



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 10, 11 and 12

No. 10 — Tuesday, 19 March 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE HONOURABLE WILLIAM ALBERT LANDERYOU** — Ms Pulford moved, That this House expresses its sincere sorrow at the death, on 27 February 2019, of the Honourable William Albert Landeryou 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 Province of Dootta Galla from 1976 to 1992 and as Minister of Economic Development and Minister of Tourism in 1982 and as Minister for Industrial Affairs and Minister of Labour and Industry from 1982 to 1983.
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 **CHRISTCHURCH MOSQUES TERROR ATTACK** — Mr Jennings moved, by leave, That this House —
 - (1) offers its deep and sincere condolences to the families, friends and loved ones of the innocent victims whose lives were tragically taken in the Christchurch mosques terror attack on 15 March 2019;
 - (2) sends a message of solidarity to Victoria's Muslim communities, and communities around the world;
 - (3) condemns all forms of violence and terrorism; and
 - (4) reaffirms its unwavering commitment to a strong multicultural and multifaith Victoria.And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
As a further mark of respect to the Honourable William Albert Landeryou and to the victims of the Christchurch mosques terror attack, the sitting was suspended for one hour.
[Sitting suspended from 4.13 p.m. to 5.14 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 Clerk of the Parliaments:
On 13 March 2019 —
Justice Legislation Amendment (Police and Other Matters) Act 2019
Parliamentary Committees Amendment Act 2019
On 19 March 2019 —
Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.
- 5 **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:

- **Solar panels e-waste in landfill** — substantive and supplementary questions asked by Mr Limbrick — response from Mr Jennings due Thursday, 21 March 2019.
- **Local government infringement refunds** — substantive question asked by Mr O'Donohue — response from Mr Somyurek due Thursday, 21 March 2019.
- **Domestic violence prevention funding** — substantive and supplementary questions asked by Mr Grimley — response from Ms Mikakos due Thursday, 21 March 2019.
- **African youth engagement program funding** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Thursday, 21 March 2019.

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

7 WILDLIFE AMENDMENT (PROTECTION OF BIRDS) BILL 2019 — Mr Meddick introduced *A Bill for an Act to amend the Wildlife Act 1975 to protect certain birds by prohibiting their hunting, shooting or wounding for the purposes of sport and recreation, to make consequential amendments to other Acts and for other purposes.*

On the motion of Mr Meddick, 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*, Mrs McArthur presented Alert Digest No. 4 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee. Ordered to be published.

* * * * *

MID-YEAR FINANCIAL REPORT 2018-19 — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the 2018-19 Mid-Year Financial Report (incorporating Quarterly Financial Report No. 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:

Commissioner for Environmental Sustainability Victoria —

State of the Yarra and its Parklands — Report, 2018.

Victorian State of the Environment 2018 Report – Scientific Assessments Part 3, together with a Summary Report.

Murray-Darling Basin Authority — Report, 2017-18.

Statutory Rules under the following Acts of Parliament —

Residential Tenancies Act 1997 — No. 14.

Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 — No. 15.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 12 and 14.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice, Gazetted 8 March 2019.

9 PRODUCTION OF DOCUMENTS — TOORAK ROAD, KOOYONG LEVEL CROSSING REMOVAL PROJECT — The Clerk laid on the Table a letter from the Attorney-General, dated 18 March 2019, in response to the Resolution of the Council of 20 February 2019 seeking the production of documents relating to the Toorak Road, Kooyong Level Crossing Removal Project, advising that there was insufficient time to respond and that a final response to the Order would be provided as soon as possible.

10 BUSINESS OF THE COUNCIL — Ms Crozier moved, by leave, That precedence be given to the following General Business on Wednesday, 20 March 2019 —

- (1) the notice of motion given this day by Mr Rich-Phillips in relation to the partial revocation of multiple Amending Deeds under the *Melbourne City Link Act 1995*;

- (2) the notice of motion given this day by Mr Davis referring a matter to the Environment and Planning Committee in relation to dangerous cladding used on buildings;
- (3) Notice of Motion No. 5, standing in the name of Mr Davis referring a matter to the Economy and Infrastructure Committee relating to public sector infrastructure and public works projects; and
- (4) the notice of motion given this day by Ms Bath referring a matter to the Economy and Infrastructure Committee relating to illegal, on-farm animal activist activity.

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, No. 1, for the resumption of debate on the motion for the Address in Reply to the speech of the Governor, be postponed until later this day.

13 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 10 to 57, be postponed until later this day.

14 SESSIONAL ORDERS — Mr Jennings moved, by leave, in an amended form, That until the end of the Session, unless otherwise ordered by the Council —

- (1) The following Sessional Orders be adopted, to come into operation on Thursday, 21 March 2019:

1. Days and hours of meeting

- (1) Standing Order 4.01(1)(a) is suspended to the extent necessary so as to provide that the hour of meeting of the Council on Tuesday will be at 12.00 noon.
- (2) After Standing Order 4.01(2) insert the following:
 - (3) Unless otherwise ordered by the Council, the House will suspend for a meal break on Tuesday and Thursday at 6.30 p.m. for 60 minutes.
 - (a) A Member may move, without leave, to suspend or alter the duration of the meal break in (3)(a). The Chair will put the question forthwith without debate.

2. Interruption of debate — Messages

In Standing Order 4.07(7) for “will” substitute “may”.

3. Extension of sitting — Committee of the whole

For the purposes of Standing Order 4.08, a declared extension in accordance with Standing Order 4.08(1)(b) may be made by the Minister at the Table during Committee of the whole.

4. Order of business

Standing Order 5.02(2) and (3) is suspended and the following order of business will apply on Wednesday —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

At 12 noon Questions

Answers to Questions on Notice

General Business (until 5.15 p.m.)

At 5.15 p.m. Statements on reports, papers and petitions (30 minutes)

Government Business (maximum 60 minutes)

At 6.45 p.m. Adjournment (up to 20 Members)

5. Time limits

- (1) Standing Order 5.03 is suspended to the extent necessary so as to provide that the total time for statements on reports, papers and petitions is 30 minutes.

- (2) In Standing Order 5.03, for “**Statements on reports and papers (Standing Order 9.10)**” substitute “**Statements on reports, papers and petitions (Standing Order 9.10)**”.
- (3) Standing Order 5.03 Time limits *Government Business (Standing Order 5.06)* is suspended and the following will apply:
- Government Business (Standing Order 5.06)**
- | | |
|------------------------------|------------|
| Total time | No limit |
| Main Government lead speaker | 30 minutes |
| Main Opposition lead speaker | 30 minutes |
| Other lead speakers | 30 minutes |
| Remaining speakers | 15 minutes |
- (4) Standing Order 5.03 Time limits *General Business (Standing Order 5.07)* is suspended and the following will apply:
- General Business (Standing Order 5.07)**
- | | |
|------------------------------|------------|
| Total time | 90 minutes |
| Mover/Sponsor | 30 minutes |
| Main Government lead speaker | 30 minutes |
| Other lead speakers | 30 minutes |
| Remaining speakers | 15 minutes |
- (5) In Standing Order 5.03 Time limits, insert the following new Sessional Order:
- Private Member Bills — second reading debate**
- | | |
|------------------------------|------------|
| Total time | No limit |
| Mover/Sponsor | 30 minutes |
| Main Government lead speaker | 30 minutes |
| Other lead speakers | 30 minutes |
| Remaining speakers | 15 minutes |
- (6) Standing Order 5.03 Time limits *Questions without notice (Standing Order 8.04)* is suspended and the following will apply:
- Questions without notice (Standing Order 8.04)**
- | | |
|-------------------|-----------|
| Each Member | 1 minute |
| Minister’s answer | 3 minutes |
- (7) Standing Order 5.03 Time limits *Government Bills — second reading debate* is suspended and the following will apply:
- Government Bills — second reading debate**
- | | |
|------------------------------|------------|
| Total time | No limit |
| Main Government lead speaker | 30 minutes |
| Main Opposition lead speaker | 30 minutes |
| Other lead speakers | 30 minutes |
| Remaining speakers | 15 minutes |
- (8) Standing Order 5.03 Time limits *Budget debate* is suspended and the following will apply:
- Budget debate**
- | | |
|------------------------------|------------|
| Total time | No limit |
| Main Government lead speaker | 30 minutes |
| Main Opposition lead speaker | 30 minutes |
| Other lead speakers | 30 minutes |
| Remaining speakers | 15 minutes |
- 6. 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.
 - (3) After every second oral question without notice a Minister may seek the call to make a statement of up to two minutes.

