



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 41, 42 and 43

No. 41 — Tuesday, 12 November 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 6 November 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
 - Children's Services Amendment Act 2019*
 - Dangerous Goods Amendment (Penalty Reform) Act 2019*
 - Police Legislation Amendment (Road Safety Camera Commissioner and Other Matters) Act 2019*
 - Primary Industries Legislation Amendment Act 2019*
 - Rail Safety Legislation Amendment (National Services Delivery and Related Reforms) Act 2019*
 - Renewable Energy (Jobs and Investment) Amendment Act 2019.*
- 3 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

VICTORIAN TIMBER INDUSTRY — Ms Symes having given a Minister's Statement relating to the Victorian Timber Industry —

On the motion of Ms Bath, 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 and 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:

 - **TAFE enrolment in Northern Region – VCE** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Tierney due Wednesday, 13 November 2019.
 - **Prescribed burning targets** — substantive and supplementary questions asked by Mr Bourman — response from Mr Jennings due Thursday, 14 November 2019.
 - **Residential development in Glen Eira** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Thursday, 14 November 2019.
 - **Murray-Darling Basin Plan** — substantive and supplementary questions asked by Mr Quilty — response from Ms Tierney due Thursday, 14 November 2019.
- 4 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.

5 PETITIONS —

LEVEL CROSSING REMOVALS IN WYNDHAM — Mr Finn presented a Petition bearing 530 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to pause the three level crossing removals at Old Geelong Road, Hoppers Crossing, and at Cherry and Werribee Streets, Werribee, until community discussions are completed and community options evaluated.

Ordered to lie on the Table.

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

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SAVE THE STONY CREEK REVITALISATION PROJECT — Mr Melhem presented a Petition bearing 3,022 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Victorian Government to save the Stony Creek Revitalisation Project in Brimbank.

Ordered to lie on the Table.

6 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 14 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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PARLIAMENTARY BUDGET OFFICE REPORT, 2018-19 — Pursuant to section 28 of the *Parliamentary Budget Officer Act 2017*, Ms Stitt, on behalf of the Public Accounts and Estimates Committee, presented the Parliamentary Budget Office Report, 2018-19.

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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:

Administrator of National Health Funding Pool – Victoria State Pool Account — Report, 2018-19.

Crown Land (Reserves) Act 1978 —

Order of 31 October 2019 giving approval to the granting of a lease at Power House Amateur Football Club Inc.

Order of 31 October 2019 giving approval to the granting of a lease at South Melbourne Women's Football Club Inc.

Minister's Order of 10 November 2019 giving approval to the granting of a license at Mount Anakie Reserve.

Geelong Performing Arts Centre Trust — Report, 2018-19.

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of the 2018-19 report.

Kooweerup Regional Health Service — Report, 2018-19.

National Health Practitioner Ombudsman and Privacy Commissioner — Report, 2018-19.

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

Boroondara Planning Scheme — Amendment C307.

Kingston Planning Scheme — Amendment C132.

Macedon Ranges Planning Scheme — Amendment C125.

Moreland Planning Scheme — Amendments C178 and C185.

Yarra Ranges Planning Scheme — Amendment C185.

Professional Standards Act 2003 — CPA Australia Ltd Professional Standards (Accountants) Scheme (*Gazette No. S 423, 22 October 2019*).

Statutory Rules under the following Acts of Parliament —

County Court Act 1958 — No. 106.

Planning and Environment Act 1987 — No. 107.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 99 and 102 to 107.

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

Amendment of 16 October 2019 to the Initial Quota Order for the Giant Crab Fishery in the Western Zone under section 64(2) of the Fisheries Act 1995.

Minister's notice of 28 October 2019 of the making of the Code of Practice for yacht clubs which manage 'Boating Activity Events' under section 272 of the Marine Safety Act 2010.

Minister's notice of 29 October 2019 of determination of premises not constituting retail premises under section 5(1)(e) of the Retail Leases Act 2003.

Surveyors Registration Board of Victoria — Minister's report of receipt of the 2018-19 report.

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PROCLAMATIONS — Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018 — section 42 — 11 November 2019 (*Gazette No. S 446, 6 November 2019*).

Transport Legislation Amendment (Better Roads Victoria and Other Amendments) Act 2019 — section 11 — 3 November 2019 (*Gazette No. S 434, 29 October 2019*).

