



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 19, 20, 21 and 22

No. 19 — Tuesday, 4 June 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **THE LATE HONOURABLE DANIEL ERIC KENT OAM** — Mr Jennings moved, That this House expresses its sincere sorrow at the death, on 26 April 2019, of the Honourable Daniel Eric Kent OAM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Gippsland Province from 1970 to 1976 and the Chelsea Province from 1979 to 1985, and as Minister of Agriculture from 1982 to 1985.
And other Members having addressed the House, the question was put and agreed to unanimously with Members standing in their places.
[Sitting suspended from 12.32 p.m. until 1.38 p.m.]
- 3 **ASSENT TO ACTS** — The President read a Message from the Lieutenant-Governor informing the Council that he had, this day, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
Audit Amendment Act 2019
Guardianship and Administration Act 2019
Sale of Land Amendment Act 2019.
- 4 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.
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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:
 - **Community safety funding** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Thursday, 6 June 2019.
 - **Youth defensive driving courses** — substantive and supplementary questions asked by Mr Rich-Phillips — response from Ms Pulford due Wednesday, 5 June 2019.
- 5 **CONSTITUENCY QUESTIONS** — Constituency questions were taken pursuant to Standing Order 8.08.
- 6 **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. 7 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.
Ordered to be published.

PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

National Parks Act 1975 — Minister's notice of consent of 28 May 2019, pursuant to section 40 of the Act, in relation to Beach Energy Limited undertaking operations within Port Campbell National Park.

Parliamentary Committees Act 2003 — Government response to the Environment, Natural Resources and Regional Development Committee's Report on the Inquiry into the sustainability and operational challenges of Victoria's rural and regional councils.

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

Frankston Planning Scheme — Amendments C132 and C133.

Kingston Planning Scheme — Amendments C163 and C183.

Manningham Planning Scheme — Amendment C104.

Maribyrnong Planning Scheme — Amendments C155 and C156.

Whittlesea Planning Scheme — Amendment C229.

Statutory Rules under the following Acts of Parliament —

Domestic Animals Act 1994 — No. 36.

Local Government Act 1989 — No. 37.

Supreme Court Act 1986 — No. 38.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 30 and 33.

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PROCLAMATION — A Proclamation of the Lieutenant-Governor in Council fixing an operative date in respect of the following Act was laid on the Table by the Clerk:

Fair Work (Commonwealth Powers) Amendment Act 2019 — 31 May 2019 (*Gazette No. S205, 28 May 2019*).

7 PRODUCTION OF DOCUMENTS — VICTORIAN POWER SUPPLIES IN JANUARY AND FEBRUARY 2019 — The Clerk laid on the Table 73 documents in full and 58 documents in part and a letter from the Attorney-General, dated 30 May 2019, in response to the Resolution of the Council of 6 February 2019 relating to Victorian Power Supplies, advising that 154 documents had been identified and a claim of executive privilege was made over 23 documents in full and 58 documents in part.

8 PRODUCTION OF DOCUMENTS — GJK FACILITY SERVICES — The Clerk laid on the Table a letter (including an Attachment) from the Attorney-General, dated 30 May 2019, in response to the Resolution of the Council of 1 May 2019 relating to GJK facility services, advising that —

- the Government's initial estimate is that there are approximately 100,000 pages within the scope of the order, and that it would take up to four years to collate, consider and obtain advice in relation to the documents at an estimated cost of \$1.5 million; and
- the Government invites the Council to pass a motion to amend or replace the order with an order seeking documents within revised categories set out in an Attachment A, which would allow them to provide the documents sooner and at a lower cost.

9 BUSINESS OF THE COUNCIL — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 5 June 2019 —

- (1) Notice of Motion No. 74 standing in the name of Mr Barton referring a matter to the Economy and Infrastructure Committee relating to Melbourne's public transport;
- (2) the notice of motion given this day by Mr Rich-Phillips in relation to the establishment of a Joint Select Committee to inquire into Victoria's road toll;
- (3) the notice of motion given this day by Dr Cumming in relation to food waste;
- (4) the notice of motion given this day by Mr Davis in relation to the Corkman Hotel in Carlton;
- (5) the notice of motion given this day by Dr Ratnam in relation to World Environment Day;
- (6) the notice of motion given this day by Ms Crozier, in lieu of Notice of Motion No. 79, in relation to CFMEU State Secretary, Mr John Setka; and
- (7) Notice of Motion No. 21 standing in the name of Ms Patten referring a matter relating to e-petitions to the Procedure Committee.

