



LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
No. 43 — Thursday, 14 November 2019
Proof Version

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

2 **PETITIONS —**

ADDITIONAL GREEN SPACE IN BRIMBANK — Mr Finn presented a Petition bearing 182 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to allocate additional land contained within the Stony Creek Development adjoining Furlong Road, Western Ring Road and the proposed Methrall Street extension, which are currently assigned for development, back to the community for a much needed Town Park in the area before there is no land left.

Ordered to lie on the Table.

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MICKELHAM ROAD AND SOMERTON ROAD INFRASTRUCTURE — Ms Patten presented a Petition bearing 1,166 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to prioritise the duplication upgrades of Mickleham Road and Somerton Road in Greenvale.

Ordered to lie on the Table.

3 **PAPERS —**

CHILDREN'S COURT OF VICTORIA REPORT, 2018-19 — Ms Tierney presented, by command of the Governor, the Children's Court of Victoria Report, 2018-19.

Report ordered to lie on the Table.

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MAGISTRATES' COURT OF VICTORIA, REPORT 2018-19 — Ms Tierney presented, by command of the Governor, the Magistrates' Court of Victoria Report, 2018-19.

Report ordered to lie on the Table.

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SUPREME COURT OF VICTORIA REPORT, 2017-19 — Ms Tierney presented, by command of the Governor, the Supreme Court of Victoria Report, 2017-19.

Report ordered to lie on the Table.

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JUDICIAL COLLEGE OF VICTORIA REPORT, 2018-19 — Ms Tierney moved, by leave, That there be laid before this House a copy of the Judicial College of Victoria Report, 2018-19.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

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JUDICIAL COMMISSION OF VICTORIA REPORT, 2018-19 — Ms Tierney moved, by leave, That there be laid before this House a copy of the Judicial Commission of Victoria Report, 2018-19.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

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PROFESSIONAL STANDARDS COUNCILS REPORT, 2018-19 — Ms Tierney moved, by leave, That there be laid before this House a copy of the Professional Standards Councils Report, 2018-19.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

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

Coroners Court of Victoria — Report, 2018-19.

Criminal Organisations Control Act 2012 — Report, 2018-19 by Victoria Police pursuant to section 133.

Judicial College of Victoria — Minister's report of receipt of the 2018-19 report.

Judicial Commission of Victoria — Minister's report of receipt of the 2018-19 report.

Legal Services Council and Commissioner for Uniform Legal Services Regulation — Report, 2018-19.

Murray Valley Winegrape Industry Development Committee — Minister's report of receipt of the 2018-19 report, together with an explanation for the delay.

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

Ballarat, Corangamite, Golden Plains, Hepburn and Moorabool Planning Schemes — Amendment C146.

Baw Baw Planning Scheme — Amendment C133.

Professional Standards Council Victoria — Minister's report of receipt of the 2018-19 report.

Subordinate Legislation Act 1994 — Rail Safety National Law National Regulations (Application of Law) Variation Regulations 2019.

Terrorism (Community Protection) Act 2003 — Report, 2018-19 by Victoria Police pursuant to section 37F.

Victorian Equal Opportunity and Human Rights Commission — 2018 report on the operation of the Charter of Human Rights and Responsibilities (*Ordered to be published*).

4 SITTING OF THE COUNCIL — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 26 November 2019.

Question — put and agreed to.

5 ENVIRONMENT AND PLANNING COMMITTEE MEMBERSHIP — Mr Davis moved, by leave, That Mrs McArthur be a participating member of the Environment and Planning Committee.

Question — put and agreed to.

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

7 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 127 to 207, be postponed until later this day.

8 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

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

9 QUESTIONS 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.

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

- **Yarraville level crossing** — substantive question asked by Dr Cumming — response from Ms Pulford due Monday, 18 November 2019.

- **VicForests video – native timber** — substantive question asked by Mr O'Donohue — response from Ms Symes due Monday, 18 November 2019.
- **Leadbeater's Possum – native timber industry** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Symes due Monday, 18 November 2019.
- **Commercial passenger vehicle safety** — substantive question asked by Mr Barton — response from Ms Pulford due Monday, 18 November 2019.

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

11 STATE TAXATION ACTS FURTHER AMENDMENT BILL 2019 — Question, That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; 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 Erdogan and Ms Garrett)

NOES, 13

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

(Tellers: Ms Bath and Ms Lovell)

Question agreed to.

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

House in Committee.

Bill reported without amendment, the Report was adopted.

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

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

The Council divided — The President in the Chair.

AYES, 26

Mr Barton; Mr Bourman; Mr Elasmarr; Mr Erdogan; 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: Ms Maxwell and Ms Vaghela)

NOES, 13

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

(Tellers: Mr Finn and Mr Limbrick)

Question agreed to.

Bill read a third time.

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

12 JUSTICE LEGISLATION AMENDMENT (SERIOUS OFFENDERS 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 and Ms Maxwell were circulated.

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 JUSTICE LEGISLATION AMENDMENT (CRIMINAL APPEALS) BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 34

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; 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.
(Tellers: Dr Kieu and Mr Rich-Phillips)

NOES, 5

Mr Hayes; Mr Limbrick; Ms Patten; Mr Quilty; Dr Ratnam.
(Tellers: Mr Hayes and Dr Ratnam)

Question agreed to.

Bill read a second time and, by leave, read a third time and passed.

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

14 WORKPLACE SAFETY LEGISLATION AMENDMENT (WORKPLACE MANSLAUGHTER AND OTHER MATTERS) BILL 2019 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Occupational Health and Safety Act 2004 to provide for offences of workplace manslaughter and to provide for the establishment of the Workplace Incidents Consultative Committee, to amend the Workplace Injury Rehabilitation and Compensation Act 2013 in relation to the Board of Management of the Victorian WorkCover Authority and to make consequential amendments to certain other Acts and for other purposes* and requesting the agreement of the Council.

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

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

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

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

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

15 ENERGY SAFETY LEGISLATION AMENDMENT (VICTORIAN ENERGY SAFETY COMMISSION AND OTHER MATTERS) BILL 2019 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Electricity Safety Act 1998 and the Energy Safe Victoria Act 2005 in relation to Energy Safe Victoria and certain classes of electrical work and to make consequential and related amendments to certain other Acts and for other purposes* and requesting the agreement of the Council.

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

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

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

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

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

16 TRANSPORT LEGISLATION AMENDMENT BILL 2019 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Transport Integration Act 2010, the*

Road Safety Act 1986, the Accident Towing Services Act 2007, the Heavy Vehicle National Law Application Act 2013, the Road Management Act 2004 and the Transport (Compliance and Miscellaneous) Act 1983, to make consequential amendments to other Acts and for other purposes and requesting the agreement of the Council.

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

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

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

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

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

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

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

And then the Council, at 6.40 p.m., adjourned until Tuesday, 26 November 2019.

ANDREW YOUNG
Clerk of the Legislative Council