



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 13, 14 and 15

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#### No. 13 — Tuesday, 30 April 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE HONOURABLE GIOVANNI ANTONIO SGRO** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 18 March 2019, of the Honourable Giovanni Antonio Sgro 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 Melbourne North Province from 1979 to 1992, and as Deputy President from 1984 to 1988.

And another Member having addressed the House, the question was put and agreed to unanimously with Members standing in their places.

- 3 **TERRORIST ATTACKS IN SRI LANKA** — 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 Sri Lankan bombings on Easter Sunday 21 April 2019;
  - (2) extends its sympathy and support to the families, friends and loved ones of the Victorian victims;
  - (3) sends a message of solidarity to Victoria's Sri Lankan community, and communities around the world;
  - (4) condemns all forms of violence and terrorism; and
  - (5) 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.

- 4 **PORT CAMPBELL VOLUNTEER LIFESAVERS** — Statements were made by Members, by leave, regarding the deaths of two volunteer lifesavers in Port Campbell, Ross and Andrew Powell.

As a further mark of respect to the late Honourable Giovanni Antonio Sgro, the victims of the terrorist attacks in Sri Lanka and the Port Campbell volunteer lifesavers, the sitting was suspended for one hour.

*[Sitting suspended from 2.03 p.m. until 3.04 p.m.]*

- 5 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 26 March 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Energy Legislation Amendment (Victorian Default Offer) Act 2019*

*Transport Legislation Amendment (Better Roads Victoria and Other Amendments) Act 2019*

*West Gate Tunnel (Truck Bans and Traffic Management) Act 2019.*

**6 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:

- **Murray-Darling water storage and use** — substantive and supplementary questions asked by Mr Bourman — response from Ms Tierney due Thursday, 2 May 2019.
- **Youth crime** — substantive and supplementary questions asked by Mr Grimley — response from Ms Symes due Thursday, 2 May 2019.
- **Local planning height controls** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Thursday, 2 May 2019.
- **Drug driving assessments** — supplementary question asked by Mr Limbrick — response from Ms Pulford due Thursday, 2 May 2019.

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**QUESTIONS 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:

- **Compensation to prisoners** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Symes due Thursday, 2 May 2019.

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

**8 PETITION — BILLS STREET PUBLIC HOUSING ESTATE** — Mr Davis presented a Petition bearing 128 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 redevelopment incorporates a component of new public housing and is not sold off to private developers.

Ordered to lie on the Table.

**9 PAPERS** —

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — REPORT ON THE APPOINTMENT OF A PERSON TO CONDUCT THE FINANCIAL AUDIT OF THE VICTORIAN AUDITOR-GENERAL'S OFFICE** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Dalidakis presented a Report from the Public Accounts and Estimates Committee on the appointment of a person to conduct the financial audit of the Victorian Auditor-General's Office (including an Appendix).

Ordered to be published.

Mr Dalidakis moved, That the Council take note of the Report.

Question — put and agreed to.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 5 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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**REPORT OF PBO OPERATIONS FOR THE 2018 VICTORIAN GENERAL ELECTION** — Pursuant to section 27 of the *Parliamentary Budget Officer Act 2017*, Mr Dalidakis laid on the Table a copy of the Report of PBO operations for the 2018 Victorian general election from the Parliamentary Budget Office.

Mr Dalidakis moved, That the Report be published.

Question — put and agreed to.

**OMBUDSMAN — REPORT ON FINES VICTORIA COMPLAINTS** — Pursuant to section 25AA(4)(c) of the *Ombudsman Act 1973*, the Clerk laid on the Table a copy of the Ombudsman's Report on Fines Victoria complaints, April 2019.

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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:

Land Acquisition and Compensation Act 1986 — Certification pursuant to section 7(1)(c) of the Act to not require the service of a notice of intention to acquire land.

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

Ararat, Ballarat, Golden Plains, Hepburn, Hindmarsh, Horsham, Moorabool, Northern Grampians, Pyrenees, West Wimmera and Yarriambiack Planning Schemes — Amendment GC122.

Bayside Planning Scheme — Amendment C150.

Boroondara Planning Scheme — Amendment C309.

Brimbank Planning Scheme — Amendment C205.

Casey and Hume Planning Schemes — Amendment GC120.

Casey Planning Scheme — Amendment C204.

Knox Planning Scheme — Amendments C164 and C172.

Melbourne Planning Scheme — Amendments C298, C347 and C351.

Mildura Planning Scheme — Amendment C100 (Part 2).

Mitchell Planning Scheme — Amendment C123.

Mornington Peninsula Planning Scheme — Amendments C216 and C251.

Southern Grampians Planning Scheme — Amendment C51.

Stonnington Planning Scheme — Amendment C283.

Surf Coast Planning Scheme — Amendment C120.

Victoria Planning Provisions — Amendments VC156 and VC157.

Whittlesea Planning Scheme — Amendments C217 and C223.

Wodonga Planning Scheme — Amendment C121.

Statutory Rules under the following Acts of Parliament —

Corrections Act 1986 — No. 27.

County Court Act 1958 — Nos. 28 and 29.

Electricity Safety Act 1998 — No. 17.

Fines Reform Act 2014 — No. 16.

Freedom of Information Act 1982 — No. 25.

Magistrates' Court Act 1989 — No. 24.

Members of Parliament (Standards) Act 1978 — No. 23.