- (4) The time allocated for questions without notice will be until eight oral questions have been answered and four Ministers' statements have been made.

7. Content of answers

- (1) After Standing Order 8.07(2) insert the following:
 - (2)(a) The President will determine the adequacy of a written response to a question provided under this Standing 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.
- (2) In Standing Order 8.07(5) for "printed in *Hansard*" substitute "published in *Hansard*".

8. Answers to questions on notice

In Standing Order 8.12(2) for "incorporated in *Hansard*" substitute "published".

9. Statements on reports, papers and petitions

Standing Order 9.10 is suspended and the following will apply:

Statements on reports, papers and petitions

- (1) At the time prescribed by Sessional Orders, any Member may make a statement on any report, paper or petition which has been tabled in the Council during the Session. A Member must give notice of a report, paper or petition proposed for discussion no later than during the appropriate time in formal business on the same day that statements on reports and papers are to be conducted. A Member may propose not more than one report, paper or petition for discussion each week.
- (2) Nothing in this Standing Order will preclude a Member from —
 - (a) giving notice of a report, paper or petition previously discussed; or
 - (b) giving notice of a motion to take note of a report, paper or petition for consideration during General Business.
- (3) Subject to the provisions of Standing Order 8.13, a Member may also make a statement regarding the failure of a Minister to provide either an answer or an explanation to a question.

10. Disorderly conduct – Member ordered to withdraw: application during questions without notice

Notwithstanding Standing Order 13.02(2), if —

- (1) a Member is ordered to withdraw from the House under Standing Order 13.02(1) during questions without notice; and
- (2) the time for questions without notice concludes before the expiration of the suspension period —

the Member may return to the Chamber at the conclusion of question time and must serve the remainder of their suspension during the next occurrence of questions without notice.

11. Committee of the whole — time limits

- (1) For the purposes of Standing Orders 15.04(2)(b) and 15.06(3), a Member may speak for a maximum of 5 minutes per contribution.
- (2) No time limit applies to contributions made by —
 - (a) the Minister or Member in charge of the Bill; or
 - (b) a Member answering questions in accordance with Standing Order 15.04(3) —
when participating in debate at the Table.

12. Report from Committee of the whole — chairing arrangements

When making a report from Committee of the whole (including a report of progress), the Deputy or Acting President, upon leaving the Committee of the whole, may take the President's Chair and report directly to the House.

13. Video on Demand

- (1) Standing Order 20.03(1) is suspended.
- (2) In Standing Order 20.03(2) for “Audio-visual proceedings republished under this Standing Order are” substitute “Rebroadcast of an official broadcast is permitted”.

14. Standing Committees — arrangements

For the purposes of Standing Orders 23.01, 23.02 and 23.05, references to “legislative committee(s)”, “legislation committee(s)” and “references committee(s)”, wherever occurring, should be read as “standing committee(s)”.

15. Standing Committees — appointment of Members

Standing Order 23.03 is suspended and the following will apply:

- (1) Having regard to the proportionality of parties and independents in the Council, the —
 - (a) Economy and Infrastructure Committee will consist of seven Members;
 - (b) Legal and Social Issues Committee will consist of seven Members; and
 - (c) Environment and Planning Committee will consist of ten Members.
- (2) Government Members will be nominated by the Leader of the Government in the Council.
- (3) Opposition Members will be nominated by the Leader of the Opposition in the Council.
- (4) Members from among the remaining Members in the Council will be nominated jointly by those minor parties and independent Members from which they are drawn.
- (5) For the purposes of (4) —
 - (a) nominations shall be determined by agreement between the minor parties and independent Members;
 - (b) if agreement cannot be reached, the President shall be notified of such and the appointment of Members shall be determined by the Council;
 - (c) in making appointments under (5)(b), the Council must have regard to the proportionality of minor party and independent Members in the Council insofar as it is practicable to do so.

16. Standing Committees — quorum

Standing Order 23.04(1) is suspended and the following will apply:

- (1) Four Members of each committee will constitute a quorum of the committee, unless expressly stated otherwise.
- (2) Six Members of the Environment and Planning Standing Committee will constitute a quorum of the committee.
- (3) For the purposes of Standing Order 23.04 a participating member must not be counted for the purpose of forming a quorum.

17. Substitute Members

Standing Order 23.05(4) is suspended.

18. Procedure Committee

In Standing Order 23.08(3) for “seven” substitute “nine”.

19. Privileges Committee

In Standing Order 23.09(2) for “seven” substitute “nine”.

20. Committee meetings — audio and audio visual links

Standing Order 23.16(5) is suspended and the following will apply:

- (1) Members of a committee may attend and participate in meetings of the committee by audio or audio visual link, be counted for the purposes of quorum, and vote on any question before the committee.
- (2) Participating members of a committee may attend and participate in meetings of the committee by audio or audio visual link.

- (3) A Member seeking to attend a meeting by audio or audio visual link must give reasonable notice to the Chair and secretariat of the committee so as to allow sufficient time for technological arrangements to be put in place to facilitate the link.
- (4) Members physically present at the meeting must be satisfied that the audio or audio visual link is of sufficient quality to —
 - (a) verify the identity of the Member attending via the link; and
 - (b) enable meaningful participation in the meeting by that Member.
- (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.

Mr Davis moved, as amendments —

1. In paragraph (1), **omit** the words “on Thursday, 21 March 2019” and **insert** in their place “on the next sitting day”.
2. In paragraph (1), after Sessional Order 4, **insert** the following Sessional Order:

“X. Order of Business

Standing Order 5.02(5) is suspended and the following order of business will apply on Friday —

Messages

Formal Business

General Business (maximum 2 hours)

Government Business

At 12 noon Questions

Answers to Questions on Notice

Government Business (continues)

At 4.00 p.m. Adjournment (maximum 30 minutes)”

3. In paragraph (1), in Sessional Order 5, **omit** paragraph (7).
4. In paragraph (1), in Sessional Order 5, **omit** paragraph (8).
5. In paragraph (1), after Sessional Order 5, **insert** the following Sessional Order:

“X. Ministers’ 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.”.

6. In paragraph (1), in Sessional Order 5, after paragraph (4) **insert** the following new paragraph:

“(X) In Standing Order 5.03 insert the following:

Order for the production of documents motions (Standing Order 11.01)

Total time

1 hour

Each Member

10 minutes”

7. In paragraph (1), in Sessional Order 6, in the heading **omit** “and Ministers’ statements”.
8. In paragraph (1), in Sessional Order 6, **omit** paragraph (3).
9. In paragraph (1), in Sessional Order 6, in paragraph (4) **omit** the words “and four Ministers’ statements have been made”.
10. In paragraph (1), after Sessional Order 9, **insert** the following Sessional Order:

“X. Order for the production of documents

After Standing Order 11.01(1), insert the following:

- (2) The debate on any motion under this Standing Order shall not exceed one hour and if the time limit is reached, the Chair will put the question(s) forthwith without any further debate.”.
11. In paragraph (1), **omit** Sessional Order 10.
12. In paragraph (1), in Sessional Order 11, in paragraph (1) **omit** the words “5 minutes per contribution” and **insert** in their place the words “10 minutes for their initial contribution on the Bill and a maximum of 5 minutes for each subsequent contribution.”.
13. In paragraph (1), **omit** Sessional Order 12.
14. In paragraph (1), after Sessional Order 14, **insert** the following Sessional Order:
 “Standing Order 23.02(4) is suspended and the following will apply:
 (4) Standing Committees may inquire into, hold public hearings, consider and report on any matter, including 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.
 (a) Each Standing Committee may only undertake a maximum of two own-motion inquiries each calendar year.”.
15. In paragraph (1), in Sessional Order 15, **omit** paragraph (1) and **insert** in its place:
 “(1) Appointment of Members to Standing Committees will be as follows:
 (a) the Economy and Infrastructure Committee will consist of seven Members, with three Government Members, two Opposition Members and two Members from among the remaining minor parties and independent Members.
 (b) the Legal and Social Issues Committee will consist of seven Members, with three Government Members, two Opposition Members and two Members from among the remaining minor parties and independent Members.
 (c) the Environment and Planning Committee will consist of ten Members, with four Government Members, three Opposition Members and three Members from among the remaining minor parties and independent Members.”.

