



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 53 — Tuesday, 3 March 2020

Proof Version

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- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
 - 2 **RESIGNATION OF MEMBER** — The President announced that he had received a letter from the Governor advising that she had received from the Honourable Mary Wooldridge, on Friday, 28 February 2020, her written resignation as a Member of the Victorian Legislative Council.
 - 3 **JOINT SITTING — CASUAL COUNCIL VACANCY** — Mr Davis moved, by leave, That —
 - (1) this House meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Mary Wooldridge and proposes that the time and place of such a meeting be the Legislative Assembly Chamber on Wednesday, 4 March 2020, at 6.15 p.m.; and
 - (2) Standing and Sessional Orders be suspended to the extent necessary to provide that on Wednesday, 4 March 2020 the Order of Business will be —
 - Messages
 - Formal Business
 - Members' Statements (up to 15 Members)
 - General Business
 - At **12 noon** Questions
 - Answers to Questions on Notice
 - General Business (continues)
 - At **5.15 p.m.** Statements on reports, papers and petitions (30 minutes)
 - At **5.45 p.m.** Adjournment (up to 20 members).

Question — put and agreed to.

Message sent to the Assembly informing them of the Resolution and requesting their agreement.
 - 4 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 25 February 2020, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:
 - Building and Environment Protection Legislation Amendment Act 2020*
 - Energy Safety Legislation Amendment (Victorian Energy Safety Commission and Other Matters) Act 2020*
 - Gender Equality Act 2020.*
 - 5 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

I COOK FOODS – CLOSURE REVIEW REPORT — Ms Mikakos having given answers to a question without notice and supplementary question relating to I Cook Foods – closure review report —

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.

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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:

- **Historical criminal convictions – indigenous children taken into care** — substantive and supplementary questions asked by Dr Cumming — response from Ms Tierney due Thursday, 5 March 2020.
- **Wodonga – Melbourne rail line** — substantive and supplementary questions asked by Ms Maxwell — response from Ms Pulford due Thursday, 5 March 2020.
- **I Cook Foods – closure review report** — substantive and supplementary questions asked by Ms Patten — response from Ms Mikakos due Wednesday, 4 March 2020.

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

7 FAMILY VIOLENCE REFORM IMPLEMENTATION MONITOR AMENDMENT BILL 2020 — Mr O'Donohue introduced *A Bill for an Act to amend the Family Violence Reform Implementation Monitor Act 2016 to enhance the independence and role of the Family Violence Reform Implementation Monitor, and for other purposes.*

On the motion of Mr O'Donohue, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

8 PETITION — 2020 DUCK HUNTING SEASON — Mr Bourman presented a Petition bearing 4,509 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to declare the 2020 duck hunting season based on the Game Management Authority's advice.

Ordered to lie on the Table.

9 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Ms Taylor presented Alert Digest No. 3 of 2020 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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OMBUDSMAN — INVESTIGATION INTO THREE COUNCILS' OUTSOURCING OF PARKING FINE INTERNAL REVIEWS — 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 an Investigation into three councils' outsourcing of parking fine internal reviews, February 2020.

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

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LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO A LEGISLATED SPENT CONVICTIONS SCHEME — Pursuant to Standing Order 23.30(2)(b), the Clerk laid on the Table a copy of the Government Response to the Legal and Social Issues Committee's Report on the Inquiry into a Legislated Spent Convictions Scheme.

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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:

Duties Act 2000 — Treasurer's Report of Foreign Purchaser Additional Duty Exemptions for 1 July 2019 to 31 December 2019, under section 3E(3) of the Act.

Gambling Regulation Act 2003 — Amendment to the Public Lottery Licence issued to Tattersall's Sweeps Pty Ltd making changes to the game "Set for Life" on 11 February 2020, under section 5.3.19(4) of the Act.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 133/2019.

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

- Bayside Planning Scheme — Amendment C167.
- Casey Planning Scheme — Amendment C264.
- Frankston Planning Scheme — Amendment C135.
- Kingston Planning Scheme — Amendment C184.
- Knox Planning Scheme — Amendment C179.
- Manningham Planning Scheme — Amendment C129.
- Maroondah Planning Scheme — Amendment C133.
- Monash Planning Scheme — Amendment C154.
- Victoria Planning Provisions — Amendment VC 166.
- Whitehorse Planning Scheme — Amendment C218.