Supreme Court Act 1986 — Nos. 19 to 21.

Transport (Compliance and Miscellaneous) Act 1983 — No. 22.

Victorian Civil and Administrative Tribunal Act 1998 — No. 18.

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 — No. 26.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 2, 15 to 25, 28 and 29.

Legislative Instruments and related documents under section 16B in respect of —

Gambling Regulation Act 2003 — Notice of 21 March 2019 fixing the value of gaming machine supervision charge for venue operators for 2017-18 under section 3.6.5A of the Act.

National Electricity (Victoria) Act 2005 —

Ministerial Order of 8 October 2018 for the modification of new Chapter 7 – Metering installation components.

Ministerial Order of 17 February 2019 for the modification of Chapter 7 of the National Electricity Rules.

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**PROCLAMATIONS** — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Justice Legislation Amendment (Access to Justice) Act 2018 — Remaining Provisions of Part 6 — 12 April 2019 (*Gazette No. S135, 9 April 2019*).

Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018 — Sections 15, 19, 23, 32 to 34, Parts 2 and 5 (other than sections 72 to 75) and Division 1 of Part 4 — 29 March 2019 (*Gazette No. S114, 26 March 2019*).

Residential Tenancies Amendment Act 2018 — Part 1, Sections 5(6), 123, 124 and 235 and Division 1 of Part 17 — 3 April 2019 (*Gazette No. S128, 2 April 2019*).

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A Proclamation of the Lieutenant-Governor in Council fixing operative dates in respect of the following Act was laid on the Table by the Clerk:

Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017 — Section 109 — 1 May 2019 — Sections 100, 104 and 108 — 3 June 2019 (*Gazette No. S145, 16 April 2019*).

**10 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 1 May 2019 —

- (1) Notice of Motion No. 61 standing in the name of Ms Bath referring a matter to the Economy and Infrastructure Committee relating to on-farm animal activist activity;
- (2) the notice of motion given this day by Mr Davis relating to the production of certain documents relating to GJK facility services;
- (3) the notice of motion given this day by Mr Hayes in relation to the local planning policy framework; and
- (4) the notice of motion given this day by Mr Grimley in relation to a presumptive compensation scheme for emergency service workers.

Question — put and agreed to.

**11 ECONOMY AND INFRASTRUCTURE COMMITTEE MEMBERSHIP** — Mr Davis moved, by leave, That Ms Bath be a participating member of the Standing Committee on Economy and Infrastructure.

Question — put and agreed to.

**12 ELECTORAL MATTERS COMMITTEE MEMBERSHIP** — Mr Jennings moved, by leave, That Mr Atkinson, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell and Mr Quilty be members of the Electoral Matters Committee.

Question — put and agreed to.

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

**14 BUSINESS POSTPONED** — Ordered — That the consideration of 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.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 10 to 31, be postponed until later this day.

**16 PARLIAMENTARY INTEGRITY ADVISER** — Mr Jennings moved, That this House establishes the position of Parliamentary Integrity Adviser in accordance with the following terms:

(1) **Provision of advice**

- (a) The Parliamentary Integrity Adviser is to advise any Member of Parliament, including former Members of Parliament, when asked to do so by that Member, on ethical issues and integrity matters concerning the exercise of his or her role as a Member of Parliament.
- (b) The Parliamentary Integrity Adviser's advice may be sought on a range of parliamentary matters including, but not limited to, the application of any legislation or other guidelines adopted by Parliament that are relevant to Members in their capacity as Members of Parliament, the use of Members' entitlements and declaration of potential conflicts of interests.

- (c) Any advice given by the Parliamentary Integrity Adviser should be consistent with legislation, regulations and any other rules or guidelines adopted by Parliament, but must not constitute legal advice.
- (2) **Education and training**
- (a) The Parliamentary Integrity Adviser is to provide periodic education and training to Members of Parliament about ethical issues and integrity matters concerning, but not limited to, the functions, roles, powers, and responsibilities of Members of Parliament.
  - (b) The Parliamentary Integrity Adviser must provide —
    - (i) training to new Members of Parliament at the start of each Parliament;
    - (ii) training to new Members of Parliament who are elected at a by-election or appointed to fill a casual vacancy; and
    - (iii) training on any amendments or changes to the parliamentary standards and integrity system.
- (3) **Records**
- (a) The Parliamentary Integrity Adviser is required to keep, for the duration of his or her tenure, a record of all advice given, including any supporting material and information upon which the advice is based.
  - (b) Subject to (3)(e)(ii), the Parliamentary Integrity Adviser must not divulge, to any person, entity or committee of either House, other than the person who requested the advice —
    - (i) any information provided to him or her in the course of his or her duties under this Resolution;
    - (ii) the content or details of any advice given in accordance with this Resolution; — unless the person who requested the advice has given express permission for such information and/or advice to be made public.
  - (c) The Parliamentary Integrity Adviser must not comply with any order for the production of records by either House relating to advice given by the Parliamentary Integrity Adviser unless the person who requested the advice —
    - (i) is a Member or former Member of the House that made the order; and
    - (ii) in the case of advice given under (1)(a)–(c), has sought to rely on the advice for any reason; and
    - (iii) has given express permission for the records to be released to the relevant House.
  - (d) Subject to 3(e), if the Parliamentary Integrity Adviser considers that the confidential advice provided to a Member or former Member has been publicly misrepresented, the Parliamentary Integrity Adviser may release a statement to correct the misrepresentation.
  - (e) In releasing a statement under (3)(d), the Parliamentary Integrity Adviser —
    - (i) must not publicise the advice provided unless the person who requested the advice has given express permission for it to be made public; or
    - (ii) if the person who requested the advice refuses permission for it to be made public, may release the advice to the Privileges Committee of the relevant House if that Committee makes a request as part of a related inquiry connected to that person.
- (4) **Reporting**
- (a) At least once every 12 months, the Parliamentary Integrity Adviser will meet jointly with the Privileges Committees of the Assembly and the Council to discuss matters relevant to and issues arising from the operation and application of the parliamentary standards framework.
  - (b) The Parliamentary Integrity Adviser must, every 12 months, report to the Parliament on —
    - (i) advisory functions including —
      - (A) the number of ethical matters raised during the reporting period;

