



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 53, 54 and 55

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#### No. 53 — Tuesday, 3 March 2020

- 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 PETITION — 2020 DUCK HUNTING SEASON** — Mr Bourman presented a Petition bearing 4,059 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.

**8 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.

**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)(a)(iii) in relation to Statutory Rule No. 133/2019 (*Gazette No. S56, 6 February 2020*).
- 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 VC166.
  - 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 —*

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

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Bill further considered in Committee of the whole.

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

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

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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 —*

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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.

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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

## No. 54 — Wednesday, 4 March 2020

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

2 **PETITION — EXTEND LAUNCHING WAY BOAT RAMP MANAGEMENT CONTRACT** — Mr Limbrick presented a Petition bearing 1,267 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Minister for Water, the Hon Lisa Neville MP, to extend the contract of operation for Launchingway Pty Ltd until a new plan approved by the fishing and boating community is implemented.

Ordered to lie on the Table.

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:

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 11.

Terrorism (Community Protection) Act 2003 — Inspection Report by the Victorian Inspectorate on Victoria Police records inspected in September 2019.

Victorian Inspectorate Reports on controlled operations records and reports, 2018-19 for —

Department of Environment, Land, Water and Planning, pursuant to section 74P of the Wildlife Act 1975.

Game Management Authority, pursuant to section 74P of the Wildlife Act 1975.

Independent Broad-based Anti-corruption Commission, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004.

Victorian Fisheries Authority, pursuant to section 131T of the Fisheries Act 1995.

Victoria Police, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004.

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

5 **FAMILY VIOLENCE REFORM IMPLEMENTATION MONITOR AMENDMENT BILL 2020** — Mr O'Donohue laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

Mr O'Donohue moved, That the Bill be now read a second time.

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

6 **SOIL CONTAMINATION FROM WEST GATE TUNNEL PROJECT** — Mr Finn moved, That this House opposes any decision by the Andrews Labor Government, or its agencies, to dump toxic soil from the West Gate Tunnel project into the Wyndham Vale rail stabling yard as it is situated close to houses, local community infrastructure and the Werribee River.

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, 18

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

*(Tellers: Mr Meddick and Mr O'Donohue)*

## NOES, 19

Mr Elasmar; Mr Erdogan; Ms Garrett; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Mr Melhem; Ms Mikakos; Ms Pulford; Mr Quilty; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Ms Garrett and Ms Terpstra)

Question negatived.

## 7 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — RENEWABLE ENERGY —

Dr Ratnam moved, That this House —

(1) notes —

- (a) the catastrophic and unprecedented 2019-20 bushfire season that has devastated Victorian communities, causing loss of life, homes, wildlife and habitat;
- (b) that this summer has been the hottest summer on record in Victoria, with severe impacts on vulnerable people, communities, the Victorian economy and wildlife;

(2) acknowledges that —

- (a) extreme weather events, such as the 2019-20 bushfire season and intense heat waves, are the climate change impacts we are now experiencing in Victoria due to a one degree increase in global temperatures;
- (b) for Victoria to do our share in meeting Australia's Paris Agreement commitment to limit global warming below 1.5 degrees, we must significantly and rapidly reduce greenhouse gas emissions;

(3) requires the Environment and Planning Committee to inquire into, consider and report, by October 2021, on —

- (a) measures to enable Victoria to transition its energy supply to 100 per cent renewable energy;
- (b) jobs and economic benefits and implications of Victoria transitioning to 100 per cent renewable energy;
- (c) investment, both public and private, required to achieve 100 per cent renewable energy generation in Victoria, including investment in grid infrastructure and energy storage;
- (d) further opportunities for Victoria to reduce emissions, including through finding alternatives to industrial and household gas consumption;
- (e) government investment or action that would be needed to support workers in impacted industries to facilitate a just transition and ensure workers and communities are not left behind as Victoria transitions to 100 per cent renewable energy;
- (f) the economic risks of not urgently reducing emissions by transitioning to 100 per cent renewable energy; and
- (g) any other related matters.

Debate ensued.

*Business having been interrupted at 12.00 noon pursuant to an Order of the Council of 3 March 2020 —*

## 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.

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

## 10 ENVIRONMENT AND PLANNING COMMITTEE REFERENCE — RENEWABLE ENERGY —

Debate continued on the question, That this House —

(1) notes —

- (a) the catastrophic and unprecedented 2019-20 bushfire season that has devastated Victorian communities, causing loss of life, homes, wildlife and habitat;
- (b) that this summer has been the hottest summer on record in Victoria, with severe impacts on vulnerable people, communities, the Victorian economy and wildlife;

(2) acknowledges that —

- (a) extreme weather events, such as the 2019-20 bushfire season and intense heat waves, are the climate change impacts we are now experiencing in Victoria due to a one degree increase in global temperatures;
  - (b) for Victoria to do our share in meeting Australia's Paris Agreement commitment to limit global warming below 1.5 degrees, we must significantly and rapidly reduce greenhouse gas emissions;
- (3) requires the Environment and Planning Committee to inquire into, consider and report, by October 2021, on —
- (a) measures to enable Victoria to transition its energy supply to 100 per cent renewable energy;
  - (b) jobs and economic benefits and implications of Victoria transitioning to 100 per cent renewable energy;
  - (c) investment, both public and private, required to achieve 100 per cent renewable energy generation in Victoria, including investment in grid infrastructure and energy storage;
  - (d) further opportunities for Victoria to reduce emissions, including through finding alternatives to industrial and household gas consumption;
  - (e) government investment or action that would be needed to support workers in impacted industries to facilitate a just transition and ensure workers and communities are not left behind as Victoria transitions to 100 per cent renewable energy;
  - (f) the economic risks of not urgently reducing emissions by transitioning to 100 per cent renewable energy; and
  - (g) any other related matters.

Question — put.

The Council divided — The President in the Chair.

AYES, 27

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; 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 Erdogan and Ms Taylor*)

NOES, 11

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

Question agreed to.

**11 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 266, be postponed until later this day.

**12 PRODUCTION OF DOCUMENTS — MELBOURNE AIRPORT RAIL LINK STRATEGIC BUSINESS CASE** — Mr Davis moved, That this House, in accordance with Standing Order 11.01, requires the Leader of the Government to table in the Council, by Wednesday, 18 March 2020, the Melbourne Airport Rail Link Strategic Business Case, or similar, commissioned by the federal and state governments and prepared by Advisian for Transport for Victoria and handed to the Government in August 2018, together with supporting commissioned studies and examinations on options and routes for a rail link to Melbourne Airport.

Debate ensued.

Question — put and agreed to.

**13 LANDFILL LEVY CHARGES** — Mr Ondarchie moved, That this House expresses its concern at the impact on Victorian household budgets of the Government's planned significant increase in landfill levy charges.

Debate ensued.



*Business having been interrupted at 5.15 p.m. pursuant to an Order of the Council of 3 March 2020, the debate stood adjourned in the name of Ms Terpstra.*

**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 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 6.14 p.m., adjourned until tomorrow.

