OF SCHEDULES

22. Schedule 1, omit the Schedule.
23. Heading to Schedule 2, omit "**2**" and insert "**1**".
24. Schedule 2, line 1, omit "22(4)(b)(i)" and insert "22(4)(a)".
25. Heading to Schedule 3, omit "**3**" and insert "**2**".
26. Schedule 3, line 1, omit "22(4)(b)(ii)" and insert "22(4)(b)".

#### Further amendments circulated by Ms Mikakos

1. Clause 3, page 4, line 25, omit all words and expressions on this line.
2. Clause 5, omit this clause.

#### NEW CLAUSE

3. Insert the following New Clause to follow clause 81—

#### **"AA Amendment of Long Service Leave Act 2018**

- (1) Section 3(2) of the **Long Service Leave Act 2018** is repealed.

- (2) In section 12(1) of the **Long Service Leave Act 2018** omit "even though in a strict legal sense it could be said that the employee's employment was interrupted".
- (3) For section 12(7), (8) and (9) of the **Long Service Leave Act 2018** substitute—
- "(7) An employee's employment is taken to be continuous despite the employer standing down the employee—
- (a) during industrial action if the employee cannot be usefully employed because of the industrial action; or
- (b) because of a breakdown of machinery or equipment for which the employer cannot reasonably be held responsible if the employee cannot be usefully employed because of the breakdown; or
- (c) because of a stoppage of work for any cause for which the employer cannot reasonably be held responsible if the employee cannot be usefully employed because of the stoppage.
- (8) An employee's employment is taken to be continuous despite any interruption arising directly or indirectly from an industrial dispute."
- (4) In section 12 of the **Long Service Leave Act 2018**—
- (a) in subsection (10), for "(10)" substitute "(9)";
- (b) in subsection (11)—
- (i) for "(11)" substitute "(10)";
- (ii) for "(10)" substitute "(9)".
- (5) In section 14 of the **Long Service Leave Act 2018**—
- (a) in paragraph (c), for ", (8) or (9)." substitute "(a), (b) or (c)";
- (b) after paragraph (c) insert—
- "(d) an interruption described in section 12(8).".

4. Clause 82, omit this clause.

#### AMENDMENT OF SCHEDULES

5. Schedule 1, page 70, line 11, omit "15" and insert "14".
6. Schedule 1, page 70, line 13, omit "clause 16 specifies".
7. Schedule 1, page 71, lines 21 and 22, omit "worker's service period is taken to be continuous" and insert "period of absence is taken to be a day of service for crediting service".
8. Schedule 1, page 75, lines 3 to 33, page 76, lines 1 to 35 and page 77, lines 1 to 22, omit all words and expressions on these lines.
9. Schedule 1, page 77, line 25, before "The" insert "(1)".
10. Schedule 1, page 77, line 26, omit "referred to in clause 14".

11. Schedule 1, page 78, line 25, omit "assets." and insert "assets;"
12. Schedule 1, page 78, after line 25 insert—
  - "(f) any other period of absence that the employer and worker agree to being credited as days of service of the worker.
  - (2) Any periods of absence from work other than a period referred to in subclause (1) are taken not to be days of service for the purpose of crediting the days of service of a worker for the community services sector."
13. Schedule 1, page 78, lines 26 to 35 and page 79, lines 1 to 18, omit all words and expressions on these lines.
14. Schedule 2, page 85, line 22, omit "22" and insert "21".
15. Schedule 2, page 85, line 24, omit "clause 23 specifies".
16. Schedule 2, page 86, lines 35 and 36, omit "an employee's service period is taken to be continuous" and insert "a period of absence is taken to be a day of service for crediting service".
17. Schedule 2, page 94, lines 19 to 34, page 95, lines 1 to 35, page 96, lines 1 to 35 and page 97, lines 1 to 17, omit all words and expressions on these lines.
18. Schedule 2, page 97, line 21, omit "referred to in clause 21".
19. Schedule 2, page 98, line 22, omit "assets." and insert "assets;"
20. Schedule 2, page 98, after line 22 insert—
  - "(f) any other period of absence that the employer and worker agree to being credited as days of service of the worker.
  - (2) Any periods of absence from work other than a period referred to in subclause (1) are taken not to be days of service for the purpose of crediting the days of service of a worker for the contract cleaning industry."
21. Schedule 2, page 98, line 23, omit "(2)" and insert "(3)".
22. Schedule 2, page 98, lines 30 to 36 and page 99, lines 1 to 21, omit all words and expressions on these lines.
23. Schedule 2, page 100, line 23, omit "24" and insert "22".
24. Schedule 3, page 106, line 22, omit "22" and insert "21".
25. Schedule 3, page 106, line 24, omit "clause 23 specifies".
26. Schedule 3, page 107, lines 35 and 36, omit "an employee's service period is taken to be continuous" and insert "a period of absence is taken to be a day of service for crediting service".
27. Schedule 3, page 115, lines 14 to 34, page 116, lines 1 to 34, page 117, lines 1 to 34 and page 118, lines 1 to 15, omit all words and expressions on these lines.
28. Schedule 3, page 118, line 19, omit "referred to in clause 21".
29. Schedule 3, page 119, line 18, omit "assets." and insert "assets;"



30. Schedule 3, page 119, after line 18 insert—
- "(f) any other period of absence that the employer and worker agree to being credited as days of service of the worker.
- (2) Any periods of absence from work other than a period referred to in subclause (1) are taken not to be days of service for the purpose of crediting the days of service of a worker for the security industry."
31. Schedule 3, page 119, line 19, omit "(2)" and insert "(3)".
32. Schedule 3, page 119, lines 26 to 31 and page 120, lines 1 to 21, omit all words and expressions on these lines.
33. Schedule 3, page 121, line 25, omit "24" and insert "22".

Further Amendments circulated by Mr Ondarchie

1. Schedule 1, page 65, line 12, omit "subclause (2)" and insert "this clause".
2. Schedule 1, page 66, after line 20 insert—
- "() **Community service work** also does not include a service provided by an entity that is a licensed children's service under the **Children's Services Act 1996** or an approved provider under the Education and Care Services National Law (Victoria)."
3. Schedule 1, page 66, before line 21 insert—
- "() **Community service work** also does not include—
- (a) a service or support provided to a person with a disability that is, or is of a type that could be, funded or provided under the National Disability Insurance Scheme within the meaning of the National Disability Insurance Scheme Act 2013 of the Commonwealth; or
- (b) a disability service within the meaning of section 3(1) of the **Disability Act 2006**."
4. Schedule 1, page 66, lines 24 to 31, omit paragraph (a) and insert—
- "(a) a non-profit entity that employs one or more individuals to perform community service work; or"
5. Schedule 1, page 68, lines 13 to 22, omit paragraph (a).
6. Schedule 1, page 68, line 28, after "centre" insert "and the individual does not have a long service leave entitlement under a fair work instrument or an applicable award-derived long service leave entitlement within the meaning of the Fair Work Act".

Amendments to Ms Mikakos' Amendments circulated by Mr Ondarchie

Amendment No. 2 — In proposed subclause (2) omit paragraph (a) and insert—

- "(a) a service or support provided to a person with a disability that is, or is of a type that could be, funded or provided under the National Disability Insurance Scheme within the meaning of the National Disability Insurance Scheme Act 2013 of the Commonwealth; or".

Amendment No. 2 — After paragraph (a) in proposed subclause (2) insert—

- "() a disability service within the meaning of section 3(1) of the **Disability Act 2006**; or".

Amendment No. 2 — In paragraph (b) in proposed subclause (2), omit ", unless such a service, or class of service, is prescribed to be community service work".

Amendments circulated by Ms Springle

1. Clause 75, line 9, omit "The" and insert "A".
2. Clause 75, lines 10 and 11, omit "after the 3rd anniversary of the commencement of this Act" and insert—

"after—

  - (a) the 3rd anniversary of the commencement of this Act; and
  - (b) the 7th anniversary of the commencement of this Act".
3. Clause 75, line 13, omit "the" and insert "each".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 200, 201, 202 and 203

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#### No. 200 — Tuesday, 4 September 2018

- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
- 2 **THE LATE WILLIAM DESMOND MCGRATH** — Ms Pulford moved, That this House expresses its sincere sorrow at the death, on 22 August 2018, of the Honourable William Desmond McGrath and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the Electoral District of Lowan from 1979 to 1992 and the Electoral District of Wimmera from 1992 to 1999 and as Minister for Agriculture from 1992 to 1996 and Minister for Corrections and Minister for Police and Emergency Services from 1996 to 1999.

And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

*[Sitting suspended from 12.31 p.m. until 1.36 p.m.]*

- 3 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 28 August 2018, given the Royal Assent to the following Acts presented to her by the Acting Clerk of the Parliaments:

*Disability Service Safeguards Act 2018*

*Environment Protection Amendment Act 2018*

*Residential Tenancies Amendment (Long-term Tenancy Agreements) Act 2018.*

- 4 **PETITIONS** —

**CRIME AND COMMUNITY SAFETY** — Dr Carling-Jenkins presented a Petition bearing 1,860 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to meet their duty of care for the safety and security of Victorians by not granting bail or early parole for persons convicted of violent offences, ensure the judicial system considers community expectations and allow victims of crime a say in sentencing and provide more assistance to victims of violent offences.

Ordered to lie on the Table.

\* \* \* \* \*

**CIVIL COMPENSATION** — Ms Dunn presented a Petition bearing 729 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to enact legislation for the reversal of the burden of proof in collisions between motor vehicles and vulnerable road users.

Ordered to lie on the Table.

\* \* \* \* \*

**STOP USE OF DRUG DETECTION DOGS AT FESTIVALS** — Ms Patten presented a Petition bearing 29 signatures from certain citizens of Victoria requesting that the Legislative Council acknowledge the invasion of civil liberties, potential harm and ineffectiveness of drug detection

dogs and call on the Government to take immediate steps to cease the use of drug detection dogs at music festivals, cultural gatherings, nightclubs and similar venues across Victoria.

Ordered to lie on the Table.

\* \* \* \* \*

**SUNRAYSIA HIGHWAY, LEARMONTH** — Ms Pulford presented a Petition bearing 78 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government and VicRoads to consider the speed and safety along the Sunraysia Highway in central Learmonth and conduct a safety assessment to identify measures to make Learmonth safer for children and the community.

Ordered to lie on the Table.

\* \* \* \* \*

**STOP USE OF DRUG DETECTION DOGS** — Ms Patten presented a Petition bearing 370 signatures from certain citizens of Victoria requesting that the Legislative Council acknowledge the invasion of civil liberties, potential harm and ineffectiveness of drug detection dogs and call on the Government to take immediate steps to cease the use of drug detection dogs as part of 'Operation Safenight'.

Ordered to lie on the Table.

- 5 CRIMES AND SENTENCING AMENDMENT (BUS DRIVERS) BILL 2018** — Mr Davis introduced *A Bill for an Act to amend the Crimes Act 1958, the Sentencing Act 1991 and the Summary Offences Act 1966 in relation to offences committed against bus drivers and for other purposes.*

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

**6 PAPERS** —

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 13 of 2018 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and to be published.

\* \* \* \* \*

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE — EXTERNAL OVERSIGHT OF POLICE CORRUPTION AND MISCONDUCT IN VICTORIA** — Ms Symes presented a Report from the Independent Broad-based Anti-corruption Commission Committee on the Inquiry into the external oversight of Police corruption and misconduct in Victoria (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Symes moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 29 July 2018 giving approval to grant a lease at Yarra Bend Park.

Minister's Order of 29 July 2018 giving approval to grant a licence at Flinders Foreshore Reserve.

Minister's Order of 23 August 2018 giving approval to grant a licence at Beauty Park, Frankston.

Environment Protection Act 1970 — Notice pursuant to 18D in relation to the Waste Management Policy (Combustible Recyclable and Waste Materials).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to the Management and Storage of Combustible Recyclable and Waste Materials — Guideline.

National Environment Protection Council — Report, 2016-17.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat, Melton and Moorabool Planning Schemes — Amendment GC95.  
 Boroondara Planning Scheme — Amendment C291.  
 Corangamite Planning Scheme — Amendment C45.  
 Greater Shepparton Planning Scheme — Amendment C208.  
 Latrobe Planning Scheme — Amendment C108.  
 Melton Planning Scheme — Amendments C174 and C196.  
 Yarra Planning Scheme — Amendment C241.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 73, 112 and 114.

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

Amendments of 21 August 2018 to Conditions Nos. 1 and 2 contained in the Victorian Fares and Ticketing Manual, under the Transport (Compliance and Miscellaneous) Act 1983.

Minister's Determination of 9 August 2018 of the Gaming Machine Entitlement Allocation and Transfer Rules, under the Gambling Regulation Act 2003.

**7 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 5 September 2018:

- (1) Order of the Day No. 2, second reading of the Corrections Amendment (Adult Parole Board) Bill 2018;
- (2) Order of the Day made this day, second reading of the Crimes and Sentencing Amendment (Bus Drivers) Bill 2018;
- (3) Notice of Motion No. 609 standing in the name of Ms Wooldridge in relation to the performance of the Andrews Government over the past four years;
- (4) Order of the Day No. 1, second reading of the Forests (Wood Pulp Agreement) Repeal Bill 2018;
- (5) Notice of Motion given this day by Ms Wooldridge in relation to outstanding and incomplete responses to existing document orders;
- (6) Notice of Motion No. 602 standing in the name of Mr O'Donohue in relation to sworn police and Protective Services Officer numbers; and
- (7) Order of the Day No. 17 standing in the name of Mrs Peulich in relation to the rising cost of living in Victoria.

Question — put and agreed to.

**8 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Ventnor documents** — supplementary question asked by Ms Wooldridge — response from Mr Jennings due Wednesday, 5 September 2018.
- **Political donations** — substantive and supplementary questions asked by Mr Ondarchie — response from Mr Dalidakis due Thursday, 6 September 2018.
- **Victoria's timber industry plans – Cabinet documents** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Ms Pulford due Wednesday, 5 September 2018.
- **Native timber industry** — supplementary question asked by Mr O'Sullivan — response from Ms Pulford due Wednesday, 5 September 2018.
- **Timber supply plantations** — substantive question asked by Mr O'Sullivan — response from Ms Pulford due Wednesday, 5 September 2018.
- **Animal rights activists – trespassing** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 6 September 2018.

- **Gaming machine maximum bets** — substantive and supplementary questions asked by Ms Patten — response from Mr Dalidakis due Thursday, 6 September 2018.
- **Heyfield mill** — substantive and supplementary questions asked by Ms Dunn — response from Ms Pulford due Wednesday, 5 September 2018.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Australian Sustainable Hardwoods** — substantive and supplementary questions asked by Ms Bath on 23 August 2018 — further response from Ms Pulford due Wednesday, 5 September 2018.

- 10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.
- 11 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13
- 12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 545 be postponed until later this day.
- 13 LONG SERVICE BENEFITS PORTABILITY BILL 2018** — *The President having ruled that an amendment proposed to be moved in Committee by Ms Mikakos was outside the scope of the Bill* —

Ms Mikakos moved, That it be an instruction to the Committee that they have the power to consider a New Clause to amend the *Long Service Leave Act 2018* in relation to the continuity of an employee's employment for the purposes of that Act and to make further technical amendments to that Act.

Debate ensued.

Question — put and agreed to.

Bill further considered in a Committee of the whole.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders* —

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Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Bill further considered in a Committee of the whole.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders* —

---

Mr Dalidakis declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

---

Bill further considered in a Committee of the whole.

Bill reported with amendments, the Report was adopted.

Ms Mikakos moved, by leave, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 23

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Ms Truong and Mr Young)*

## NOES, 15

Mr Atkinson; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Dalla-Riva and Ms Lovell)*

Question agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

- 14 RESIDENTIAL TENANCIES AMENDMENT BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders, the debate stood adjourned in the name of Mr O'Donohue.*

- 15 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 8.47 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 201 — Wednesday, 5 September 2018

- 1** The President took the Chair and read the Prayer.

- 2 PETITION — KEILOR PARK PRIMARY SCHOOL DEVELOPMENT** — Mr Finn presented a Petition bearing 304 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to stop its plans to achieve super profits from the overdevelopment of the Keilor Park Primary School site and instead respond to the needs of the local community.

Ordered to lie on the Table.

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

- 3 PAPERS —**

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE — WORK OF THE IBAC COMMITTEE OF THE 58<sup>TH</sup> PARLIAMENT: A REFLECTION** — Mr Ramsay presented a Report from the Independent Broad-based Anti-corruption Commission Committee on the work of the IBAC Committee of the 58th Parliament: a reflection (including Appendices).

Ordered to lie on the Table and to be published.

Mr Ramsay moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of an Act of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Crime Data, September 2018 *(Ordered to be published)*.