- (B) the number of Members and former Members who sought advice during the reporting period;
    - (C) the number of times advice was given during the reporting period; and
    - (D) the amount of time spent in the course of performing duties under the terms of this Resolution during the reporting period; and
  - (ii) education functions including —
    - (A) the number of training sessions provided during the reporting period, and the number of members who attended each training session; and
    - (B) a brief description of the content of training sessions and any other training provided during the reporting period.
  - (c) The Parliamentary Integrity Adviser may, at his or her discretion, report to the Parliament from time to time on —
    - (i) any issues with the parliamentary standards framework arising from requests for ethics or integrity advice, including suggested proposals to address such issues;
    - (ii) the provision of guidance to Members of Parliament on particular issues, including publication of de-identified case studies in order to educate Members on their obligations;
    - (iii) any other matter the Parliamentary Integrity Adviser considers appropriate.
  - (d) A report of the Parliamentary Integrity Adviser under (4)(b) or(4)(c) —
    - (i) will be tabled in each House; and
    - (ii) must not divulge or cause to be divulged the identity of any person who has requested advice in accordance with this Resolution.
  - (e) A House or committee of the Parliament cannot —
    - (i) refer a matter to the Parliamentary Integrity Adviser;
    - (ii) require the Parliamentary Integrity Adviser to report on the conduct of a specific Member or former Member, or a specified group of Members and/or former Members, of Parliament; or
    - (iii) require the Parliamentary Integrity Adviser to investigate any allegations of misconduct.
- (5) Appointment, resignation and removal**
- (a) A person will be appointed by resolution of the Council and the Assembly, on the joint recommendation of the Privileges Committees of the Council and the Assembly in accordance with (5)(c), as Parliamentary Integrity Adviser.
  - (b) An appointment under (5)(a) must —
    - (i) subject to (5)(b)(iii), be made whenever the position becomes vacant; and
    - (ii) be for a period that terminates on the day that is 4 months after the general election that is held immediately following the Parliament during which the appointment is made; and
    - (iii) in the case of the first appointment of the Parliamentary Integrity Adviser, be made within 4 months after this Resolution has been agreed to by both Houses.
  - (c) Prior to a resolution under (5)(a), a joint report of the Privileges Committees of the Council and the Assembly will be tabled in each House specifying —
    - (i) a person recommended for appointment as Parliamentary Integrity Adviser; and
    - (ii) the terms and conditions of appointment of the Parliamentary Integrity Adviser, including any remuneration, as agreed in consultation with the Speaker and the President.
  - (d) If, within three months of the position becoming vacant, the Privileges Committees of the Council and the Assembly fail to report under (5)(c), a joint sitting of Parliament in accordance with JSO 22 will be held to appoint a person as Parliamentary Integrity Adviser on the terms and conditions, including any remuneration, agreed by the Speaker and the President.

- (e) The Parliamentary Integrity Adviser may engage in any outside employment that does not conflict with his or her role as Parliamentary Integrity Adviser.
  - (f) The Parliamentary Integrity Adviser may resign in writing to the President and the Speaker.
  - (g) The Parliamentary Integrity Adviser may be removed from office by resolution of the Council and the Assembly for —
    - (i) insolvency; or
    - (ii) proven misbehaviour; or
    - (iii) mental incapacity.
  - (h) Prior to a resolution under (5)(g), the Privileges Committees of the Council and the Assembly must meet and confer jointly on the alleged grounds for removal and, if the grounds are found to be valid, make a joint recommendation to Parliament that the Parliamentary Integrity Adviser be removed from office.
  - (i) A joint recommendation under (5)(h) will —
    - (i) be tabled in each House; and
    - (ii) include the reasons for the recommendation unless the Privileges Committees agree that it would be contrary to the public interest to do so.
  - (j) The Parliamentary Integrity Adviser may be suspended from office whilst any alleged grounds for removal from office are dealt with under the terms of this Resolution.
- (6) **Review**
- The Privileges Committees of the Council and the Assembly must, in the final year of each Parliament —
- (a) cause a joint review to be made of the operation of this Resolution; and
  - (b) table a report of the review in each House before the expiration of the Assembly under section 38 of the *Constitution Act 1975*.
- (7) **Privileges Committee**
- (a) The Privileges Committee of this House is authorised and required to meet and confer jointly with the Privileges Committee of the other House for the purposes of exercising its role, functions and powers in accordance with the terms of this Resolution.
  - (b) The provisions relating to the role, functions and powers of the Privileges Committee under the terms of this Resolution constitute a standing reference to the Committee for the Parliament during which its Members are appointed until the dissolution or other lawful determination of the Assembly.
  - (c) For the purposes of joint meetings of the Privileges Committees of the Council and the Assembly under the terms of this Resolution —
    - (i) the Chair of the Assembly Privileges Committee and the Chair of the Council Privileges Committee are joint chairs; and
    - (ii) meetings shall be chaired by the joint chairs on an alternating basis; and
    - (iii) a joint chair shall take the Chair whenever the other joint chair is not present; and
    - (iv) every Committee member shall have a deliberative vote only; and
    - (v) the Standing Orders of the Assembly shall otherwise apply insofar as they are not inconsistent with the terms of this Resolution.