ANDREW YOUNG  
*Clerk of the Legislative Council*

## **No. 55 — Thursday, 5 March 2020**

**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 Elasmir; 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 —*

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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 —*

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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 —*

FRIDAY, 6 MARCH 2020

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 Stiitt; 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, by leave, 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, by leave, 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*

# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 53, 54 and 55

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### LOCAL GOVERNMENT BILL 2019

*Committed Tuesday, 3 March 2020*

*Amendments circulated: Mr Davis (pp. 388-92), Mr Quilty (p. 392), Dr Ratnam (SR20C, SR21C, SR22C and SR24C) (pp. 392-9) and Mr Somyurek (pp. 399-402)*

Amendments proposed to be moved in Committee were circulated by Mr Quilty and Dr Ratnam.

**Clause 1** — Question — That the clause be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 32

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

*(Tellers: Ms Mikakos and Ms Symes)*

NOES, 5

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

*(Tellers: Dr Cumming and Ms Patten)*

Question agreed to.

**Clause 2** — Mr Somyurek moved Amendment Nos. 1 to 7.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 30

Mr Atkinson; Ms Bath; Mr Bourman; 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 Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Ms Maxwell and Mr Ondarchie)*

NOES, 6

Mr Barton; Dr Cumming; Mr Hayes; Mr Limbrick; Ms Patten; Mr Quilty.

*(Tellers: Mr Hayes and Mr Quilty)*

Question agreed to.

Mr Davis 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; Mr Bourman; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Ms Patten; Mr Quilty; Mr Rich-Phillips.

*(Tellers: Mr Hayes and Mr Quilty)*

NOES, 19

Mr Elasmarr; Mr Erdogan; Ms Garrett; 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 Melhem and Ms Symes*)

Question negatived.

Mr Somyurek moved Amendment No. 8 — put and agreed to.

Clause 2, as amended — put and agreed to.

**Clause 3** — Mr Quilty moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3

Mr Limbrick; Mr Quilty; Dr Ratnam.  
(*Tellers: Mr Limbrick and Mr Quilty*)

NOES, 33

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; 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; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.  
(*Tellers: Mr Melhem and Mr O'Donohue*)

Question negatived.

Mr Davis moved Amendment No. 2 — put and negatived.

Mr Somyurek moved Amendment No. 9 — put and agreed to.

Dr Ratnam moved Amendment Nos. 1 and 2 (*SR24C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

Mr Barton; Dr Cumming; Mr Grimley; Mr Hayes; Ms Maxwell; Mr Meddick; Ms Patten; Dr Ratnam.  
(*Tellers: Mr Grimley and Mr Meddick*)

NOES, 28

Mr Atkinson; Ms Bath; Mr Bourman; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Quilty; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.  
(*Tellers: Ms Bath and Ms Garrett*)

Question negatived.

Clause 3, as amended — put and agreed to.

**Clauses 4 to 7** — put and agreed to.

**Clause 8** — Dr Ratnam moved Amendment No. 1 (*SR21C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

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

NOES, 32

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Quilty; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.  
(*Tellers: Ms Pulford and Mr Quilty*)

Question negatived.

Mr Davis moved Amendment No. 3.

Question — That the amendment be agreed to — put.

The Committee divided — The Acting President in the Chair.

AYES, 10

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

NOES, 26

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; 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 Patten and Ms Symes*)

Question negatived.

Clause 8 — put and agreed to.

**Clauses 9 to 12** — put and agreed to.

**Clause 13** — Dr Ratnam moved Amendment No. 1 (*SR20C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 8

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

NOES, 29

Mr Atkinson; Ms Bath; Mr Bourman; 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: Dr Kieu and Ms Taylor*)

Question negatived.

Mr Somyurek moved Amendment No. 10 — put and agreed to.

Mr Somyurek moved Amendment No. 11.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 31

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; 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 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: Mr Erdogan and Mr Melhem)*

NOES, 6

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

*(Tellers: Ms Patten and Dr Ratnam)*

Question agreed to.

Mr Davis moved Amendment No. 4.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

*(Tellers: Ms Maxwell and Mrs McArthur)*

NOES, 20

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

*(Tellers: Mr Meddick and Ms Taylor)*

Question negated.

Clause 13, as amended — put and agreed to.

**Clause 14** — put and agreed to.

**Clause 15** — Mr Somyurek moved Amendment No. 12 — put and agreed to.

Clause 15, as amended — put and agreed to.

**Clause 16** — Dr Ratnam moved Amendment No. 8 (SR20C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 5

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

*(Tellers: Mr Meddick and Ms Patten)*

NOES, 32

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

*(Tellers: Mr Bourman and Mr Jennings)*

Question negated.

Mr Somyurek moved Amendment No. 13 — put and agreed to.

Mr Somyurek moved Amendment No. 14 — put and agreed to.



Clause 16, as amended — put and agreed to.

**Clauses 17 to 20** — put and agreed to.

**New Clauses** — Mr Somyurek moved Amendment No. 15.

Question — That the New Clauses stand part of the Bill — put and agreed to.

**Clauses 21 to 42** — put and agreed to.

**Clause 43** — Mr Somyurek moved Amendment No. 16 — put and agreed to.

Mr Davis moved Amendment No. 6.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 15

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

(*Tellers: Ms Bath and Mr Rich-Phillips*)

NOES, 22

Mr Elasmarr; Mr Erdogan; Ms Garrett; 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 Meddick and Ms Tierney*)

Question negatived.

Clause 43, as amended — put and agreed to.

Mr Somyurek moved, That the Deputy President report progress and seek leave to sit again.

Question — put and agreed to.

**Progress reported.**

**Thursday, 5 March 2020** —

*Progress having been reported on Wednesday, 4 March 2020, Bill further considered in Committee of the whole.*

**Clauses 44 to 59** — put and agreed to.

**Clause 60** — Mr Somyurek moved Amendment No. 17 — put and agreed to.

Dr Ratnam moved Amendment No. 2 (SR21C) — put and negatived.

Clause 60, as amended — put and agreed to.

**Clause 61** — put and agreed to.

**New Clause** — Mr Davis moved Amendment No. 7.

Question — That the New Clause stands part of the Bill — put and negatived.

**Clauses 62 to 78** — put and agreed to.

**Clause 79** — Dr Ratnam moved Amendment No. 4 (SR21C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 6

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

*(Tellers: Mr Limbrick and Mr Meddick)*

NOES, 33

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 Patten; Ms Pulford; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

*(Tellers: Ms Patten and Ms Stitt)*

Question negatived.

Clause 79 — put and agreed to.

**Clauses 80 to 223** — put and agreed to.

**Clause 224** — Mr Somyurek moved Amendment Nos. 18 to 24 — put and agreed to.

Clause 224, as amended — put and agreed to.

**Clause 225** — Mr Somyurek moved Amendment Nos. 25 to 28 — put and agreed to.

Clause 225, as amended — put and agreed to.