Follow Up of Oversight and Accountability of Committees of Management, September 2018 *(Ordered to be published)*.

Police Management of Property and Exhibits, September 2018 *(Ordered to be published)*.

- 4 RIGHT OF REPLY — MS MARY FARAONE** — Pursuant to Standing Order 21.03, the President presented a Right of Reply from Ms Mary Faraone, Chief Executive, Holmesglen TAFE, to statements made in the Council by Ms Bath on 27 July 2018.

Ordered to lie on the Table and to be published.

- 5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

- 6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

- 7 CORRECTIONS AMENDMENT (ADULT PAROLE BOARD) BILL 2018** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

On the motion of Ms Pulford, the debate was adjourned for one week.

- 8 CRIMES AND SENTENCING AMENDMENT (BUS DRIVERS) BILL 2018** — Mr Davis laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr Davis moved, That the Bill be now read a second time.

On the motion of Ms Pulford, the debate was adjourned for one week.

- 9 ANDREWS LABOR GOVERNMENT** — Ms Wooldridge moved, That this House notes that after four long years Victoria is beset with problems caused by Premier Daniel Andrews and his Labor Government and Victorians are now faced with —

- (1) the highest crimes against the person offence numbers in Victoria's history;
- (2) sentences and a bail system that do not meet community expectations;
- (3) a youth justice system in crisis;
- (4) rising electricity prices due to Labor's forced closure of Hazelwood Power Station;
- (5) increasing traffic congestion on our freeways and in our suburbs;
- (6) a \$1.3 billion bill for not building the East-West Link;
- (7) the betrayal of 60,000 CFA volunteers and their communities;
- (8) six Ministers and six Labor Members whose actions are under police investigation;
- (9) 74 cancer beds axed at a cost to taxpayers of \$100 million;
- (10) a broken education system and a VET system with ongoing cuts and reduced enrolments;
- (11) watered down planning protections;
- (12) sporting organisations and community clubs forced to take out loans;
- (13) farmers and regional communities being ignored and funding cuts for local country roads;
- (14) an ice injecting room;
- (15) blowouts in public housing waiting lists and dental waiting lists;
- (16) fourteen straight negative Sensis Small Business Index results;
- (17) no plan to manage Victoria's population;

and further notes that Premier Daniel Andrews has presided over a dysfunctional, rotting and morally corrupt government plagued by infighting, mismanagement, favouritism and crisis focused only on itself and not on Victorians.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Victorian Environmental Assessment Council report** — substantive and supplementary questions asked by Mr Young — response from Mr Jennings due Friday, 7 September 2018.



- **Stolen Generation compensation** — substantive question asked by Ms Springle — response from Ms Mikakos due Friday, 7 September 2018.
- **Skill based gambling machines** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Dalidakis due Friday, 7 September 2018.
- **Ventnor documents – directions from Secretary of DPC** — supplementary question asked by Mr Rich-Phillips — response from Mr Jennings due Thursday, 6 September 2018.
- **Suburban rail loop policy development** — supplementary question asked by Ms Wooldridge — response from Mr Jennings due Friday, 7 September 2018.
- **Medically supervised injecting room overdoses and rehabilitation** — substantive and supplementary questions asked by Ms Fitzherbert — response from Ms Mikakos due Friday, 7 September 2018.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**12 ANDREWS LABOR GOVERNMENT** — Debate continued on the question, That this House notes that after four long years Victoria is beset with problems caused by Premier Daniel Andrews and his Labor Government and Victorians are now faced with —

- (1) the highest crimes against the person offence numbers in Victoria's history;
- (2) sentences and a bail system that do not meet community expectations;
- (3) a youth justice system in crisis;
- (4) rising electricity prices due to Labor's forced closure of Hazelwood Power Station;
- (5) increasing traffic congestion on our freeways and in our suburbs;
- (6) a \$1.3 billion bill for not building the East-West Link;
- (7) the betrayal of 60,000 CFA volunteers and their communities;
- (8) six Ministers and six Labor Members whose actions are under police investigation;
- (9) 74 cancer beds axed at a cost to taxpayers of \$100 million;
- (10) a broken education system and a VET system with ongoing cuts and reduced enrolments;
- (11) watered down planning protections;
- (12) sporting organisations and community clubs forced to take out loans;
- (13) farmers and regional communities being ignored and funding cuts for local country roads;
- (14) an ice injecting room;
- (15) blowouts in public housing waiting lists and dental waiting lists;
- (16) fourteen straight negative Sensis Small Business Index results;
- (17) no plan to manage Victoria's population;

and further notes that Premier Daniel Andrews has presided over a dysfunctional, rorting and morally corrupt government plagued by infighting, mismanagement, favouritism and crisis focused only on itself and not on Victorians.

On the motion of Mr Ramsay, the debate was adjourned until later this day.

**13 FORESTS (WOOD PULP AGREEMENT) REPEAL BILL 2018** — 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, 6

Ms Dunn; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.  
(Tellers: Dr Ratnam and Ms Truong)

## NOES, 33

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Dalidakis and Mr O'Sullivan)*

Question negatived.

**14 ANDREWS LABOR GOVERNMENT** — Debate resumed on the question, That this House notes that after four long years Victoria is beset with problems caused by Premier Daniel Andrews and his Labor Government and Victorians are now faced with —

- (1) the highest crimes against the person offence numbers in Victoria's history;
- (2) sentences and a bail system that do not meet community expectations;
- (3) a youth justice system in crisis;
- (4) rising electricity prices due to Labor's forced closure of Hazelwood Power Station;
- (5) increasing traffic congestion on our freeways and in our suburbs;
- (6) a \$1.3 billion bill for not building the East-West Link;
- (7) the betrayal of 60,000 CFA volunteers and their communities;
- (8) six Ministers and six Labor Members whose actions are under police investigation;
- (9) 74 cancer beds axed at a cost to taxpayers of \$100 million;
- (10) a broken education system and a VET system with ongoing cuts and reduced enrolments;
- (11) watered down planning protections;
- (12) sporting organisations and community clubs forced to take out loans;
- (13) farmers and regional communities being ignored and funding cuts for local country roads;
- (14) an ice injecting room;
- (15) blowouts in public housing waiting lists and dental waiting lists;
- (16) fourteen straight negative Sensis Small Business Index results;
- (17) no plan to manage Victoria's population;

and further notes that Premier Daniel Andrews has presided over a dysfunctional, rorting and morally corrupt government plagued by infighting, mismanagement, favouritism and crisis focused only on itself and not on Victorians.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mr Morris.*

**15 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

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

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 5.50 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 202 — Thursday, 6 September 2018

- 1 The President took the Chair and read the Prayer.
- 2 **PREVENTION OF FAMILY VIOLENCE BILL 2018** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 3 **VICTIMS AND OTHER LEGISLATION AMENDMENT BILL 2018** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 4 **LONG SERVICE BENEFITS PORTABILITY BILL 2018** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
- 5 **PETITIONS** —
- PUBLIC INQUIRY INTO NOISE POLLUTION FROM TRAIN HORNS** — Ms Dunn presented a Petition bearing 553 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to hold a public inquiry into noise pollution from train horns and adopt practical alternatives to horns.
- Ordered to lie on the Table.
- \* \* \* \* \*
- MILLS STREET TRAM STOPS** — Ms Fitzherbert presented a Petition bearing 70 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government and the Minister for Public Transport to investigate optimal placement of future tram stops along the full length of Mills Street, Middle Park.
- Ordered to lie on the Table.
- \* \* \* \* \*
- VICFORESTS LOGGING OF OLD-GROWTH FORESTS** — Ms Dunn presented a Petition bearing 192 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to wind down all logging of old-growth forests in Victoria.
- Ordered to lie on the Table.
- \* \* \* \* \*
- MICKLEHAM ROAD AND SOMERTON ROAD DUPLICATION UPGRADES** — Mr Ondarchie presented a Petition bearing 27 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to prioritise the duplication upgrades of Mickleham Road and Somerton Road in Greenvale.
- Ordered to lie on the Table.
- 6 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
- Independent Broad-based Anti-corruption Commission — Report to the Minister for Police, 1 January 2015 to 31 December 2016, pursuant to section 70N of the Sex Offenders Registration Act 2004.
- Statutory Rules under the following Acts of Parliament —
- Corrections Act 1986 — No. 116.
- Serious Offenders Act 2018 — No. 115.
- Tobacco Act 1987 — No. 117.
- Ombudsman — Investigation of allegations referred by Parliament's Legal and Social Issues Committee, arising from its inquiry into youth justice centres in Victoria, September 2018 (*Ordered to be published*).
- 7 **MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.
- 8 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 9 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 545 be postponed until later this day.

**10 RESIDENTIAL TENANCIES AMENDMENT BILL 2018** — Debate resumed on the question,  
That the Bill be now read a second time.

Mr Rich-Phillips moved, That debate on the Bill be adjourned until later this day.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Atkinson; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell;  
Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay;  
Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Mr Davis)*

NOES, 21

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Mr Jennings;  
Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford;  
Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney;  
Ms Truong.

*(Tellers: Mr Mulino and Ms Truong)*

Question negatived.

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

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Release of Ventnor documents – data privacy** — substantive question asked by Ms Fitzherbert — response from Mr Jennings due Tuesday, 18 September 2018.
- **Release of Ventnor documents – further privacy issues** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Jennings due Friday, 7 September 2018.
- **Production of documents resources** — substantive question asked by Mr Rich-Phillips — response from Mr Jennings due Friday, 7 September 2018.
- **Footscray factory fire** — substantive and supplementary questions asked by Ms Truong — response from Mr Jennings due Tuesday, 18 September 2018.
- **Wyndham crime** — substantive and supplementary questions asked by Dr Carling-Jenkins — response from Ms Tierney due Tuesday, 18 September 2018.

**12 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**13 RESIDENTIAL TENANCIES AMENDMENT BILL 2018** — Debate continued on the question,  
That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 21

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Mr Jennings;  
Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford;  
Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney;  
Ms Truong.

*(Tellers: Mr Leane and Mr Somyurek)*

## NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr O'Sullivan and Mr Young)*

Question agreed to.

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

House in Committee.

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

---

Ms Tierney declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

---

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Mr Dalidakis moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

## AYES, 21

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Ms Dunn and Ms Tierney)*

## NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Bourman)*

Question agreed to.

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

**14 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 11.04 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 203 — Friday, 7 September 2018

1 The President took the Chair and read the Prayer.

2 **JUSTICE LEGISLATION AMENDMENT (UNLAWFUL ASSOCIATION AND CRIMINAL APPEALS) BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Organisations Control Act 2012 to make further provision in relation to the prohibition of individuals associating with individuals convicted of serious criminal offences for the purpose of preventing the commission of offences and to provide for IBAC oversight in relation to the issue of unlawful association notices by police officers and to amend the Children, Youth and Families Act 2005 and the Criminal Procedure Act 2009 in relation to criminal appeals and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**3 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Ms Wooldridge), the debate was adjourned for one week.

**4 TRANSPORT LEGISLATION AMENDMENT (BETTER ROADS VICTORIA AND OTHER AMENDMENTS) BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Business Franchise (Petroleum Products) Act 1979, the Commercial Passenger Vehicle Industry Act 2017, the Heavy Vehicle National Law Application Act 2013, the Major Transport Projects Facilitation Act 2009, the Road Safety Act 1986, the Transport Integration Act 2010, the Transport (Compliance and Miscellaneous) Act 1983, the Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017, to make consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Jennings (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.

**5 TREASURY AND FINANCE LEGISLATION AMENDMENT BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport Accident Act 1986, the Occupational Health and Safety Act 2004, the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994, the Workplace Injury Rehabilitation and Compensation Act 2013, the Accident Compensation Act 1985 and the Emergency Services Superannuation Act 1986 to further improve the operation of those Acts and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**6 PETITIONS —**

**PROPOSED BUNYIP NORTH QUARRY** — Ms Shing presented a Petition bearing 789 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to hold any approvals sought by Hanson Construction Material Pty Ltd for the

proposed quarry in Bunyip North in abeyance until all community, environmental, employment and population growth concerns are satisfactorily addressed.

Ordered to lie on the Table.

\* \* \* \* \*

**SNOWY RIVER FLOODPLAIN RAILWAY BRIDGE, ORBOST** — Ms Shing presented a Petition bearing 385 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to allocate money for the restoration of the historic Snowy River Floodplain Railway Bridge at Orbost.

Ordered to lie on the Table.

**7 PROCEDURE COMMITTEE** — Mr Elasmr presented a Report from the Procedure Committee on a Review of Standing Orders (58<sup>th</sup> Parliament) (including Appendices).

Ordered to lie on the Table and to be published.

Mr Elasmr moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

**8 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 18 September 2018.

Question — put and agreed to.

**9 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 545 be postponed until later this day.

**11 ELECTRICITY SAFETY AMENDMENT (ELECTRICAL EQUIPMENT SAFETY SCHEME) BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**12 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Massage parlours** — substantive and supplementary questions asked by Ms Patten — response from Mr Dalidakis due Wednesday, 19 September 2018.
- **Land rezoning** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Dalidakis due Wednesday, 19 September 2018.
- **Wetland game management surveys** — substantive and supplementary questions asked by Ms Pennicuik — response from Ms Pulford due Tuesday, 18 September 2018.
- **Timber mill compensation** — substantive and supplementary questions asked by Ms Bath — response from Ms Pulford due Tuesday, 18 September 2018.
- **Council orders for production of documents** — substantive question asked by Ms Fitzherbert — response from Mr Jennings due Wednesday, 19 September 2018.
- **Release of former Naphthine Government staff salaries** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Mr Jennings due Tuesday, 18 September 2018.

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**QUESTIONS DIRECTED FOR FURTHER WRITTEN RESPONSES** — The President directed further written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Medically supervised injecting centre** — substantive and supplementary questions asked by Ms Fitzherbert on Wednesday, 5 September 2018 — further response from Ms Mikakos due Wednesday, 19 September 2018.

- **Suburban rail loop** — supplementary question asked by Ms Wooldridge on Wednesday, 5 September 2018 — further response from Mr Jennings due Wednesday, 19 September 2018.

**13 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**14 ELECTRICITY SAFETY AMENDMENT (ELECTRICAL EQUIPMENT SAFETY SCHEME) BILL 2018** — 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 ordered to be committed to a Committee of the whole later this day.

**15 BUILDING AMENDMENT (REGISTRATION OF BUILDING TRADES AND OTHER MATTERS) BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

Amendments and Further Amendments proposed to be moved in Committee by Mr Davis were circulated.

Debate continued.

*Business having been interrupted at 4.00 p.m. pursuant to Standing Orders —*

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Mr Dalidakis declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

Question — put and agreed to.

Bill read a second time and ordered to be committed to a Committee of the whole later this day.

**16 ELECTRICITY SAFETY AMENDMENT (ELECTRICAL EQUIPMENT SAFETY SCHEME) BILL 2018** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Mr Jennings declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

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.

**17 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.42 p.m., adjourned until Tuesday, 18 September 2018.

ANDREW YOUNG  
Clerk of the Legislative Council



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 200, 201, 202 and 203

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### LONG SERVICE BENEFITS PORTABILITY BILL 2018

*Committed Friday, 24 August 2018.*

*Amendments circulated: Ms Mikakos, Mr Ondarchie and Ms Springle (pp 1402-4; 1407).*

*Further amendments circulated: Ms Mikakos and Mr Ondarchie (including amendments to Ms Mikakos' amendments) (pp 1404-7).*

### **Tuesday, 4 September 2018 —**

*Progress having been reported on Friday, 24 August 2018, Bill further considered in Committee of the whole.*

Amendments (in substitution for further amendments and amendments to Ms Mikakos' amendments circulated on 24 August 2018) proposed to be moved in Committee by Mr Ondarchie were circulated.

**Clause 1** — debate resumed.

Clause 1 — put and agreed to.

**Clause 2** — Ms Mikakos moved Amendment No. 1 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clause 3** — Ms Mikakos moved Further Amendment No. 1 — put and agreed to.

Mr Ondarchie moved Amendment Nos. 1 to 11.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Dalla-Riva and Mr Rich-Phillips)*

NOES, 23

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Ms Dunn and Mr Somyurek)*

Question negatived.

Clause 3, as amended — put and agreed to.

**Clause 4** — Mr Ondarchie moved Amendment No. 12.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Ms Lovell)*

## NOES, 23

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Ms Pulford and Mr Purcell)*

Question negatived.

Clause 4 — put and agreed to.

**Clause 5** — Ms Mikakos moved Further Amendment No. 2 — put and agreed to.

Clause 5, as amended — put and agreed to.

