



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 2 and 3

No. 2 — Tuesday, 5 February 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE JAMES EDMUND MCCABE** — The President advised the House of the death on 24 January 2019 of Mr James Edmund McCabe, Member of the Legislative Assembly for the Electoral District of Lowan from 1964 to 1967 and 1970 to 1979.
Members stood in their places as a mark of respect to the memory of the late Mr McCabe.
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.12.

* * * * *

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

- **Royal children's hospital environmental monitoring system** — substantive question asked by Ms Crozier — response from Ms Mikakos due Thursday, 7 February 2019.
- **Animal activist law enforcement** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 7 February 2019.
- **Pill testing** — substantive question asked by Dr Ratnam — response from Ms Mikakos due Wednesday, 6 February 2019.

- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.
- 5 **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 —

Mr Nazih ELASMAR
Mr Cesar MELHEM
Mr Jeff BOURMAN
Ms Fiona PATTEN

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

Given under my hand on Tuesday, 5 February 2019.

SHAUN LEANE
President of the Legislative Council

- 6 **SPENT CONVICTIONS BILL 2019** — Ms Patten introduced *A Bill for an Act to limit the effect of a person's conviction for certain offences if the person remains offence free for a certain period, including prohibiting the disclosure of that conviction 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.

- 7 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (CANNABIS REGULATION) BILL 2019** — Ms Patten introduced *A Bill to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for legal access to cannabis, to control and regulate the cultivation, manufacture and supply for that purpose, to prevent young persons from accessing cannabis, to protect public health and public safety by establishing strict product safety and product quality requirements, to deter criminal activity by imposing serious criminal offences for persons operating outside the legal framework, to reduce the burden on the criminal justice system in relation to cannabis 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 — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 1 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

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 the 2017-18 report, together with an explanation for the delay.

Barwon South West Waste and Resource Recovery Group — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Commissioner for Environmental Sustainability Victoria — Report, 2017-18.

Dhelkunya Dja Land Management Board — Minister's report of failure to submit 2017-18 report, together with an explanation for the delay.

Gippsland Waste and Resource Recovery Group — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Goulburn Valley Waste and Resource Recovery Group — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Grampians Central West Waste and Resource Recovery Group — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Independent Review Panel — Report on the Gaming Machines Licensing Process: Allocation, 23 October 2018, pursuant to section 10.2A.11 of the *Gambling Regulation Act 2003* (*Ordered to be published*).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 155/2018.

Legal Services Council and Commissioner for Uniform Legal Services Regulation — Report, 2017-18.

Loddon Mallee Waste and Resource Recovery Group — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Murray-Darling Basin Act 1993 — Amendments to Schedule 1 of the Murray Darling Basin Agreement, pursuant to section 28(b) of the Act.

North East Waste and Resource Recovery Group — Minister's report of receipt of the 2017-18 report, together with an explanation for the delay.

Planning and Environment Act 1987 —

Infrastructure Contributions and Development Contribution Levies — Report, 2017-18, pursuant to section 46GZJ of the Act.

Notices of Approval of the following amendments to planning schemes —

Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga Planning Schemes — Amendment GC114.

Cardinia Planning Scheme — Amendments C231 and C252.

Casey, Hume and Mitchell Planning Schemes — Amendment GC116.
 Casey Planning Scheme — Amendments C221(Part 1) and C228.
 Glenelg Planning Scheme — Amendment C89.
 Greater Geelong Planning Scheme — Amendment C368.
 Hume Planning Scheme — Amendments C207 and C208.
 Kingston Planning Scheme — Amendments C181 and C182.
 Loddon Planning Scheme — Amendment C40.
 Macedon Ranges Planning Scheme — Amendment C124.
 Mitchell and Whittlesea Planning Schemes — Amendment GC55.
 Moira Planning Scheme — Amendment C87.
 Moorabool Planning Scheme — Amendment C90.
 Moreland Planning Scheme — Amendment C173.
 Mornington Peninsula Planning Scheme — Amendment C215.
 Mount Alexander Planning Scheme — Amendment C82.
 Murrindindi Planning Scheme — Amendment C62.
 Port Phillip Planning Scheme — Amendments C154 and C159.
 Stonnington Planning Scheme — Amendment C288.
 Warrnambool Planning Scheme — Amendment C200.
 Whitehorse Planning Scheme — Amendment C214.

Statutory Rules under the following Acts of Parliament —

Children, Youth and Families Act 2005 — No. 3.

Gambling Regulation Act 2003 — No. 1.

Subordinate Legislation Act 1994 — No. 2.

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of a Minister's determination of the conditions contained in the Victorian Fares and Ticketing Manual, under the Transport (Compliance and Miscellaneous) Act 1983, dated 18 December 2018.