**Clause 226** — Mr Somyurek moved Amendment Nos. 29 to 35 — put and agreed to.

Clause 226, as amended — put and agreed to.

**Clause 227** — Mr Somyurek moved Amendment No. 36 — put and agreed to.

Clause 227, as amended — put and agreed to.

**Clauses 228 to 239** — put and agreed to.

**Clause 240** — Dr Ratnam moved Amendment Nos. 5 and 6.

Question — That the amendments be agreed to — put and negatived.

Mr Davis moved Amendment Nos. 8 and 9.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

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

*(Tellers: Ms Bath and Mr Quilty)*

NOES, 23

Mr Bourman; 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 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 240 — put and agreed to.

**Clauses 241 to 255** — put and agreed to.

**Clause 256** — Mr Somyurek moved Amendment Nos. 37 and 38 — put and agreed to.  
Clause 256, as amended — put and agreed to.

**Clauses 257 to 261** — put and agreed to.

**Clause 262** — Dr Ratnam moved Amendment Nos. 19 to 24 (*SR21C*).

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 7

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

NOES, 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: Dr Kieu and Ms Tierney*)

Question negated.

Mr Somyurek moved Amendment No. 39 — put and agreed to.

Clause 262, as amended — put and agreed to.

**New Clause** — Mr Davis moved Amendment No. 20.

Question — That the New Clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

NOES, 22

Mr Barton; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Grimley; 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 Dr Kieu*)

Question negated.

**Clauses 263 to 325** — put and agreed to.

**Clause 326** — Dr Ratnam moved Amendment No. 25 (*SR21C*) — put and negated.

Mr Somyurek moved Amendment No. 40 — put and agreed to.

Clause 326, as amended — put and agreed to.

**Clauses 327 to 362** — put and agreed to.

**Clause 363** — Mr Somyurek moved Amendment Nos. 41 to 43 — put and agreed to.

Clause 363, as amended — put and agreed to.

**Clause 364** — put and agreed to.

**Heading and New Clause** — Dr Ratnam moved Amendment Nos. 34 and 35 (*SR21C*).

Question — That the Heading and New Clause stand part of the Bill — put and negatived.

**Clauses 365 to 391** — put and agreed to.

**Schedule 1** — Mr Somyurek moved Amendment Nos. 44 to 47 — put and agreed to.

Schedule 1, as amended — put and agreed to.

**Bill reported with amendments.**

\* \* \* \* \*

**ROAD SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2019**

*Committed Friday, 6 March 2020*

*Amendments circulated: Mr O'Donohue (p. 402), Ms Patten (pp. 402-3) and Mr Quilty (p. 403)*

**Clause 1** — Mr Quilty moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 2

Mr Limbrick; Mr Quilty.

*(Tellers: Mr Limbrick and Mr Quilty)*

NOES, 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: Mr Elasmarr and Ms Shing)*

Question negatived.

Ms Patten moved Amendment No. 1 — put and negatived.

Clause 1 — put and agreed to.

**Clauses 2 and 3** — put and agreed to.

**New Clause** — Mr O'Donohue moved Amendment No. 1.

Question — That the New Clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

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

*(Tellers: Dr Bach and Mrs McArthur)*

NOES, 23

Mr Elasmarr; Mr Erdogan; Ms Garrett; 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: Mr Erdogan and Mr Hayes)*

Question negatived.

**Clauses 4 to 6** — put and agreed to.

**Clause 7** — Mr O'Donohue moved Amendment Nos. 2 to 6.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

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

*(Tellers: Ms Maxwell and Mr O'Donohue)*

NOES, 23

Mr Elasmarr; Mr Erdogan; Ms Garrett; 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: Mr Elasmarr and Ms Symes)*

Question negatived.

Mr O'Donohue moved Amendment Nos. 7 and 8.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

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

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

NOES, 23

Mr Elasmarr; Mr Erdogan; Ms Garrett; 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: Dr Kieu and Ms Tierney)*

Question negatived.

Clause 7 — put and agreed to.

**Clauses 8 to 13** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. LOCAL GOVERNMENT BILL 2019**Amendments circulated by Mr Davis

1. Clause 2, page 3, line 19, after this line insert—

"(2A) Section 362A comes into operation on 1 June 2020."

2. Clause 3, page 6, line 24, after this line insert—

"(ha) information designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 66(2) and the Council has not passed a resolution that the information is not confidential;"

3. Clause 8, line 21, after this line insert—

"(5) It is not the role of a Council to advocate or campaign or adopt or implement a policy in relation to any matter that is not related to the functions and powers conferred on a Council by or under this Act or any other Act of Victoria.

(6) A Council decision made in contravention of subsection (5) is invalid.

(7) A Council must not use Council resources in contravention of subsection (5).

Penalty: 60 penalty units."

4. Clause 13, page 30, line 14, after this line insert—

"(7) The following Councils continue to be constituted in accordance with the **Local Government Act 1989** as in force immediately before the commencement of this section and subsections (1) to (6) of this section and section 15 do not apply—

- (a) Alpine Shire Council;
- (b) Ararat Rural City Council;
- (c) Bass Coast Shire Council;
- (d) Baw Baw Shire Council;
- (e) Benalla Rural City Council;
- (f) Borough of Queenscliffe;
- (g) Buloke Shire Council;
- (h) Campaspe Shire Council;
- (i) Central Goldfields Shire Council;
- (j) Colac Otway Shire Council;
- (k) Corangamite Shire Council;
- (l) East Gippsland Shire Council;
- (m) Gannawarra Shire Council;
- (n) Glenelg Shire Council;
- (o) Golden Plains Shire Council;
- (p) Greater Shepparton City Council;
- (q) Hepburn Shire Council;
- (r) Hindmarsh Shire Council;
- (s) Indigo Shire Council;
- (t) Loddon Shire Council;
- (u) Mansfield Shire Council;

- (v) Mitchell Shire Council;
- (w) Moira Shire Council;
- (x) Moorabool Shire Council;
- (y) Mount Alexander Shire Council;
- (z) Moyne Shire Council;
- (za) Murrindindi Shire Council;
- (zb) Northern Grampians Shire Council;
- (zc) Pyrenees Shire Council;
- (zd) South Gippsland Shire Council;
- (ze) Southern Grampians Shire Council;
- (zf) Strathbogie Shire Council;
- (zg) Swan Hill Rural City Council;
- (zh) Towong Shire Council;
- (zi) Wellington Shire Council;
- (zj) West Wimmera Shire Council;
- (zk) Yarriambiack Shire Council."

NEW CLAUSE

5. Insert the following New Clause to follow clause 20—

**"20A Office of Deputy Mayor**

- (1) A Council may establish an office of Deputy Mayor.
- (2) If the Council has established an office of Deputy Mayor, the provisions of this Act relating to the office of Deputy Mayor apply."