**Clauses 6 to 21** — put and agreed to.

**Clause 22** — Mr Ondarchie moved Amendment No. 13.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 15

Mr Atkinson; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Fitzherbert and Mr O'Donohue)*

## NOES, 23

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Dalidakis and Mr Gepp)*

Question negatived.

Clause 22 — put and agreed to.

**Clause 23** — put and agreed to.

**Clause 24** — Mr Ondarchie moved Amendment Nos. 14 to 18.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

## AYES, 15

Mr Atkinson; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Finn and Mr O'Sullivan)*

## NOES, 23

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Dalidakis and Mr Mulino)*

Question negatived.

Clause 24 — put and agreed to.

**Clauses 25 to 55** — put and agreed to.

**Clause 56** — Mr Ondarchie moved Amendment Nos. 19 and 20 — put and negatived.

Clause 56 — put and agreed to.

**Clauses 57 to 74** — put and agreed to.

**Clause 75** — Ms Springle moved Amendment Nos. 1 to 3 — put and agreed to.  
Clause 75, as amended — put and agreed to.

**Clauses 76 to 79** — put and agreed to.

**Clause 80** — Mr Ondarchie moved Amendment No. 21 — put and negatived.  
Clause 80 — put and agreed to.

**Clause 81** — put and agreed to.

**New Clause** — Ms Mikakos moved Further Amendment No. 3.  
Question — That the New Clause stand part of the Bill — put and agreed to.

**Clause 82** — Question — That the clause stand part of the Bill — put and negatived.

**Clause 83** — put and agreed to.

**Schedule 1** — Ms Mikakos moved Amendment No. 2.  
Mr Ondarchie moved Amendment Nos. 1 to 3 to Ms Mikakos Amendment No. 2.  
Question — That the amendments to the amendment be agreed to — put.  
The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell;  
Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay;  
Mr Rich-Phillips; Ms Wooldridge.  
(*Tellers: Mr Morris and Mr Ramsay*)

NOES, 23

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar;  
Mr Gepp; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik;  
Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes;  
Ms Tierney; Ms Truong; Mr Young.  
(*Tellers: Mr Gepp and Dr Ratnam*)

Question negatived.

Question — That Ms Mikakos' Amendment No. 2 be agreed to — put and agreed to.

Ms Mikakos moved Amendment No. 3 — put and agreed to.

Ms Mikakos moved Further Amendment Nos. 5 to 13 — put and agreed to.

Mr Ondarchie moved Further Amendment No. 1 — put and negatived.

Mr Ondarchie moved Further Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell;  
Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay;  
Mr Rich-Phillips; Ms Wooldridge.  
(*Tellers: Mr Dalla-Riva and Mr Davis*)

NOES, 23

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmar;  
Mr Gepp; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik;  
Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes;  
Ms Tierney; Ms Truong; Mr Young.  
(*Tellers: Ms Patten and Mr Young*)

Question negatived.

Mr Ondarchie moved Further Amendment No. 3 — put and negatived.

Mr Ondarchie moved Further Amendment No. 5 — put and negatived.

Mr Ondarchie moved Further Amendment No. 6.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Patten and Mr Purcell)*

NOES, 21

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Eideh and Mr Melhem)*

Question negatived.

Schedule 1, as amended, — put and agreed to.

**Schedule 2** — Ms Mikakos moved Further Amendment Nos. 14 to 23 — put and agreed to.

Mr Ondarchie moved Amendment Nos. 23 and 24.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Ms Bath; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr O'Sullivan and Mrs Peulich)*

NOES, 23

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Ms Tierney and Ms Truong)*

Question negatived.

Mr Ondarchie moved Amendment Nos. 25 and 26 — put and negatived.

Schedule 2, as amended, — put and agreed to.

**Schedule 3** — Ms Mikakos moved Further Amendment Nos. 24 to 33 — put and agreed to.

Schedule 3, as amended, — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

## **RESIDENTIAL TENANCIES AMENDMENT BILL 2018**

*Committed Thursday, 6 September 2018.*

*Amendments circulated: Mr O'Donohue (see pp 1408-12).*

Amendments proposed to be moved in Committee by Mr O'Donohue were circulated.

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Mr O'Donohue moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Finn and Mr Ramsay*)

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(*Tellers: Mr Gepp and Ms Springle*)

Question negated.

Mr O'Donohue moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Bourman and Mr Rich-Phillips*)

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(*Tellers: Mr Leane and Ms Tierney*)

Question negated.

Clause 5 — put and agreed to.

**Clauses 6 to 16** — put and agreed to.

**Clause 17** — Mr O'Donohue moved Amendment Nos. 3 and 4.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Finn and Ms Lovell*)

NOES, 21

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(*Tellers: Ms Mikakos and Mr Purcell*)

Question negated

Clause 17 — put and agreed to.

**Clauses 18 to 22** — put and agreed to.

**Clause 23** — Mr O'Donohue moved Amendment No. 5.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Dalla-Riva and Mr Davis*)

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(*Tellers: Ms Dunn and Ms Truong*)

Question negatived.

Clause 23 — put and agreed to.

**Clause 24** — put and agreed to.

**Clause 25** — Mr O'Donohue moved Amendment No. 6.

Question — That the clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 21

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(*Tellers: Mr Melhem and Ms Symes*)

NOES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Ms Bath and Mr O'Sullivan*)

Question agreed to.

**Clauses 26 to 33** — put and agreed to.

**Clause 34** — Mr O'Donohue moved Amendment Nos. 7 and 8.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mrs Peulich and Ms Wooldridge*)

NOES, 21

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(*Tellers: Dr Carling-Jenkins and Mr Jennings*)

Question negatived.

Clause 34 — put and agreed to.

**Clauses 35 to 47** — put and agreed to.

**Clause 48** — Mr O'Donohue moved Amendment No. 9.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Ramsay and Mr Young)*

NOES, 21

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Gepp and Mr Somyurek)*

Question negatived.

Clause 48 — put and agreed to.

**Clause 49** — Mr O'Donohue moved Amendment Nos. 10 and 11 — put and negatived.

Clause 49 — put and agreed to.

**Clauses 50 and 51** — put and agreed to.

**Clause 52** — Mr O'Donohue moved Amendment No. 12.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

Mr Atkinson; Ms Bath; Mr Bourman; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Ms Bath and Mr Ondarchie)*

NOES, 21

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Mulino and Ms Pulford)*

Question negatived.

Clause 52 — put and agreed to.

**Clauses 53 to 60** — put and agreed to.

**Clause 61** — Mr O'Donohue moved Amendment Nos. 13 and 14 — put and negatived.

Mr O'Donohue moved Amendment No. 15 — put and negatived.

Clause 61 — put and agreed to.

**Clause 62** — put and agreed to.

**Clause 63** — Mr O'Donohue moved Amendment Nos. 18 to 22 — put and negatived.

Clause 63 — put and agreed to.

**Clause 64** — put and agreed to.

**Clause 65** — Mr O'Donohue moved Amendment No. 23 — put and negatived.

Clause 65 — put and agreed to.

**Clauses 66 to 74** — put and agreed to.

**Clause 75** — Mr O'Donohue moved Amendments Nos. 25 and 26 — put and negatived.

Clause 75 — put and agreed to.

**Clauses 76 to 235** — put and agreed to.

**Clause 236** — Mr O'Donohue moved Amendment Nos. 32 and 33.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.  
(*Tellers: Mr Morris and Mr Young*)

NOES, 20

Mr Dalidakis; Ms Dunn; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.  
(*Tellers: Ms Shing and Ms Springle*)

Question negatived.

Mr O'Donohue moved Amendment Nos. 34 and 35 — put and negatived.

Clause 236 — put and agreed to.

**Clause 237** — Mr O'Donohue moved Amendment No. 36 — put and negatived.

Clause 237 — put and agreed to.

**Clauses 238 to 247** — put and agreed to.

**Clause 248** — Mr O'Donohue moved Amendment No. 37 — put and negatived.

Clause 248 — put and agreed to.

**Clauses 249 to 267** — put and agreed to.

**Clause 268** — Mr O'Donohue moved Amendment Nos. 38 and 39 — put and negatived.

Clause 268 — put and agreed to.

**Clause 269** — put and agreed to.

**Clause 270** — Mr O'Donohue moved Amendment Nos. 40 to 42 — put and negatived.

Clause 270 — put and agreed to.

**Clauses 271 and 272** — put and agreed to.

**Clause 273** — Mr O'Donohue moved Amendment Nos. 43 to 46 — put and negatived.

Clause 273 — put and agreed to.

**Clauses 274 to 362** — put and agreed to.

**Clause 363** — Mr O'Donohue moved Amendment No. 51 — put and negatived.

Clause 363 — put and agreed to.

**Clauses 364 to 389** — put and agreed to.

**Bill reported without amendment.**



**ELECTRICITY SAFETY AMENDMENT (ELECTRICAL EQUIPMENT SAFETY SCHEME)  
BILL 2018**

*Committed Friday, 7 September 2018.*

**Clauses 1 to 18** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. LONG SERVICE BENEFITS PORTABILITY BILL 2018**Amendments circulated by Ms Mikakos

1. Clause 2, line 10, omit "April" and insert "July".
2. Schedule 1, page 66, lines 18 to 20, omit all words and expressions on these lines and insert—
  - "(2) **Community service work** does not include—
    - (a) an activity that is funded by the National Disability Insurance Scheme within the meaning of the National Disability Insurance Scheme Act 2013 of the Commonwealth, unless such an activity, or class of activity, is prescribed to be community service work; or
    - (b) a service provided by an entity that is a licensed children's service under the **Children's Services Act 1996** or an approved provider under the Education and Care Services National Law (Victoria), unless such a service, or class of service, is prescribed to be community service work; or
    - (c) an activity, or class of activity, prescribed not to be community service work."
3. Schedule 1, page 66, lines 24 to 31, omit all words and expressions on these lines and insert—
  - "(a) a non-profit entity that employs one or more individuals to perform community service work; or"

Amendments circulated by Mr Ondarchie

1. Clause 3, line 15, omit "Schedule 2" and insert "Schedule 1".
2. Clause 3, lines 16 to 19, omit all words and expressions on these lines.
3. Clause 3, line 21, omit "Schedule 2" and insert "Schedule 1".
4. Clause 3, lines 22 to 31, omit all words and expressions on these lines and insert—
 

**"contract worker**, for a covered industry, has the meaning given by the covered industry schedule for that industry;"
5. Clause 3, page 3, lines 5 to 14, omit all words and expressions on these lines and insert—
 

**"covered industry** means—

  - (a) the contract cleaning industry; or
  - (b) the security industry;

**covered industry schedule** means—

  - (a) for the contract cleaning industry—Schedule 1; or
  - (b) for the security industry—Schedule 2;"
6. Clause 3, page 6, lines 17 to 29, omit all words and expressions on these lines and insert—

*"registered active contract worker*, for a covered industry, means a contract worker registered under section 19 who is in the active part of the workers register for the industry;"

7. Clause 3, page 7, lines 5 to 18, omit all words and expressions on these lines and insert—

*"registered active worker*, for a covered industry, means a registered active employee or a registered active contract worker for the industry;"

8. Clause 3, page 7, line 21, omit "Schedule 3" and insert "Schedule 2".

9. Clause 3, page 7, line 22, omit "Schedule 3" and insert "Schedule 2".

10. Clause 3, page 7, lines 23 to 30, omit all words and expressions on these lines and insert—

*"service period*—

(a) for a worker for the contract cleaning industry—see clause 8 of Schedule 1; or

(b) for a worker for the security industry—see clause 8 of Schedule 2;"

11. Clause 3, page 8, lines 2 to 13, omit all words and expressions on these lines and insert—

*"worker*, for a covered industry, means an employee or a contract worker for the industry;"

12. Clause 4, line 20, omit paragraph (a).

13. Clause 22, page 22, lines 22 to 28, omit subclause (4) and insert—

"(4) However, subsection (3)(b) does not apply if the person is entitled to payment in lieu under—

(a) clause 15 of Schedule 1; or

(b) clause 15 of Schedule 2."

14. In the heading to clause 24, omit "**Application and relevant day**" and insert "**Meaning of relevant day**".

15. Clause 24, lines 26 and 27, omit subclause (1).

16. Clause 24, line 28, omit "(2)".

17. Clause 24, line 31, omit "Schedule 2" and insert "Schedule 1".

18. Clause 24, line 34, omit "Schedule 3" and insert "Schedule 2".

19. Clause 56, line 30, omit "Schedule 2" and insert "Schedule 1".

20. Clause 56, line 31, omit "Schedule 3" and insert "Schedule 2".

21. Clause 80, page 63, lines 5 to 16, omit subclause (3).

#### AMENDMENT OF SCHEDULES

22. Schedule 1, omit the Schedule.

23. Heading to Schedule 2, omit "2" and insert "1".

24. Schedule 2, line 1, omit "22(4)(b)(i)" and insert "22(4)(a)".

25. Heading to Schedule 3, omit "3" and insert "2".
26. Schedule 3, line 1, omit "22(4)(b)(ii)" and insert "22(4)(b)".

Further amendments circulated by Ms Mikakos

1. Clause 3, page 4, line 25, omit all words and expressions on this line.
2. Clause 5, omit this clause.

NEW CLAUSE

3. Insert the following New Clause to follow clause 81—

**"AA Amendment of Long Service Leave Act 2018**

- (1) Section 3(2) of the **Long Service Leave Act 2018** is **repealed**.
- (2) In section 12(1) of the **Long Service Leave Act 2018** omit "even though in a strict legal sense it could be said that the employee's employment was interrupted".
- (3) For section 12(7), (8) and (9) of the **Long Service Leave Act 2018** substitute—
  - "(7) An employee's employment is taken to be continuous despite the employer standing down the employee—
    - (a) during industrial action if the employee cannot be usefully employed because of the industrial action; or
    - (b) because of a breakdown of machinery or equipment for which the employer cannot reasonably be held responsible if the employee cannot be usefully employed because of the breakdown; or
    - (c) because of a stoppage of work for any cause for which the employer cannot reasonably be held responsible if the employee cannot be usefully employed because of the stoppage.
  - (8) An employee's employment is taken to be continuous despite any interruption arising directly or indirectly from an industrial dispute."
- (4) In section 12 of the **Long Service Leave Act 2018**—
  - (a) in subsection (10), for "(10)" **substitute** "(9)";
  - (b) in subsection (11)—
    - (i) for "(11)" **substitute** "(10)";
    - (ii) for "(10)" **substitute** "(9)".
- (5) In section 14 of the **Long Service Leave Act 2018**—
  - (a) in paragraph (c), for ", (8) or (9)." **substitute** "(a), (b) or (c)";
  - (b) after paragraph (c) **insert**—
    - "(d) an interruption described in section 12(8).".

4. Clause 82, omit this clause.

#### AMENDMENT OF SCHEDULES

5. Schedule 1, page 70, line 11, omit "15" and insert "14".
6. Schedule 1, page 70, line 13, omit "clause 16 specifies".
7. Schedule 1, page 71, lines 21 and 22, omit "worker's service period is taken to be continuous" and insert "period of absence is taken to be a day of service for crediting service".
8. Schedule 1, page 75, lines 3 to 33, page 76, lines 1 to 35 and page 77, lines 1 to 22, omit all words and expressions on these lines.
9. Schedule 1, page 77, line 25, before "The" insert "(1)".
10. Schedule 1, page 77, line 26, omit "referred to in clause 14".
11. Schedule 1, page 78, line 25, omit "assets." and insert "assets;".
12. Schedule 1, page 78, after line 25 insert—
  - "(f) any other period of absence that the employer and worker agree to being credited as days of service of the worker.
  - (2) Any periods of absence from work other than a period referred to in subclause (1) are taken not to be days of service for the purpose of crediting the days of service of a worker for the community services sector."
13. Schedule 1, page 78, lines 26 to 35 and page 79, lines 1 to 18, omit all words and expressions on these lines.
14. Schedule 2, page 85, line 22, omit "22" and insert "21".
15. Schedule 2, page 85, line 24, omit "clause 23 specifies".
16. Schedule 2, page 86, lines 35 and 36, omit "an employee's service period is taken to be continuous" and insert "a period of absence is taken to be a day of service for crediting service".
17. Schedule 2, page 94, lines 19 to 34, page 95, lines 1 to 35, page 96, lines 1 to 35 and page 97, lines 1 to 17, omit all words and expressions on these lines.
18. Schedule 2, page 97, line 21, omit "referred to in clause 21".
19. Schedule 2, page 98, line 22, omit "assets." and insert "assets;".
20. Schedule 2, page 98, after line 22 insert—
  - "(f) any other period of absence that the employer and worker agree to being credited as days of service of the worker.
  - (2) Any periods of absence from work other than a period referred to in subclause (1) are taken not to be days of service for the purpose of crediting the days of service of a worker for the contract cleaning industry."
21. Schedule 2, page 98, line 23, omit "(2)" and insert "(3)".