7 BUSINESS OF THE COUNCIL — Ms Patten moved, by leave, That precedence be given to the following General Business on Wednesday, 13 November 2019 —

- (1) Order of the Day for the second reading of the Drugs, Poisons and Controlled Substances Amendment (Pill Testing Pilot for Drug Harm Reduction) Bill 2019;
- (2) Order of the Day for the resumption of debate on the second reading of the Planning and Environment Amendment (Local Democracy) Bill 2019;
- (3) the notice of motion given this day by Ms Bath in relation to Victoria's native timber industry;
- (4) Notice of Motion No. 195 standing in the name of Mr Davis in relation to the production of certain documents relating to Infrastructure Victoria;
- (5) Order of the Day for the resumption of debate on the second reading of the Commercial Passenger Vehicle Industry Amendment Bill 2019; and
- (6) Notice of Motion No. 114 standing in the name of Mr Barton in relation to proposed amendments to the Standing Orders.

Question — put and agreed to.

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

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

10 BUILDING AMENDMENT (CLADDING RECTIFICATION) BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

Amendments and suggested amendments proposed to be moved in Committee by Mr Quilty were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 26

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.
(*Tellers: Mr Erdogan and Mr Melhem*)

NOES, 14

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

(Tellers: Mr O'Donohue and Ms Wooldridge)

Question agreed to.

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

House in Committee.

Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —

On the motion of Ms Stitt, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Ms Symes 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; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Mr Meddick; Ms Maxwell; 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 Vaghela)

NOES, 13

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

(Tellers: Ms Bath and Mr Quilty)

Question agreed to.

Bill read a third time.

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

11 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 7:31 p.m., adjourned until tomorrow.

ANDREW YOUNG

Clerk of the Legislative Council

No. 42 — Wednesday, 13 November 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **CRIMES AMENDMENT (ABOLITION OF BLASPHEMY) BILL 2019** — Ms Patten introduced *A Bill to abolish the common law offences of blasphemy and blasphemous libel*.
On the motion of Ms Patten, the Bill was read a first time and ordered to be read a second time 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:
Auditor-General's Reports on —
the Annual Financial Report of the State of Victoria: 2018-19, November 2019
(Ordered to be published).

Council Libraries, November 2019 (*Ordered to be published*).

Commission for Children and Young People — Lost, not forgotten: Inquiry into children who died by suicide and were known to Child Protection, October 2019 (*Ordered to be published*).

Ombudsman — Investigation into improper conduct by a Council employee at the Mildura Cemetery Trust, November 2019 (*Ordered to be published*).

- 4 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO HOMELESSNESS IN VICTORIA** — Ms Patten moved, by leave, That the Resolution of the Council of 7 June 2019 requiring the Legal and Social Issues Committee to inquire into, consider and report, within 12 months, on the state of homelessness in Victoria, be amended so as to now require the Committee to present its report by 17 November 2020.

Question — put and agreed to.

- 5 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO THE USE OF CANNABIS IN VICTORIA** — Ms Patten moved, by leave, That the Resolution of the Council of 30 May 2019 requiring the Legal and Social Issues Committee to inquire into, consider and report, by no later than 2 March 2020, on the use of cannabis in Victoria, be amended so as to now require the Committee to present its report no later than 31 March 2021.

Question — put and agreed to.

- 6 LEGAL AND SOCIAL ISSUES COMMITTEE — EXTENSION TO REPORTING DATE — INQUIRY INTO MANAGEMENT OF CHILD SEX OFFENDER INFORMATION** — Ms Patten moved, by leave, That the Resolution of the Council of 28 August 2019 requiring the Legal and Social Issues Committee to inquire into, consider and report, by no later than 30 June 2020, on the management of child sex offender information, be amended so as to now require the Committee to present its report no later than 30 June 2021.

Question — put and agreed to.

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

- 8 DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILL TESTING PILOT FOR DRUG HARM REDUCTION) BILL 2019** — Dr Ratnam, and also on behalf of Ms Patten, laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Dr Ratnam, and also on behalf of Ms Patten, moved, That the Bill be now read a second time.

On the motion of Ms Stitt, the debate was adjourned for two weeks.

- 9 PLANNING AND ENVIRONMENT AMENDMENT (LOCAL DEMOCRACY) 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 Davis were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 18

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

(*Tellers: Mr Limbrick and Dr Ratnam*)

NOES, 22

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

(*Tellers: Dr Kieu and Ms Taylor*)

Question negatived.

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.

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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:

- **Native timber logging ban** — substantive question asked by Mr Limbrick — response from Mr Jennings due Friday, 15 November 2019.
- **1080 aerial baiting licence** — substantive question asked by Mr Meddick — response from Mr Jennings due Friday, 15 November 2019.
- **Portland District Hospital Cyber Security** — substantive question asked by Ms Crozier — response from Ms Mikakos due Friday, 15 November 2019.