6. Clause 43, line 24, after "committee" insert ", the Audit and Risk Committee, a Community Asset Committee or any other voluntary committee appointed by a Council,".

NEW CLAUSE

7. Insert the following New Clause to follow clause 61—

**"61A Call of the Council**

- (1) If a quorum of a Council cannot be formed or maintained due to the absence of Councillors, the Minister or the Chief Executive Officer may require all Councillors to attend a call of the Council meeting.
- (2) A call of the Council meeting is to be treated as a special meeting.
- (3) The Minister or a person appointed by the Minister is entitled to attend and speak at a call of the Council meeting which the Minister required Councillors to attend.
- (4) If a Councillor does not attend within 30 minutes after the time fixed for a call of the Council meeting or remain at the meeting the Chief Executive Officer must immediately advise the Minister in writing.
- (5) The Minister must advise the Councillor and the Council that—
  - (a) the Minister has received advice that the Councillor did not attend or remain at the call of the Council meeting; and
  - (b) any submissions may be made to the Minister within the period specified by the Minister.
- (6) If after considering any submissions from the Councillor and the Council the Minister is not satisfied that the Councillor had a reasonable excuse for not attending or remaining at the call of the Council meeting, the Minister may order

that as from the date specified in the order the Councillor is incapable of continuing to be a Councillor.

(7) The Minister must send a copy of the order to the Council and the Councillor."

8. Clause 240, lines 14 and 15, omit "under section 241 or 243(1)".
9. Clause 240, lines 18 and 19, omit "under section 242, 243(2) or 244".
10. Clause 240, page 219, lines 1 to 4, omit subclause (4).
11. Clause 240, page 219, lines 25 to 32 and page 220, lines 1 to 3, omit subclause (8).
12. Clause 240, page 220, lines 16 to 34, omit subclauses (11) and (12).
13. Clause 242, omit this clause.
14. Clause 243, omit this clause.

#### NEW CLAUSES

15. Insert the following New Clauses to follow clause 241—

##### **"242 Owner ratepayers entitled to be enrolled without application**

- (1) Subject to subsections (2) and (3), a person who as at the close of the roll—
  - (a) is not a person referred to in section 241; and
  - (b) is not less than 18 years of age or is less than 18 years of age but will attain the age of 18 years on or before election day; and
  - (c) is the owner of any rateable property in the municipal district whether solely or jointly with any other person or persons; and
  - (d) is not a resident of the municipal district—
 is entitled as a ratepayer without application to be enrolled on the voters' roll in respect of that rateable property.
- (2) For the purposes of subsection (1), only 2 joint owners are entitled to be enrolled in respect of each rateable property.
- (3) A person is not entitled to be enrolled under subsection (1) if an occupier is enrolled as a ratepayer under section 244 in respect of that rateable property.
- (4) For the purposes of subsection (1), if it appears from the rate records of the Council that there are more than 2 owners of any rateable property, the Chief Executive Officer must enrol without application the 2 owners—
  - (a) whose names appear first on the rate records in relation to that rateable property when those names are read in the order in which they appear in those records; and
  - (b) who satisfy the requirements of paragraphs (b), (c) and (d) of subsection (1) in respect of that rateable property.
- (5) Despite subsection (4), if a written request containing the details required by the regulations is delivered to the Council office before the close of the roll requesting that the owner or 2 owners of the rateable property specified in the request be enrolled on the voters' roll instead of the owner or 2 owners that would otherwise be enrolled by virtue of subsection (4), the Chief Executive Officer must give effect to the request.
- (6) If a person is the owner of more than one rateable property in a municipal district, the person may by a written request containing the details required by the regulations delivered to the Council office before the close of the roll specify the location of the rateable property in respect of which the entitlement under this section is to be exercised.



- (7) If a person is the owner of more than one rateable property in a municipal district and the Council does not receive a written request under subsection (6), the Chief Executive Officer—
- (a) must choose one rateable property in respect of which the entitlement under this section is to be exercised; and
  - (b) may for the purposes of paragraph (a) choose the rateable property which has the highest capital improved value in the council valuation records at the close of the roll.

#### **243 Owner ratepayers may apply for enrolment**

- (1) Subject to subsections (2) and (3), a person who as at the close of the roll—
  - (a) is not a person referred to in section 241 or 242; and
  - (b) is not less than 18 years of age or is less than 18 years of age but will attain the age of 18 years on or before election day; and
  - (c) is an owner of any rateable property in the municipal district—
 is entitled as a ratepayer to apply to be enrolled on the voters' roll in respect of that rateable property.
- (2) For the purposes of section 241(1) and subsection (1), only 2 joint owners can be enrolled in respect of each rateable property.
- (3) A person is not entitled to apply to be enrolled under subsection (1) if an occupier is enrolled as a ratepayer under section 244 in respect of that rateable property.
- (4) A person who is enrolled on the voters' roll as an owner under this section may renew the enrolment by an application containing the details required by the regulations delivered to the Council office before the close of the roll for the next general election."

16. Clause 244, line 3, after "241" insert ", 242 or 243".

17. Clause 246, line 4, omit "242" and insert "243".

18. Clause 248, page 227, lines 30 to 34 and page 228, lines 1 to 4, omit subclause (2).

19. Clause 262, page 240, lines 18 to 20, omit all words and expressions on these lines and insert—  
 "(b) attendance voting."

#### NEW CLAUSE

20. Insert the following New Clause to follow clause 362—

#### **"362A Amendment of section 158 of the Local Government Act 1989—waste charges**

After section 158(4B) of the **Local Government Act 1989** insert—

- "(4C) A Council must provide transparency of the waste component of general rates, service rates and service charges in the notice under subsection (4) by separating the waste charge on the notice under subsection (4).
- (4D) A Council must provide a statement with the rate notice under subsection (4) which specifies—
- (a) the total waste levy paid by the Council in the previous financial year;
  - (b) the estimated waste charges to be paid by the Council in the financial year to which the rate notice relates;
  - (c) the size of landfill levy payments estimated to be made in the financial year to which the notice relates;
  - (d) the amount per tonne of landfill levy to be paid in the financial year to which the notice relates;
  - (e) the amount in tonnes by waste stream estimated to be collected by the Council in the financial year to which the notice relates;

- (f) the name of the authority that will levy the landfill levy;
  - (g) the name of authority to which the payment of the landfill levy will be made;
  - (h) the total municipal cost and the average cost for each rateable property within the municipal district of the collection, management and administration of each of the four streams of household waste designated by the Government of Victoria, or of any other number of streams of household waste designated in the municipal district.
- (4E) A Council must publish a copy of the statement under subsection (4D) on its Internet website.
- (4F) A Council must publish equivalent information to that specified in subsection (4D) for business and commercial ratepayers on its Internet website.".

Amendment circulated by Mr Quilty

Clause 3, page 6, lines 16 to 24, omit all words and expressions on these lines.

