



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 55 — Thursday, 5 March 2020

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- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
 - 2 **JOINT SITTING — CASUAL COUNCIL VACANCY** — The President reported that the House met with the Legislative Assembly on Wednesday, 4 March 2020 to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Mary Wooldridge and that Dr Matthew Bach was elected to hold the vacant place in the Legislative Council.
 - 3 **NEW MEMBER — DECLARATION OF ALLEGIANCE** — Dr Matthew Bach, having been introduced, approached the Table and took and subscribed the Oath required by law.
 - 4 **PRODUCTION OF DOCUMENTS — GJK FACILITY SERVICES** — The Clerk laid on the Table 64 documents in full and one document in part, along with schedules of the documents identified in response to the Resolution of the Council of 1 May 2019 relating to GJK facility services. The Clerk further laid on the Table a letter from the Attorney-General, dated 4 March 2020, advising that these documents are the second and final tranche of documents that will be provided, satisfying the revised categories of documents set out in Attachment A of the Attorney-General's letter of 30 May 2019.
 - 5 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid on the Table by the Clerk:
Planning and Environment Act 1987 — Infrastructure Contributions and Development Contribution Levies — Report, 2018-19, pursuant to section 46GZJ of the Act.
 - 6 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 17 March 2020.
Question — put and 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. 196 to 276, be postponed until later this day.
 - 9 **LOCAL GOVERNMENT BILL 2019** — Bill further considered in Committee of the whole.
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.
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:

- **Outsourcing of fine reviews – potential liability** — substantive and supplementary questions asked by Mr O'Donohue — response from Mr Jennings due Friday, 6 March 2020.
- **Phillip Island bus services** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Tuesday, 10 March 2020.
- **Youth mental health services** — substantive and supplementary questions asked by Mr Grimley — response from Ms Mikakos due Tuesday, 10 March 2020.

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

12 LOCAL GOVERNMENT BILL 2019 — Bill further considered in Committee of the whole.

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

[Sitting suspended from 6.30 p.m. to 7.30 p.m.]

Bill further considered in Committee of the whole.

Bill reported with amendments, the Report was adopted.

Mr Somyurek 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, 32

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; 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: Mr Erdogan and Ms Maxwell)

NOES, 7

Dr Cumming; Mr Hayes; Mr Limbrick; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.

(Tellers: Mr Limbrick and Ms Patten)

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 with amendments and requesting their agreement.

13 CRIMES AMENDMENT (MANSLAUGHTER AND RELATED OFFENCES) BILL 2020 —

The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes Act 1958 to create a new offence of homicide by firearm, to clarify the relationship between certain offences and to increase the maximum penalties for certain offences, to consequentially amend that Act 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 Ms Pulford (for Ms Tierney), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

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

Ms Pulford 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.

14 HEALTH SERVICES AMENDMENT (MANDATORY VACCINATION OF HEALTHCARE WORKERS) BILL 2020 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Health Services Act 1988 and the Ambulance Services Act 1986 to provide for directions relating to the vaccination of persons employed or engaged by certain hospitals, health service establishments and ambulance services and for other purposes* and requesting the agreement of the Council.

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

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

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

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

On the motion of Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

- 15 NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the National Electricity (Victoria) Act 2005 and the Electricity Industry Act 2000 and for other purposes* and requesting the agreement of the Council.

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

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

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

Ms Pulford 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 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Project Development and Construction Management Act 1994, the Planning and Environment Act 1987 and for other purposes* and requesting the agreement of the Council.

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

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

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

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

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

- 17 ROAD SAFETY AND OTHER LEGISLATION AMENDMENT 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, Ms Patten and Mr Quilty were circulated.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Debate continued.

Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —

Ms Pulford declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Debate continued.

Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —

Ms Pulford moved, That the sitting be extended.

Debate ensued, by leave.

Question — put and agreed to.

And the Council having continued to sit after 12 midnight —

Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 37

Mr Atkinson; Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Ms Shing and Dr Kieu)

NOES, 2

Mr Limbrick; Mr Quilty.

(Tellers: Mr Limbrick and Mr Quilty)

Question agreed to.

Bill read a second time.

The President having ruled that certain amendments proposed to be moved in Committee by Ms Patten were outside the scope of the Bill —

Ms Patten moved, That it be an instruction to the Committee that they have the power to consider amendments and a New Clause to amend the *Road Safety Act 1986* to remove a defence to a charge of driving a motor vehicle while impaired by a drug.

Question — put and agreed to.

The President having ruled that certain amendments proposed to be moved in Committee by Mr Quilty were outside the scope of the Bill —

Mr Quilty moved, That it be an instruction to the Committee that they have the power to consider a New Clause to amend the *Road Safety Act 1986* to provide that certain offences against that Act and the Road Rules do not apply in certain cases where one vehicle is exceeding the speed limit to pass another vehicle.

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.

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

Debate ensued.

And then the Council, at 2.28 a.m., adjourned until Tuesday, 17 March 2020.

ANDREW YOUNG
Clerk of the Legislative Council