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

12 NATIVE TIMBER INDUSTRY — Ms Bath moved, That this House condemns the Andrews Labor Government for sacrificing the livelihood of thousands of Victorians and their families through the closure of the native timber industry, and notes —

- (1) the Government's decision is politically motivated and driven by Labor's reliance on Greens' preferences;
- (2) plantation timber cannot meet the needs of markets currently supplied by native hardwood timber by 2030;
- (3) native timber production in Victoria is a sustainable and internationally accredited industry which provides employment for up to 21,000 workers;
- (4) closure of the industry will have a devastating impact on towns like Orbost, Heyfield, Powelltown, Benalla and Corryong;
- (5) Victoria's timber industry harvests less than 0.04 per cent of the forest estate each year, or four out of every 10,000 trees;
- (6) the Government's decision to close the industry will increase the need to import timber that is not harvested under the same strict environmental accreditations as in Victoria;
- (7) the timber industry plays a vital role in bushfire preparedness and fighting bushfires;
- (8) research from the International Panel on Climate Change released in August 2019, which states "A sustainable forest management strategy aimed at maintaining or increasing forest carbon stocks, while producing an annual sustained yield of timber, fibre or energy from the forest, will generate the largest sustained mitigation benefit";

and calls on the Government to stand up for Victorian workers and Victorian industry and rescind its decision to close the native timber industry.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

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

(Tellers: Ms Lovell and Mr O'Donohue)

NOES, 23

Dr Cumming; Mr Elasmarr; Mr Erdogan; 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 Cumming and Ms Stitt)

Question negatived.

13 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, General Business, No. 195, be postponed until later this day.

14 COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders —

15 STATEMENTS ON REPORTS, PAPERS AND PETITIONS — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

16 ADJOURNMENT — Ms Symes 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 6.18 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 43 — Thursday, 14 November 2019

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.

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

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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.

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 — Reports, 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 GC146.

Baw Baw Planning Scheme — Amendment C133.

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

Rail Safety National Law Application Act 2013 — Rail Safety National Law National Regulations (Application of Law) Variation Regulations 2019 under section 12 of the Act.

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 Standing Committee on Environment and Planning.

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.

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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:

- **Yarraville level crossing** — substantive and supplementary questions 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

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 41, 42 and 43

BUILDING AMENDMENT (CLADDING RECTIFICATION) BILL 2019

Committed Tuesday, 12 November 2019

Amendments circulated: Mr Quilty (see p. 306).

Clauses 1 to 8 — put and agreed to.

Clause 9 — Mr Quilty moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

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

(Tellers: Mr Barton and Ms Maxwell)

NOES, 22

Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; 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: Ms Stitt and Ms Taylor)

Question negatived.

Clause 9 — put and agreed to.

Clauses 10 to 13 — put and agreed to.

Clause 14 — Mr Quilty moved suggested Amendment Nos. 2 to 5.

Question — That the suggested amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 18

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

(Tellers: Mr Atkinson and Ms Crozier)

NOES, 22

Mr Bourman; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; 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: Ms Mikakos and Ms Shing)

Question negatived.

Clause 14 — put and agreed to.

Clauses 15 to 28 — put and agreed to.

Bill reported without amendment.

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2019*Committed Thursday, 14 November 2019***Clauses 1 and 2** — no question put pursuant to Standing Order 14.15(2).**Clauses 3 to 7** — put and agreed to.**Clause 8** — Question — That clause 8 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24

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

(Tellers: Mr Erdogan and Mr Melhem)

NOES, 14

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

(Tellers: Mr Barton and Mr Quilty)

Question agreed to.

Clauses 9 to 11 — put and agreed to.**Clauses 12 to 14** — no question put pursuant to Standing Order 14.15(2).**Clause 15** — put and agreed to.**Clauses 16 and 17** — no question put pursuant to Standing Order 14.15(2).**Clause 18** — put and agreed to.**Clauses 19 and 20** — no question put pursuant to Standing Order 14.15(2).**Clauses 21 and 22** — put and agreed to.**Clause 23** — no question put pursuant to Standing Order 14.15(2).**Clauses 24 to 31** — put and agreed to.**Bill reported without amendment.**

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**JUSTICE LEGISLATION AMENDMENT (SERIOUS OFFENDERS AND OTHER MATTERS)
BILL 2019***Committed Thursday, 14 November 2019**Amendments circulated: Ms Maxwell (see pp. 306-7) and Mr O'Donohue (see p. 307).***Clause 1** — Ms Maxwell moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 19

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

NOES, 20

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; 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 Jennings and Ms Pulford*)

Question negatived.

Clause 1 — put and agreed to.

Clauses 2 to 26 — put and agreed to.