Amendments circulated by Dr Ratnam (SR20C)

1. Clause 13, line 31, omit "subject to subsection (5)".
2. Clause 13, page 30, line 3, omit "divided." and insert "divided; or".
3. Clause 13, page 30, after line 3 insert—
  - "(c) all Councillors elected to represent multi member wards into which the municipal district is divided and divided so that an equal number of Councillors represents each ward; or
  - (d) Councillors elected to represent single member wards and multi member wards of different sizes into which the municipal district is divided."
4. Clause 13, page 30, lines 4 to 9, omit all words and expressions on those lines.
5. Clause 15, lines 21 and 22, omit all words and expressions on those lines and insert—
  - "(ii) that the Council is to be constituted in a manner specified in section 13(4)(a), (b), (c) or (d);".
6. Clause 15, line 27, omit "Council;" and insert "Council."
7. Clause 15, lines 28 to 34, omit all words and expressions on those lines.
8. Clause 16, lines 2 to 7, omit all words and expressions on those lines.
9. Clause 16, line 8, omit "subsections (13) and (14)" and insert "subsection (13)".
10. Clause 16, line 11, omit "or (c)".
11. Clause 16, lines 15 and 16, omit "If the Minister has established an electoral representation advisory panel, the" and insert "The".
12. Clause 16, after line 19 insert—
  - "(3A) If the Minister elects not to adopt the advice of the electoral representation advisory panel under subsection (3) for the purposes of recommending that an Order in Council be made under section 15, the Minister must give written reasons for not adopting the electoral representation advisory panel's advice and table those reasons in each House of Parliament on or before the third sitting day after electing not to adopt the advice."
13. Clause 16, lines 20 to 26, omit all words and expressions on those lines and insert—
  - "(4) Subject to subsection (6), an electoral representation advisory panel must be constituted by—

- (a) the Electoral Commissioner appointed under section 12 of the **Electoral Act 2002** or a person nominated by the Electoral Commissioner to represent the Electoral Commissioner on the electoral representation advisory panel; and
  - (b) any other person the Electoral Commissioner nominates to the Minister."
14. Clause 16, page 34, lines 27 to 29, omit "subject to the Minister first publishing a notice under section 13(5) in relation to a Council, or a specific type of Council,".
15. Clause 16, page 35, lines 27 to 30, omit all words and expressions on those lines.

Amendments circulated by Dr Ratnam (SR21C)

1. Clause 8, line 18, after "role" insert ", including by advocating the interests of the local community to other communities and governments".
2. Clause 60, page 72, line 21, after "Rules" insert "and that any amendments to the Governance Rules are made available for inspection in accordance with section 60A".
3. Insert the following New Clause to follow clause 60—

**"60A Making proposed changes to Governance Rules available for inspection**

  - (1) If the Council proposes to amend its Governance Rules, the Council must make the proposed amendments available for inspection for 28 days in accordance with this section.
  - (2) The Council must publish a notice stating—
    - (a) the intended effect of the proposed amendments; and
    - (b) that a copy of the proposed amendments is available for inspection—
      - (i) at the Council's office; and
      - (ii) on the Council's Internet site; and
    - (c) that the amendments will be available for inspection for 28 days and submissions in respect of the proposed amendments may be made to the Council during that time.
  - (3) At the end of the 28 day period of inspection, the Council—
    - (a) must consider any submissions made in respect of the proposed amendments to the Governance Rules; and
    - (b) may adopt the proposed amendments."
4. Clause 79, after line 19 insert—

"(1A) Despite subsection (1)(a), a local law may prescribe a penalty not exceeding 200 penalty units if the law is regulating activities connected with the construction of a building with a gross floor area of 2000 square metres or more."
5. Clause 240, lines 6 and 7, omit "or a ratepayer to the Council".
6. Clause 240, lines 12 to 29, omit all words and expressions on those lines.
7. Clause 240, page 219, lines 1 to 32, omit all words and expressions on those lines.
8. Clause 240, page 220, lines 1 to 34, omit all words and expressions on those lines.
9. Clause 242, omit this clause.
10. Clause 243, omit this clause.
11. Clause 244, omit this clause.
12. Clause 245, omit this clause.

13. Clause 246, omit this clause.
14. Clause 247, omit this clause.
15. Clause 248, omit this clause.
16. Clause 249, line 8, omit "from—" and insert "from a roll of electors for the Legislative Assembly compiled from the register of electors in accordance with section 268."
17. Clause 249, lines 9 to 17, omit all words and expressions on those lines.
18. Clause 249, lines 29 to 35, omit all words and expressions on those lines.
19. Clause 262, lines 23 and 24, omit "the Minister in accordance with this section" and insert "Council".
20. Clause 262, lines 25 to 27, omit all words and expressions on those lines and insert—
  - "(2) A determination by Council under subsection (1) must be made in accordance with the community engagement principles."
21. Clause 262, lines 28 to 32, omit all words and expressions on those lines.
22. Clause 262, page 240, lines 1 to 3, omit all words and expressions on those lines.
23. Clause 262, page 240, line 4, omit "Subject to subsection (3), a" and insert "A".
24. Clause 262, page 240, lines 9 to 12, omit all words and expressions on those lines.
25. Clause 326, line 5, before "Without" insert "(1)".
26. Clause 326, page 295, after line 14 insert—
  - "(2) Despite subsection (1)(i), the regulations must require, where a ballot-paper is required, and where there are 3 or more candidates on the ballot-paper, that the order of candidates on the ballot-paper be rotated equally and proportionally among types of ballot-paper that are distributed to remove any statistical advantage to any one candidate."
27. Clause 338, line 2, omit "sections 9(1) and (3) and 9B(4)" and insert "section 9(1)".
28. Clause 338, line 9, omit ", (2)(b), (3) and (5)" and insert "and (2)(b)".
29. Clause 338, lines 12 to 23, omit all words and expressions on those lines.
30. Clause 338, lines 27 to 32, omit all words and expressions on those lines.
31. Clause 339, omit this clause.
32. Insert the following New Clause before clause 340—

### **"339 Repeals**

- (1) In section 9(1)(b)(ii) of the **City of Melbourne Act 2001**, for "Division; or" substitute "Division."
- (2) Sections 9(1)(c), (3) and (4), 9A(3), (4), (5) and (6), 9B, 9C, 9D, 9E, 9F, 9G, 9H, 9I, 9J, 10, 11A and 11C(1) of the **City of Melbourne Act 2001** are **repealed**.
- (3) For section 11D(2) of the **City of Melbourne Act 2001** substitute—
  - "(2) The Registrar must compile a voters' roll containing the prescribed particulars of persons entitled to be enrolled as at the close of the roll from—
    - (a) in the case of a general election, information received—
      - (i) under section 11(1); and
      - (ii) under subsection (3); and

(b) in the case of a by-election, the voters' roll from the last election and the information received under subsection (3)."

(4) Section 11D(4) of the **City of Melbourne Act 2001** is repealed."