22. Schedule 2, page 98, lines 30 to 36 and page 99, lines 1 to 21, omit all words and expressions on these lines.
23. Schedule 2, page 100, line 23, omit "24" and insert "22".
24. Schedule 3, page 106, line 22, omit "22" and insert "21".
25. Schedule 3, page 106, line 24, omit "clause 23 specifies".
26. Schedule 3, page 107, lines 35 and 36, omit "an employee's service period is taken to be continuous" and insert "a period of absence is taken to be a day of service for crediting service".
27. Schedule 3, page 115, lines 14 to 34, page 116, lines 1 to 34, page 117, lines 1 to 34 and page 118, lines 1 to 15, omit all words and expressions on these lines.
28. Schedule 3, page 118, line 19, omit "referred to in clause 21".
29. Schedule 3, page 119, line 18, omit "assets." and insert "assets;".
30. Schedule 3, page 119, after line 18 insert—
  - (f) any other period of absence that the employer and worker agree to being credited as days of service of the worker.
  - (2) Any periods of absence from work other than a period referred to in subclause (1) are taken not to be days of service for the purpose of crediting the days of service of a worker for the security industry."
31. Schedule 3, page 119, line 19, omit "(2)" and insert "(3)".
32. Schedule 3, page 119, lines 26 to 31 and page 120, lines 1 to 21, omit all words and expressions on these lines.
33. Schedule 3, page 121, line 25, omit "24" and insert "22".

Further Amendments circulated by Mr Ondarchie in substitution for amendments previously circulated

1. Schedule 1, page 65, line 12, omit "subclause (2)" and insert "this clause".
2. Schedule 1, page 66, after line 20 insert—
  - "() **Community service work** also does not include a service provided by an entity that is a licensed children's service under the **Children's Services Act 1996** or an approved provider under the Education and Care Services National Law (Victoria)."
3. Schedule 1, page 66, before line 21 insert—
  - "() **Community service work** also does not include—
    - (a) a service or support provided to a person with a disability that is, or is of a type that could be, funded or provided under the National Disability Insurance Scheme within the meaning of the National Disability Insurance Scheme Act 2013 of the Commonwealth; or

(b) a disability service within the meaning of section 3(1) of the **Disability Act 2006**; or

(c) an employment service within the meaning of section 7 of the Disability Services Act 1986 of the Commonwealth."

4. Schedule 1, page 66, lines 24 to 31, omit paragraph (a) and insert—

"(a) a non-profit entity that employs one or more individuals to perform community service work; or".

5. Schedule 1, page 68, lines 13 to 22, omit paragraph (a).

6. Schedule 1, page 68, lines 23 to 28, omit paragraph (b) and insert—

"() if the employer is a community health centre registered under section 48 of the **Health Services Act 1988**—an individual employed by the employer, unless—

(i) the individual's role is to carry out community service work at the community health centre; and

(ii) the individual does not have a long service leave entitlement under a fair work instrument or an applicable award-derived long service leave entitlement within the meaning of the Fair Work Act;".

Amendments to Ms Mikakos' Amendments circulated by Mr Ondarchie in substitution for amendments previously circulated

Amendment No. 2 — In proposed subclause (2) omit paragraph (a) and insert—

"(a) a service or support provided to a person with a disability that is, or is of a type that could be, funded or provided under the National Disability Insurance Scheme within the meaning of the National Disability Insurance Scheme Act 2013 of the Commonwealth; or".

Amendment No. 2 — After paragraph (a) in proposed subclause (2) insert—

"() a disability service within the meaning of section 3(1) of the **Disability Act 2006**; or".

Amendment No. 2 — In paragraph (b) in proposed subclause (2), omit ", unless such a service, or class of service, is prescribed to be community service work".

Amendments circulated by Ms Springle

1. Clause 75, line 9, omit "The" and insert "A".

2. Clause 75, lines 10 and 11, omit "after the 3rd anniversary of the commencement of this Act" and insert—

"after—

(a) the 3rd anniversary of the commencement of this Act; and

(b) the 7th anniversary of the commencement of this Act".

3. Clause 75, line 13, omit "the" and insert "each".

## 2. RESIDENTIAL TENANCIES AMENDMENT BILL 2018

### Amendments circulated by Mr O'Donohue

1. Clause 5, page 8, line 31, after "any" insert "domesticated".
2. Clause 5, page 8, after line 33 insert—

**"private student accommodation** means a premises that—

  - (a) is primarily used to provide accommodation for students attending a school or an institution which provides education and training; and
  - (b) is not formally affiliated with (within the meaning of section 21(2)), operated, owned or leased by a school or an institution which provides education and training;"
3. Clause 17, page 31, after line 7 insert—

"(2) A residential rental provider may apply to the Tribunal for an order requiring a renter who occupies rented premises under a periodic residential rental agreement to enter into a written residential rental agreement."
4. Clause 17, page 31, after line 20 insert—

"(3) The Tribunal may make an order requiring a renter to enter into a written residential rental agreement if the Tribunal is satisfied that—

  - (a) the residential rental provider and renter are subject to an existing periodic residential rental agreement or a residential rental agreement that is not in writing or that is only partly in writing; and
  - (b) the renter is continuing in occupation of the rented premises after a previous fixed term residential rental agreement has ended."
5. Clause 23, page 39, line 4, after "64" insert "or in respect of the keeping of a pet under section 71F".
6. Clause 25, omit this clause.
7. Clause 34, page 47, line 14, omit "agreement";" and insert "agreement"."
8. Clause 34, page 47, line 15, omit all words and expressions on those lines.
9. Clause 48, page 58, after line 10 insert—

"Penalty: 60 penalty units."
10. Clause 49, line 7, omit "may" and insert "must not".
11. Clause 49, lines 8 to 10, omit "that are prescribed modifications without the residential rental provider's consent." and insert—

"unless—

  - (a) the modifications are prescribed modifications; or
  - (b) the residential rental provider has given consent to the renter to make the modifications."
12. Clause 52, after line 22 insert—



"(3) This section applies on and after 2 years from the date that regulations prescribing rental minimum standards first come into operation."

13. Clause 61, page 76, lines 4 to 9, omit all words and expressions on these lines.
14. Clause 61, page 76, lines 19 to 36 and page 77, lines 1 to 2, omit all words and expressions on these lines and insert—

**"71C When is the residential rental provider taken to have consented to the keeping of a pet on rented premises?"**

A residential rental provider who is given a request under section 71B(2) to keep a pet on rented premises is taken to have consented in writing to the request unless the residential rental provider gives the renter written consent or a written refusal within 21 days of being given the request.

**71D Application to keep a pet on rented premises or to exclude a pet from rented premises**

- (1) A renter (other than a renter who rents private student accommodation) may apply to the Tribunal for an order to keep a pet on the rented premises if—
  - (a) the renter has requested the residential rental provider's consent to keep a pet on the rented premises under section 71B; and
  - (b) the residential rental provider has refused to consent to the keeping of the pet on the rented premises."

15. Clause 61, page 77, line 19, after "pet" insert "or a pet of that type".
16. Clause 61, page 78, line 10, omit 'effect.'" and insert "effect."
17. Clause 61, page 78, after line 10 insert—

- (4) If the Tribunal makes an order under this section in relation to a fixed term residential rental agreement, the order applies for the duration of—
  - (a) the term of the agreement; and
  - (b) any periodic residential rental agreement created under section 91Q in respect of that agreement.

**71F Additional amount of bond for keeping a pet on rented premises**

- (1) A residential rental provider, in writing, may require a renter to pay an additional amount of bond if—
  - (a) the renter keeps a pet on the rented premises; and
  - (b) either—
    - (i) the residential rental provider has consented in writing to the renter keeping the pet on the premises; or
    - (ii) the Tribunal has made an order that the renter is permitted to keep the pet on the rented premises; and
  - (c) the additional amount of bond does not exceed the amount of rent payable under the residential rental agreement for 2 weeks.
- (2) The additional amount of bond referred to in subsection (1) must be paid by the renter on or before the end of 14 days after the day on which the residential rental provider required the renter to pay the additional amount of bond.

- (3) The residential rental provider must not require an additional amount of bond under this section more than once during the term of the residential rental agreement in respect of the pet to which the residential rental provider consented or the Tribunal made an order.".'.
18. Clause 63, page 79, lines 9 to 12, omit all words and expressions on these lines and insert—  
'(b) in paragraph (a), for "landlord" **substitute** "residential rental provider";'.
19. Clause 63, page 79, line 21, omit "7" and insert "14".
20. Clause 63, page 79, line 29, after "system" insert "that is not under a warranty".
21. Clause 63, page 80, line 2, omit 'system.'".' and insert "system.".
22. Clause 63, page 80, after line 2 insert—  
"(3A) If a renter replaces an appliance, fitting or fixture under subsection (3), the residential rental provider is not required to reimburse the renter for an amount greater than the cost of an appliance, fitting or fixture with a rating that is of or above a rating in the efficiency rating system, which, if compared with a range of appliances, fittings or fixtures with ratings that are of or above a rating in the efficiency rating system, is not more than the appliance, fitting or fixture with the middle cost in that range.".'.
23. Clause 65, page 81, after line 28 insert—  
'(4) For the purposes of subsection (3)(b) and (c), the Director may take into account whether the residential rental provider is experiencing hardship.".'.
24. Clause 68, page 84, after line 21 insert—  
'(3) After section 76(2) of the Principal Act **insert**—  
"(3) In making an order under this section, the Tribunal is to have regard to whether the residential rental provider is experiencing hardship.".'.
25. Clause 75, page 95, line 33, omit "appointment;" and insert 'appointment.'".'.
26. Clause 75, page 96, lines 1 to 7, omit all words and expressions on these lines.
27. Clause 94, lines 14 and 15, omit all words and expressions on these lines.
28. Clause 109, page 124, line 11, omit "7" and insert "14".
29. Clause 109, page 124, line 18, after "system" insert "that is not under a warranty".
30. Clause 109, page 124, line 23, omit 'system.'".' and insert "system.".
31. Clause 109, page 124, after line 23 insert—  
"(3A) If a resident replaces an appliance, fitting or fixture under subsection (3), the rooming house operator is not required to reimburse the renter for an amount greater than the cost of an appliance, fitting or fixture with a rating that is of or above a rating in the efficiency rating system, which, if compared with a range of appliances, fittings or fixtures with ratings that are of or above a rating in the efficiency rating system, is not more than the appliance, fitting or fixture with the middle cost in that range.".'.

32. Clause 236, page 259, line 29, omit ", second, third and fourth" and insert "and second".
33. Clause 236, page 260, line 19, omit "fifth" and insert "third".
34. Clause 236, page 261, lines 31 to 33, omit "within a 12 month period of the residential rental agreement".
35. Clause 236, page 262, lines 1 to 17, omit all words and expressions on these lines.
36. Clause 237, page 294, lines 29 and 30, omit "has entered into a fixed term rooming house agreement" and insert "continues to occupy a room after a fixed term rooming house agreement entered into in respect of the room has ended".
37. Clause 248, omit this clause.
38. Clause 268, page 384, line 30, omit "(1)".
39. Clause 268, page 385, lines 1 to 36 and page 386 lines 1 to 2, omit all words and expressions on these lines.
40. Clause 270, page 387, line 5, omit "6" and insert "3".
41. Clause 270, page 387, line 10, omit "6" and insert "3".
42. Clause 270, page 387, line 14, omit "6" and insert "3".
43. Clause 273, line 23, omit "Section 395 substitute and new section 395A" and insert "New sections 395A and 395B".
44. Clause 273, line 25, omit "For section 395 of the Principal Act **substitute**" and insert "After section 395 of the Principal Act **insert**".
45. Clause 273, line 26, omit "**395**" and insert "**395A**".
46. Clause 273, page 388, lines 3 to 13, omit all words and expressions on these lines and insert—

**'395B What if the renter believes the occupation fee is too high?**

A renter or other person who has a lawful right to stored goods may apply to the Tribunal for an order that that the residential rental provider reduce the occupation fee if the renter or other person believes the total amount of the occupation fee required by the owner of premises is greater than the actual costs of storing the goods.".'.

47. Clause 276, lines 22 to 30, omit all words and expressions on these lines and insert—
  - “(a) in the case of an application under section 395, make an order for compensation; or
  - (b) in the case of an application under section 395A, order that an owner must store goods for a period of more than 14 days; or
  - (c) in the case of an application under section 395B, order that a residential rental provider reduce the occupation fee; or’.
48. Clause 276, line 31, omit "(c)" and insert "(ca)".

49. Clause 276, page 390, line 1, omit "(ca)" and insert "(cb)".
50. Clause 276, page 390, line 12, omit "(cb)" and insert "(cc)".
51. Clause 363, after line 8 insert—  
( ) In section 395(2) of the Principal Act, for "tenancy agreement" **substitute** "residential rental agreement".'.
52. Clause 368, page 472, line 35, omit "sections 35A and" and insert "section".



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 204, 205 and 206

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#### No. 204 — Tuesday, 18 September 2018

- 1 The President took the Chair, 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 Acting Clerk of the Parliaments:

On 11 September 2018 —

*Prevention of Family Violence Act 2018*  
*Victims and Other Legislation Amendment Act 2018.*

On 18 September 2018 —

*Electricity Safety Amendment (Electrical Equipment Safety Scheme) Act 2018*  
*Long Service Benefits Portability Act 2018*  
*Residential Tenancies Amendment Act 2018.*

- 3 **PETITIONS** —

**SAVE BELGRAVE SOUTH COMMUNITY HOUSE** — Mr O'Donohue presented a Petition bearing 135 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to save the Belgrave South Community House so that long time community groups can continue to use this facility now and into the future.

Ordered to lie on the Table.

\* \* \* \* \*

**MICKLEHAM AND SOMERTON ROADS INFRASTRUCTURE** — Mr Ondarchie presented a Petition bearing 729 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to prioritise the duplication upgrades of Mickleham Road and Somerton Road in Greenvale.

Ordered to lie on the Table.

\* \* \* \* \*

**DOMESTIC ANIMAL MEDICAL RESEARCH – REHOMING OPPORTUNITIES** — Ms Shing presented a Petition bearing 787 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to establish legislation creating a new state-wide system for the rehoming of domestic animals used in medical research.

Ordered to lie on the Table.

\* \* \* \* \*

**HUNTING IN THE WINTON WETLANDS** — Mr Young presented a Petition bearing 513 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to develop a plan with the Winton Wetlands Committee of Management to provide for recreational hunting activities in the Winton Wetlands.

Ordered to lie on the Table.

**4 PAPERS —**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — END OF TERM REPORT FOR THE 58<sup>TH</sup> PARLIAMENT** — Ms Pennicuik moved, by leave, That there be laid before this House a copy of the End of Term Report for the 58<sup>th</sup> Parliament from the Public Accounts and Estimates Committee (including Appendices).

Question — put and agreed to.

Ordered to lie on the Table and be published.

Ms Pennicuik moved That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Mr Dalla-Riva presented Alert Digest No. 14 of 2018 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to lie on the Table and be published.

\* \* \* \* \*

**LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE — INQUIRY INTO THE CRIMES AMENDMENT (UNLICENSED DRIVERS) BILL 2018** — Mr Gepp presented a Report from the Law Reform, Road and Community Safety Committee on the Inquiry into the Crimes Amendment (Unlicensed Drivers) Bill 2018 (including Appendices and Transcripts of Evidence).

Ordered to lie on the Table and be published.

Mr Gepp moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — INQUIRY INTO THE 2018-19 BUDGET ESTIMATES** — Ms Shing presented a Report from the Public Accounts and Estimates Committee on the Inquiry into the 2018-19 Budget Estimates (including an Appendix and a Minority Report), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be published.

Ms Shing moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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**OMBUDSMAN — INVESTIGATION OF THREE PROTECTED DISCLOSURE COMPLAINTS REGARDING BENDIGO SOUTH EAST COLLEGE, SEPTEMBER 2018** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on the Investigation of three protected disclosure complaints regarding Bendigo South East College, September 2018.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to — Statutory Rule Nos. 103 and 118.

Waste Management Policy (Combustible Recyclable and Waste Materials).

Statutory Rules under the following Acts of Parliament —

Child Wellbeing and Safety Act 2005 — No. 119.

Livestock Disease Control Act 1994 — No. 118.

Road Safety Act 1986 — No. 120.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 116, 118, 120, 121 and 131 to 133.

Legislative instrument and related documents under section 16B in respect of a specification of railway stations for the purposes of the definition of “compulsory ticket area” under the Transport (Compliance and Miscellaneous) (Ticketing) Regulations 2017, dated 6 September 2018.