Debate ensued.

Mr Davis, by leave, withdrew Amendment Nos. 6 and 10.

Debate continued.

Question — That Amendment No. 1 moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 19

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O’Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Ms Bath and Mrs McArthur)

NOES, 21

Mr Barton; Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Ms Garrett and Mr Gepp)

Question negatived.

Question — That Amendment No. 2 moved by Mr Davis be agreed to — put and agreed to.

Question — That Amendment Nos. 3 and 4 moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 11

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

(Tellers: Ms Lovell and Ms Wooldridge)

NOES, 29

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

(Tellers: Dr Ratnam and Ms Stitt)

Question negatived.

Question — That Amendment No. 5 moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 12

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

(Tellers: Mr Finn and Mr Rich-Phillips)

NOES, 28

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

(Tellers: Mr Barton and Mr Hayes)

Question negatived.

Mr Davis, by leave, withdrew Amendment Nos. 7, 8 and 9.

Question — That Amendment No. 11 moved by Mr Davis be agreed to — put and negatived.

Question — That Amendment No. 12 moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 21

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mrs McArthur and Mr Ondarchie)

NOES, 19

Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Dr Kieu and Mr Somyurek)

Question agreed to.

Question — That Amendment No. 13 moved by Mr Davis be agreed to — put and negatived.

Question — That Amendment No. 14 moved by Mr Davis be agreed to — put and agreed to.

Question — That Amendment No. 15 moved by Mr Davis be agreed to — put and negatived.

Question — That the motion, moved by Mr Jennings, amended as follows, be agreed to — That until the end of the Session, unless otherwise ordered by the Council —

- (1) The following Sessional Orders be adopted, to come into operation on Thursday, 21 March 2019:

1. Days and hours of meeting

- (1) Standing Order 4.01(1)(a) is suspended to the extent necessary so as to provide that the hour of meeting of the Council on Tuesday will be at 12.00 noon.
- (2) After Standing Order 4.01(2) insert the following:
 - (3) Unless otherwise ordered by the Council, the House will suspend for a meal break on Tuesday and Thursday at 6.30 p.m. for 60 minutes.

- (b) A Member may move, without leave, to suspend or alter the duration of the meal break in (3)(a). The Chair will put the question forthwith without debate.

2. Interruption of debate — Messages

In Standing Order 4.07(7) for “will” substitute “may”.

3. Extension of sitting — Committee of the whole

For the purposes of Standing Order 4.08, a declared extension in accordance with Standing Order 4.08(1)(b) may be made by the Minister at the Table during Committee of the whole.

4. Order of business

Standing Order 5.02(2) and (3) is suspended and the following order of business will apply on Wednesday —

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

At 12 noon Questions

Answers to Questions on Notice

General Business (until 5.15 p.m.)

At 5.15 p.m. Statements on reports, papers and petitions (30 minutes)

Government Business (maximum 60 minutes)

At 6.45 p.m. Adjournment (up to 20 Members)

5. Order of business

Standing Order 5.02(5) is suspended and the following order of business will apply on Friday —

Messages

Formal Business

General Business (maximum 2 hours)

Government Business

At 12 noon Questions

Answers to Questions on Notice

Government Business (continues)

At 4.00 p.m. Adjournment (maximum 30 minutes)

6. Time limits

- (1) Standing Order 5.03 is suspended to the extent necessary so as to provide that the total time for statements on reports, papers and petitions is 30 minutes.

- (2) In Standing Order 5.03, for “**Statements on reports and papers (Standing Order 9.10)**” substitute “**Statements on reports, papers and petitions (Standing Order 9.10)**”.

- (3) Standing Order 5.03 Time limits *Government Business (Standing Order 5.06)* is suspended and the following will apply:

Government Business (Standing Order 5.06)

Total time	No limit
Main Government lead speaker	30 minutes
Main Opposition lead speaker	30 minutes
Other lead speakers	30 minutes
Remaining speakers	15 minutes

- (4) Standing Order 5.03 Time limits *General Business (Standing Order 5.07)* is suspended and the following will apply:

General Business (Standing Order 5.07)

Total time	90 minutes
Mover/Sponsor	30 minutes

- | | |
|------------------------------|------------|
| Main Government lead speaker | 30 minutes |
| Other lead speakers | 30 minutes |
| Remaining speakers | 15 minutes |
- (5) In Standing Order 5.03 Time limits, insert the following new Sessional Order:
Private Member Bills — second reading debate
- | | |
|------------------------------|------------|
| Total time | No limit |
| Mover/Sponsor | 30 minutes |
| Main Government lead speaker | 30 minutes |
| Other lead speakers | 30 minutes |
| Remaining speakers | 15 minutes |
- (6) Standing Order 5.03 Time limits *Questions without notice (Standing Order 8.04)* is suspended and the following will apply:
Questions without notice (Standing Order 8.04)
- | | |
|-------------------|-----------|
| Each Member | 1 minute |
| Minister's answer | 3 minutes |
- (7) Standing Order 5.03 Time limits *Government Bills — second reading debate* is suspended and the following will apply:
Government Bills — second reading debate
- | | |
|------------------------------|------------|
| Total time | No limit |
| Main Government lead speaker | 30 minutes |
| Main Opposition lead speaker | 30 minutes |
| Other lead speakers | 30 minutes |
| Remaining speakers | 15 minutes |
- (8) Standing Order 5.03 Time limits *Budget debate* is suspended and the following will apply:
Budget debate
- | | |
|------------------------------|------------|
| Total time | No limit |
| Main Government lead speaker | 30 minutes |
| Main Opposition lead speaker | 30 minutes |
| Other lead speakers | 30 minutes |
| Remaining speakers | 15 minutes |
- 7. 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.
 - (3) After every second oral question without notice a Minister may seek the call to make a statement of up to two minutes.
 - (4) The time allocated for questions without notice will be until eight oral questions have been answered and four Ministers' statements have been made.
- 8. Content of answers**
- (1) After Standing Order 8.07(2) insert the following:
 - (2)(a) The President will determine the adequacy of a written response to a question provided under this Standing 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.
 - (2) In Standing Order 8.07(5) for "printed in *Hansard*" substitute "published in *Hansard*".
- 9. Answers to questions on notice**
In Standing Order 8.12(2) for "incorporated in *Hansard*" substitute "published".
- 10. Statements on reports, papers and petitions**
Standing Order 9.10 is suspended and the following will apply:

Statements on reports, papers and petitions

- (4) At the time prescribed by Sessional Orders, any Member may make a statement on any report, paper or petition which has been tabled in the Council during the Session. A Member must give notice of a report, paper or petition proposed for discussion no later than during the appropriate time in formal business on the same day that statements on reports and papers are to be conducted. A Member may propose not more than one report, paper or petition for discussion each week.
- (5) Nothing in this Standing Order will preclude a Member from —
 - (a) giving notice of a report, paper or petition previously discussed; or
 - (b) giving notice of a motion to take note of a report, paper or petition for consideration during General Business.
- (6) Subject to the provisions of Standing Order 8.13, a Member may also make a statement regarding the failure of a Minister to provide either an answer or an explanation to a question.

11. Disorderly conduct — Member ordered to withdraw: application during questions without notice

Notwithstanding Standing Order 13.02(2), if —

- (1) a Member is ordered to withdraw from the House under Standing Order 13.02(1) during questions without notice; and
- (2) the time for questions without notice concludes before the expiration of the suspension period —

the Member may return to the Chamber at the conclusion of question time and must serve the remainder of their suspension during the next occurrence of questions without notice.

12. Committee of the whole — time limits

- (1) For the purposes of Standing Orders 15.04(2)(b) and 15.06(3), a Member may speak for a maximum of 10 minutes for their initial contribution on the Bill and a maximum of 5 minutes for each subsequent contribution.
- (2) No time limit applies to contributions made by —
 - (a) the Minister or Member in charge of the Bill; or
 - (b) a Member answering questions in accordance with Standing Order 15.04(3) —
 when participating in debate at the Table.