This Resolution shall continue in force unless and until it is amended or rescinded by a resolution of the Council and the Assembly in this or a subsequent Parliament.

Debate ensued.

Question — put and agreed to.

**17 FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2018** — 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, 23

Mr Barton; Mr Bourman; 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 Elasmarr and Ms Taylor)*

## NOES, 15

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

*(Tellers: Ms Bath and Mr O'Donohue)*

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, 24

Mr Barton; Mr Bourman; 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: Dr Kieu and Dr Ratnam)*

## NOES, 15

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

*(Tellers: Mr Finn and Mr Grimley)*

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.

**18 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 6.50 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 14 — Wednesday, 1 May 2019

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

2 **PAPERS** —

**UNIVERSITY OF DIVINITY REPORT, 2018** — Ms Tierney moved, by leave, That there be laid before this House a copy of the University of Divinity Report, 2018.

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:

Bendigo Kangan Institute — Report, 2018.  
Box Hill Institute — Report, 2018.  
Centre for Adult Education — Report, 2018.  
Chisholm Institute — Report, 2018.  
Deakin University — Report, 2018.  
Falls Creek Alpine Resort Management Board — Report, 2018.  
Federation Training — Report, 2018.  
Federation University Australia — Report, 2018.  
Gordon Institute of TAFE — Report, 2018.  
Goulburn Ovens Institute of TAFE — Report, 2018.  
Holmesglen Institute — Report, 2018.  
La Trobe University — Report, 2018.  
Melbourne Polytechnic — Report, 2018.  
Monash University — Report, 2018.  
Mount Buller and Mount Stirling Alpine Resort Management Board — Report, 2018.  
Mount Hotham Alpine Resort Management Board — Report, 2018.  
Municipal Association of Victoria — Report, 2017-18.  
Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —  
    Boroondara Planning Scheme — Amendment C289.  
    Casey Planning Scheme — Amendment C261.  
    Greater Geelong Planning Scheme — Amendment C386.  
    Hobsons Bay Planning Scheme — Amendment C125.  
    Kingston Planning Scheme — Amendment C159.  
    Melton Planning Scheme — Amendments C199 and C200.  
    Mitchell Planning Scheme — Amendment C127.  
    Moonee Valley Planning Scheme — Amendment C204.  
    Surf Coast Planning Scheme — Amendment C118.  
    Yarra Planning Scheme — Amendment C225.  
Royal Melbourne Institute of Technology — Report, 2018.  
South West Institute of TAFE — Report, 2018.  
Southern Alpine Resort Management Board — Report, 2018.  
Sunraysia Institute of TAFE — Report, 2018.  
Swinburne University of Technology — Report, 2018.  
The University of Melbourne — Report, 2018.  
Victoria University — Report, 2018.  
William Angliss Institute of TAFE — Report, 2018.  
Wodonga Institute of TAFE — Report, 2018.

- 3 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 4 BUSINESS POSTPONED** — Ordered — That the consideration of 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.
- 5 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — ILLEGAL FARM ACTIVISTS** — Ms Bath moved, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by Thursday, 28 November 2019, on the effectiveness of Victoria's current legislation in terms of deterrent, penalty and remedy for illegal, on-farm animal activist activity, and in particular, the Committee should —
- (1) consider —
    - (a) the illegal activity of animal activists on Victorian farms;
    - (b) illegal farm activists' compliance with Victoria's stringent animal welfare laws;
    - (c) the appropriateness of Victoria's trespass, biosecurity, surveillance, privacy and nuisance laws;
  - (2) analyse the approach of other jurisdictions in Australia and internationally;
  - (3) consult with relevant stakeholders; and

- (4) provide recommendations on how Victoria's laws could be improved to protect farmers' privacy, businesses and the integrity of Victoria's biosecurity regime.

Debate ensued.

Ms Symes moved, as an amendment, That all the words after "That this House" be **omitted** with a view to **inserting** the following in their place:

"requires the Economy and Infrastructure Committee to inquire into, consider and report, by Thursday, 19 September 2019, on the effectiveness of legislation and other measures to prevent and deter activities by unauthorised persons on agricultural and associated industries and in particular, the Committee should —

- (1) consider —
  - (a) the type and prevalence of unauthorised activity on Victorian farms and related industries, and the application of existing legislation;
  - (b) the workplace health and safety and biosecurity risks, and potential impacts of animal activist activity on Victorian farms, to Victoria's economy and international reputation;
  - (c) animal activists' compliance with the *Livestock Disease Control Act 1994*, *Livestock Management Act 2010*, and the *Prevention of Cruelty to Animals Act 1986*;
  - (d) the civil or criminal liability of individuals and organisations who promote or organise participation in unauthorised animal activism activities;
- (2) analyse the incidences and responses of other jurisdictions in Australia and internationally; and
- (3) provide recommendations on how the Victorian Government and industry could improve protections for farmers' privacy, businesses, and the integrity of our biosecurity system and animal welfare outcomes, whether through law reform or other measures."