\* \* \* \* \*

**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Children Legislation Amendment (Information Sharing) Act 2018 — Part 2 (other than sections 10, 13 and 14), Part 3 (other than section 16) and Division 3 of Part 5 — 27 September 2018 (*Gazette No. S405, 4 September 2018*).

Parks Victoria Act 2018 — 12 September 2018 (*Gazette No. S386, 21 August 2018*).

Racing Amendment (Integrity and Disciplinary Structures) Act 2018 — Whole Act (other than section 6 and Parts 3, 5 and 6) — 1 September 2018 (*Gazette No. S400, 28 August 2018*).

**5 BUSINESS OF THE COUNCIL** — Ms Wooldridge moved, by leave, That precedence be given to the following General Business on Wednesday, 19 September 2018:

- (1) Order of the Day No. 23, resumption of debate on the motion in relation to the performance of the Andrews Government over the past four years;
- (2) Notice of Motion No. 613 standing in the name of Mr Young in relation to the creation of National Parks;
- (3) Notice of Motion No. 602 standing in the name of Mr O’Donohue in relation to sworn police and Protective Services Officer numbers;
- (4) Notice of Motion No. 611 standing in the name of Ms Wooldridge in relation to outstanding and incomplete responses to existing document orders;
- (5) Order of the Day No. 1, resumption of debate on the Corrections Amendment (Adult Parole Board) Bill 2018; and
- (6) Order of the Day No. 2, resumption of debate on the Crimes and Sentencing Amendment (Bus Drivers) Bill 2018.

Question — put and agreed to.

**6 MINISTERS’ STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**7 MEMBERS’ STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**8 STANDING ORDERS** — Mr Elasmr moved, That the following Standing Orders take effect from the 59<sup>th</sup> Parliament —

- (1) After Standing Order 4.13(1), **insert** the following new sub-section:  
“(2) A Minister may only dispose of the matter by giving a response at the time if they are the Minister to whom the matter was directed.”.
- (2) In Standing Order 5.03, **Government Business (Standing Order 5.06)**, after “Main Government” **omit** the word “party”.
- (3) In Standing Order 5.03, **Government Business (Standing Order 5.06)**, after “Main Opposition” **omit** the word “party”.
- (4) In Standing Order 5.03, **insert**:  

<b>“General Business (Standing Order 5.07)</b>	
Mover/Sponsor	60 minutes
Main Government lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes”
- (5) In Standing Order 5.03, **Government Bills — second reading debate**, after “Main Government” **omit** the word “party”.
- (6) In Standing Order 5.03, **Government Bills — second reading debate**, after “Main Opposition” **omit** the word “party”.
- (7) After Standing Order 6.13(b), **insert** the following new sub-section:

- “(c) a motion for the postponement of notices of motion pursuant to Standing Order 6.03;”.
- (8) After Standing Order 8.06, **insert** the following new Standing Order:  
**“8.07 Content of answers**
- (1) All answers to questions without notice must be direct, factual, succinct and relevant.
  - (2) The President may determine that an answer to an oral question without notice or supplementary question is not responsive to the question, and may accordingly direct the Minister to provide a written response to the question and lodge it with the Clerk.
  - (3) Written responses to questions directed to a Council Minister’s portfolio will be required to be lodged at least 15 minutes prior to the time scheduled for Questions on the next sitting day.
  - (4) Written responses to questions directed to a Minister representing a Minister from the Assembly will be required to be lodged at least 15 minutes prior to the time scheduled for Questions in two sitting days.
  - (5) A copy of any response provided under this Standing Order must be given to the Member who asked the question and printed in *Hansard*.”.
- (9) In Standing Order 15.02(2), **omit** the words “three minutes” and **insert** in their place “four minutes”.
- (10) In Standing Order 16.02(1), **omit** the words “three minutes” and **insert** in their place “four minutes”.
- (11) In Standing Order 16.02(2), **omit** the words “three minutes” and **insert** in their place “four minutes”.
- (12) After Standing Order 20.02, **insert** the following new Standing Order:  
**“20.03 Video on demand**
- (1) Council Members, authorised Members’ staff and Parliamentary Officers (authorised by the Clerk or the Secretary of the Department of Parliamentary Services) may republish audio-visual proceedings of the Council that are provided by the *Hansard* broadcast archive.
  - (2) Audio-visual proceedings republished under this Standing Order are subject to the following conditions:
    - (a) the material must only be used for the purposes of fair and accurate reports of proceedings and must not in any circumstances be used for —
      - (i) satire or ridicule; or
      - (ii) commercial sponsorship or commercial advertising;
    - (b) broadcast material must not be digitally manipulated;
    - (c) excerpts of proceedings are to be placed in context so as to avoid any misrepresentation; and
    - (d) remarks withdrawn are not to be rebroadcast unless the withdrawal is also rebroadcast.”.
- (13) **Omit** Standing Order 23.03(1), and **substitute**:  
 “(1) Each legislation and reference committee will consist of eight Members and will have regard to the proportionality of parties and independents in the Council. Members from the Government will be nominated by the Leader of the Government in the Council, Members from the Opposition will be nominated by the Leader of the Opposition in the Council, Greens Members will be nominated by the Leader of the Australian Greens in the Council and any Members from among the remaining Members in the Council will be nominated jointly by minority groups and independent Members.”.
- (14) **Omit** Standing Orders 23.07(1) to (3), and **substitute**:  
 “(1) Each standing committee shall elect one of its members to be chair and one of its members to be deputy chair.  
 (2) If a committee cannot resolve the election of its chair and/or deputy chair, either position may be determined by the Council.”.



- (15) After Standing Order 23.09(3), **insert** the following new sub-section:  
“(4) The Chair of the Committee has a deliberative vote only.”.
- (16) The Clerk is empowered to renumber the Standing Orders and correct any internal references as a consequence of these amendments.

Debate ensued.

Ms Pennicuik moved, as amendments, That —

1. Before paragraph (1), **insert** the following new paragraphs:
  - ‘(1) In Standing Order 4.13(1), **omit** the words “within 30 days” and **insert** in their place “within 14 days”.
  - (2) In Standing Order 4.14(1), **omit** the words “within 30 days” and **insert** in their place “within 14 days”.’.
2. After paragraph (7), **insert** the following new paragraph:
 

‘ ( ) **Substitute** the following new Standing Order in place of Standing Order 8.04:

**“8.04 Questions without notice**

  - (1) Questions without notice may be asked at the time prescribed by Standing Order 5.02 when any business before the Council will be interrupted.
  - (2) Only non-Government Members may ask oral questions without notice under Standing Order 8.01(2).
  - (3) These questions will be allocated having regard to the proportionality of parties and independents in the Council.
  - (4) The time allocated for questions without notice will be until a total of nine oral questions (not including related supplementary questions) have been answered.”.’.
3. In paragraph (8), **omit** sub-section (3) and **substitute**:
 

“(3) Written responses to questions directed to a Council Minister’s portfolio will be required to be lodged within one business day —

  - (a) at least 15 minutes prior to the time scheduled for Questions if they are due on a sitting day; or
  - (b) 12.00 noon if they are due on a day when the Council is not sitting.”.
4. In paragraph (8), **omit** sub-section (4) and **substitute**:
 

“(4) Written responses to questions directed to a Minister representing a Minister from the Assembly will be required to be lodged within two business days —

  - (a) at least 15 minutes prior to the time scheduled for Questions if they are due on a sitting day; or
  - (b) 12.00 noon if they are due on a day when the Council is not sitting.”.
5. After paragraph (8), **insert** the following new paragraph:
 

‘(9) After Standing Order 8.06, **insert** the following new Standing Order:

**“8.07 Constituency questions**

  - ( ) At the conclusion of questions without notice up to 15 Members may ask Ministers an oral question relating to a constituency matter.
  - ( ) A constituency question must —
    - ( ) be within state jurisdiction;
    - ( ) ask a question seeking information; and
    - ( ) relate to a specific matter within the Members’ constituency.
  - ( ) The time limit for each Member asking a constituency question is one minute.
  - ( ) Answers to constituency questions must be given to the Clerk in writing within 14 days of the question being asked.

( ) A copy of the answer will be given to the Member who asked the question, and all answers will be incorporated in *Hansard*.”’.

6. After paragraph (12), **insert** the following new paragraphs:

( ) In Standing Order 23.02(4)(a) **omit** the words “referred to them by the Legislative Council”.

( ) In Standing Order 23.02(4)(b) **omit** the words “other matters referred to them by the Legislative Council” and **insert** in their place “matters that are relevant to their functions”.’.

Debate continued.

Mr Jennings moved, That debate on the motion be adjourned until the next day of meeting.

Debate ensued.

*Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —*

**9 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Production of documents** — substantive question asked by Ms Wooldridge — response from Mr Jennings due Wednesday, 19 September 2018.
- **Transurban bus contract** — substantive and supplementary questions asked by Mr Davis — response from Ms Pulford due Thursday, 20 September 2018.
- **Maximum prisoner numbers in police cells** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Wednesday, 19 September 2018.
- **Prisoner transport from police stations** — substantive question asked by Mr O'Donohue — response from Ms Tierney due Thursday, 20 September 2018.
- **Parkville youth justice centre – assault on staff** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 19 September 2018.
- **Ice Action Plan funds** — substantive and supplementary questions asked by Mr Ramsay — response from Ms Mikakos due Thursday, 20 September 2018.
- **Health impacts of Footscray fire** — substantive and supplementary questions asked by Ms Truong — response from Ms Mikakos due Thursday, 20 September 2018.
- **Coal-fired power stations** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Jennings due Thursday, 20 September 2018.

**10 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**11 STANDING ORDERS** — Debate continued on the question, That debate on the motion be adjourned until the next day of meeting.

Question — put.

The Council divided — The President in the Chair.

AYES, 15

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

(Tellers: Mr Gepp and Mr Somyurek)

NOES, 25

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Truong; Ms Wooldridge; Mr Young.

(Tellers: Dr Carling-Jenkins and Mr O'Sullivan)

Question negatived.

Debate continued on the motion, moved by Mr Elasmarr (*for full terms of motion see item 8 on pages 1415-7, Minutes No. 204, 18 September 2018*) and on the amendments moved by Ms Pennicuik (*for full terms of amendments see item 8 on pages 1417-8, Minutes No. 204, 18 September 2018*).

Question — That amendment No. 1 moved by Ms Pennicuik be agreed to — put and negatived.

Question — That amendment No. 2 moved by Ms Pennicuik be agreed to — put.

The Council divided — The President in the Chair.

AYES, 10

Mr Bourman; Dr Carling-Jenkins; Ms Dunn; Ms Patten; Ms Pennicuik; Mr Purcell; Dr Ratnam; Ms Springle; Ms Truong; Mr Young.

(*Tellers: Ms Dunn and Mr Young*)

NOES, 30

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge.

(*Tellers: Ms Fitzherbert and Mr Leane*)

Question negatived.

Question — That amendment Nos. 3 and 4 moved by Ms Pennicuik be agreed to — put.

The Council divided — The President in the Chair.

AYES, 26

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Ms Dunn; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Ms Pennicuik; Mrs Peulich; Mr Purcell; Mr Ramsay; Dr Ratnam; Mr Rich-Phillips; Ms Springle; Ms Truong; Ms Wooldridge; Mr Young.

(*Tellers: Mr Purcell and Mr Ramsay*)

NOES, 14

Mr Dalidakis; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Pulford; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney.

(*Tellers: Mr Eideh and Mr Mulino*)

Question agreed to.

Question — That amendment No. 5 moved by Ms Pennicuik be agreed to — put and agreed to.

Question — That amendment No. 6 moved by Ms Pennicuik be agreed to — put.

The Council divided — The President in the Chair.

AYES, 8

Mr Bourman; Ms Dunn; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong; Mr Young.

(*Tellers: Mr Bourman and Mr Young*)

NOES, 32

Mr Atkinson; Ms Bath; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge.

(*Tellers: Ms Bath and Mr Morris*)

Question negatived.

Question — That the following Standing Orders take effect from the 59<sup>th</sup> Parliament —

(1) After Standing Order 4.13(1), **insert** the following new sub-section:

“(2) A Minister may only dispose of the matter by giving a response at the time if they are the Minister to whom the matter was directed.”.

- (2) In Standing Order 5.03, **Government Business (Standing Order 5.06)**, after “Main Government” **omit** the word “party”.
- (3) In Standing Order 5.03, **Government Business (Standing Order 5.06)**, after “Main Opposition” **omit** the word “party”.
- (4) In Standing Order 5.03, **insert**:  
**“General Business (Standing Order 5.07)**  
 Mover/Sponsor 60 minutes  
 Main Government lead speaker 60 minutes  
 Other lead speakers 45 minutes  
 Remaining speakers 15 minutes”
- (5) In Standing Order 5.03, **Government Bills — second reading debate**, after “Main Government” **omit** the word “party”.
- (6) In Standing Order 5.03, **Government Bills — second reading debate**, after “Main Opposition” **omit** the word “party”.
- (7) After Standing Order 6.13(b), **insert** the following new sub-section:  
 “(c) a motion for the postponement of notices of motion pursuant to Standing Order 6.03;”.
- (8) After Standing Order 8.06, **insert** the following new Standing Order:  
**“8.07 Content of answers**  
 (1) All answers to questions without notice must be direct, factual, succinct and relevant.  
 (2) The President may determine that an answer to an oral question without notice or supplementary question is not responsive to the question, and may accordingly direct the Minister to provide a written response to the question and lodge it with the Clerk.  
 (3) Written responses to questions directed to a Council Minister’s portfolio will be required to be lodged within one business day —  
 (a) at least 15 minutes prior to the time scheduled for Questions if they are due on a sitting day; or  
 (b) 12.00 noon if they are due on a day when the Council is not sitting.  
 (4) Written responses to questions directed to a Minister representing a Minister from the Assembly will be required to be lodged within two business days —  
 (a) at least 15 minutes prior to the time scheduled for Questions if they are due on a sitting day; or  
 (b) 12.00 noon if they are due on a day when the Council is not sitting.  
 (5) A copy of any response provided under this Standing Order must be given to the Member who asked the question and printed in *Hansard*.”.
- (9) After Standing Order 8.06, **insert** the following new Standing Order:  
**“8.07 Constituency questions**  
 ( ) At the conclusion of questions without notice up to 15 Members may ask Ministers an oral question relating to a constituency matter.  
 ( ) A constituency question must —  
 ( ) be within state jurisdiction;  
 ( ) ask a question seeking information; and  
 ( ) relate to a specific matter within the Members’ constituency.  
 ( ) The time limit for each Member asking a constituency question is one minute.  
 ( ) Answers to constituency questions must be given to the Clerk in writing within 14 days of the question being asked.  
 ( ) A copy of the answer will be given to the Member who asked the question, and all answers will be incorporated in *Hansard*.”.

- (10) In Standing Order 15.02(2), **omit** the words “three minutes” and **insert** in their place “four minutes”.
- (11) In Standing Order 16.02(1), **omit** the words “three minutes” and **insert** in their place “four minutes”.
- (12) In Standing Order 16.02(2), **omit** the words “three minutes” and **insert** in their place “four minutes”.
- (13) After Standing Order 20.02, **insert** the following new Standing Order:  
**“20.03 Video on demand**  
 (1) Council Members, authorised Members’ staff and Parliamentary Officers (authorised by the Clerk or the Secretary of the Department of Parliamentary Services) may republish audio-visual proceedings of the Council that are provided by the *Hansard* broadcast archive.  
 (2) Audio-visual proceedings republished under this Standing Order are subject to the following conditions:  
 (a) the material must only be used for the purposes of fair and accurate reports of proceedings and must not in any circumstances be used for —  
 (i) satire or ridicule; or  
 (ii) commercial sponsorship or commercial advertising;  
 (b) broadcast material must not be digitally manipulated;  
 (c) excerpts of proceedings are to be placed in context so as to avoid any misrepresentation; and  
 (d) remarks withdrawn are not to be rebroadcast unless the withdrawal is also rebroadcast.”.
- (14) **Omit** Standing Order 23.03(1), and **substitute**:  
 “(1) Each legislation and reference committee will consist of eight Members and will have regard to the proportionality of parties and independents in the Council. Members from the Government will be nominated by the Leader of the Government in the Council, Members from the Opposition will be nominated by the Leader of the Opposition in the Council, Greens Members will be nominated by the Leader of the Australian Greens in the Council and any Members from among the remaining Members in the Council will be nominated jointly by minority groups and independent Members.”.
- (15) **Omit** Standing Orders 23.07(1) to (3), and **substitute**:  
 “(1) Each standing committee shall elect one of its members to be chair and one of its members to be deputy chair.  
 (2) If a committee cannot resolve the election of its chair and/or deputy chair, either position may be determined by the Council.”.
- (16) After Standing Order 23.09(3), **insert** the following new sub-section:  
 “(4) The Chair of the Committee has a deliberative vote only.”.
- (17) The Clerk is empowered to renumber the Standing Orders and correct any internal references as a consequence of these amendments.