13. Report from Committee of the whole — chairing arrangements

When making a report from Committee of the whole (including a report of progress), the Deputy or Acting President, upon leaving the Committee of the whole, may take the President's Chair and report directly to the House.

14. Video on Demand

- (1) Standing Order 20.03(1) is suspended.
- (2) In Standing Order 20.03(2) for "Audio-visual proceedings republished under this Standing Order are" substitute "Rebroadcast of an official broadcast is permitted".

15. Standing Committees — arrangements

For the purposes of Standing Orders 23.01, 23.02 and 23.05, references to "legislative committee(s)", "legislation committee(s)" and "references committee(s)", wherever occurring, should be read as "standing committee(s)".

16. Standing Committees — arrangements

Standing Order 23.02(4) is suspended and the following will apply:

- (4) Standing Committees may inquire into, hold public hearings, consider and report on any matter, including 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.

- (a) Each Standing Committee may only undertake a maximum of two own-motion inquiries each calendar year.

17. Standing Committees — appointment of Members

Standing Order 23.03 is suspended and the following will apply:

- (1) Having regard to the proportionality of parties and independents in the Council, the —
 - (a) Economy and Infrastructure Committee will consist of seven Members;
 - (b) Legal and Social Issues Committee will consist of seven Members; and
 - (c) Environment and Planning Committee will consist of ten Members.
- (2) Government Members will be nominated by the Leader of the Government in the Council.
- (3) Opposition Members will be nominated by the Leader of the Opposition in the Council.
- (4) Members from among the remaining Members in the Council will be nominated jointly by those minor parties and independent Members from which they are drawn.
- (5) For the purposes of (4) —
 - (a) nominations shall be determined by agreement between the minor parties and independent Members;
 - (b) if agreement cannot be reached, the President shall be notified of such and the appointment of Members shall be determined by the Council;
 - (c) in making appointments under (5)(b), the Council must have regard to the proportionality of minor party and independent Members in the Council insofar as it is practicable to do so.

18. Standing Committees — quorum

Standing Order 23.04(1) is suspended and the following will apply:

- (1) Four Members of each committee will constitute a quorum of the committee, unless expressly stated otherwise.
- (2) Six Members of the Environment and Planning Standing Committee will constitute a quorum of the committee.
- (3) For the purposes of Standing Order 23.04 a participating member must not be counted for the purpose of forming a quorum.

19. Substitute Members

Standing Order 23.05(4) is suspended.

20. Procedure Committee

In Standing Order 23.08(3) for “seven” substitute “nine”.

21. Privileges Committee

In Standing Order 23.09(2) for “seven” substitute “nine”.

22. Committee meetings — audio and audio visual links

Standing Order 23.16(5) is suspended and the following will apply:

- (1) Members of a committee may attend and participate in meetings of the committee by audio or audio visual link, be counted for the purposes of quorum, and vote on any question before the committee.
- (2) Participating members of a committee may attend and participate in meetings of the committee by audio or audio visual link.
- (3) A Member seeking to attend a meeting by audio or audio visual link must give reasonable notice to the Chair and secretariat of the committee so as to allow sufficient time for technological arrangements to be put in place to facilitate the link.
- (4) Members physically present at the meeting must be satisfied that the audio or audio visual link is of sufficient quality to —
 - (a) verify the identity of the Member attending via the link; and
 - (b) enable meaningful participation in the meeting by that Member.

- (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 — put and agreed to.

15 WEST GATE TUNNEL (TRUCK BANS AND TRAFFIC MANAGEMENT) BILL 2019 — 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, Dr Ratnam (two sets) and Mr Barton were circulated.

Mr Rich-Phillips moved, as a reasoned amendment, That all the words after “That” be omitted with the view of inserting in their place “this Bill be referred to the Economy and Infrastructure Committee for inquiry, consideration and report, by 7 May 2019, and the second reading of this Bill be deferred until the final report of the Committee is presented to the House.”.

Debate ensued.

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

Mr Somyurek 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 Mikakos declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Debate continued.

Question — That the reasoned amendment moved by Mr Rich-Phillips be agreed to — put.

The Council divided — the President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O’Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr Limbrick and Ms Wooldridge)

NOES, 22

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

(Tellers: Ms Mikakos and Ms Vaghela)

Question negatived.

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

The Council divided — the President in the Chair.

AYES, 26

Mr Barton; 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 Tierney; Ms Vaghela.

(Tellers: Mr Elasmarr and Mr Meddick)

NOES, 13

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

(Tellers: Ms Lovell and Mr Rich-Phillips)

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.

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 11.40 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 11 — Wednesday, 20 March 2019

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

2 **PETITIONS** —

BUSH NURSING CENTRES — Ms Bath presented a Petition bearing 422 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to address the funding shortfall to Bush Nursing Centres in rural Victoria and to ensure this vital service remains sustainable for the future.

Ordered to lie on the Table.

* * * * *

BILLS STREET PUBLIC HOUSING ESTATE — Mr Davis presented a Petition bearing 53 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to ensure that Boroondara Council remains the responsible authority for planning decisions relating to both the Bills Street Public Housing Estate and neighbouring University of Melbourne sites, that a two to three storey height limit is enforced and the re-development incorporates a component of new public housing and is not sold off to private developers.

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:

Commissioner for Environmental Sustainability Victoria — Strategic Audit of the implementation of environmental management systems in Victorian Government 2017-18.

Crimes Act 1958 — Chief Commissioner of Police's forensic sampling authorisations, pursuant to section 464Z(2) of the Act.

Crown Land (Reserves) Act 1978 — Minister's Order of 15 January 2019 giving approval to grant a lease at Domain Parklands Reserve.

Judicial Entitlements Act 2015 — Advisory opinion to the Attorney-General, January 2019, pursuant to section 33 of the Act.

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

Greater Dandenong, Whittlesea and Yarra Ranges Planning Schemes — Amendment GC123.

Macedon Ranges Planning Scheme — Amendment C128.

Yarra Planning Scheme — Amendments 261 and 262.

Subordinate Legislation Act 1994 — Legislative Instrument and related documents under section 16B in respect of Determination of Fees for Bus Driver Accreditation, Annual Permissions, Annual Registrations and Accredited Drivers, under the Commercial

Passenger Vehicle Industry Act 2017 and the Transport (Compliance and Miscellaneous) Act 1983.

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

5 BUSINESS POSTPONED — Ordered — That the consideration of the Order of the Day, No. 1, for the resumption of debate on the motion for the Address in Reply to the speech of the Governor, be postponed until later this day.

6 PARTIAL REVOCATION OF AMENDING DEEDS — MELBOURNE CITY LINK — Mr Rich-Phillips moved, That, pursuant to sections 15(3), 15B(6) and 15D(7) of the *Melbourne City Link Act 1995*, this House partially revokes the —

- (1) Fourth Deed Amending Master Security Deed;
 - (2) Melbourne City Link Thirty-seventh Amending Deed;
 - (3) City Link and Extensions Projects Integration and Facilitation Agreement Twenty-fifth Amending Deed; and
 - (4) Exhibition Street Extension Eighteenth Amending Deed;
- to the extent necessary so that the provisions for setting, adjusting and escalating tolls, howsoever described, and the Final Expiry Date, and dates of Handover and Handback, if any, are returned to those in place on 14 February 2019.

Debate ensued.

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

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

* * * * *

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

- **Tree removal – Western Highway upgrade** — substantive and supplementary questions asked by Mr Meddick — response from Ms Pulford due Friday, 22 March 2019.
- **Fuel reduction burning** — substantive and supplementary questions asked by Mr Quilty — response from Mr Jennings due Friday, 22 March 2019.
- **Local government building inspectors** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Friday, 22 March 2019.