Clause 27 — Question — That clause 27 stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 25

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Ms Pulford; Mr Quilty; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.
(*Tellers: Ms Garrett and Mr Melhem*)

NOES, 14

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips; Ms Wooldridge.
(*Tellers: Mr Grimley and Ms Maxwell*)

Question agreed to.

Clauses 28 to 30 — put and agreed to.

Clause 31 — Mr O'Donohue moved Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

NOES, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; 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 Meddick and Ms Terpstra*)

Question negatived.

Clause 31 — put and agreed to.

Clauses 32 to 51 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —**1. BUILDING AMENDMENT (CLADDING RECTIFICATION) BILL 2019***Amendments circulated by Mr Quilty*

1. Clause 9, page 5, line 8, omit "it is proved that".
2. **Suggested amendment to the Legislative Assembly—**
Clause 14, page 10, line 3, omit "(1)".
3. **Suggested amendment to the Legislative Assembly—**
Clause 14, page 10, lines 12 to 22, omit all words and expressions on these lines.
4. **Suggested amendment to the Legislative Assembly—**
Clause 14, page 10, line 23, omit "(e)" and insert "(c)".
5. **Suggested amendment to the Legislative Assembly—**
Clause 14, page 10, lines 27 to 35, omit all words and expressions on these lines.
6. **Suggested amendment to the Legislative Assembly—**
Clause 15, page 12, line 31, omit 'required.'" and insert "required."
7. **Suggested amendment to the Legislative Assembly—**
Clause 15, page 12, after line 31 insert—
'(2D) Subsections (2A) to (2C) expire on the fourth anniversary of the commencement of section 15 of the **Building Amendment (Cladding Rectification) Act 2019**.'".
8. **Suggested amendment to the Legislative Assembly—**
Clause 25, omit this clause.

2. JUSTICE LEGISLATION AMENDMENT (SERIOUS OFFENDERS AND OTHER MATTERS) BILL 2019*Amendments circulated by Ms Maxwell*

1. Clause 1, page 2, after line 21 insert—
"(iva) to require the Secretary to notify victims of a crime committed by a prisoner after an award of damages is made to the prisoner; and".
2. Insert the following New Clauses to follow clause 38—
NEW CLAUSES
"38A Section 104X substituted
For section 104X of the **Corrections Act 1986** substitute—
"104X Secretary to notify victim of award of damages to prisoner
(1) The Secretary must give written notice to a victim in relation to a criminal act by a prisoner of an award of damages to the prisoner as soon as practicable after the amount of damages is paid to the Secretary under section 104V.
(2) A notice under subsection (1) must comply with section 104Y(2).
(3) The Secretary need not give notice under subsection (1) to a victim who has requested that notice not be given under this section."
38B Notice to victims published
In section 104Y(1) of the **Corrections Act 1986**, for "The Secretary" substitute "In addition to the requirements of section 104X, the Secretary".
38C Section 104Z repealed

Section 104Z of the **Corrections Act 1986** is repealed.

38D Applications for information

- (1) In the heading to section 104ZA of the **Corrections Act 1986**, after "for" insert "further".
- (2) In section 104ZA(1) of the **Corrections Act 1986**, for "information" substitute "further information".

38E Disclosure of information by Secretary authorised

In section 104ZB of the **Corrections Act 1986**, for "104Y, 104Z or 104ZA" substitute "104X, 104Y or 104ZA".

38F Confidentiality of information

In section 104ZC of the **Corrections Act 1986**, for "104Y, 104Z or 104ZA" substitute "104X, 104Y or 104ZA".

38G Offence to disclose information

In section 104ZD of the **Corrections Act 1986**, for "104Y, 104Z or 104ZA" (wherever occurring) substitute "104X, 104Y or 104ZA".

Amendments circulated by Mr O'Donohue

1. Clause 27, omit this clause.

NEW CLAUSE

2. Insert the following New Clause before clause 28—

"27 New section 47DA inserted

For section 47DA of the **Corrections Act 1986** substitute—

"47DA Offence for prisoner to send letters or parcels to victim without consent

A prisoner must not send or cause to be sent, or attempt to send or cause to be sent, a letter or parcel to a victim who is not listed in section 47(1)(m) if the prisoner knows, or ought reasonably to know, that the victim, or any other victim who might reasonably receive the letter or parcel, has not explicitly consented to receiving it.

Penalty: 6 months imprisonment.".

3. Clause 31, page 22, after line 10 insert—

"(5A) Before section 61(3) of the **Corrections Act 1986** insert—

"(2B) At least **one** of the members of the Board appointed under paragraph (2)(d) must be a person representing the interests of victims.".