— put and agreed to.

**12 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 545 be postponed until later this day.

**13 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENT BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Ms Pennicuik were circulated.

Debate continued.

Amendments proposed to be moved in Committee by Dr Carling-Jenkins were circulated.

Debate continued.

*Business having been interrupted at 6.30 p.m. pursuant to Sessional Orders —*

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Ms Tierney declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

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Debate continued.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

(*Tellers: Ms Lovell and Ms Shing*)

NOES, 6

Ms Dunn; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.

(*Tellers: Ms Patten and Ms Truong*)

Question agreed to.

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

House in Committee.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

---

Ms Tierney declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

---

Bill further considered in Committee of the whole.

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.

**14 ADJOURNMENT** — Ms Tierney moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 9.02 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 205 — Wednesday, 19 September 2018

**1** The President took the Chair and read the Prayer.

**2 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENT BILL 2018** — The President announced that he had received a report from the Clerk notifying that he had made the following correction in this Bill:

In Clause 42, sub-clause 5, line 25, I have re-numbered the reference to section 33 to section 34.

**3 PETITION — MORATORIUM ON THE GREAT FOREST NATIONAL PARK** — Mr Young presented a Petition bearing 659 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to impose a five year moratorium on the establishment of the Great Forest National Park or any other national park that encompasses

the same location as the Great Forest National Park proposal until further assessments have been conducted and certain issues addressed.

Ordered to lie on the Table.

#### 4 PAPERS —

**PARLIAMENTARY DEPARTMENTS** — Mr Elasmар moved, by leave, That there be laid before this House a copy of the Reports of —

- (1) the Clerk on the operations of the Department of the Legislative Council for the year 2017-18; and
- (2) the Secretary on the operations of the Department of Parliamentary Services for the year 2017-18.

Question — put and agreed to.

The Reports were presented by Mr Elasmар and ordered to lie on the Table.

\* \* \* \* \*

**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Delivering Local Government Services, September 2018 (*Ordered to be published*).

Managing the Environmental Impacts of Domestic Wastewater, September 2018 (*Ordered to be published*).

Security and Privacy of Surveillance Technologies in Public Places, September 2018 (*Ordered to be published*).

Ombudsman — Report, 2017-18 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 119 and 134.

Victorian Law Reform Commission — Review of the *Victims of Crime Assistance Act 1996*, July 2018 (*Ordered to be published*).

\* \* \* \* \*

**PROCLAMATION** — A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Prevention of Family Violence Act 2018 — 4 October 2018 (*Gazette No. S433, 18 September 2018*).

**5 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

**6 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**7 ANDREWS LABOR GOVERNMENT** — Debate resumed on the question, That this House notes that after four long years Victoria is beset with problems caused by Premier Daniel Andrews and his Labor Government and Victorians are now faced with —

- (1) the highest crimes against the person offence numbers in Victoria's history;
- (2) sentences and a bail system that do not meet community expectations;
- (3) a youth justice system in crisis;
- (4) rising electricity prices due to Labor's forced closure of Hazelwood Power Station;
- (5) increasing traffic congestion on our freeways and in our suburbs;
- (6) a \$1.3 billion bill for not building the East-West Link;
- (7) the betrayal of 60,000 CFA volunteers and their communities;
- (8) six Ministers and six Labor Members whose actions are under police investigation;
- (9) 74 cancer beds axed at a cost to taxpayers of \$100 million;
- (10) a broken education system and a VET system with ongoing cuts and reduced enrolments;
- (11) watered down planning protections;
- (12) sporting organisations and community clubs forced to take out loans;
- (13) farmers and regional communities being ignored and funding cuts for local country roads;
- (14) an ice injecting room;

- (15) blowouts in public housing waiting lists and dental waiting lists;
  - (16) fourteen straight negative Sensis Small Business Index results;
  - (17) no plan to manage Victoria's population;
- and further notes that Premier Daniel Andrews has presided over a dysfunctional, rorting and morally corrupt government plagued by infighting, mismanagement, favouritism and crisis focused only on itself and not on Victorians.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

- 8 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Gas terminal in Westernport Bay** — substantive question asked by Ms Patten — response from Mr Dalidakis due in two sitting days.
- **Drought assistance** — substantive question asked by Mr Bourman — response from Ms Pulford due Thursday, 20 September 2018.
- **Native forests – carbon stores** — substantive and supplementary questions asked by Ms Dunn — response from Mr Jennings due in two sitting days.
- **Pre-school attendance – Commonwealth data request** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 20 September 2018.
- **Youth justice centre – violent assault on staff** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Thursday, 20 September 2018.
- **Court order contraventions by prisoners** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Tierney due Thursday, 20 September 2018.

\* \* \* \* \*

**QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE** — The President directed a further written response be provided to a question without notice pursuant to Sessional Order 5 as follows:

- **Parkville youth justice centre – assault on staff** — supplementary question asked by Ms Crozier on 18 September 2018 — further response from Ms Mikakos due Thursday 20 September 2018.

- 9 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

- 10 ANDREWS LABOR GOVERNMENT** — Debate continued on the question, That this House notes that after four long years Victoria is beset with problems caused by Premier Daniel Andrews and his Labor Government and Victorians are now faced with —

- (1) the highest crimes against the person offence numbers in Victoria's history;
- (2) sentences and a bail system that do not meet community expectations;
- (3) a youth justice system in crisis;
- (4) rising electricity prices due to Labor's forced closure of Hazelwood Power Station;
- (5) increasing traffic congestion on our freeways and in our suburbs;
- (6) a \$1.3 billion bill for not building the East-West Link;
- (7) the betrayal of 60,000 CFA volunteers and their communities;
- (8) six Ministers and six Labor Members whose actions are under police investigation;
- (9) 74 cancer beds axed at a cost to taxpayers of \$100 million;
- (10) a broken education system and a VET system with ongoing cuts and reduced enrolments;
- (11) watered down planning protections;
- (12) sporting organisations and community clubs forced to take out loans;
- (13) farmers and regional communities being ignored and funding cuts for local country roads;



- (14) an ice injecting room;
  - (15) blowouts in public housing waiting lists and dental waiting lists;
  - (16) fourteen straight negative Sensis Small Business Index results;
  - (17) no plan to manage Victoria's population;
- and further notes that Premier Daniel Andrews has presided over a dysfunctional, rorting and morally corrupt government plagued by infighting, mismanagement, favouritism and crisis focused only on itself and not on Victorians.

On the motion of Ms Symes debate was adjourned until later this day.

**11 PUBLIC LAND IN REGIONAL VICTORIA** — Mr Young moved, That this House —

- (1) notes that —
  - (a) this Government has failed to properly manage public land in Regional Victoria with some public land categories being outright neglected;
  - (b) the creation of National Parks and other Parks with similar levels of protection has a negative impact on many traditional bush users and residents of regional Victoria;
  - (c) the value of public land is in its use and that restricting access for recreation on public land diminishes the connection people have with those lands and the public's ability to assist in management;
  - (d) the Government has failed to listen to recreational user groups of public land and their concerns about public land being locked up and inaccessible;
- (2) calls on the Government to —
  - (a) reject any recommendations by Victorian Environmental Assessment Council that would change public land classifications to a more restrictive category;
  - (b) review the National Park status of the Barmah Forest National Park and the River Redgums National Park;
  - (c) rule out the creation of the Great Forest National Park; and
  - (d) fix the access, boundaries and signage of the 200 State Game Reserves in Victoria.

Debate ensued.

Mr Davis moved, as amendments —

1. Omit paragraphs (2)(a) and (2)(b).
2. In paragraph (2) renumber "(2)(c)" to "(2)(a)" and "(2)(d)" to "(2)(b)".

Debate ensued.

Question — That amendment No. 1 moved by Mr Davis be agreed to — put

The Council divided — The President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Mr Morris)*

NOES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Bourman and Mr Purcell)*

Question negatived.

Original question — put.

The Council divided — The President in the Chair.

## AYES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

*(Tellers: Mr Bourman and Mr Dalla-Riva)*

## NOES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik Ms Pulford; Dr Ratnam Ms Shing; Mr Somyurek; Ms Springle Ms Symes; Ms Tierney; Ms Truong.

*(Tellers: Mr Mulino and Ms Patten)*

The Ayes and Noes being equal, the question was negatived.

**12 PRODUCTION OF DOCUMENTS — DEPARTMENT OF HEALTH AND HUMAN SERVICES** — The Clerk laid on the Table 25 documents received in response to the Resolution of the Council of 25 July 2018 relating to the DHHS weekly compendium.

The Clerk also laid on the Table a letter from the Attorney-General dated 19 September 2018 —

- advising 25 documents fell within the scope of the order; and
- stating that Executive privilege was claimed in part in relation to 21 of the documents.

**13 PRODUCTION OF DOCUMENTS — CRICKET VICTORIA LEASE OF JUNCTION OVAL** — The Clerk laid on the Table 251 documents received in response to the Resolution of the Council of 20 June 2018 relating to the Cricket Victoria Lease of Junction Oval.

The Clerk also laid on the Table a letter from the Attorney-General dated 19 September 2018 —

- advising 289 documents fell within the scope of the Council's order; and
- stating that Executive privilege was claimed in relation to 38 of the documents in full and 61 of the documents in part.

**14 PRODUCTION OF DOCUMENTS — AFL HEADQUARTERS IN DOCKLANDS** — The Clerk laid on the Table a document received in response to the Resolution of the Council of 6 June 2018 relating to the AFL Headquarters in Docklands.

The Clerk also laid on the Table a letter from the Attorney-General dated 19 September 2018 —

- advising one document so far fell within the scope of the Council's order; and
- stating that Executive privilege was claimed in relation to parts of the document.

**15 PRODUCTION OF DOCUMENTS — LEVEL CROSSING REMOVAL PROJECT** — The Clerk laid on the Table 1,547 documents received in response to the Resolution of the Council of 24 February 2016 relating to the Level Crossing Removal Project.

The Clerk also laid on the Table a letter from the Attorney-General dated 19 September 2018 —

- advising 1,582 documents fell within the scope of the Council's order; and
- stating that Executive privilege was claimed in relation to 35 of the documents in full and eight of the documents in part.

**16 PRODUCTION OF DOCUMENTS — MEDICALLY SUPERVISED INJECTING CENTRE** — The Clerk laid on the Table 64 documents received in response to the Resolution of the Council of 20 June 2018 relating to the Medically Supervised Injecting Centre.

The Clerk also laid on the Table a letter from the Attorney-General dated 19 September 2018 —

- advising 165 documents fell within the scope of parts three to seven of the Council's order;
- stating that Executive privilege was claimed in relation to 101 of the documents in full and three of the documents in part; and
- stating that in the time available the Government has not been able to fully assess all of the documents falling within the scope of the order.

**17 ANDREWS LABOR GOVERNMENT** — Debate resumed on the question, That this House notes that after four long years Victoria is beset with problems caused by Premier Daniel Andrews and his Labor Government and Victorians are now faced with —

- (1) the highest crimes against the person offence numbers in Victoria's history;
- (2) sentences and a bail system that do not meet community expectations;
- (3) a youth justice system in crisis;
- (4) rising electricity prices due to Labor's forced closure of Hazelwood Power Station;
- (5) increasing traffic congestion on our freeways and in our suburbs;
- (6) a \$1.3 billion bill for not building the East-West Link;
- (7) the betrayal of 60,000 CFA volunteers and their communities;
- (8) six Ministers and six Labor Members whose actions are under police investigation;
- (9) 74 cancer beds axed at a cost to taxpayers of \$100 million;
- (10) a broken education system and a VET system with ongoing cuts and reduced enrolments;
- (11) watered down planning protections;
- (12) sporting organisations and community clubs forced to take out loans;
- (13) farmers and regional communities being ignored and funding cuts for local country roads;
- (14) an ice injecting room;
- (15) blowouts in public housing waiting lists and dental waiting lists;
- (16) fourteen straight negative Sensis Small Business Index results;
- (17) no plan to manage Victoria's population;

and further notes that Premier Daniel Andrews has presided over a dysfunctional, rorting and morally corrupt government plagued by infighting, mismanagement, favouritism and crisis focused only on itself and not on Victorians.

*Business having been interrupted at 5.00 p.m. pursuant to Standing Orders, the debate stood adjourned in the name of Mrs Peulich.*

**18 STATEMENTS ON REPORTS AND PAPERS** — Statements on reports and papers were made by Members pursuant to Standing Order 9.10.

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

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 6.10 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 206 — Thursday, 20 September 2018

**1** The President took the Chair and read the Prayer.

**2 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENT BILL 2018** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.

**3 PETITIONS** —

**DISCONTINUATION OF LICENCE TESTING AT VICROADS SUNSHINE OFFICE** — Mr Finn presented a Petition bearing 1,727 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to reverse its decision to discontinue the Licence Testing Centre/Service of the North West Metropolitan VicRoads Office, Ballarat Road, Sunshine and relocate the Centre within Brimbank.

Ordered to lie on the Table.

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

\* \* \* \* \*

**UPGRADE TOWER HILL TO A NATIONAL PARK** — Mr Purcell presented a Petition bearing 1,702 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to upgrade the status of Tower Hill to a National Park in order to receive the funding and support it deserves, to improve tourism and education of its geology and provide an opportunity for greater appreciation of its flora and fauna.

Ordered to lie on the Table.

#### 4 PAPERS —

**CONSUMER POLICY RESEARCH CENTRE REPORT 2017-18** — Mr Jennings moved, by leave, That there be laid before this House a copy of the Consumer Policy Research Centre Report 2017-18.

Question — put and agreed to.

The Report was presented by Mr Jennings and ordered to lie on the Table.

\* \* \* \* \*

**PRIVILEGES COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO MATTERS RELATING TO THE MISUSE OF ELECTORATE OFFICE STAFFING ENTITLEMENTS** — Pursuant to Standing Order 23.30, Mr Jennings laid on the Table a copy of the Government Response to the Privileges Committee's Inquiry into matters relating to the misuse of electorate office staffing entitlements.

\* \* \* \* \*

**LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO YOUTH JUSTICE CENTRES IN VICTORIA** — Pursuant to Standing Order 23.30, Ms Mikakos laid on the Table a copy of the Government Response to the Legal and Social Issues Committee's Inquiry into Youth Justice Centres in Victoria.

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**ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO INFRASTRUCTURE PROJECTS, THIRD REPORT** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee's Inquiry into Infrastructure Projects, Third Report.

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**ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO INFRASTRUCTURE PROJECTS, FOURTH REPORT** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee's Inquiry into Infrastructure Projects, Fourth Report.

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**ECONOMY AND INFRASTRUCTURE COMMITTEE — GOVERNMENT RESPONSE TO INQUIRY INTO RIDE SOURCING SERVICES** — Pursuant to Standing Order 23.30, Ms Pulford laid on the Table a copy of the Government Response to the Economy and Infrastructure Committee's Inquiry into Ride Sourcing Services.

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**PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Accident Compensation Conciliation Service — Report, 2017-18.

Adult, Community and Further Education Board — Report, 2017-18.

Agriculture Victoria Services Pty Ltd — Report, 2017-18.

Albury Wodonga Health — Report, 2017-18.

Alexandra District Health — Report, 2017-18.

Alfred Health — Report, 2017-18.

AMES Australia — Report, 2017-18.

Asset Confiscation Operations — Report, 2017-18.

Auditor-General's Office — Report, 2017-18.

Auditor-General's Reports on —

Contract Management Capability in DHHS: Service Agreements, September 2018  
(*Ordered to be published*).

State Purchase Contracts, September 2018 (*Ordered to be published*).