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

9 PARTIAL REVOCATION OF AMENDING DEEDS — MELBOURNE CITY LINK — Debate continued on the question, That, pursuant to sections 15(3), 15B(6) and 15D(7) of the *Melbourne City Link Act 1995*, this House partially revokes the —

- (1) Fourth Deed Amending Master Security Deed;
 - (2) Melbourne City Link Thirty-seventh Amending Deed;
 - (3) City Link and Extensions Projects Integration and Facilitation Agreement Twenty-fifth Amending Deed; and
 - (4) Exhibition Street Extension Eighteenth Amending Deed;
- to the extent necessary so that the provisions for setting, adjusting and escalating tolls, howsoever described, and the Final Expiry Date, and dates of Handover and Handback, if any, are returned to those in place on 14 February 2019.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.
(Tellers: Mr Davis and Dr Ratnam)

NOES, 22

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

(Tellers: Mr Dalidakis and Ms Stitt)

Question negatived.

10 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — FLAMMABLE BUILDING CLADDING — Mr Davis moved, That this House —

- (1) acknowledges the risk that flammable cladding on the exterior of buildings poses to the Victorian community, particularly in the light of the Lacrosse apartment fire and the recent Neo200 tower fire;
- (2) notes that the —
 - (a) cladding on these two buildings and hundreds of others across Melbourne and Victoria is the same or similar to the material involved in recent international incidents;
 - (b) Government's loan scheme to remove the dangerous cladding places the financial burden on apartment owners and owners corporations instead of those responsible for allowing dangerous cladding to be used on buildings;
- (3) requires that the Environment and Planning Committee inquire into, consider and report within four months after the Committee first meets on the adequacy of the Government's response to the identification of buildings throughout Victoria that are at risk due to flammable cladding, including, but not limited to —
 - (a) the Cladding Rectification Agreements;
 - (b) the impact on home-owners being required to fund cladding rectification and the impact of loan arrangements, including the impact on credit ratings and finances;
 - (c) the impact on apartment prices and insurance premiums;
 - (d) the response of local councils to the Government's Cladding Rectification Agreements scheme;
 - (e) alternative policies for ensuring the dangerous flammable cladding on Victorian buildings is replaced urgently, including where the burden of cost should lie;
 - (f) the impact of the Government's response on home-owners facing financial hardship;
 - (g) the adequacy of the Victorian Building Authority's audit and cladding taskforce;
 - (h) building regulations that apply to cladding, including the national construction code;
 - (i) any other matters the committee considers relevant;

and further requires the Committee to examine the evidence in light of relevant national and international learnings.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

Mr Atkinson; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Ms Bath and Mr Limbrick)

NOES, 21

Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Ms Taylor and Ms Tierney)

Question negatived.

11 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — PUBLIC WORKS PROJECTS — Mr Davis moved, That this House —

- (1) requires 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 Melbourne Metro Rail Project;
 - (c) the Westgate Tunnel Project;
 - (d) the North East Link Project;
 - (e) the Murray Basin Rail Project;
 - (f) the Suburban Rail Loop Project;
 - (g) any other public sector infrastructure or public works projects the Committee determines appropriate;
- (2) requires the Committee to consult, where appropriate, with Infrastructure Victoria and examine and report on the adherence, or otherwise, of projects to their respective business cases, and the strengths and weaknesses of project business cases and for the purposes of this Inquiry —
- (a) "public sector infrastructure" and "public works projects" means works —
 - (i) exceeding \$10 million in present value, which are carried out by, or on behalf of, or under contract to the Crown, any Government Department or any public authority;
 - (ii) for or towards the carrying out of which money is provided by the State; and
 - (b) the Committee shall, insofar as it is consistent with the Standing Orders and powers of the Legislative Council and its Committees, have the same powers as conferred upon the Public Works Committee by the *Public Works Committee Act 1958* as it was in force on 1 August 1982.

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.

12 STATEMENTS ON REPORTS AND PAPERS — A statement on a report was made by a Member pursuant to Standing Order 9.10.

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

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

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

ANDREW YOUNG
Clerk of the Legislative Council

No. 12 — Thursday, 21 March 2019

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

2 **PAPERS** —

ENVIRONMENT AND PLANNING COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO THE PROPOSED LONG-TERM LEASE OF LAND TITLES AND REGISTRY FUNCTIONS OF LAND USE VICTORIA — Pursuant to Standing Order 23.30, Mr Jennings laid on the Table a copy of the Government Response to the Environment and Planning Standing Committee's Inquiry into the proposed long-term lease of land titles and registry functions of Land Use 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:

Auditor-General's Report on Access to Mental Health Services, March 2019 (*Ordered to be published*).

Criminal Organisations Control Act 2012 — Report, 2017-18 by Victoria Police, pursuant to section 133.

Family Violence Reform Implementation Monitor Act 2016 — Report of the Family Violence Reform Implementation Monitor: As at 1 November 2018 (*Ordered to be published*).

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2017-18.

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of a Determination of the Gaming Machine Entitlement Allocation and Transfer Rules under the Gambling Regulation Act 2003, dated 21 February 2019.

3 SITTING OF THE COUNCIL — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 30 April 2019.

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 the Order of the Day, No. 1, for the resumption of debate on the motion for the Address in Reply to the speech of the Governor, be postponed until later this day.

6 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 10 to 57, be postponed until later this day.

7 WEST GATE TUNNEL (TRUCK BANS AND TRAFFIC MANAGEMENT) BILL 2019 — Bill committed to a Committee of the whole.

House in Committee.

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

8 QUESTIONS AND MINISTERS' STATEMENTS — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

* * * * *

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

- **BlueChip20 – Treasurer** — substantive and supplementary questions asked by Mr Davis — response from Mr Jennings due Monday, 25 March 2019.
- **VH plates – registration** — supplementary question asked by Mr Barton — response from Ms Pulford due Friday, 22 March 2019.
- **Compensation to prisoners** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Symes due Monday, 25 March 2019.
- **Lobbying register – Member for Burwood** — substantive and supplementary questions asked by Mr Finn — response from Mr Jennings due Friday, 22 March 2019.
- **Solitary confinement and reoffending** — substantive and supplementary questions asked by Ms Patten — response from Ms Symes due Monday, 25 March 2019.

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

10 WEST GATE TUNNEL (TRUCK BANS AND TRAFFIC MANAGEMENT) BILL 2019 — Bill further considered in Committee of the whole.

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, 24

Mr Barton; Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; 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 Tierney; Ms Vaghela.

(Tellers: Mr Melhem and Ms Shing)

NOES, 16

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

(Tellers: Mr Limbrick and Mr Quilty)

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.

11 ENERGY LEGISLATION AMENDMENT (VICTORIAN DEFAULT OFFER) BILL 2019 —

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.

12 TRANSPORT LEGISLATION AMENDMENT (BETTER ROADS VICTORIA AND OTHER AMENDMENTS) 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 Rich-Phillips were circulated.

Question — put and agreed to.

Bill read a second time.

The President having ruled that 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 the power to consider amendments to the *Road Safety Act 1986* to provide for medicinal cannabis to be treated in the same manner as other prescription drugs in relation to impairment while driving offences.

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 COUNCIL STANDING COMMITTEES — ALLOCATION OF GOVERNMENT DEPARTMENTS FOR OVERSIGHT — Mr Jennings moved, by leave, That Departments (including agencies and public entities within those Departments) be allocated to Council Standing Committees as follows:

(1) Economy and Infrastructure Standing Committee —

Department of Education and Training
Department of Jobs, Precincts and Regions
Department of Transport
Department of Treasury and Finance

(2) Environment and Planning Standing Committee —

Department of Environment, Land, Water and Planning
Department of Premier and Cabinet

(3) Legal and Social Issues Standing Committee —

Department of Health and Human Services
Department of Justice and Community Safety.

Question — put and agreed to.