Debate ensued.

*The President advised that the total time allocated for debate, pursuant to Sessional Order 8, had elapsed —*

Ms Symes moved, by leave, That her amendment be moved with an amended reporting date, as follows — That all the words after "That this House" be **omitted** with a view to **inserting** the following in their place:

"requires the Economy and Infrastructure Committee to inquire into, consider and report, by Thursday, 28 November 2019, on the effectiveness of legislation and other measures to prevent and deter activities by unauthorised persons on agricultural and associated industries and in particular, the Committee should —

- (1) consider —
  - (a) the type and prevalence of unauthorised activity on Victorian farms and related industries, and the application of existing legislation;
  - (b) the workplace health and safety and biosecurity risks, and potential impacts of animal activist activity on Victorian farms, to Victoria's economy and international reputation;
  - (c) animal activists' compliance with the *Livestock Disease Control Act 1994*, *Livestock Management Act 2010*, and the *Prevention of Cruelty to Animals Act 1986*;
  - (d) the civil or criminal liability of individuals and organisations who promote or organise participation in unauthorised animal activism activities;
- (2) analyse the incidences and responses of other jurisdictions in Australia and internationally; and
- (3) provide recommendations on how the Victorian Government and industry could improve protections for farmers' privacy, businesses, and the integrity of our biosecurity system and animal welfare outcomes, whether through law reform or other measures."

Question — put and agreed to.

Question — That the amendment moved by Ms Symes be agreed to — put and agreed to.

Question — That the motion moved by Ms Bath, amended as follows, be agreed to — That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, by Thursday, 28 November 2019, on the effectiveness of legislation and other measures to prevent and deter activities by unauthorised persons on agricultural and associated industries and in particular, the Committee should —

- (1) consider —
  - (a) the type and prevalence of unauthorised activity on Victorian farms and related industries, and the application of existing legislation;
  - (b) the workplace health and safety and biosecurity risks, and potential impacts of animal activist activity on Victorian farms, to Victoria's economy and international reputation;
  - (c) animal activists' compliance with the *Livestock Disease Control Act 1994*, *Livestock Management Act 2010*, and the *Prevention of Cruelty to Animals Act 1986*;
  - (d) the civil or criminal liability of individuals and organisations who promote or organise participation in unauthorised animal activism activities;
- (2) analyse the incidences and responses of other jurisdictions in Australia and internationally; and
- (3) provide recommendations on how the Victorian Government and industry could improve protections for farmers' privacy, businesses, and the integrity of our biosecurity system and animal welfare outcomes, whether through law reform or other measures — put.

The Council divided — The President in the Chair.

AYES, 33

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Davis; Mr Elasmarr; Mr Finn; Ms Garrett; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; 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 Crozier and Ms Vaghela*)

NOES, 5

Dr Cumming; Mr Hayes; Mr Meddick; Ms Patten; Dr Ratnam.  
(*Tellers: Mr Hayes and Mr Meddick*)

Question agreed to.

**6 PRODUCTION OF DOCUMENTS — GJK FACILITY SERVICES** — Mr Davis moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council by 2.00 p.m. on Wednesday, 5 June 2019 —

- (1) a copy of all documents in full and unredacted which are concerned with or relate to contracts between the Government of Victoria and GJK Facility Services and any associated companies, past and present, including but not limited to all Ministerial briefs, tender criteria and decisions, documents relating to decisions to extend GJK contracts, and the criteria for extension and financial penalties applied for GJK's non-performance;
- (2) the same or equivalent documents, information and legal proceedings provided in response to Ms Margaret Fitzherbert's Freedom of Information request for each public housing facility for which GJK is contracted to provide cleaning or other services including documents that address or canvas —
  - (a) performance, or lack thereof, and how it was determined that the contracts would be extended;
  - (b) why and by whom it was decided that the option to renew GJK's contracts in 2018 be exercised rather than a new tender, particularly in the light of the many complaints including those from the Department to GJK;
  - (c) how was it decided that GJK's performance was sufficient to extend the contracts and on what performance criteria;
  - (d) Departmental and Ministerial approval of the decision to renew GJK's contracts in 2018, including briefings to the Minister about GJK's lack of performance, including three financial penalties for non-performance at Park Towers and renewal of the contracts; and

- (e) measures taken in response to the Victorian Ombudsman's October 2007 report on the *Investigation into the Office of Housing's tender process for the Cleaning and Gardening Maintenance Contract – CNG2007*.

Debate ensued.

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

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

**SURGERY WAITING LISTS** — Ms Mikakos having given answers to a question without notice and supplementary question relating to surgery waiting lists —

On the motion of Ms Crozier, the Minister's answers were ordered to be taken into consideration on the next day of meeting.

**QUESTIONS** — Questions without notice and Ministers' Statements continued and answers to certain questions on notice were circulated pursuant to Standing Order 8.12.

\* \* \* \* \*

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

- **Western Metropolitan Region transport plan** — substantive and supplementary questions asked by Dr Cumming — response from Ms Pulford due Friday, 3 May 2019.

