



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 104 — Thursday, 6 May 2021

Proof Version

1 The President took the Chair at 10.05 a.m., read the Prayer and made an Acknowledgement of Country.

2 **PETITIONS —**

REVISE TIMELINE FOR STAGE 2 OF THE HURSTBRIDGE LINE UPGRADE — Mr Atkinson presented a Petition bearing 192 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Transport Infrastructure and the Minister for the Suburban Rail Loop, the Hon. Jacinta Allan MP, to direct the Level Crossing Removal Project (LXRP) team to revise the project timeline for Stage 2 of the Hurstbridge Line Upgrade Project to allow the community and LXRP to work together to develop the best possible design for their local station and environment.

Ordered to lie on the Table.

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

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END NAPLAN IN VICTORIAN SCHOOLS — Dr Ratnam presented a Petition bearing 250 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to renegotiate the bilateral agreement with the Commonwealth Government so that Victorian schools are no longer bound under the terms of that agreement to take part in the National Assessment Program – Language and Numeracy (NAPLAN), and call on the Department of Education and Training to mandate that schools take action to inform parents that they can opt their children out of NAPLAN with no adverse consequences on their child's education.

Ordered to lie on the Table.

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

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

Crimes (Assumed Identities) Act 2004 — Report, 2019-20, by the Independent Broad-based Anti-corruption Commission, under section 31 of the Act.

Family Violence Reform Implementation Monitor Act 2016 — Report of the Family Violence Reform Implementation Monitor: As at 1 November 2020 (*Ordered to be published*).

Land Tax Act 2005 — Treasurer's Report for 1 July 2020 to 31 December 2020 of Land Tax Absentee Owner Surcharge Exemptions, under sections 3B and 3BA of the Act.

4 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 25 May 2021.

Question — put and agreed to.

- 5 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE USE OF CANNABIS** — Dr Kieu moved, by leave, That the resolutions of the Council of 30 May 2019, 13 November 2019 and 16 June 2020, requiring the Legal and Social Issues Committee to inquire into, consider and report on the use of cannabis in Victoria, be amended so as to now require the Committee to present its report no later than 5 August 2021.

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. 438 to 447, be postponed until later this day.

- 8 CEMETERIES AND CREMATORIA AMENDMENT BILL 2021** — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 12.00 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.

TAFE FUNDING — Ms Tierney having given a Minister's Statement relating to TAFE funding — On the motion of Dr Bach, by leave, the Minister's Statement was ordered to be taken into consideration on the next day of meeting.

QUESTIONS — Questions without notice and Ministers' Statements continued.

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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:

- **Premier's office – staffing matter** — substantive and supplementary questions asked by Mr O'Donohue — response from Ms Symes due Monday, 10 May 2021.
- **Homelessness funding – Federal Government** — substantive question asked by Mr Barton — response from Ms Stitt due Monday, 10 May 2021.
- **COVID-19 checks at Tullamarine Airport** — substantive and supplementary questions asked by Dr Cumming — response from Ms Symes due Monday, 10 May 2021.
- **Fines revenue write-offs** — substantive question asked by Mr O'Donohue — response from Ms Symes due Friday, 7 May 2021.

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QUESTION DIRECTED FOR FURTHER WRITTEN RESPONSE — The President directed a further written response be provided to questions without notice pursuant to Sessional Order 14 as follows:

- **Belt and Road Initiative Agreement** — substantive and supplementary questions asked by Mr Davis on Tuesday, 4 May 2021 — response from Ms Symes due Monday, 10 May 2021.

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

- 11 CEMETERIES AND CREMATORIA AMENDMENT BILL 2021** — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

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

House in Committee.

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

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

- 12 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2020** — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.
- 13 CEMETERIES AND CREMATORIA AMENDMENT BILL 2021** — The President announced that he had received a report from the Clerk notifying that he had made the following correction in this Bill in accordance with Standing Order 14.33:
In Clause 11, sub-clause 2, line 16, insert a close bracket, changing (b to (b).
- 14 ECONOMY AND INFRASTRUCTURE COMMITTEE MEMBERSHIP** — Ms Tierney moved, by leave, That Ms Shing and Ms Vaghela be participating members of the Standing Committee on the Economy and Infrastructure.
Question — put and agreed to.
Mr Davis moved, by leave, That Mr O'Donohue be a participating member of the Standing Committee on the Economy and Infrastructure.
Question — put and agreed to.
- 15 NON-EMERGENCY PATIENT TRANSPORT AMENDMENT BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Non-Emergency Patient Transport Act 2003 to introduce a licensing scheme for first aid operators, to make further provision for the regulation of non-emergency patient transport to and from medical services and to make consequential and related amendments to other Acts* and requesting the agreement of the Council.
On the motion of Ms Tierney (for Ms Symes), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Ms Tierney laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.
Ms Tierney moved, That the Bill be now read a second time.
On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.
- 16 TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Bus Safety Act 2009, the Commercial Passenger Vehicle Industry Act 2017, the Road Management Act 2004, the Road Safety Act 1986, the Transport Integration Act 2010, the Transport Legislation Amendment Act 2020, the Victorian Fisheries Authority Act 2016 and to make related and miscellaneous amendments to other Acts and for other purposes* and requesting the agreement of the Council.
On the motion of Ms Tierney (for Ms Pulford), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.
Ms Tierney laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.
On the motion of Ms Tierney, the second reading speech was incorporated into Hansard.
Ms Tierney moved, That the Bill be now read a second time.
On the motion of Mr Ondarchie (for Mr Davis), the debate was adjourned for one week.
- 17 ZERO AND LOW EMISSION VEHICLE DISTANCE-BASED CHARGE BILL 2021** — The President read a Message from the Assembly presenting *A Bill for an Act to require registered operators of zero and low emission vehicles to pay a charge for use of the vehicles on certain roads and for other purposes* and requesting the agreement of the Council.

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

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

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

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

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

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

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

And then the Council, at 6.30 p.m., adjourned until Tuesday, 25 May 2021.

ANDREW YOUNG
Clerk of the Legislative Council