14 COMMITTEE MEMBERSHIP APPOINTMENTS — Mr Jennings moved, by leave, That —

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

- (a) **Integrity and Oversight Committee** — Mr Grimley and Ms Shing;
- (b) **Public Accounts and Estimates Committee** — Mr Dalidakis and Ms Stitt;
- (c) **Dispute Resolution Committee** — Mr Bourman, Mr Davis, Mr Jennings, Ms Symes and Ms Wooldridge;

- (d) **House Committee** — Mr Bourman, Mr Davis, Ms Lovell, Ms Pulford and Ms Stitt;
- (2) Members be appointed to Council committees as follows:
 - (a) **Privileges Committee** — Mr Atkinson, Mr Bourman, Ms Crozier, Mr Elasmarr, Mr Grimley, Mr Jennings, Mr Rich-Phillips, Ms Shing and Ms Tierney;
 - (b) **Procedure Committee** — The President, the Deputy President, Ms Crozier, Mr Davis, Mr Grimley, Dr Kieu, Ms Patten, Ms Pulford and Ms Symes;
 - (c) **Economy and Infrastructure Standing Committee** — Mr Barton, Mr Elasmarr, Mr Finn, Mr Gepp, Mrs McArthur, Mr Quilty and Ms Terpstra;
 - (d) **Environment and Planning Standing Committee** — Mr Atkinson, Ms Bath, Mr Bourman, Mr Hayes, Mr Limbrick, Mr Meddick, Mr Melhem, Dr Ratnam, Ms Taylor and Ms Terpstra;
 - (e) **Legal and Social Issues Standing Committee** — Ms Garrett, Dr Kieu, Ms Lovell, Ms Maxwell, Mr Ondarchie, Ms Patten and Ms Vaghela;
- (3) Members be appointed to Council committees as participating members as follows:
 - (a) **Economy and Infrastructure Standing Committee** — Mr Davis, Mr Ondarchie, Mr Rich-Phillips and Ms Wooldridge;
 - (b) **Environment and Planning Standing Committee** — Mr Davis and Ms Crozier; and
 - (c) **Legal and Social Issues Standing Committee** — Ms Bath, Ms Crozier and Mr O'Donohue.

Question — put and agreed to.

- 15 AUDIT AMENDMENT BILL 2018** — 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 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 Ms Crozier (for Mr O'Donohue), the debate was adjourned for one week.

- 16 ESSENTIAL SERVICES COMMISSION AMENDMENT (GOVERNANCE, PROCEDURAL AND ADMINISTRATIVE IMPROVEMENTS) BILL 2019** — The Acting 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, 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 Crozier (for Mr Rich-Phillips) the debate was adjourned for one week.

- 17 MAJOR TRANSPORT PROJECTS FACILITATION AMENDMENT BILL 2019** — The Acting President read a Message from the Assembly presenting *A Bill for an Act to amend the Major Transport Projects Facilitation Act 2009 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 Crozier (for Mr Davis), the debate was adjourned for one week.

18 OPEN COURTS AND OTHER ACTS AMENDMENT BILL 2019 — The Acting 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 (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 was incorporated into Hansard.

Ms Pulford 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.

19 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 7.08 p.m., adjourned until Tuesday, 30 April 2019.

ANDREW YOUNG
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 10, 11 and 12

WEST GATE TUNNEL (TRUCK BANS AND TRAFFIC MANAGEMENT) BILL 2019

Committed Thursday, 21 March 2019

Amendments circulated: Mr Rich-Phillips (see p. 101), Mr Barton (see pp. 101-5) and Dr Ratnam (set A and set B) (see pp. 105-108).

Clause 1 — Mr Barton moved Amendment No. 1 — put and negatived.

Clause 1 — put and agreed to.

Clauses 2 to 14 — put and agreed to.

Clause 15 — 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, 18

Mr Atkinson; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Ms Bath and Mr Grimley)

NOES, 22

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

(Tellers: Mr Gepp and Ms Stitt)

Question negatived.

Clause 15 — put and agreed to.

Clauses 16 to 23 — put and agreed to.

Clause 24 — Mr Barton moved Amendment No. 38.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Mr Bourman; Mr Grimley; Mr Hayes; Ms Maxwell.

(Tellers: Mr Barton and Mr Bourman)

NOES, 35

Mr Atkinson; Ms Bath; Ms Crozier; Dr Cumming; Mr Dalidakis; Mr Davis; Mr Elasmarr; Mr Finn; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(Tellers: Mr Atkinson and Ms Patten)

Question negatived.

Clause 24 — put and agreed to.

Clauses 25 to 31 — put and agreed to.

Clause 32 — Dr Ratnam moved Amendment Nos. 1 to 3 (set A).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 2

Mr Hayes; Dr Ratnam.

(Tellers: Mr Hayes and Dr Ratnam)

NOES, 38

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Dalidakis; Mr Davis; Mr Elasmarr; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(Tellers: Mr Quilty and Ms Shing)

Question negatived.

Clause 32 — put and agreed to.

Clause 33 — Mr Barton moved Amendment No. 48.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

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

(Tellers: Mr Bourman and Ms Patten)

NOES, 22

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

(Tellers: Mr Gepp and Mr Grimley)

Question negatived.

Clause 33 — put and agreed to.

Clauses 34 to 76 — put and agreed to.

Part Heading preceding clause 77 — Dr Ratnam moved Amendment No. 4 (set A).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

Mr Atkinson; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Ms Patten; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr Finn and Mr Ondarchie)

NOES, 25

Mr Bourman; Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Pulford; Mr Quilty; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Mr Somyurek and Ms Symes)

Question negatived.

Part heading preceding clause 77 — put and agreed to.

Clauses 77 to 146 — put and agreed to.

Clause 147 — Dr Ratnam moved Amendment No. 1 (set B).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

Mr Barton; Mr Grimley; Mr Hayes; Ms Maxwell; Dr Ratnam.

(*Tellers: Ms Maxwell and Dr Ratnam*)

NOES, 35

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Dalidakis; Mr Davis; Mr Elasmarr; Mr Finn; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(*Tellers: Ms Pulford and Ms Symes*)

Question negatived.

Clause 147 — put and agreed to.

Clauses 148 to 154 — put and agreed to.

Bill reported without amendment.

* * * * *

TRANSPORT LEGISLATION AMENDMENT (BETTER ROADS VICTORIA AND OTHER AMENDMENTS) BILL 2018

Committed Thursday, 21 March 2019

Amendments circulated: Mr Rich-Phillips (see p. 108) and Ms Patten (see p. 108).

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

Clause 1 — Ms Patten moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

Mr Hayes; Mr Limbrick; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.

(*Tellers: Ms Patten and Dr Ratnam*)

NOES, 34

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Dalidakis; Mr Davis; Mr Elasmarr; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(*Tellers: Mr Elasmarr and Ms Shing*)

Question negatived.

Clause 1 — put and agreed to.

Clause 2 — put and agreed to.

Clause 3 — 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, 14

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

(Tellers: Mr Finn and Mrs McArthur)

NOES, 26

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

(Tellers: Mr Melhem and Ms Stitt)

Question negatived.

Clause 3 — put and agreed to.

Clauses 4 to 57 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —**1. TRANSPORT LEGISLATION AMENDMENT (BETTER ROADS VICTORIA AND OTHER AMENDMENTS) BILL 2018***Amendments circulated by Mr Rich-Phillips*

1. Clause 15, line 10, omit "both Houses" and insert "either House".
2. Clause 15, line 13, omit "each" and insert "that".

Amendments circulated by Mr Barton

1. Clause 1, page 2, lines 20 to 24, omit all words and expressions on these lines.
2. Clause 3, page 5, line 2, omit "or trailer".
3. Clause 3, page 5, line 4, omit "or trailer".
4. Clause 3, page 5, line 6, omit "or trailer was a stolen vehicle or trailer" and insert "was a stolen vehicle".
5. Clause 3, page 5, line 8, omit "or trailer".
6. Clause 3, page 5, line 14, omit "or trailer".
7. Clause 3, page 5, lines 19 and 20, omit "or trailer or the vehicle to which the trailer was attached".
8. Clause 3, page 5, lines 25 to 27, omit "or trailer or the vehicle to which the trailer was attached".
9. Clause 3, page 6, line 12, omit "or trailer".
10. Clause 3, page 6, line 16, omit "or trailer".
11. Clause 3, page 6, line 19, omit "or trailer".
12. Clause 3, page 6, lines 25 and 26, omit "or trailer".
13. Clause 3, page 6, line 32, omit "or trailer".
14. Clause 3, page 6, line 33, omit "or trailer".
15. Clause 3, page 7, line 2, omit "or trailer".
16. Clause 3, page 7, line 6, omit "or trailer".
17. Clause 3, page 7, line 12, omit "or trailer".
18. Clause 3, page 7, line 16, omit "or trailer".
19. Clause 3, page 7, line 18, omit "or trailer".
20. Clause 3, page 7, lines 23 and 24, omit "or trailer".
21. Clause 3, page 7, line 25, omit "or trailer".
22. Clause 3, page 7, line 35, omit "or trailers".
23. Clause 3, page 8, line 2, omit "or trailer".
24. Clause 3, page 8, line 4, omit "or trailer".
25. Clause 3, page 8, line 5, omit "or trailer".