33. Clause 340, omit this clause.

34. Page 318, before line 24 insert the following heading—

**"Division 3A—Amendment of Planning and Environment Act 1987".**

35. Insert the following New Clause to follow clause 364 and the heading proposed by amendment number 37—'

**"364A Planning and Environment Act 1987**

In section 188(2)(a) of the **Planning and Environment Act 1987**, after "191" insert "unless the planning authority is a municipal council and section 67 of the **Local Government Act 2019** applies to the circumstances".

Amendments circulated by Dr Ratnam (SR22C)

1. Clause 1, omit this clause.

2. Insert the following New Clause before clause 2—

**"1 Purposes**

The purposes of this Act are—

- (a) to give effect to section 74A(1) of the **Constitution Act 1975** which provides that local government is a distinct and essential tier of government consisting of democratically elected Councils having the functions and powers that the Parliament considers are necessary to ensure the peace, order and good government of each municipal district; and
- (b) to amend the **Electoral Act 2002** to enable a person who has attained 16 years of age to provisionally enrol on the register of electors."

3. Clause 241, line 11, omit "18" and insert "16".

4. Clause 266, page 243, lines 5 to 7, omit all words and expressions on those lines and insert—

"(4) Subsection (1) or (2) does not apply if—

- (a) the person is less than 18 years of age; or
- (b) an exemption prescribed by the regulations applies to the person."

5. Clause 339, after line 16 insert—

"(1) In section 9A(2)(a) of the **City of Melbourne Act 2001**, for "18 years" substitute "16 years".

6. Clause 339, line 17, before "In" insert "(2)".

7. Clause 349, lines 18 to 21, omit all words and expressions on those lines and insert—

""(1A) Subsection (1) does not apply if—

- (a) the person is less than 18 years of age; or
- (b) an exemption prescribed by regulations under this Act or the **Local Government Act 2019** applies to the person."

8. Page 314, after line 21 insert the following heading—

**"Division 2A—Amendment of Electoral Act 2002".**

9. Insert the following New Clause to follow clause 357 and the heading proposed by amendment number 8—

**"357A Electoral Act 2002**

In section 22(5) of the **Electoral Act 2002**, for "17 years" substitute "16 years".

## AMENDMENT OF LONG TITLE

10. Long title, after "**Act 2001**," insert "the **Electoral Act 2002**,".

Amendments circulated by Dr Ratnam (SR24C)

1. Clause 3, page 11, after line 4 insert—

**"gambling industry business entity** has the meaning given by section 305C;"

2. Clause 3, page 16, after line 11 insert—

**"prohibited donor** has the meaning given by section 305A;

**property developer** has the meaning given by section 305B;"

3. Insert the following New Clauses before clause 306—

**"305A Meaning of prohibited donor**

For the purposes of this Division, **prohibited donor** means—

- (a) a property developer; or
- (b) a gambling industry business entity—

and includes any industry representative organisation if the majority of its members are prohibited donors and does not include a person or entity in respect of whom a determination under section 309C is in effect.

**305B Meaning of property developer**

- (1) For the purposes of this Division, **property developer** means—

- (a) a natural person or a corporation if—
  - (i) the natural person or corporation carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit; and
  - (ii) in the course of the business—
    - (A) one relevant planning application has been made by or on behalf of the natural person or corporation and is pending; or
    - (B) three or more relevant planning applications made by or on behalf of the natural person or corporation have been determined within the preceding 7 years; or
- (b) a person who is a close associate of a natural person or a corporation referred to in paragraph (a).

- (2) Any activity engaged in by a natural person or corporation for the dominant purpose of providing commercial premises at which the natural person or corporation, or a related body corporate of the corporation, will carry on business is to be disregarded for the purpose of determining whether the natural person or corporation is a property developer unless that business involves the sale or leasing of a substantial part of the premises.

- (3) In this section and section 305C—

**close associate** of a corporation means each of the following—

- (a) a director or officer of the corporation or the spouse of such a director or officer;
- (b) a related body corporate of the corporation;

- (c) a person whose voting power in the corporation or a related body corporate of the corporation is greater than 20% or the spouse of such a person;
- (d) if the corporation or a related body corporate of the corporation is a stapled entity in relation to a stapled security, the other stapled entity in relation to that stapled security;
- (e) if the corporation is a trustee, manager or responsible entity in relation to a trust, a person who holds more than 20% of the units in the trust (in the case of a unit trust) or is a beneficiary of the trust (in the case of a discretionary trust);
- (f) in relation to a corporation that is a property developer, a person in a joint venture or partnership with the property developer in connection with a relevant planning application made by or on behalf of the property developer who is likely to obtain a financial gain if development would be or is authorised by the application is authorised or carried out;

**close associate** of a natural person means each of the following—

- (a) the spouse of person;
- (b) in relation to a natural person who is a property developer, a person in a joint venture or partnership with the property developer in connection with a relevant planning application made by or on behalf of the property developer who is likely to obtain a financial gain if development that would be or is authorised by the application is authorised or carried out;

**officer** has the same meaning as it has in the Corporations Act;

**related body corporate** has the same meaning as it has in the Corporations Act;

**relevant planning application** means any of the following—

- (a) a request to a planning authority to make or amend a planning scheme under the **Planning and Environment Act 1987**;
- (b) a request to a responsible authority for a permit or an amendment to a permit under the **Planning and Environment Act 1987**;
- (c) an application or request that is prescribed by the regulations to be a relevant planning application;

**stapled entity** means an entity the interests in which are traded along with the interests in another entity as stapled securities and (in the case of a stapled entity that is a trust) includes any trustee, manager or responsible entity in relation to the trust;

**voting power** has the same meaning as in the Corporations Act.

### **305C Meaning of gambling industry business entity**

For the purpose of this Division, **gambling industry business entity** means—

- (a) a corporation engaged in a business undertaking that is mainly concerned with wagering, betting or other gambling (including the manufacture of machines used primarily for that purpose) but only if it is for the ultimate purpose of making a profit; or
- (b) a person who is a close associate of a corporation referred to in paragraph (a)."

4. Clause 309, line 16, omit "It" and insert "Subject to section 309A, it".

5. Insert the following New Clauses after clause 309—

#### **"309A Gifts from prohibited donors unlawful**

- (1) It is unlawful for a prohibited donor to make a gift—
  - (a) during the donation period, to a candidate or for the benefit of a candidate; or
  - (b) to a Councillor.
- (2) It is unlawful for a person to make a gift on behalf of a prohibited donor—
  - (a) during the donation period, to a candidate or for the benefit of a candidate; or

- (b) to a Councillor
- (3) It is unlawful for a candidate or a person acting on behalf of a candidate to accept a gift during the donation period that was made (wholly or partly) by a prohibited donor or a person on behalf of a prohibited donor.
- (4) It is unlawful for a Councillor or a person acting on behalf of Councillor to accept a gift that was made (wholly or partly) by a prohibited donor or a person on behalf of a prohibited donor.
- (5) It is unlawful for a prohibited donor to solicit another person to make a gift—
  - (a) during the donation period, to a candidate or for the benefit of a candidate; or
  - (b) to a Councillor.
- (6) It is unlawful for a person to solicit another person on behalf of a prohibited donor to make a gift—
  - (a) during the donation period, to a candidate or for the benefit of a candidate; or
  - (b) to a Councillor.
- (7) In this section—
 

**gift** means a gift the amount or value of which is equal to or exceeds the gift disclosure threshold.

### **309B Offence relating to gift from prohibited donor**

A person who does any act that is unlawful under section 309A is guilty of an offence if the person was, at the time of the act, aware of the facts that result in the act being unlawful.