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

- 9 PRODUCTION OF DOCUMENTS — GJK FACILITY SERVICES** — On the motion of Mr Finn, the debate was adjourned until later this day.

- 10 LOCAL PLANNING POLICY FRAMEWORK** — Mr Hayes moved, That this House calls on the Government to give greater weight to the local planning policy framework by —

- (1) amending section 84B of the *Planning and Environment Act 1987*, so that the Victorian Civil and Administrative Tribunal (VCAT) is required to give effect to local planning policies, rather than just take planning schemes into account;
- (2) amending section 60 of the *Planning and Environment Act 1987*, so that VCAT 'must' rather than 'may' consider "any strategic plan, policy statement, code or guideline which has been adopted by a Minister, other government department, public authority or municipal council"; and
- (3) requiring the Minister for Planning to implement mandatory height controls rather than discretionary height controls when mandatory controls are sought, at the height requested by municipal councils in planning scheme amendments, either on an interim or permanent basis.

Debate ensued.

Question — put and agreed to.

- 11 EMERGENCY SERVICE WORKERS PRESUMPTIVE COMPENSATION SCHEME** — Mr Grimley moved, That in relation to Part 4 of the *Victoria State Emergency Service Act 2005*, this House —

- (1) acknowledges —

- (a) that the process that emergency service workers have to undertake in order to claim workers compensation is often daunting, stressful and challenging, particularly if the claim is related to mental health;
  - (b) the existence of current basic presumptive legislation laws in Victoria, but note a lack of support for those suffering from post-traumatic stress;
  - (c) the cumulative impacts of exposure to violence and conflict, which emergency service workers are often subjected to;
  - (d) that legislating a presumptive compensation scheme for emergency service workers will reduce the stigma associated with post-traumatic stress injuries and assist people in accessing support services more efficiently and without further trauma;
- (2) calls on the Government to establish a presumptive compensation scheme which places the onus of proof from the workers to the employer, by allowing emergency service

workers and volunteers engaged in firefighting or lifesaving duties to access workers compensation, that will —

- (a) allow workers compensation claims that are post-traumatic stress related to be treated like any other work related injury; and
- (b) ensure that the presumptive legislation will not remove the ability for an employer to dispute the claim if there is sufficient reason to believe that the injury is not work related and to avoid retrospective claims being made.

Debate ensued.

Mr Melhem moved, as an amendment, That all the words after “That in relation to” be **omitted** with a view of **inserting** the following in their place:

“the mental health of police and emergency service workers, this House —

- (1) acknowledges —
  - (a) that the process that emergency workers have to undertake in order to claim workers compensation is often daunting, stressful and challenging, particularly if the claim is related to mental health;
  - (b) that there are cumulative impacts of exposure to violence and conflict, which emergency workers are often subjected to;
  - (c) that the risk of a workers compensation claim for both physical and mental injuries among emergency workers is more than three times higher than other occupations;
  - (d) that legislating a scheme for police and emergency workers and volunteers suffering from mental injuries that enables them to access assistance upon application will reduce the stigma associated with post-traumatic stress injuries and deliver better health outcomes;
- (2) calls on the Government to establish a provisional acceptance scheme for all emergency workers, which will enable workers to have their treatment paid for from the moment they submit a WorkCover claim for a mental injury, that will —
  - (a) apply to Victoria Police, Ambulance Victoria, Metropolitan Fire Brigade, State Emergency Service, Country Fire Authority, ESTA, child protection employees, Youth Justice employees, Corrections Victoria employees, forest firefighters and public sector nurses;
  - (b) provide support to cover all reasonable medical and like expenses while claims are being assessed; and
  - (c) allow the process for workers compensation claims that are post-traumatic stress related to be treated like any other work-related injury.”.

Debate ensued.

Question — That the amendment moved by Mr Melhem be agreed to — put and agreed to.

Question — That the motion moved by Mr Grimley, amended as follows, be agreed to — That in relation the mental health of police and emergency service workers, this House —

- (1) acknowledges —
  - (a) that the process that emergency workers have to undertake in order to claim workers compensation is often daunting, stressful and challenging, particularly if the claim is related to mental health;
  - (b) that there are cumulative impacts of exposure to violence and conflict, which emergency workers are often subjected to;
  - (c) that the risk of a workers compensation claim for both physical and mental injuries among emergency workers is more than three times higher than other occupations;
  - (d) that legislating a scheme for police and emergency workers and volunteers suffering from mental injuries that enables them to access assistance upon application will reduce the stigma associated with post-traumatic stress injuries and deliver better health outcomes;
- (2) calls on the Government to establish a provisional acceptance scheme for all emergency workers, which will enable workers to have their treatment paid for from the moment they submit a WorkCover claim for a mental injury, that will —
  - (a) apply to Victoria Police, Ambulance Victoria, Metropolitan Fire Brigade, State Emergency Service, Country Fire Authority, ESTA, child protection employees, Youth

Justice employees, Corrections Victoria employees, forest firefighters and public sector nurses;

- (b) provide support to cover all reasonable medical and like expenses while claims are being assessed; and
- (c) allow the process for workers compensation claims that are post-traumatic stress related to be treated like any other work-related injury — put and agreed to.

