



**LEGISLATIVE COUNCIL**  
**MINUTES OF THE PROCEEDINGS**  
**No. 36 — Wednesday, 16 October 2019**  
*Proof Version*

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

2 **PETITIONS —**

**MANDATORY MINIMUM SENTENCE FOR FARM TRESPASS** — Mr Bourman presented a Petition bearing 261 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to introduce a mandatory minimum sentence of 6 months as the penalty for trespass onto farms or associated animal businesses.

Ordered to lie on the Table.

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**RESERVOIR RAIL CROSSING CLOSURE** — Mr Ondarchie presented a Petition bearing 142 signatures from certain citizens of Victoria requesting that the Legislative Council condemns the Government for its inadequate communication with Reservoir shopkeepers relating to the closure of the Reservoir rail crossing and requests that the Government take action so that local businesses affected by the road closure will still exist after the works are completed.

Ordered to lie on the Table.

3 **PAPERS —**

**PARLIAMENTARY DEPARTMENTS** — Ms Lovell moved, by leave, That there be laid before this House a copy of the —

- (1) Department of the Legislative Council Report, 2018-19; and
- (2) Department of Parliamentary Services Report, 2018-19.

Question — put and agreed to.

The Reports were presented by Ms Lovell and ordered to lie on the Table.

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**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — RECOMMENDATION ON THE APPOINTMENT OF A PERSON TO CONDUCT THE PERFORMANCE AUDIT OF THE AUDITOR-GENERAL AND THE VICTORIAN AUDITOR-GENERAL'S OFFICE** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Stitt presented a Report from the Public Accounts and Estimates Committee on the Recommendation on the appointment of a person to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office, October 2019.

Ordered to lie on the Table and the Report to be published.

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

5 **ENVIRONMENT PROTECTION AMENDMENT (REFUND ON BOTTLES AND CANS) BILL 2019** — Dr Ratnam laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Dr Ratnam moved, That the Bill be now read a second time.

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

- 6 ROAD SAFETY AMENDMENT (MEDICINAL CANNABIS) BILL 2019** — Ms Patten laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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.

- 7 HEALTH FUNDING IN THE 2019-20 BUDGET** — Ms Crozier moved, That this House expresses concern with the Andrews Government's cuts to health funding in the 2019-20 Budget, and notes the direct impact this has had on the —

- (1) Austin Hospital;
- (2) Cyber Security of Hospital networks;
- (3) Primary Care Partnerships across the State; and
- (4) safety and wellbeing of Victorian patients and staff.

Debate ensued.

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

Question — put.

The Council divided — The President in the Chair.

AYES, 11

Mr Atkinson; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Mr Rich-Phillips; Ms Wooldridge.  
(Tellers: Ms Lovell and Ms Wooldridge)

NOES, 28

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; 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 Shing and Ms Vaghela)

Question negated.

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

- 8 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:

- **Primary Care Partnerships review** — substantive question asked by Ms Crozier — response from Ms Mikakos due Thursday, 17 October 2019.
- **Police supervision of mental health patients** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Friday, 18 October 2019.
- **Regional Development Victoria – Budget** — substantive and supplementary questions asked by Ms Bath — response from Ms Symes due Thursday, 17 October 2019.
- **Public land sale** — substantive question asked by Mr Hayes — response from Mr Jennings due Friday, 18 October 2019.
- **Road safety – crash statistics** — supplementary question asked by Mr Rich-Phillips — response from Ms Pulford due Thursday, 17 October 2019.

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

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, General Business, No. 3, be postponed until later this day.

**11 CRIMES AMENDMENT (TRESPASS) 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, 13

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

*(Tellers: Ms Bath and Mrs McArthur)*

NOES, 26

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; 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: Mr Elasmarr and Ms Taylor)*

Question negatived.

**12 EMERGENCY WORKER SAFETY** — Ms Maxwell moved, That this House —

- (1) acknowledges the selfless dedication and commitment of the State's emergency workers to ensure community safety;
- (2) reaffirms that emergency workers have the right to be protected, just as the Victorian community expects them to protect us, from injury and harm;
- (3) expresses its concern at the continued proliferation of attacks on these workers;
- (4) confirms its commitment to the need for mandatory minimum sentences for assaults on emergency workers;
- (5) reinforces a very clear message to all Victorians that violence against emergency workers will not be tolerated;
- (6) calls on the Government to consider the need for further legislative changes that —
  - (a) better safeguard emergency workers from assaults; and
  - (b) more effectively prevent the perpetrators of such assaults from avoiding mandatory minimum sentences in Victorian courts.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 16

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

*(Tellers: Mr Grimley and Mr Rich-Phillips)*

NOES, 24

Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; 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 Patten and Ms Stitt)*

Question negatived.

**13 MURRAY BASIN RAIL PROJECT** — Ms Maxwell moved, That this House requests that the Minister for Transport Infrastructure, the Hon Jacinta Allan MP, attend a public meeting, to provide information and answer questions about the Murray Basin Rail Project, at a time of day and at a place in Northern Victoria of her choosing, on or before 15 November 2019.

*Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of Ms Maxwell.*

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

**15 ADJOURNMENT** — Ms Mikakos 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 5.54 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*