Penalty: 400 penalty units or imprisonment for 2 years.

### **309C Making of determination that person is not a prohibited donor**

- (1) A person may apply to the VEC for a determination that the person, or another entity, is not a person or entity specified in section 305A(a) or (b).
- (2) The application must be written and supported by enough information to enable the VEC to decide the application.
- (3) If the VEC is satisfied the person or entity to whom the application relates is not a person or entity specified in section 305A(a) or (b), the VEC must make the determination sought by the applicant.
- (4) If the VEC is not satisfied the person or entity to whom the application relates is not a person or entity specified in section 305A(a) or (b), the VEC must—
  - (a) decide not to make the determination; and
  - (b) give the applicant an information notice about the decision.
- (5) A determination made under this section has effect for 1 year unless it is earlier revoked.

### **309D Revocation of determination**

- (1) If, at any time, the VEC ceases to be satisfied that the person or entity in respect of whom a determination under section 309C relates is not a person or entity specified in section 305A(a) or (b), the VEC may revoke the determination by giving a written notice of revocation to the person or entity and, if the person or entity was not the applicant for the determination, the applicant.
- (2) The notice of revocation given to the person or entity must include, or be accompanied by, an information notice about the decision to revoke the determination.

### **309E Register of determinations**

- (1) The VEC must keep a register of determinations made under section 309C.
- (2) The register must include any revocations made under section 309D.
- (3) The VEC must make the register available for public inspection without fee."



6. Clause 310, line 32, after "309" insert "or 309A".
7. Insert the following New Clause after clause 310—

**"310A Exception for membership subscriptions**

An annual or other subscription paid to a party by a natural person as a member of the party or for the person's affiliation with the party is not a gift for the purposes of this Division unless it is above the gift disclosure threshold."

*Amendments circulated by Mr Somyurek*

1. Clause 2, page 2, line 12, omit "42" and insert "43".
2. Clause 2, page 2, line 17, omit "Division" and insert "Divisions 6 and".
3. Clause 2, page 2, line 30, after "45," insert "45A,".
4. Clause 2, page 2, line 31, after "63," insert "63A,".
5. Clause 2, page 2, line 32, after "69.5," insert "70A,".
6. Clause 2, page 3, line 11, omit "42" and insert "43".
7. Clause 2, page 3, line 12, after this line insert—
  - "(ca) section 52;".
8. Clause 2, page 3, line 28, omit "to" and insert ", 2, 3, 4, 5, 7 and".
9. Clause 3, page 8, line 17, after "committee" insert ", other than a Community Asset Committee,".
10. Clause 13, page 30, line 3, omit "divided." and insert—
  - "divided; or
  - (c) subject to subsection (5A), an equal number of Councillors elected to represent each ward into which the municipal district is divided."
11. Clause 13, page 30, line 9, after this line insert—
  - "(5A) A Council must not be constituted in accordance with subsection (4)(c) unless, by notice published in the Government Gazette, the Minister specifies that the Council, or a Council that is a specific type of Council, may be constituted in accordance with subsection (4)(c)."
12. Clause 15, page 31, line 34, omit "district." and insert—
  - "district; or
  - (d) if a notice has been published in accordance with section 13(5A), specifying—
    - (i) the specific Council or the specific type of Council to be constituted in accordance with section 13(4)(c); and
    - (ii) the number of wards; and
    - (iii) the number of Councillors that are to represent each ward."
13. Clause 16, line 11, omit "or (c)" and insert ", (c) or (d)".
14. Clause 16, page 34, line 31, after this line insert—
  - "(ca) subject to the Minister first publishing a notice under section 13(5A) in relation to a Council, or a specific type of Council, whether the municipal district of the Council should be constituted in accordance with section 13(4)(c);".

NEW CLAUSES

15. Insert the following New Clauses to follow clause 20—

**"20A Office of Deputy Mayor**

- (1) A Council may establish an office of Deputy Mayor.
- (2) If the Council has established an office of Deputy Mayor, the provisions of this Act relating to the office of Deputy Mayor apply.
- (3) If a Council has not established an office of Deputy Mayor, section 20B applies.

**20B Acting Mayor**

- (1) A Council may appoint a Councillor to be the Acting Mayor when—
  - (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
  - (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
  - (c) the office of Mayor is vacant.
- (2) An appointment under subsection (1) must be for a period specified by the Council.
- (3) If—
  - (a) an appointment has not been made under subsection (1) or has expired; and
  - (b) any of the circumstances specified in subsection (1)(a), (b) or (c) apply—
 the Council must appoint a Councillor to be the Acting Mayor for a period specified by the Council.
- (4) An Acting Mayor—
  - (a) must perform the role of the Mayor; and
  - (b) may exercise any of the powers of the Mayor—
 until the circumstances specified in subsection (1) no longer apply or the period of the appointment expires, whichever first occurs.
- (5) If an Acting Mayor has been appointed, unless inconsistent with the context or subject matter, a reference in this Act (except in sections 20 and 23, Division 4 of this Part and sections 61(6) and 236(4)) to the Mayor includes a reference to the Acting Mayor."

16. Clause 43, page 55, lines 23 and 24, omit "and member of a delegated committee" and insert ", member of a delegated committee and member of a Community Asset Committee".
17. Clause 60, page 71, line 25, after this line insert—
 

"(da) the appointment of an Acting Mayor;"
18. Clause 224, page 196, line 18, after "made" insert "in respect of a Councillor to which paragraph (b) applies".
19. Clause 224, page 196, lines 21 to 23, omit "the subject of the complaint specified in paragraph (b)".
20. Clause 224, page 196, lines 25 to 27, omit "the subject of the complaint specified in paragraph (b)".
21. Clause 224, page 196, lines 30 to 32, omit "a Councillor the subject of the complaint specified in paragraph (b)" and insert "the Councillor".
22. Clause 224, page 197, lines 4 and 5, omit "the subject of the complaint specified in paragraph (b)".
23. Clause 224, page 197, lines 6 to 8, omit "a person has made a complaint to the Minister in respect of a Councillor that alleges" and insert "the Minister has reason to believe".
24. Clause 224, page 197, lines 18 to 21, omit all words and expressions on these lines.
25. Clause 225, page 197, line 22, omit "**complaint**" and insert "**Councillor**".