**12 PRODUCTION OF DOCUMENTS — GJK FACILITY SERVICES** — Debate resumed on the question, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council by 2.00 p.m. on Wednesday, 5 June 2019 —

- (1) a copy of all documents in full and unredacted which are concerned with or relate to contracts between the Government of Victoria and GJK Facility Services and any associated companies, past and present, including but not limited to all Ministerial briefs, tender criteria and decisions, documents relating to decisions to extend GJK contracts, and the criteria for extension and financial penalties applied for GJK's non-performance;
- (2) the same or equivalent documents, information and legal proceedings provided in response to Ms Margaret Fitzherbert's Freedom of Information request for each public housing facility for which GJK is contracted to provide cleaning or other services including documents that address or canvas —
  - (a) performance, or lack thereof, and how it was determined that the contracts would be extended;
  - (b) why and by whom it was decided that the option to renew GJK's contracts in 2018 be exercised rather than a new tender, particularly in the light of the many complaints including those from the Department to GJK;
  - (c) how was it decided that GJK's performance was sufficient to extend the contracts and on what performance criteria;
  - (d) Departmental and Ministerial approval of the decision to renew GJK's contracts in 2018, including briefings to the Minister about GJK's lack of performance, including three financial penalties for non-performance at Park Towers and renewal of the contracts; and
  - (e) measures taken in response to the Victorian Ombudsman's October 2007 report on the *Investigation into the Office of Housing's tender process for the Cleaning and Gardening Maintenance Contract – CNG2007*.

Question — put and agreed to.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of remaining General Business, be postponed until the next day of meeting.

**14 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — A statement on a report was made by a Member pursuant to Sessional Order 16.

**15 AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT** — The President announced the receipt of a Message from the Assembly advising the Council that they have agreed to the following resolution:

Under section 17 of the *Audit Act 1994*, Mr Geoff Parker of Nexia Melbourne be appointed for a period of one year:

- (a) to conduct the financial audit of the Victorian Auditor-General's Office for the financial year ending 30 June 2019;
- (b) in accordance with the Agreement for the provision of services for the financial audit of the Victorian Auditor-General's Office (Year ending 30 June 2019), in Appendix 1 of the Public Accounts and Estimates Committee's Report on the appointment of a person to conduct the financial audit of the Victorian Auditor-General's Office (PP 24, 2018–19); and
- (c) at a fixed fee level of remuneration of \$38,000 (plus GST) for audit services for the year ending 30 June 2019.

and requesting the agreement of the Council.

Ordered — That the Message be taken into consideration forthwith.

Ms Tierney moved, by leave, That the Council concurs with the Assembly and resolves, That under section 17 of the *Audit Act 1994*, Mr Geoff Parker of Nexia Melbourne be appointed for a period of one year:

- (1) to conduct the financial audit of the Victorian Auditor-General's Office for the financial year ending 30 June 2019;
- (2) in accordance with the Agreement for the provision of services for the financial audit of the Victorian Auditor-General's Office (Year ending 30 June 2019), in Appendix 1 of the Public Accounts and Estimates Committee's Report on the appointment of a person to conduct the financial audit of the Victorian Auditor-General's Office (PP 24, 2018–19);
- (3) at a fixed fee level of remuneration of \$38,000 (plus GST) for audit services for the year ending 30 June 2019; and
- (4) a Message be sent to the Assembly informing them that the Council have concurred with the Assembly's Resolution.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

**16 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 10 to 31, and Orders of the Day, Government Business, Nos. 1 to 5, be postponed until later this day.

**17 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the following Address to the Governor in reply to the Governor's Opening Speech:

MAY IT PLEASE THE GOVERNOR

We, the Legislative Council of Victoria assembled in Parliament, express our loyalty to Australia and the people of Victoria, and thank you for the speech which you have made to the Parliament.

We declare that we will faithfully carry out the important duties entrusted to us by the people of Victoria, to advance the best interests of all sections of the community.

Question — put and agreed to.

Ms Mikakos moved, That the Address be presented to the Governor by the President and such Members of the Council as may wish to accompany him.

Question — put and agreed to.

**18 ADJOURNMENT** — The President proposed the question, 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 6.14 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## No. 15 — Thursday, 2 May 2019

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

2 **PAPERS** —

**MAGISTRATES' COURT OF VICTORIA REPORT, 2016-17** — Ms Tierney presented, by command of the Governor, the Magistrates' Court of Victoria Report, 2016-17.

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

\* \* \* \* \*

**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 Outcomes of Investing in Regional Victoria, May 2019  
(*Ordered to be published*).

Crimes (Assumed Identities) Act 2004 — Reports, 2017-18, pursuant to section 31  
by the —

Australian Crime Commission.

Independent Broad-based Anti-corruption Commission.  
Victoria Police.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 8.

Surveillance Devices Act 1999 — Reports 2017-18, pursuant to section 30L by the —  
Independent Broad-based Anti-corruption Commission.  
Victoria Police.

**3 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 28 May 2019.

Question — put and agreed to.

**4 SESSIONAL ORDERS** — Ms Symes moved, by leave, That until the end of the Session, unless otherwise ordered by the Council —

(1) The following Sessional Orders be adopted, to come into operation with immediate effect:

**1. Procedure Committee**

In Standing Order 23.08(3) for “four” substitute “five”.

**2. Privileges Committee**

In Standing Order 23.09(2) for “four” substitute “five”.

(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.

Question — put and agreed to.

