



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 40 — Thursday, 31 October 2019

Proof Version

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **PETITION — RESTORATION OF HISTORIC PARK IN CAMBERWELL JUNCTION** — Ms Taylor presented a Petition bearing 179 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to work with Boroondara City Council to restore the historic park in Camberwell Junction with playgrounds and community facilities and permanently reserve the original crown land allotment 113C for 'public gardens', as it was from 1882 to 1969.
Ordered to lie on the Table.
- 3 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILL TESTING PILOT FOR DRUG HARM REDUCTION) BILL 2019** — Dr Ratnam, and also on behalf of Ms Patten, introduced *A Bill for an Act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for a pilot of pill-testing services for the purposes of drug harm reduction and to make consequential amendments and for other purposes*.
On the motion of Dr Ratnam, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 4 **ORDER OF THE DAY DISCHARGED** — Dr Ratnam moved, by leave, That Order of the Day, General Business, No. 5, Drugs, Poisons and Controlled Substances Amendment (Pill Testing Pilot for Drug Harm Reduction) Bill 2019 be read and discharged and the Bill be withdrawn.
Question — put and agreed to.
- 5 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
 - Alpine Resorts Co-ordinating Council — Minister's report of receipt of the 2018-19 report.
 - Commercial Passenger Vehicle Commission — Report, 2018-19.
 - Commissioner for Children and Young People — Report, 2018-19 (*Ordered to be published*).
 - Caulfield Racecourse Reserve Trust — Minister's report of receipt of the 2018-19 report.
 - Dhelkunya Dja Land Management Board — Minister's report of receipt of the 2018-19 report.
 - Emerald Tourist Railway Board — Report, 2018-19.
 - Gippsland Waste and Resource Recovery Group — Minister's report of receipt of the 2018-19 report.
 - Goulburn Valley Waste and Resource Recovery Group — Minister's report of receipt of the 2018-19 report.
 - Loddon Mallee Waste and Resource Recovery Group — Minister's report of receipt of the 2018-19 report.
 - Metropolitan Waste and Resource Recovery Group — Report, 2018-19.

Statutory Rules under the following Acts of Parliament —

Guardianship and Administration Act 1986 — No. 101.

Road Safety Act 1986 — No. 104.

Subordinate Legislation Act 1994 — Nos. 102, 103 and 105.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 92, 98 and 101.

Surveillance Devices Act 1999 —

Report 2018-19, pursuant to section 30L for the Australian Criminal Intelligence Commission.

Report 2018-19, pursuant to section 30L for the Independent Broad-based Anti-corruption Commission.

Report 2018-19, pursuant to section 30L for Victoria Police.

Report 2018-19, pursuant to section 30L for the Victorian Fisheries Authority.

Sustainability Victoria — Report, 2018-19.

Trust for Nature (Victoria) — Report, 2018-19.

Victorian Inspectorate — Report, 2018-19.

Yorta Yorta Traditional Owner Land Management Board — Minister's report of failure to submit the 2018-19 report, together with an explanation for the delay.

6 SITTING OF THE COUNCIL — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 12 November 2019.

Question — put and agreed to.

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

8 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 127 to 199, be postponed until later this day.

9 DANGEROUS GOODS AMENDMENT (PENALTY REFORMS) 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 and Mr Quilty were circulated.

Question — put and agreed to.

Bill read a second time.

The Acting President having ruled that certain amendments proposed to be moved in Committee by Mr Quilty were outside the scope of the Bill —

Mr Quilty moved, That it be an instruction to the Committee that they have the power to consider amendments and New Clauses to amend the *Dangerous Goods Act 1985* to require any inspection of a place used for a residential purpose, or a vehicle that is not a commercial vehicle, to be under the authority conferred by a warrant.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 12.00 noon pursuant to Sessional Orders —

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

Answers to certain questions on notice were circulated pursuant to Standing Order 8.12.

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

- **Training and skills budget** — supplementary question asked by Ms Wooldridge — response from Ms Tierney due Monday, 4 November 2019.
- **Housing projects for Southern Metropolitan** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 4 November 2019.

- **Draining of Reedy Lake 3, Kerang** — substantive and supplementary questions asked by Mr Bourman — response from Ms Symes due Monday, 4 November 2019.
- **Drug driving penalties** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Monday, 4 November 2019.

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

12 DANGEROUS GOODS AMENDMENT (PENALTY REFORMS) BILL 2019 — Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

13 CHILDREN'S SERVICES AMENDMENT 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.

14 POLICE LEGISLATION AMENDMENT (ROAD SAFETY CAMERA COMMISSIONER AND OTHER MATTERS) 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 O'Donohue were circulated.

Question — put and agreed to.

Bill read a second time.

The President having ruled that certain amendments proposed to be moved in Committee by Mr O'Donohue were outside the scope of the Bill —

Mr O'Donohue moved, by leave, That it be an instruction to the Committee that they have power to consider amendments and a New Clause to amend the *Crimes Act 1958* to create an offence of harming a police horse.

Question — put and agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

15 JUSTICE LEGISLATION AMENDMENT (SERIOUS OFFENDERS AND OTHER MATTERS) BILL 2019 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Serious Offenders Act 2018, the Corrections Act 1986 and certain other Acts and for other purposes* and requesting the agreement of the Council.

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

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

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

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

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

16 BUILDING AMENDMENT (CLADDING RECTIFICATION) BILL 2019 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Building Act 1993 in relation to cladding rectification and for other purposes* and requesting the agreement of the Council.

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

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

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

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

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

17 MELBOURNE STRATEGIC ASSESSMENT (ENVIRONMENT MITIGATION LEVY) BILL 2019

— The President read a Message from the Assembly presenting *A Bill for an Act to impose a levy to fund measures to mitigate impacts on the environment caused by the development of land in Melbourne's growth corridors and to consequentially amend other Acts and for other purposes* and requesting the agreement of the Council.

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

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

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

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

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

18 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2019 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the Gambling Regulation Act 2003, the Land Tax Act 2005 and the Valuation of Land Act 1960 and for other purposes* and requesting the agreement of the Council.

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

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

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

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

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

19 JUSTICE LEGISLATION AMENDMENT (CRIMINAL APPEALS) BILL 2019 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Children, Youth and Families Act 2005 and the Criminal Procedure Act 2009 in relation to certain appeals and the powers of the Court of Appeal and to make consequential amendments to the Supreme Court Act 1986 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 Mr O'Donohue, the debate was adjourned for one week.

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

Debate ensued.

And then the Council, at 6.33 p.m., adjourned until Tuesday, 12 November 2019.

ANDREW YOUNG
Clerk of the Legislative Council