26. Clause 3, page 8, line 13, omit "or trailer".
27. Clause 3, page 10, lines 1 and 2, omit "vehicle or trailer," and insert "vehicle,".
28. Clause 3, page 10, line 3, omit "or the trailer".
29. Clause 3, page 10, lines 6 and 7, omit "or trailer".
30. Clause 3, page 10, line 13, omit "or trailer".
31. Clause 3, page 10, line 17, omit "or trailer".
32. Clause 3, page 10, lines 19 and 20, omit "or trailer".
33. Clause 3, page 10, line 26, omit "or trailer".
34. Clause 3, page 10, line 29, omit "or trailer".
35. Clause 3, page 10, line 31, omit "or trailer".
36. Clause 3, page 12, lines 1 and 2, omit all words and expressions on these lines.
37. Clause 24, lines 20 to 27, omit all words and expressions on these lines and insert—
 - "(2) The operator of a vehicle is taken to be the driver of a vehicle used in a toll zone for the purposes of subsection (1)."
38. Clause 24, after line 30 insert—
 - "(4) Despite subsection (1), the following persons are not liable to pay a toll and the relevant toll administration fee—
 - (a) a person who is the driver of a vehicle that is registered as a taxi for the purpose of tolling under section 33;
 - (b) a person who is the driver of a vehicle that is registered as a VH vehicle for the purpose of tolling under section 33;
 - (c) a person who is the driver of a vehicle that is registered as a bus for the purpose of tolling under section 33."
39. Clause 25, line 8, omit "tolls." and insert "tolls; or".
40. Clause 25, after line 8 insert—
 - "(c) a vehicle driven by a person referred to in section 24(4)."
41. Clause 26, line 10, omit "or a trailer".
42. Clause 26, lines 18 and 19, omit "or the trailer".
43. Clause 26, lines 23 and 24, omit "or trailer".
44. Clause 26, page 27, line 6, omit "or trailer".
45. Clause 26, page 28, line 6, omit "or operator of the trailer".
46. Clause 27, page 29, line 1, omit "or the trailer".
47. Clause 29, lines 18 to 21, omit all words and expressions on these lines.
48. Clause 33, after line 17 insert—
 - "(4) On an application under subsection (2), the relevant West Gate Tunnel Corporation must, in accordance with this Part, register a vehicle that is a cab chassis vehicle used for private purposes as a passenger vehicle."
49. Clause 41, page 40, lines 5 to 9, omit all words and expressions on these lines.
50. Clause 41, page 40, line 28, omit "or trailer".

51. Clause 42, page 41, line 1, omit "or trailer".
52. Clause 42, page 41, line 8, omit "or trailer".
53. Clause 55, line 5, omit "or a trailer was towed".
54. Clause 56, line 22, omit "or trailer".
55. Clause 56, line 27, omit "or trailer".
56. Clause 56, line 30, omit "or trailer".
57. Clause 56, line 35, omit "or trailer".
58. Clause 56, page 53, line 6, omit "or trailer".
59. Clause 56, page 53, line 13, omit "or trailer".
60. Clause 56, page 53, line 21, omit "or trailer".
61. Clause 56, page 53, line 29, omit "or trailer".
62. Clause 59, line 15, omit "or trailer".
63. Clause 59, line 23, omit "or trailer".
64. Clause 61, lines 29 and 30, omit "or trailer".
65. Clause 77, line 13, omit "or a trailer".
66. Clause 92, lines 16 to 32, omit all words and expressions on these lines.
67. Clause 92, page 83, lines 1 to 36, omit all words and expressions on these lines.
68. Clause 92, page 84, lines 1 to 36, omit all words and expressions on these lines.
69. Clause 92, page 85, lines 1 to 34, omit all words and expressions on these lines.
70. Clause 92, page 86, lines 1 to 30, omit all words and expressions on these lines.
71. Clause 92, page 87, line 2, omit "definitions" and insert "definition".
72. Clause 92, page 87, line 4, omit "**2006**;" and insert ' **2006**.'. '.
73. Clause 92, page 87, lines 5 and 6, omit all words and expressions on these lines.
74. Clause 93, lines 8 to 15, omit all words and expressions on these lines.
75. Clause 93, after line 15 insert—

'After section 197(3) of the **EastLink Project Act 2004** insert—

"(4) Despite subsection (1), the following persons are not liable to pay a toll and the relevant toll administration fee—

 - (a) a person who is the driver of a vehicle that is registered as a taxi for the purpose of tolling under section 205;
 - (b) a person who is the driver of a vehicle that is registered as a VH vehicle for the purpose of tolling under section 205;
 - (c) a person who is the driver of a vehicle that is registered as a bus for the purpose of tolling under section 205.'. '.
76. After clause 93, line 15, insert the following new clause:

'93A Exemptions from toll and toll administration fees

After section 198(4) of the **EastLink Project Act 2004** insert—

"(4A) A toll and toll administration fees are not payable under section 197 in respect of a vehicle driven by a person referred to in section 197(4).".'. .

77. Clause 94, omit this clause.
 78. Clause 95, omit this clause.
 79. After clause 97, page 89, line 14, insert the following new clause:

'97A Registration of vehicles

After section 205(4) of the **EastLink Project Act 2004** insert—

"(5) On an application under subsection (3), the Freeway Corporation must, in accordance with this Part, register a vehicle that is a cab chassis vehicle used for private purposes as a passenger vehicle.".'. .

80. Clause 99, lines 32 and 33, omit "or trailer".
 81. Clause 101, omit this clause.
 82. Clause 102, omit this clause.
 83. Clause 103, line 22, omit "or trailer".
 84. Clause 103, page 93, line 2, omit "or trailer".
 85. Clause 112, page 99, line 5, omit "or trailer".
 86. Clause 116, lines 29 to 31, omit all words and expressions on these lines.
 87. Clause 116, page 100, lines 1 to 36, omit all words and expressions on these lines.
 88. Clause 116, page 101, lines 1 to 36, omit all words and expressions on these lines.
 89. Clause 116, page 102, lines 1 to 36, omit all words and expressions on these lines.
 90. Clause 116, page 103, lines 1 to 35, omit all words and expressions on these lines.
 91. Clause 116, page 104, lines 1 to 11, omit all words and expressions on these lines.
 92. Clause 116, page 104, line 26, omit "Part;" and insert 'Part;'.
 93. Clause 116, page 104, lines 28 and 29, omit all words and expressions on these lines.
 94. Clause 117, lines 2 to 17, omit all words and expressions on these lines.
 95. Clause 117, after line 17 insert—

'After section 72(4) of the **Melbourne City Link Act 1995** insert—

"(4A) Despite subsection (1), the following persons are not liable to pay a toll and the relevant toll administration fee—

- (a) a person who is the driver of a vehicle that is registered as a taxi for the purpose of tolling under section 73A;
- (b) a person who is the driver of a vehicle that is registered as a VH vehicle for the purpose of tolling under section 73A;
- (c) a person who is the driver of a vehicle that is registered as a bus for the purpose of tolling under section 73A.".'. .

96. After clause 117, line 17, insert the following new clause:

'117A Exemptions from toll administration fee

After section 72A(a) of the **Melbourne City Link Act 1995** insert—

"(ab) that is driven by a person referred to in section 72(4A); or".
 97. Clause 118, omit this clause.