Austin Health — Report, 2017-18.  
Australian Centre for the Moving Image — Report, 2017-18.  
Australian Grand Prix Corporation — Report, 2017-18.  
Ballarat General Cemeteries Trust — Report, 2017-18.  
Ballarat Health Services — Report, 2017-18.  
Barwon Region Water Corporation — Report, 2017-18.  
Bass Coast Health — Report, 2017-18.  
Benalla Health — Report, 2017-18.  
Bendigo Cemeteries Trust — Report, 2017-18.  
Bendigo Health Care Group — Report, 2017-18.  
Casterton Memorial Hospital — Report, 2017-18.  
CenITex — Report, 2017-18.  
Central Gippsland Region Water Corporation — Report, 2017-18.  
Central Highlands Region Water Corporation — Report, 2017-18.  
City West Water Corporation — Report, 2017-18.  
Cohuna District Hospital — Report, 2017-18.  
Coliban Region Water Corporation — Report, 2017-18.  
Commission for Children and Young People — Report, 2017-18 (*Ordered to be published*).  
Commissioner for Privacy and Data Protection — Report, 2017-18 (*Ordered to be published*).  
Community Visitors — Report, 2017-18 (*Ordered to be published*).  
Confiscation Act 1997 — Report, 2017-18 pursuant to section 139A by Victoria Police.  
Consumer Affairs Victoria — Report, 2017-18 (*Ordered to be published*).  
Corangamite Catchment Management Authority — Report, 2017-18.  
Coronial Council of Victoria — Report, 2017-18.  
Council of Trustees of the National Gallery of Victoria — Report, 2017-18.  
Dairy Food Safety Victoria — Report, 2017-18.  
Dental Health Services Victoria — Report, 2017-18.  
Djerriwarrh Health Services — Report, 2017-18.  
Docklands Studios Melbourne Pty Ltd — Report, 2017-18.  
East Gippsland Catchment Management Authority — Report, 2017-18.  
East Gippsland Region Water Corporation — Report, 2017-18.  
East Grampians Health Service — Report, 2017-18.  
Eastern Health — Report, 2017-18.  
Echuca Regional Health — Report, 2017-18.  
Education and Training Department — Report, 2017-18.  
Emergency Services Superannuation Board — Report, 2017-18.  
Environment, Land, Water and Planning Department — Report, 2017-18.  
Essential Services Commission — Report, 2017-18.  
Evidence (Miscellaneous Provisions) Act 1958 — Report, 2017-18 pursuant to section 42BI by Victoria Police.  
Film Victoria — Report, 2016-17 (*in lieu of that tabled 21 September 2017*).  
Film Victoria — Report, 2017-18.  
Financial Management Act 1994 — 2017-18 Financial Report for the State of Victoria (incorporating Quarterly Financial Report No. 4) (*Ordered to be published*).  
Forensic Leave Panel — Report, 2017.  
Geelong Cemeteries Trust — Report, 2017-18.  
Geelong Performing Arts Centre Trust — Report, 2017-18.  
Geoffrey Gardiner Dairy Foundation Limited — Report, 2017-18.  
Gippsland and Southern Rural Water Corporation — Report, 2017-18.  
Glenelg Hopkins Catchment Management Authority — Report, 2017-18.  
Goulburn Broken Catchment Management Authority — Report, 2017-18.  
Goulburn Murray Rural Water Corporation — Report, 2017-18.  
Goulburn Valley Health — Report, 2017-18.  
Goulburn Valley Region Water Corporation — Report, 2017-18.  
Grampians Wimmera Mallee Water Corporation — Report, 2017-18.

Greater Metropolitan Cemeteries Trust — Report, 2017-18.  
Harness Racing Victoria — Report, 2017-18.  
Health Complaints Commissioner — Report, 2017-18.  
Health Purchasing Victoria — Report, 2017-18.  
Heathcote Health — Report, 2017-18.  
Hesse Rural Health Service — Report, 2017-18.  
Infrastructure Victoria — Report, 2017-18.  
Judicial Entitlements Act 2015 — Own Motion Recommendations Report to the Attorney-General, August 2018 pursuant to section 33 of the Act.  
Justice and Regulation Department — Report, 2017-18.  
Kardinia Park Stadium Trust — Report, 2017-18.  
Kilmore and District Hospital — Report, 2017-18.  
Latrobe Valley Mine Rehabilitation Commissioner — Report, 2017-18.  
Legal Practitioners' Liability Committee — Report, 2017-18.  
Library Board of Victoria — Report, 2017-18.  
Local Jobs First – Victorian Industry Participation Policy — Report, 2017-18.  
Lower Murray Urban and Rural Water Corporation — Report, 2017-18.  
Mallee Catchment Management Authority — Report, 2017-18.  
Maryborough District Health Service — Report, 2017-18.  
Melbourne and Olympic Parks Trust — Report, 2017-18.  
Melbourne Health — Report, 2017-18.  
Melbourne Port Lessor Pty Ltd — Report, 2017-18.  
Melbourne Recital Centre — Report, 2017-18.  
Melbourne Water Corporation — Report, 2017-18.  
Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 2018 and Summary of Variations notified between 10 July 2018 and 14 September 2018 (*Ordered to be published*).  
Mental Health Tribunal — Report, 2017-18.  
Mercy Hospitals Victoria Ltd — Report, 2017-18.  
Mildura Cemeteries Trust — Report, 2017-18.  
Monash Health — Report, 2017-18.  
Museums Board of Victoria — Report, 2017-18.  
National Parks Act 1975 — Report on the working of the Act, 2017-18.  
National Parks Advisory Council — Report, 2017-18.  
North Central Catchment Management Authority — Report, 2017-18.  
North East Catchment Management Authority — Report, 2017-18.  
North East Region Water Corporation — Report, 2017-18.  
Northeast Health Wangaratta — Report, 2017-18.  
Northern Health — Report, 2017-18.  
Numurkah District Health Service — Report, 2017-18.  
Office of the Victorian Information Commissioner — Report, 2017-18.  
Orbost Regional Health — Report, 2017-18.  
Otway Health — Report, 2017-18.  
Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2016-17 Financial and Performance Outcomes.  
Peninsula Health — Report, 2017-18.  
Peter MacCallum Cancer Centre — Report, 2017-18.  
Phillip Island Nature Parks — Report, 2017-18.  
Phytogene Pty Ltd — Minister's report of receipt of 2017-18 report.  
Police Registration and Services Board — Report, 2017-18.  
Port of Hastings Development Authority — Report, 2017-18.  
Port Phillip and Westernport Catchment Management Authority — Report, 2017-18.  
Portland District Health — Report, 2017-18.  
Premier and Cabinet Department — Report, 2017-18.  
PrimeSafe — Report, 2017-18.  
Public Interest Monitor — Report, 2017-18.

Public Record Office Victoria — Report, 2017-18.  
Public Transport Development Authority (PTV) — Report, 2017-18.  
Queen Victoria Women's Centre — Minister's report of receipt of 2017-18 report.  
Racing Integrity Commissioner — Report, 2017-18.  
Radiation Advisory Committee — Report, 2017-18.  
Residential Tenancies Bond Authority — Report, 2017-18.  
Road Safety Camera Commissioner — Report, 2017-18.  
Roads Corporation (VicRoads) — Report, 2017-18.  
Robinvale District Health Service — Report, 2017-18.  
Rolling Stock Holdings (Victoria) Pty Limited — Report, 2017-18.  
Rolling Stock (Victoria-VL) Pty Limited — Report, 2017-18.  
Rolling Stock (VL-1) Pty Limited — Report, 2017-18.  
Rolling Stock (VL-2) Pty Limited — Report, 2017-18.  
Rolling Stock (VL-3) Pty Limited — Report, 2017-18.  
Royal Botanic Gardens Board Victoria — Report, 2017-18.  
Royal Victorian Eye and Ear Hospital — Report, 2017-18.  
Royal Women's Hospital — Report, 2017-18.  
Seymour Health — Report, 2017-18.  
Shrine of Remembrance Trustees — Report, 2017-18.  
South East Water Corporation — Report, 2017-18.  
South Gippsland Region Water Corporation — Report, 2017-18.  
South West Healthcare — Report, 2017-18.  
Southern Metropolitan Cemeteries Trust — Report, 2017-18.  
St Vincent's Hospital (Melbourne) Limited — Report, 2017-18.  
State Electricity Commission of Victoria — Report, 2017-18.  
Statutory Rules under the following Acts of Parliament —  
    County Court Act 1958 — No. 134.  
    Crown Land (Reserves) Act 1978 — No. 122.  
    Forests Act 1958 — Nos. 123 and 124.  
    National Parks Act 1975 — Nos. 125 and 126.  
    Subordinate Legislation Act 1994 — No. 121.  
    Supreme Court Act 1986 — Nos. 131, 132, 133.  
    Transport Superannuation Act 1988 — No. 130.  
    Water Industry Act 1994 — No. 127.  
    Wildlife Act 1975 — Nos. 128 and 129.  
Stawell Regional Health — Report, 2017-18.  
Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 130 and 137.  
Surveillance Devices Act 1999 — Reports, 2017-18 pursuant to section 30L by the —  
    Australian Criminal Intelligence Commission.  
    Department of Environment, Land, Water and Planning.  
    Game Management Authority.  
Swan Hill District Health — Report, 2017-18.  
Terrorism (Community Protection) Act 2003 — Report, 2017-18 under section 13ZR by the Independent Broad-based Anti-corruption Commission.  
Timboon and District Healthcare Service — Report, 2017-18.  
Transport Accident Commission — Report, 2017-18.  
Treasury and Finance Department — Report, 2017-18.  
Treasury Corporation of Victoria — Report, 2017-18.  
Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2017-18 report.  
Victims of Crime Assistance Tribunal — Report, 2017-18.  
Victims of Crime Commissioner — Report, 2017-18.  
Victoria Grants Commission — Report, 2017-18.  
Victoria Police — Report, 2017-18.  
Victorian Arts Centre Trust — Report, 2017-18.

Victorian Assisted Reproductive Treatment Authority — Report, 2017-18.  
 Victorian Broiler Industry Negotiation Committee — Report, 2017-18.  
 Victorian Catchment Management Council — Report, 2017-18.  
 Victorian Coastal Council — Report, 2017-18.  
 Victorian Commission for Gambling and Liquor Regulation — Report, 2017-18.  
 Victorian Curriculum and Assessment Authority — Report, 2017-18.  
 Victorian Electoral Commission — Report, 2017-18.  
 Victorian Environmental Water Holder — Report, 2017-18.  
 Victorian Funds Management Corporation — Report, 2017-18.  
 Victorian Government Purchasing Board — Report, 2017-18.  
 Victorian Inspectorate — Report, 2017-18.  
 Victorian Institute of Forensic Mental Health — Report, 2017-18.  
 Victorian Institute of Teaching — Report, 2017-18.  
 Victorian Legal Services Board and Commissioner — Report, 2017-18 (*Ordered to be published*).  
 Victorian Managed Insurance Authority — Report, 2017-18.  
 Victorian Pharmacy Authority — Report, 2017-18.  
 Victorian Planning Authority — Report, 2017-18.  
 Victorian Ports Corporation (Melbourne) — Report, 2017-18.  
 Victorian Public Sector Commission — Report, 2017-18.  
 Victorian Rail Track — Report, 2017-18.  
 Victorian Regional Channels Authority — Report, 2017-18.  
 Victorian Registration and Qualifications Authority — Report, 2017-18.  
 Victorian Renewable Energy Target — Progress Report, 2017-18.  
 Victorian Responsible Gambling Foundation — Report, 2017-18.  
 Victorian Small Business Commission — Report, 2017-18 (*Ordered to be published*).  
 Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2017-18 report.  
 Victorian Veterans Council — Report, 2017-18.  
 Victorian WorkCover Authority — Report, 2017-18.  
 Wannon Region Water Corporation — Report, 2017-18.  
 West Gippsland Catchment Management Authority — Report, 2017-18.  
 West Wimmera Health Service — Report, 2017-18.  
 Western Health — Report, 2017-18.  
 Western Region Water Corporation — Report, 2017-18.  
 Westernport Region Water Corporation — Report, 2017-18.  
 Wimmera Catchment Management Authority — Report, 2017-18.  
 Wimmera Health Care Group — Report, 2017-18.  
 Yarra Valley Water Corporation — Report, 2017-18.  
 Youth Parole Board — Report, 2017-18.

- 5 RIGHT OF REPLY — MR GREG BARBER** — Pursuant to Standing Order 21.03, the President presented a Right of Reply from Mr Greg Barber relating to statements made by Mr Simon Ramsay MLC, during the Adjournment debate on 8 August 2018.

Ordered to lie on the Table and to be published.

- 6 MINISTERS' STATEMENTS** — Statements were made by Ministers pursuant to Sessional Order 2.

- 7 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.

**SCHOOLS AND EDUCATION** — Mr Dalidakis having given a Members Statement relating to schools and education —

On the motion of Mr Davis, the Member's statement was ordered to be taken into consideration on the next day of meeting.

**MEMBERS' STATEMENTS** — Members statements continued.



**8 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 497 to 545 be postponed until later this day.

**9 BUILDING AMENDMENT (REGISTRATION OF BUILDING TRADES AND OTHER MATTERS) BILL 2018** — Bill committed to a Committee of the whole.

House in Committee.

*Business having been interrupted at 12 noon pursuant to Sessional Orders —*

**10 QUESTIONS** — Questions without notice were taken pursuant to Sessional Order 3 and answers to certain questions on notice were circulated pursuant to Standing Order 8.10.

\* \* \* \* \*

**QUESTIONS DIRECTED FOR WRITTEN RESPONSE** — The President directed written responses be provided to questions without notice pursuant to Sessional Order 5 as follows:

- **Poker machines impacts** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Dalidakis due in two sitting days.
- **Western Victoria road safety** — substantive question asked by Mr Purcell — response from Ms Pulford due in two sitting days.

**11 CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Sessional Order 4.

**12 BUILDING AMENDMENT (REGISTRATION OF BUILDING TRADES AND OTHER MATTERS) BILL 2018** — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Mr Dalidakis moved, That the Bill be now read a third time.

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

The Council divided — The President in the Chair.

AYES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Ms Springle; Mr Somyurek; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Eideh and Mr Mulino)*

NOES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Dalla-Riva and Mr Ramsay)*

Question agreed to.

Bill read a third time.

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

**13 GAMBLING REGULATION AMENDMENT (WAGERING AND BETTING) BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

Suggested amendments proposed to be moved in Committee by Dr Ratnam were circulated.

Debate continued.

Bill read a second time and ordered to be committed to a Committee of the whole later this day.

**14 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which shall be notified in writing to each Member of the Council.

Question — put and agreed to.

**15 GAMBLING REGULATION AMENDMENT (WAGERING AND BETTING) BILL 2018** — Bill 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 with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

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

**16 PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of several Acts of Parliament, were laid on the Table by the Clerk:

Independent Broad-based Anti-corruption Commission — Report, 2017-18 (*Ordered to be published*).

Professional Standards Act 2003 — Law Society of New South Wales Professional Standards Scheme (*Gazette No. G37, 13 September 2018*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 135.

**17 ESSENTIAL SERVICES COMMISSION (GOVERNANCE, PROCEDURAL AND ADMINISTRATIVE IMPROVEMENTS) AMENDMENT BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Essential Services Commission Act 2001 and the Victorian Civil and Administrative Tribunal Act 1998, to make consequential amendments to certain other Acts and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Jennings), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**18 MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2018**— The President read a Message from the Assembly presenting *A Bill for an Act to amend the Criminal Procedure Act 2009, the Mineral Resources (Sustainable Development) Act 1990, the Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Act 2017 and for other purposes* and requesting the agreement of the Council.

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

**19 OPEN COURTS AND OTHER ACTS AMENDMENT BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Open Courts Act 2013 in relation to the prohibition and restriction of the publication of information in court and tribunal proceedings, to make related amendments to the Children, Youth and Families Act 2005 and the Judicial Proceedings Reports Act 1958 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (Ms Tierney), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**20 SALE OF LAND AMENDMENT BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to make various amendments to the Sale of Land Act 1962 in relation to off-the-plan contracts, terms contracts, rent-to-buy arrangements and options to purchase land under land banking schemes, to amend the ANZAC Day Act 1958 to impose restrictions on public auctions, and to amend the Estate Agents Act 1980 in respect of payments that may be made from the Victorian Property Fund and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Pulford (for Mr Dalidakis), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

**21 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3 be postponed until later this day.

**22 TREASURY AND FINANCE LEGISLATION AMENDMENT BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

Mr Rich-Phillips moved that debate be adjourned until later this day.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Ms Lovell and Mr O'Sullivan)

NOES, 22

Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

(Tellers: Mr Leane and Ms Truong)

Question negatived.

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

*Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —*

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Mr Dalidakis declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

---

Ms Pulford declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Debate continued.

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.

**23 SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

*And the Council having continued to sit after 12 midnight —*

FRIDAY, 21 SEPTEMBER 2018

*Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —*

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Ms Mikakos moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong.

(Tellers: Mr Eideh and Mr Mulino)

NOES, 20

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge; Mr Young.

(Tellers: Mr Dalla-Riva and Mr Ramsay)

The Ayes and Noes being equal, the question was negatived.

**24 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.  
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 1.02 a.m., adjourned until a day and hour to be fixed by the President.

ANDREW YOUNG  
*Clerk of the Legislative Council*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 204, 205 and 206

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### JUSTICE LEGISLATION MISCELLANEOUS AMENDMENT BILL 2018

*Committed Tuesday, 18 September 2018.*

*Amendments circulated: Ms Pennicuik and Dr Carling-Jenkins (see p 1440)*

**Clause 1** — Dr Carling-Jenkins moved Amendment Nos. 1 and 2 — put and agreed to.  
Clause 1, as amended — put and agreed to.