Yorta Yorta Traditional Owner Land Management Board — Minister's report of failure to submit 2017-18 report, together with an explanation for the delay.

9 SITTING OF THE COUNCIL — Mr Jennings moved, by leave, That so much of Standing Orders, and Sessional Orders if any, be suspended to the extent necessary to enable —

- (1) the sitting of the Council on Wednesday, 6 February 2019, to commence **at 9.30 a.m.** and that the order of business on that day will be —
 - (a) Messages;
 - (b) Formal Business;
 - (c) Members' Statements (up to 15 Members);
 - (d) General Business;
 - (e) **At 12.00 noon** Questions;
 - (f) Answers to Questions on Notice;
 - (g) Constituency Questions;
 - (h) General Business (until 4.00 p.m.);
 - (i) **At 4.00 p.m.** Government Business;
 - (j) **At 6.30 p.m.** Adjournment (up to 20 Members);
- (2) the Leader of the Government to move the Black Saturday anniversary motion, without leave or notice; and
- (3) Members who have not yet made their inaugural speeches to speak on the Black Saturday anniversary motion without that speech being considered their inaugural speech.

Question — put and agreed to.

10 BUSINESS OF THE COUNCIL — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 6 February 2019 —

- (1) Order of the Day made this day, second reading of the Spent Convictions Bill 2019;
- (2) Notice of Motion given this day by Mr Davis in relation to the production of certain documents relating to Government briefing books;

- (3) Notice of Motion given this day by Mr Davis in relation to the production of certain documents relating to electricity supply advice;
- (4) Notice of Motion given this day by Mr Davis in relation to electricity supply cuts, blackouts and brownouts; and
- (5) Notice of Motion given this day by Mr Davis in relation to a reference to the Economy and Infrastructure Committee relating to the impact of taxi legislation.

Question — put and agreed to.

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

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 19 on page 19, Minutes No. 1 — Wednesday, 19 December 2018*).

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

13 ADJOURNMENT — Ms Symes 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 6.34 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 3 — Wednesday, 6 February 2019

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

2 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 Ms Crozier, the debate was adjourned for one week.

3 INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (PUBLIC INTEREST DISCLOSURES, OVERSIGHT AND INDEPENDENCE) BILL 2018 — The 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 Ms Crozier (for Mr O'Donohue), the debate was adjourned for one week.

- 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:
- Judicial Entitlements Act 2015 — Attorney-General’s recommendation statement to the 2018 Own Motion Recommendation Report of the Judicial Entitlements Panel, pursuant to section 34 of the Act.
 - Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns — January 2019 and Summary of Variations notified between 24 September 2018 and 4 February 2019 (*Ordered to be published*).
 - Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —
 - Banyule Planning Scheme — Amendment C151.
 - Bayside Planning Scheme — Amendment C153.
 - Greater Geelong Planning Scheme — Amendment C376 (Part 1).
 - Hobsons Bay Planning Scheme — Amendment C116 (Part 1).
 - Melbourne Planning Scheme — Amendment C348.
 - Mitchell Planning Scheme — Amendment C120.
 - Monash Planning Scheme — Amendment C129 (Part 2).
 - Port Phillip Planning Scheme — Amendment C157.
 - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 2 and 3.
- 5 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 19 February 2019.
Question — put and agreed to.
- 6 MEMBERS’ STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 7 SPENT CONVICTIONS BILL 2019** — 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 Stitt, the debate was adjourned for two weeks.
- 8 PRODUCTION OF DOCUMENTS — GOVERNMENT BRIEFING BOOKS** — Mr Davis moved, That, in accordance with Standing Order 11.01, this House requires the Leader of the Government to table in the Council by Tuesday, 5 March 2019, copies of the Government briefing books provided to incoming Ministers by the Departmental Secretaries and the Secretary of the Department of Premier and Cabinet following the 24 November 2018 State Election.
Debate ensued.
Dr Ratnam moved, as an amendment, That all the words after “Tuesday, 5 March 2019,” be **omitted** with the view of **inserting** in their place “copies of the briefing books prepared by the Departmental Secretaries and the Secretary of the Department of Premier and Cabinet for the incoming government following the 24 November 2018 State Election, including the red, blue and green briefing books.”.
Debate ensued.
Question — That the amendment moved by Dr Ratnam be agreed to — put and negatived.
Original question — put and agreed to.
- 9 PRODUCTION OF DOCUMENTS — VICTORIAN POWER SUPPLIES IN JANUARY AND FEBRUARY 2019** — Mr Davis moved, That this House —
- (1) notes the statement by the Minister for Energy, Environment and Climate Change, the Hon Lily D’Ambrosio MP, broadcast on 3AW on 24 January 2019, that “we are absolutely confident” the state’s power supplies would hold up during hot weather on 24 and 25 January 2019; and
 - (2) requires the Leader of the Government, in accordance with Standing Order 11.01, to table by 2.00 p.m. on Wednesday, 20 February 2019, a copy of all documents provided to the Premier, Treasurer, Minister for Energy, Environment and Climate Change, Minister for Small Business, Minister for Health or Minister for Disability, Ageing and Carers or their

relevant departments during 2018 or 2019, containing advice, briefing or assessment on Victorian power supplies for January and February 2019, or other advice on future power supplies relevant to this period from the Australian Energy Market Operator, energy generators or distributors or any Department or agency of the Victorian Government.