98. After clause 120, page 107, line 4, insert the following new clause:

'120A Registration of vehicles

After section 73A(4) of the **Melbourne City Link Act 1995** insert—

"(5) On an application under subsection (3), a relevant corporation must, in accordance with this Part, register a vehicle that is a cab chassis vehicle used for private purposes as a passenger vehicle." . '

99. Clause 123, omit this clause.

100. Clause 124, omit this clause.

101. Clause 125, lines 11 and 12, omit "or trailer".

102. Clause 125, lines 21 and 22, omit "or trailer".

Amendments circulated by Dr Ratnam (set A)

1. Clause 32, page 31, line 22, omit "7-day" and insert "90-day".

2. Clause 32, page 31, line 28, omit "7-day" and insert "90-day".

3. Clause 32, page 32, line 4, omit "7-day" and insert "90-day".

4. Part heading before clause 77, after "**Regulations**" insert "**and Reports**".

5. After clause 78, line 33 insert the following new clause:

"78A Report on operations of toll road

(1) At least once every 3 months, the West Gate Tunnel operator must provide a report to the Secretary on the operation of the West Gate Tunnel tollway containing the information specified in subsection (2) for the period to which the report relates.

(2) For the purposes of subsection (1), the specified information is the following—

(a) in relation to vehicles—

(i) the average number of vehicles using the West Gate Tunnel tollway each day; and

(ii) the average number of cars using the West Gate Tunnel tollway each day; and

(iii) the average number of motor cycles using the West Gate Tunnel tollway each day; and

(v) the average number of vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22 using the West Gate Tunnel tollway each day;

(b) in relation to toll zones and vehicles—

(i) the average number of vehicles using each of the West Gate Freeway, Hyde Street, Tunnel and City access each day; and

(ii) the average number of cars using each of the West Gate Freeway, Hyde Street, Tunnel and City access each day; and

(iii) the average number of motor cycles using each of the West Gate Freeway, Hyde Street, Tunnel and City access each day; and

(iv) the average number of vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22 using each of the West Gate Freeway, Hyde Street, Tunnel and City access each day;

(c) in relation to revenue—

- (i) the total amount of revenue raised from vehicles tolled on the West Gate Tunnel tollway; and
 - (ii) the total amount of revenue raised from cars tolled on the West Gate Tunnel tollway; and
 - (iii) the total amount of revenue raised from motor cycles tolled on the West Gate Tunnel tollway; and
 - (iv) the total amount of revenue raised from vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22 tolled on the West Gate Tunnel tollway;
- (d) in relation to toll zones and revenue—
- (i) the total amount of revenue raised from vehicles tolled on each of the West Gate Freeway, Hyde Street, Tunnel and City access; and
 - (ii) the total amount of revenue raised from cars tolled on each of the Hyde Street, Tunnel and City access; and
 - (iii) the total amount of revenue raised from motor cycles tolled on each of the Hyde Street, Tunnel and City access; and
 - (iv) the total amount of revenue raised from heavy commercial vehicles tolled on the West Gate Freeway access; and
 - (v) the total amount of revenue raised from high performance freight vehicles tolled on the West Gate Freeway access; and
 - (vi) the total amount of revenue raised from vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22 tolled on each of the West Gate Freeway, Hyde Street, Tunnel and City access;
- (e) in relation to temporary registrations that are for a period of 24 hours—
- (i) the total number of temporary registrations purchased for—
 - (A) the West Gate Tunnel tollway; and
 - (B) the West Gate Tunnel tollway and City Link; and
 - (ii) the number of temporary registrations purchased for the West Gate Tunnel tollway for each of—
 - (A) cars; and
 - (B) motor cycles; and
 - (C) vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22;
 - (iii) the number of temporary registrations purchased for the West Gate Tunnel tollway and City Link for each of—
 - (A) cars; and
 - (B) motor cycles; and
 - (C) vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22;
 - (iv) the total amount of revenue from temporary registrations purchased for—
 - (A) the West Gate Tunnel tollway; and
 - (B) the West Gate Tunnel tollway and City Link;
 - (v) the total amount of revenue from temporary registrations purchased for the West Gate Tunnel tollway for each of—
 - (A) cars; and
 - (B) motor cycles; and

- (C) vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22;
 - (vi) the total amount of revenue from temporary registrations purchased for the West Gate Tunnel tollway and City Link for each of—
 - (A) cars; and
 - (B) motor cycles; and
 - (C) vehicles in each other class of vehicle in respect of which different tolls and toll administration fees are fixed under section 22;
 - (f) in relation to heavy vehicles—
 - (i) the total number of heavy vehicles that were registered for the purpose of tolling without a multi-truck discount; and
 - (ii) the total number of heavy vehicles that were registered for the purpose of tolling with a multi-truck discount due to—
 - (A) making 5 to 8 trips each day; and
 - (B) making 9 or more trips each day; and
 - (iii) the total number of trips by a heavy vehicle in a toll zone that received the multi-road toll cap; and
 - (iv) the total number of trips by a heavy vehicle in a toll zone that received the night time discount;
 - (g) in relation to infringements—
 - (i) the total number of infringement notices issued under section 32(1); and
 - (ii) the total number of infringement notices issued under section 32(1) by residential postcode of the person on whom the infringement notice was served.
- (3) Within 3 days of receiving a report made under subsection (1), the Secretary must publish the report on the website of the Department of Transport."

6. Clause 97, line 23, omit "7-day" and insert "90-day".
7. Clause 97, line 29, omit "7-day" and insert "90-day".
8. Clause 97, page 89, line 5, omit "7-day" and insert "90-day".
9. Clause 120, line 17, omit "7-day" and insert "90-day".
10. Clause 120, line 23, omit "7-day" and insert "90-day".
11. Clause 120, line 29, omit "7-day" and insert "90-day".

Amendments circulated by Dr Ratnam (set B)

Clause 147, lines 11 to 13, omit all words and expressions on these lines and insert—

"no-truck zone means—

- (a) the following roads or road-related areas, at all times—
 - (i) Francis Street, Yarraville, between Cemetery Road and Hyde Street, Yarraville;
 - (ii) Somerville Road, Kingsville and Seddon, between Geelong Road and Whitehall Street, Kingsville and Seddon;
 - (iii) Williamstown Road, Yarraville, Seddon and Kingsville, between West Gate Freeway and Geelong Road (Princes Highway) Yarraville, Seddon and Kingsville;
 - (iv) Buckley Road, Seddon and Footscray, between Moreland Street and Geelong Road (Princes Highway), Seddon and Footscray;

- (v) Sunshine Road, Footscray, between Geelong Street and Geelong Road (Princes Highway), Footscray;
 - (vi) Moore Street, Footscray, between Barkly Street and Ballarat Road, Footscray;
 - (vii) Hudsons Road, Spotswood, between Booker Street and Melbourne Road, Spotswood;
 - (viii) Blackshaws Road, South Kingsville and Altona North, between Melbourne Road and Grieve Parade, South Kingsville and Altona North; and
- (b) a road or road-related area specified in a declaration made under section 65BE;".

2. TRANSPORT LEGISLATION AMENDMENT (BETTER ROADS VICTORIA AND OTHER AMENDMENTS) BILL 2018

Amendments circulated by Mr Rich-Phillips

1. Clause 3, line 31, omit "33" and insert "40".
2. Clause 3, page 5, line 3, omit "33" and insert "40".

Amendments circulated by Ms Patten

1. Clause 1, page 2, line 3, after "procedures" insert ", driving and being in charge of vehicles while using a medicinal cannabis product".
2. Clause 2, line 2, after "Part 2," insert "sections 6(2) and (3) and 14A,".
3. Clause 6, line 5, before "In" insert "(1)".
4. Clause 6, after line 7 insert—
 - ' () In section 3(1) of the **Road Safety Act 1986** insert the following definitions—
 - "medicinal cannabis product** has the same meaning as in the **Access to Medicinal Cannabis Act 2016**;
 - patient medicinal cannabis access authorisation** has the same meaning as in the **Access to Medicinal Cannabis Act 2016**;".
 - () In section 3(1) of the **Road Safety Act 1986**, in the definition of **prescription drug**, after "that Act" insert "or the **Access to Medicinal Cannabis Act 2016**".

NEW CLAUSE

5. After clause 14 insert—
 - '14A Offences involving alcohol or other drugs**
 - After section 49(3C) of the **Road Safety Act 1986** insert—
 - "(3D) Subsection (1)(bb), (bc), (h), (i) or (j) does not apply to a person who has present, in their blood or oral fluid, delta-9-tetrahydrocannabinol from a medicinal cannabis product that they have consumed or used in accordance with a patient medicinal cannabis access authorisation issued to them.".