**Clauses 2 to 19** — put and agreed to.

**New Division Heading** — Dr Carling-Jenkins moved Amendment No. 3.

Question — That the new Division Heading stand part of the Bill — put and agreed to.

**New Clause** — Dr Carling-Jenkins moved Amendment No. 4.

Question — That the new clause stand part of the Bill — put and agreed to.

**Clauses 20 to 78** — put and agreed to.

**Clause 79** — Ms Pennicuik moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Ms Dunn; Ms Patten; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.  
*(Tellers: Ms Dunn and Dr Ratnam)*

NOES, 34

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis;  
Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp;  
Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino;  
Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Ms Pulford; Mr Purcell;  
Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney;  
Ms Wooldridge; Mr Young.

*(Tellers: Mr Dalidakis and Ms Mikakos)*

Question negatived.

Clause 79 — put and agreed to.

**Clauses 80 to 97** — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

### BUILDING AMENDMENT (REGISTRATION OF BUILDING TRADES AND OTHER MATTERS) BILL 2018

*Committed Thursday, 20 September 2018.*

*Amendments and Further Amendments circulated by Mr Davis on 7 September 2018  
(see pp 1440-4)*

**Clause 1** — Mr Davis moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Bath and Ms Crozier)*

NOES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Bourman and Mr Leane)*

Question negated.

Clause 1 — put and agreed to.

**Clause 2** — Mr Davis moved Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Ms Fitzherbert and Mr Ramsay)*

NOES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Ms Dunn and Mr Gepp)*

Question negated.

Clause 2 — put and agreed to.

**Clauses 3 to 20** — put and agreed to.

**Clause 21** — Question — That the clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Mr Gepp and Dr Ratnam)*

NOES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Ondarchie and Mr O'Sullivan)*

Question agreed to.

**Clause 22** — put and agreed to.

**New Clause** — Mr Davis moved Further Amendment No. 1.

Question — That the new clause stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

Mr Atkinson; Ms Bath; Ms Crozier; Mr Dalla-Riva; Mr Davis; Mr Finn; Ms Fitzherbert; Ms Lovell; Mr Morris; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Mrs Peulich; Mr Ramsay; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Finn and Mr O'Donohue)*

NOES, 24

Mr Bourman; Dr Carling-Jenkins; Mr Dalidakis; Ms Dunn; Mr Eideh; Mr Elasmarr; Mr Gepp; Mr Jennings; Mr Leane; Mr Melhem; Ms Mikakos; Mr Mulino; Ms Patten; Ms Pennicuik; Ms Pulford; Mr Purcell; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Springle; Ms Symes; Ms Tierney; Ms Truong; Mr Young.

*(Tellers: Ms Patten and Ms Truong)*

Question negated.

**Clauses 23 to 80** — put and agreed to.

**Bill reported without amendment.**

\* \* \* \* \*

### **GAMBLING REGULATION AMENDMENT (WAGERING AND BETTING) BILL 2018**

*Committed Thursday, 20 September 2018.*

*Suggested Amendments circulated: Dr Ratnam (see pp 1444-6)*

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Dr Ratnam moved Suggested Amendment Nos. 1 to 42.

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

The Committee divided — The Deputy President in the Chair.

AYES, 5

Ms Dunn; Ms Pennicuik; Dr Ratnam; Ms Springle; Ms Truong.

*(Tellers: Ms Pennicuik and Ms Truong)*

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Dr Carling-Jenkins; Ms Crozier; Mr Dalidakis; Mr Dalla-Riva; Mr Davis; Mr Eideh; Mr Elasmarr; Mr Finn; Ms Fitzherbert; Mr Gepp; Mr Jennings; Mr Leane; Ms Lovell; Mr Melhem; Ms Mikakos; Mr Morris; Mr Mulino; Mr O'Donohue; Mr Ondarchie; Mr O'Sullivan; Ms Patten; Mrs Peulich; Ms Pulford; Mr Purcell; Mr Ramsay; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Symes; Ms Tierney; Ms Wooldridge; Mr Young.

*(Tellers: Mr Morris and Mr Somyurek)*

Question negated.

Clause 5 — put and agreed to.

**Clauses 6 to 13** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. JUSTICE LEGISLATION MISCELLANEOUS AMENDMENT BILL 2018***Amendment circulated by Ms Pennicuik*

Clause 79, after line 29 insert—

'(b) after paragraph (e) of the definition of *impaired mental functioning* insert—

"(f) a state caused by serious trauma, including sexual, physical and psychological abuse and family violence within the meaning of the **Family Violence Protection Act 2008**;"'.  
 "

*Amendments circulated by Dr Carling-Jenkins*

1. Clause 1, page 2, line 2, omit "custody and" and insert "custody,".
2. Clause 1, page 2, line 3, omit "orders;" and insert "orders and dangerous driving;".
3. Page 16, after line 20 insert the following heading—

**"Division 3—Dangerous driving".**

NEW CLAUSE

4. Insert the following New Clause to follow clause 19 and the heading proposed by amendment number 3—

**'19A Dangerous driving causing death or serious injury**

After section 319(1A) of the **Crimes Act 1958** insert—

"(1B) In a proceeding for an offence against subsection (1) or (1A), it is to be presumed, in the absence of evidence to the contrary, that the accused drove the motor vehicle in a manner that was dangerous to the public having regard to all the circumstances of the case if the prosecution proves that the accused, at the time of the driving, was knowingly or recklessly in contravention of section 18 or 30 of the **Road Safety Act 1986**."'.  
 "

**2. BUILDING AMENDMENT (REGISTRATION OF BUILDING TRADES AND OTHER MATTERS) BILL 2018***Amendments circulated by Mr Davis*

1. Clause 1, page 2, line 4, omit "or licensed".
2. Clause 1, page 2, lines 7 and 8, omit "and the licensing of building employees".
3. Clause 2, lines 2 and 3, omit "30, 38 to 41, 45 to 56, 58, 64 to 72, 73, 75" and insert "26, 34 to 37, 41 to 52, 54, 60 to 68, 69, 71".
4. Clause 4, lines 21 to 25, omit all words and expressions on these lines.
5. Clause 4, after line 27 insert—



**"restricted domestic building work** means any of the following types of domestic building work—

- (a) bricklaying and blocklaying work;
- (b) carpentary work;
- (c) waterproofing work;
- (d) footing and slab work;
- (e) sheet plastering work—

whether or not any regulations made under section 6(2) of the **Domestic Building Contracts Act 1995** provide that that Act does not apply to that type of work;".

6. Clause 4, page 4, lines 28 to 30 and page 5, lines 1 to 5, omit all words and expressions on these lines.
7. Clause 10, line 20, after **"of"** insert **"domestic"**.
8. Clause 10, lines 21 and 22, omit **"or licensed"**.
9. Clause 10, lines 23 to 28 and page 7, lines 1 to 5, omit all words and expressions on these lines and insert—
  - "(1) A person must not carry out a type of restricted domestic building work unless the person is registered under this Part and that registration authorises the carrying out of that building work."
10. Clause 10, page 7, lines 10 to 19, omit all words and expressions on these lines and insert—
  - '(2) Subsection (1) does not apply to a person that carries out restricted domestic building work as an employee of a builder in the course of the person's employment.".'
11. Clause 11, lines 31 to 33, omit "building work prescribed for the purposes of that section if the person is not registered under Part 11 or licensed under Part 11A" and insert "restricted domestic building work if the person is not registered under Part 11".
12. Clause 11, after line 33 insert—
  - '(4) After section 169F(4) of the Principal Act **insert—**
    - "(4A) In this section, a reference to domestic building work includes a reference to restricted domestic building work.".'
13. Clause 12, line 1, omit **"sections 169FA and 169FB"** and insert **"section 169FA"**.
14. Clause 12, lines 8 to 10, omit "building work of a type prescribed for the purposes of section 169EA" and insert "restricted domestic building work".
15. Clause 12, page 9, line 28, omit "registered." and insert 'registered.".'
16. Clause 12, page 9, lines 29 to 35 and page 10, lines 1 to 34 and page 11, lines 1 to 27, omit all words and expressions on these lines.

17. Clause 13, page 12, lines 1 and 2, omit "building work prescribed for the purposes of section 169EA" and insert "restricted domestic building work".
18. Clause 14, lines 12 and 13, omit "building work prescribed for the purposes of section 169EA" and insert "restricted domestic building work".
19. Division heading preceding clause 21, omit this heading.
20. Clauses 21 to 23, omit these clauses.
21. Division heading preceding clause 24, omit this heading.
22. Clause 24, omit this clause.
23. Clause 73, lines 25 and 26, omit "building work prescribed for the purposes of section 169EA" and insert "restricted domestic building work".
24. Clause 73, lines 29 and 30, omit "that building work was prescribed" and insert "the day on which section 10 comes into operation".
25. Clause 73, lines 33 and 34 and page 70, line 1, omit "or as an employee, a type of building work prescribed for the purposes of section 169EA" and insert ", a type of restricted domestic building work".
26. Clause 73, page 70, line 4, omit "relevant building work is prescribed" and insert "day on which section 10 comes into operation".
27. Clause 73, page 70, lines 6 and 7, omit "or for a licence as a building employee to carry out the relevant" and insert "to carry out the restricted domestic".
28. Clause 73, page 70, line 10, omit "or licence".
29. Clause 73, page 70, line 15, omit "or the licence".
30. Clause 73, page 70, line 20, omit "or licence".
31. Clause 73, page 70, line 27, omit "or licence".
32. Clause 73, page 70, line 34, after "of" insert "restricted domestic".
33. Clause 73, page 70, lines 35 and 36, omit "prescribed for the purposes of section 169EA".
34. Clause 73, page 71, line 2, omit "relevant building work is prescribed" and insert "day on which section 12 comes into operation".
35. Clause 73, page 71, line 5, omit "relevant" and insert "restricted domestic".
36. Clause 73, page 71, lines 28 to 35 and page 72, lines 1 to 28, omit all words and expressions on these lines.
37. Clause 73, page 72, line 29, omit "(5)" and insert "(4)".
38. Clause 73, page 72, line 29, omit "32" and insert "28".
39. Clause 73, page 72, line 33, omit "32" and insert "28".

40. Clause 73, page 73, line 1, omit "(6)" and insert "(5)".
41. Clause 73, page 73, line 4, omit "43" and insert "39".
42. Clause 73, page 73, line 14, omit "(7)" and insert "(6)".
43. Clause 73, page 73, line 15, omit "46(2)" and insert "42(2)".
44. Clause 73, page 73, line 18, omit "46(2)" and insert "42(2)".
45. Clause 73, page 73, line 20, omit "(8)" and insert "(7)".
46. Clause 73, page 73, line 20, omit "47" and insert "43".
47. Clause 73, page 73, line 24, omit "47" and insert "43".
48. Clause 73, page 73, line 26, omit "(9)" and insert "(8)".
49. Clause 73, page 73, lines 31 to 33, omit all words and expressions on these lines.

#### AMENDMENT OF LONG TITLE

50. Long title, omit "or licensed to do so, to provide for the provisional registration of builders and the licensing of building employees" and insert "to do so, to provide for the provisional registration of builders".

#### Further Amendments circulated by Mr Davis

#### NEW CLAUSES

1. Insert the following New Clause to follow clause 22—

#### **'A Delegation by the Authority**

After section 199(2) of the Principal Act **insert**—

"(3) Despite subsection (1), the Authority must not delegate its function under section 171, 173, 187F or 187G to a prohibited person.

(4) in this section ***prohibited person*** means—

(a) a person who in the last ten years has been the subject of a decision by the Fair Work Commission under Part 3-4 of the Fair Work Act 2006 of the Commonwealth—

(i) to refuse to issue an entry permit to the person under that Act; or

(ii) to revoke or suspend an entry permit issued to the person under that Act; or

(iii) to refuse to revoke a suspension of an entry permit issued to the person under that Act—

unless the person has been the holder of an entry permit at any time subsequent to the most recent such refusal, revocation or suspension;  
or

(b) a person who in the last 10 years has been the subject of a court finding, which has not been overturned on appeal, in proceedings to which the Australian Building and Construction Commissioner was a party or in which the Commissioner made submissions, that the person contravened any of the following Acts—

- (i) the Building and Construction Industry (Improving Productivity) Act 2016 of the Commonwealth;
- (ii) the Fair Work Act 2009 of the Commonwealth;
- (iii) the Independent Contractors Act 2006 of the Commonwealth;
- (iv) the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009."!.

2. Insert the following New Clause before clause 23—

**'B Appointment of Commissioners to VBA Board**

After section 201(5) of the Principal Act **insert**—

"(6) Despite subsections (3) and (4), the Minister must not recommend for appointment a prohibited person within the meaning of section 199."!.

**3. GAMBLING REGULATION AMENDMENT (WAGERING AND BETTING) BILL 2018**

*Suggested Amendments circulated by Dr Ratnam*

1. **Suggested amendment to the Legislative Assembly -**  
Clause 5, line 16, omit "4.6A.15(1)" and insert "4.6A.14(1)".
2. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 4, line 15, omit "4.6A.17" and insert "4.6A.16".
3. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 4, line 26, omit "4.6A.23(1)" and insert "4.6A.22(1)".
4. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 7, line 5, omit "4.6A.18" and insert "4.6A.17".
5. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 7, line 8, omit "4.6A.7" and insert "4.6A.6".
6. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 7, lines 11 to 14, omit all words and expressions on these lines.
7. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 9, lines 35 to 40 and page 10, lines 1 to 23, omit all words and expressions on these lines.
8. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 10, line 24, omit "4.6A.6" and insert "4.6A.5".

9. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 10, lines 27 to 28, omit "less the Victorian racing industry payment for that month".
10. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 11, line 2, omit "4.6A.7" and insert "4.6A.6".
11. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 11, line 26, omit "4.6A.8" and insert "4.6A.7".
12. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 12, line 5, omit "4.6A.9" and insert "4.6A.8".
13. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 12, line 25, omit "4.6A.10" and insert "4.6A.9".
14. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 13, line 14, omit "4.6A.11" and insert "4.6A.10".
15. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 13, line 23, omit "4.6A.12" and insert "4.6A.11".
16. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 13, line 27, omit "4.6A.13" and insert "4.6A.12".
17. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 17, line 12, omit "4.6A.14" and insert "4.6A.13".
18. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 17, line 19, omit "4.6A.13" and insert "4.6A.12".
19. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 17, line 23, omit "4.6A.15" and insert "4.6A.14".
20. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 17, line 24, omit "4.6A.16" and insert "4.6A.15".
21. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 18, line 5, omit "4.6A.16" and insert "4.6A.15".
22. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 18, line 14, omit "4.6A.15" and insert "4.6A.14".
23. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 19, line 32, omit "4.6A.17" and insert "4.6A.16".
24. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 21, line 22, omit "4.6A.18" and insert "4.6A.17".
25. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 21, line 29, omit "4.6A.15" and insert "4.6A.14".
26. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 22, line 11, omit "4.6A.19" and insert "4.6A.18".
27. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 22, line 23, omit "4.6A.20" and insert "4.6A.19".

28. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 22, line 27, omit "4.6A.15" and insert "4.6A.14".
29. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 23, line 6, omit "4.6A.15" and insert "4.6A.14".
30. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 23, line 13, omit "4.6A.21" and insert "4.6A.20".
31. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 23, line 23, omit "4.6A.15" and insert "4.6A.14".
32. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 24, line 1, omit "4.6A.22" and insert "4.6A.21".
33. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 24, line 5, omit "4.6A.15" and insert "4.6A.14".
34. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 24, line 23, omit "4.6A.23" and insert "4.6A.22".
35. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 27, line 3, omit "4.6A.24" and insert "4.6A.23".
36. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 27, line 14, omit "4.6A.25" and insert "4.6A.24".
37. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 27, line 18, omit "4.6A.26" and insert "4.6A.25".
38. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 27, line 24, omit "threshold;" and insert "threshold.".
39. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 27, lines 25 to 26, omit all words and expressions on these lines.
40. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 28, lines 1 to 2, omit ", the tax-free threshold or the Victorian racing industry payment" and insert "or the tax-free threshold".
41. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 28, line 4, omit "4.6A.27" and insert "4.6A.26".
42. **Suggested amendment to the Legislative Assembly -**  
Clause 5, page 28, line 20, omit "4.6A.28" and insert "4.6A.27".
43. **Suggested amendment to the Legislative Assembly -**  
Clause 11, line 7, omit "4.6A.7(1) and 4.6A.18(1)" and insert "4.6A.6(1) and 4.6A.17(1)".