**5 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — SPENT CONVICTIONS** —

Mr Jennings moved, by leave, That —

(1) pursuant to Standing Order 23.02 and Sessional Order 22, this House requires the Legal and Social Issues Committee to inquire into, consider and report, no later than Tuesday, 27 August 2019, on the need for and potential impact of laws in Victoria to govern the disclosure of criminal history records, otherwise known as a legislated spent convictions scheme;

(2) the Committee should consider the design of such a scheme that would be appropriate for Victoria, including, but not limited to —

(a) the types of criminal records that should be capable of becoming spent;

(b) the mechanism by which convictions become spent;

(c) any “crime-free period” that should apply before a conviction may be spent including whether this should vary according to the age of the offender and type of conviction;

(d) the effect of subsequent convictions during the crime-free period;

(e) the consequences of a conviction becoming spent;

(f) any offences and penalties that should apply for non-compliance with the scheme, including for disclosing or taking into account a spent conviction where this is not permitted;

(g) interaction between a Victorian scheme and other jurisdictions;

(h) appropriate exceptions, such as for particular offence categories or specific regulatory schemes; and

(i) the interaction between any proposed ‘scheme’ and other legislation, such as the *Assisted Reproductive Treatment Act 2008* and the *Working with Children Act 2005*;

(3) in considering the need for and design of a legislated spent convictions scheme, the Committee should have regard to the experience of groups in our community who suffer particular disadvantage due to past convictions, such as young people and Aboriginal and Torres Strait Islander people; and

(4) the Committee should be guided by the public interest in ensuring that the disclosure of criminal history records in Victoria operates in a fair and transparent manner and balances the interests of offender rehabilitation and reintegration with community safety, including the safety of vulnerable Victorians and the safety and wellbeing of victims.

Debate ensued.

Question — put and agreed to.

- 6 LAW REFORM, ROAD SAFETY AND COMMUNITY SAFETY COMMITTEE** — Mr O'Donohue moved, by leave, That this House notes the recent abolition of the Law Reform, Road Safety and Community Safety Joint House Standing Committee and calls for the immediate establishment of a Law Reform, Sentencing and Community Safety Joint House Standing Committee, with the immediate objective to inquire into and report on the adequacy of Victoria's homicide, sentencing and parole laws, including —

- (1) the adequacy of current sentencing law and practice in matters of family violence homicide, including the adequacy of sentencing and parole consequences available where an accused fails to disclose what they know about the circumstances surrounding the death of the victim/s;
- (2) whether the current legal framework meets community expectations and appropriately considers the impact on the community following a homicide;
- (3) whether there should be greater penalties for perpetrators who fail to assist police, the courts and other authorities regarding the cause and circumstances surrounding the death of the victim;
- (4) what type of legislative and other changes may be required to ensure the rights of victims are adequately considered;

and otherwise review the current legal framework in both Victorian and other key jurisdictions.

Debate ensued.

Mr Hayes moved, That the debate be adjourned until the next day of meeting.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 26

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

(Tellers: Mr Elasmars and Mr Hayes)

NOES, 10

Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Mr Ondarchie and Mr Rich-Phillips)

Question 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. 10 to 31, be postponed until later this day.
- 9 MAJOR TRANSPORT PROJECTS FACILITATION 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 —*

- 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:

- **North Richmond Community Health Centre** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Friday, 3 May 2019.

- **North East Link project impact on public transport** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Monday, 6 May 2019.
- **Control of feral and introduced species** — substantive question asked by Mr Meddick — response from Mr Jennings due Monday, 6 May 2019.
- **Timber plantation in Gippsland** — substantive question asked by Mr O'Donohue — response from Ms Symes due Friday, 3 May 2019.
- **V/Line services in North East Victoria** — substantive and supplementary questions asked by Mr Quilty — response from Ms Pulford due Monday, 6 May 2019.

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

**12 MAJOR TRANSPORT PROJECTS FACILITATION AMENDMENT BILL 2019** — 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.

**13 OPEN COURTS AND OTHER ACTS 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 GUARDIANSHIP AND ADMINISTRATION BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to re-enact with amendments the law relating to guardianship and administration, to repeal the Guardianship and Administration Act 1986 and to amend consequentially various 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 Ondarchie (for Mr O'Donohue), the debate was adjourned for one week.

**15 PROFESSIONAL ENGINEERS REGISTRATION BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to establish a scheme for the registration of professional engineers to promote best practice in providing professional engineering services, to provide for the endorsement of registration, to provide protection to consumers of professional engineering services and 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 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 Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**16 SALE OF LAND AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to make various amendments to the Sale of Land Act 1962 in relation to off-the-plan contracts, terms contracts, rent-to-buy arrangements and options to purchase land under land banking schemes, to amend the ANZAC Day Act 1958 to impose restrictions on public auctions, and to amend the Estate Agents Act 1980 in respect of payments that may be made from the Victorian Property Fund and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Somyurek, 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 Ondarchie, 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 6.17 p.m., adjourned until Tuesday, 28 May 2019.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 13, 14 and 15

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### **FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2018**

*Committed Tuesday, 30 April 2019*

**Clauses 1 to 6** — put and agreed to.

**Bill reported without amendment.**

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### **MAJOR TRANSPORT PROJECTS FACILITATION AMENDMENT BILL 2019**

*Committed Thursday, 2 May 2019*

**Clauses 1 to 12** — put and agreed to.

**Bill reported without amendment.**