Statutory Rules under the following Acts of Parliament —

- Child Wellbeing and Safety Act 2005 — No. 12.
- Family Violence Protection Act 2008 — Personal Safety Intervention Orders Act 2010 — No. 10.
- Guardianship and Administration Act 2019 — No. 11.
- Mental Health Act 2014 — No. 9.
- National Parks Act 1975 — No. 8.
- Sale of Land Act 1962 — No. 13.
- Tobacco Act 1987 — No. 14.

Subordinate Legislation Act 1994 —

Documents under section 15 in relation to an Order under the Occupational Health and Safety Act 2004 approving the Managing exposure to crystalline silica: Engineered stone compliance code.

Documents under section 15 in respect of Statutory Rule Nos. 8 to 10 and 12.

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

Determination of Specifications for Wheelchair Accessible Commercial Passenger Vehicles of 11 February 2020 under the Commercial Passenger Vehicle Industry Act 2017.

Notice of Approval of Victorian Commercial Passenger Vehicle Code of Practice Part 2: Meeting your safety duties of 11 February 2020 under the Commercial Passenger Vehicle Industry Act 2017.

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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:

Consumer Legislation Amendment Act 2019 — Remaining provisions of Division 1 of Part 5 — 2 March 2020 (*Gazette No. S91, 25 February 2020*).

Guardianship and Administration Act 2019 — Part 1 and Section 195 — 28 February 2020 (*Gazette No. S91, 25 February 2020*).

10 BUSINESS OF THE COUNCIL — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 4 March 2020 —

- (1) Order of the Day No. 1, second reading of the Family Violence Reform Implementation Monitor Amendment Bill 2020;
- (2) the notice of motion given this day by Mr Finn in relation to soil contamination from the West Gate Tunnel project;
- (3) Notice of Motion No. 243 standing in the name of Dr Ratnam referring a matter to the Environment and Planning Committee relating to renewable energy;
- (4) the notice of motion given this day by Dr Ratnam in relation to Council land rezoning;
- (5) the notice of motion given this day by Mr Davis in relation to the production of documents relating to the Melbourne Airport Rail Link Strategic Business Case; and

(6) the notice of motion given this day by Mr Ondarchie in relation to landfill levy charges.
Question — put and agreed to.

11 MESSAGE FROM ASSEMBLY — JOINT SITTING — CASUAL COUNCIL VACANCY —

The President announced the receipt of a Message from the Assembly informing the Council that they had agreed to the Council's proposal for a joint sitting on Wednesday, 4 March 2020 at 6.15 p.m. in the Legislative Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Mary Wooldridge.

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

13 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 196 to 207, be postponed until later this day.

14 LOCAL GOVERNMENT BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

Dr Ratnam moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this House refuses to read this Bill a second time until the Government has addressed the significant concerns about the incomplete nature of the Bill, including —

- (1) the potential recommendations from the current IBAC investigation into allegations of corrupt conduct in the City of Casey;
- (2) the anti-democratic mandating of single member wards and removal of multi-member ward options for councils;
- (3) the lack of political donations reform for local councils such as donation caps, greater transparency of donations and a ban on donations from property developers and the gambling industry;
- (4) the ongoing Ratings System Review, which once complete will require further amendments to the legislation governing local councils; and
- (5) making the draft Regulations publicly available, given the enormous amount of detail left to the Regulations."

Debate ensued.

Amendments proposed to be moved in Committee by Mr Davis and Mr Somyurek were circulated.

Question — That the reasoned amendment moved by Dr Ratnam be agreed to — put.

The Council divided — The President in the Chair.

AYES, 7

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

NOES, 31

Mr Atkinson; 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 Bourman and Mr Melhem*)

Question negatived.

Question — That the Bill be now read a second time — put.

The Council divided — The President in the Chair.

AYES, 29

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Mr Davis; Mr Elasmarr; Mr Erdogan; 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 Mrs McArthur*)

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 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 —

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

Bill further considered in Committee of the whole.

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

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

Bill further considered in Committee of the whole.

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

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

Bill further considered in Committee of the whole.

And the Council having continued to sit after 12 midnight —

WEDNESDAY, 4 MARCH 2020

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

Ms Mikakos moved, That the sitting be extended.

Question — put.

The Council divided — The President in the Chair.

AYES, 23

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; 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 Vaghela)

NOES, 14

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

(Tellers: Ms Bath and Mr Ondarchie)

Question agreed to.

Bill further considered in Committee of the whole.

The Deputy President reported progress and asked leave to sit again.

Bill ordered to be further considered in Committee of the whole later this day.

15 ADJOURNMENT — Ms Pulford 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 3.01 a.m., adjourned until later this day.

ANDREW YOUNG
Clerk of the Legislative Council