



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 15 — Thursday, 2 May 2019

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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 Report of the Magistrates' Court of Victoria for the year 2016-17. 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:

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 Elasmarr; 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 Elasmarr 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