26. Clause 225, page 197, lines 24 and 25, omit "complaint specified in section 224(1)(b)" and insert "Councillor to which section 224(1)(b) applies".
27. Clause 225, page 197, line 29, omit "complaint" and insert "Councillor".
28. Clause 225, page 197, lines 32 and 33, omit "or the complaint under section 224(1)(b)".
29. Clause 226, page 198, line 4, omit "referred complaint" and insert "referral".
30. Clause 226, page 198, line 6, omit "complaint" and insert "referral".
31. Clause 226, page 198, line 17, omit "referred complaint" and insert "referral".
32. Clause 226, page 198, line 22, omit "complaint" and insert "referral".
33. Clause 226, page 199, line 1, omit "complaint" and insert "referral".
34. Clause 226, page 199, line 8, omit "complaint" and insert "referral".
35. Clause 226, page 199, line 25, omit "complaint" and insert "referral".
36. Clause 227, line 6, omit "complaint" and insert "referral".
37. Clause 256, page 234, line 15, omit "(c)" and insert "(b)".
38. Clause 256, page 234, line 24, omit "(c)" and insert "(b)".
39. Clause 262, page 240, lines 18 to 20, omit all words and expressions on these lines and insert—

"(b) attendance voting."
40. Clause 326, page 294, line 14, after "including" insert "the fixing and payment of any fees by candidates and".
41. Clause 363, page 317, line 2, after this line insert—

"(1A) In section 181A(1) of the **Local Government Act 1989** after "that rateable land" insert ", including climate change adaptation works on the building".

(1B) After section 181A(1) of the **Local Government Act 1989** insert—

"(1A) For the purposes of subsection (1), **adaptation** and **climate change** have the same respective meanings as they have in section 3 of the **Climate Change Act 2017**.".
42. Clause 363, page 317, line 3, omit "(b) and (c)" and insert "(a), (b) and (c) and (4)".
43. Clause 363, page 317, line 30, after this line insert—

"(5) Section 181H(2) of the **Local Government Act 1989** is repealed."
44. Schedule 1, page 340, line 18, after this line insert—

**"45A Gender Equality Act 2020**

45A.1 In the heading to Division 1 of Part 9, for "**Local Government Act 2019**" substitute "**Local Government Act 2020**".

45A.2 In section 55, for "**Local Government Act 2019**" substitute "**Local Government Act 2020**".
45. Schedule 1, page 345, line 18, after this line insert—

**"63A Local Government (Casey City Council) Act 2020**

63A.1 In section 3, after "**Local Government Act 1989**" insert "and the **Local Government Act 2020**".

63A.2 In section 10, after "**Local Government Act 1989**" insert "or section 257(1) of the **Local Government Act 2020**".

46. Schedule 1, page 345, lines 21 and 22, omit all words and expressions on these lines and insert—
- "64.1 In section 3, after "**Local Government Act 1989**" insert "and the **Local Government Act 2020**".
- 64.2 In section 10, after "**Local Government Act 1989**" insert "or section 257(1) of the **Local Government Act 2020**".
47. Schedule 1, page 347, line 12, after this line insert—
- "70A Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020**
- In section 3, in the definition of **Council**, for "**Local Government Act 1989**" substitute "**Local Government Act 2020**".

## 2. ROAD SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2019

### Amendments circulated by Mr O'Donohue

1. Insert the following New Clause to follow clause 3—
- '3A Power of court to cancel, suspend or vary licences and permits**
- (1) After section 28(1)(a) of the **Road Safety Act 1986** insert—
- "(ab) in the case of an offence—
- (i) against section 65A or 68, must suspend all driver licences and learner permits held by that person for such time as the court thinks fit; or
- (ii) against regulation 47(2) of the Road Safety (Drivers) Regulations 2019, must suspend all driver licences and learner permits held by that person for a period of 3 months."
- (2) In section 28(1)(b) of the **Road Safety Act 1986**, after "paragraph (a)" insert "or (ab)".
2. Clause 7, page 11, line 2, after "**certain speeding**" insert "**and other**".
3. Clause 7, page 11, line 4, after "**certain speeding**" insert "**and other**".
4. Clause 7, page 11, after line 12 insert—
- "(2) If a person is charged by a police officer with a relevant driving offence, any police officer, by written notice, may suspend the driver licence or learner permit of the person at any time after the filing of the charge-sheet charging the relevant driving offence until the charge has been determined."
5. Clause 7, page 11, line 13, omit "(2)" and insert "(3)".
6. Clause 7, page 11, after line 13 insert—
- "relevant driving offence** means an offence against section 65A or 68 or regulation 47(2) of the Road Safety (Drivers) Regulations 2019;"
7. Clause 7, page 11, line 20, after "speed limit" insert "or, in the case of the holder of a learner permit or probationary driver licence, at a speed of 30 kilometres per hour or more over the applicable speed limit".
8. Clause 7, page 11, line 30, after "speed limit" insert "or, in the case of the holder of a learner permit or probationary driver licence, at a speed of 30 kilometres per hour or more over the applicable speed limit".

### Amendments circulated by Ms Patten

1. Clause 1, line 6, after "certain cases" insert ", to remove a defence to a charge of driving a motor vehicle while impaired by a drug".
2. Clause 3, line 4, omit "In" and insert "(1) In".
3. Clause 3, after line 10 insert—

"(2) In section 3(1) of the **Road Safety Act 1986**, the definition of *permissible non-prescription drug* is repealed."

NEW CLAUSE

4. Insert the following New Clause after clause 3—

**"3A Offences involving alcohol or other drugs**

In section 49 of the **Road Safety Act 1986**—

- (a) in subsection (3A) omit "but subject to subsections (3B) and (3C)";  
 (b) subsections (3B) and (3C) are **repealed**."

AMENDMENT OF LONG TITLE

5. Long title, after "certain cases" insert ", to remove a defence to a charge of driving a motor vehicle while impaired by a drug".

*Amendments circulated by Mr Quilty*

1. Clause 1, line 6, after "certain cases" insert ", 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".

NEW CLAUSE

2. Insert the following new clause to follow clause 6—

**'6A New section 84BAB inserted**

After section 84BAA of the **Road Safety Act 1986** insert—

**"84BAB Exemption for exceeding speed limit to pass other vehicles safely**

Despite anything to the contrary in this Act or any other law, a driver of a motor vehicle or heavy vehicle is not guilty of an offence against section 64(1) or 65B or any Rules made under this Act in relation to obeying the speed limit if the driver—

- (a) is driving on a single carriage highway—  
     (i) with no more than one lane for each direction of travel; or  
     (ii) with one lane for each direction of travel and a dedicated overtaking lane;  
 and  
 (b) is passing another motor vehicle or other vehicle; and  
 (c) is driving in excess of the speed limit to pass that motor vehicle or other vehicle;  
 and  
 (d) having regard to all of the circumstances of the case, it is safest to exceed the speed limit in those circumstances."

AMENDMENT OF LONG TITLE

3. Long title, after "certain cases" insert ", 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".