Debate ensued.

Question — put and agreed to.

10 MANAGEMENT OF VICTORIA'S ENERGY SUPPLIES — Mr Finn (for Mr Davis) moved, That this House notes —

(1) that the Minister for Energy, Environment and Climate Change, the Hon Lily D'Ambrosio MP, made a statement on 24 January 2019, which was broadcast on 3AW, that “we are absolutely confident” the state’s power supplies would hold up during the hot weather on 24 and 25 January 2019;

(2) brownouts and blackouts, that is cuts to the power supply, occurred on 25 January 2019 despite the Minister’s assurances, and these power cuts negatively impacted on vulnerable Victorians, Victorian families and Victorian small businesses;

and expresses concern about the Minister for Energy, Environment and Climate Change’s mishandling of Victoria’s energy supply.

Debate ensued.

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

11 QUESTIONS — Questions without notice were taken pursuant to Standing Order 8.04 and answers to certain questions on notice were circulated pursuant to Standing Order 8.12.

* * * * *

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

- **Aussie Farms charities status** — substantive and supplementary questions asked by Ms Bath — response from Ms Symes due Thursday, 7 February 2019.
- **Pill testing** — substantive question asked by Ms Patten — response from Ms Mikakos due Thursday, 7 February 2019.
- **AGL Crib Point gas import facility** — substantive question asked by Mr Hayes — response from Ms Symes due Thursday, 7 February 2019.

12 CONSTITUENCY QUESTIONS — Constituency questions were taken pursuant to Standing Order 8.08.

13 MANAGEMENT OF VICTORIA'S ENERGY SUPPLIES — Debate continued on the question, That this House notes —

(1) that the Minister for Energy, Environment and Climate Change, the Hon Lily D'Ambrosio MP, made a statement on 24 January 2019, which was broadcast on 3AW, that “we are absolutely confident” the state’s power supplies would hold up during the hot weather on 24 and 25 January 2019;

(2) brownouts and blackouts, that is cuts to the power supply, occurred on 25 January 2019 despite the Minister’s assurances, and these power cuts negatively impacted on vulnerable Victorians, Victorian families and Victorian small businesses;

and expresses concern about the Minister for Energy, Environment and Climate Change’s mishandling of Victoria’s energy supply.

Question — put.

The Council divided — The President in the Chair.

AYES, 13

Mr Atkinson; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mr Limbrick; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Ms Bath and Mr Finn)

NOES, 26

Mr Barton; Mr Bourman; Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Vaghela.

(Tellers: Mr Bourman and Mr Dalidakis)

Question negatived.

14 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 18, and Order of the Day, General Business, No. 2, be postponed until the next day of meeting.

15 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, Government Business, No. 10, and Order of the Day, Government Business, No. 1, be postponed until later this day.

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 19 on page 19, Minutes No. 1 — Wednesday, 19 December 2018)*.

17 10TH ANNIVERSARY OF THE 2009 VICTORIAN BUSHFIRES — Mr Jennings moved, That this House expresses its deepest sorrow on the eve of the 10th Anniversary of the 2009 Victorian Bushfires.

Together, we mourn the 173 lives that were lost and we acknowledge the families and communities that will never be whole again.

No words can ever heal those wounds or mend those hearts.

But just as we remember that darkest of chapters, we also pay tribute to those who went above and beyond.

We remember the emergency workers who put themselves in harm's way to save lives and protect communities.

The tireless volunteers who helped our state to recover and rebuild.

And those who gave what they could - because that's what Australians do.

It was in those unspeakably hard moments that we saw our nation's spirit at its best.

Ten years on, we remember that example.

We pay tribute to the strength of those communities.

And we promise to never forget those who were lost.

And we mourn the losses that are still felt by every Victorian.

Debate ensued.

Question — put and agreed to.

Members stood in their places as a mark of respect in recognition of the 10th anniversary of the 2009 Victorian bushfires.

Business having been interrupted at 6.30 p.m. pursuant to an Order of the Council on 5 February 2019 —

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

Debate ensued.

And then the Council, at 7.02 p.m., adjourned until Tuesday, 19 February 2019.

ANDREW YOUNG
Clerk of the Legislative Council