Question — put and agreed to.

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

11 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 10 to 85, be postponed until later this day.

12 APPROPRIATION (2019–2020) BILL 2019 — Debate resumed on the question, That the Bill be now read a second time and Ms Stitt moved, That the Council take note of the Budget Papers, 2019-20 [*the motion to take note of the **Budget Papers, 2019-20** having been authorised to be debated concurrently pursuant to an Order of the Council on 28 May 2019*].

Question — put and 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.

Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.

Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

13 BUDGET PAPERS, 2019-20 — The concurrent debate having concluded — Question — That the Council take note of the Budget Papers, 2019-20 — put and agreed to.

14 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 9.55 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 20 — Wednesday, 5 June 2019

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

2 PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Report on Child and Youth Mental Health, June 2019 (*Ordered to be published*).

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

Banyule Planning Scheme — Amendment C154.

Banyule, Kingston, Manningham, Moreland, Stonnington, Whittlesea and Wyndham Planning Schemes — Amendment GC131.

Cardinia, Casey, Greater Geelong, Hobsons Bay, Melton, Moonee Valley, Nillumbik, Port of Melbourne, Port Phillip and Yarra Planning Schemes — Amendment GC128.

Hume Planning Scheme — Amendment C238.

Manningham Planning Scheme — Amendment C126.

Maribyrnong Planning Scheme — Amendment C160.

Mitchell Planning Scheme — Amendment C141.

Mornington Peninsula Planning Scheme — Amendment C260.

Surf Coast Planning Scheme — Amendment C131.

Whittlesea Planning Scheme — Amendment C239.

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of an Order in Council of 28 May 2019 amending the transitional pricing rule under the Electricity Industry Act 2000.

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

4 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — PUBLIC TRANSPORT — Mr Barton moved, That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, within 12 months, on Melbourne's public transport, in particular —

- (1) the expansion of the free tram system to include —
 - (a) Wellington Parade to Powlett Street, East Melbourne;
 - (b) Swanston Street to Elgin Street, Carlton;
 - (c) Royal Parade to College Crescent, Carlton;
 - (d) Flemington Road to Abbotsford Street, North Melbourne;
 - (e) St Kilda Road to Commercial Road, Prahran;
- (2) providing free fares for all full time students;
- (3) removing fares for all Seniors Card holders;
- (4) new technologies that enable intelligent transport systems that improve the performance of the networks; and
- (5) the effects and benefits of dynamic public transport pricing.

Debate ensued.

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

Question — put and agreed to.

5 JOINT SELECT COMMITTEE — VICTORIA'S ROAD TOLL — Mr Rich-Phillips moved, That —

- (1) a Joint Select Committee of seven Members be established to inquire into, consider and report to both Houses, no later than 1 December 2019, on the increase in the Victorian road toll in 2019, including but not limited to, an examination of the —
 - (a) current Victorian Towards Zero Road Safety Strategy 2016-2020 and progress towards its aim of a 20 per cent reduction in fatalities with 200 or less lives lost annually by 2020;
 - (b) adequacy and scope of the current driver drug and alcohol testing regime;
 - (c) adequacy of current speed enforcement measures;
 - (d) adequacy of current response to smart phone use, including the use of technology to reduce the impact of smart phone use on driver distraction;
 - (e) measures to improve the affordability of newer vehicles incorporating driver assist technologies;
 - (f) adequacy of current road standards and the road asset maintenance regime;
 - (g) adequacy of driver training programs and related funding structures such as the L2P program;
 - (h) adequacy and accuracy of road collision data collection;
- (2) the Committee shall consist of —
 - (a) four Assembly Members, comprising three Members from the Government nominated by the Premier and one Member from the Opposition nominated by the Leader of the Opposition;
 - (b) three Council Members, comprising one Member from the Government nominated by the Leader of the Government in the Council, one Member from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) a majority of the Members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;

- (4) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (6) the Committee shall operate under the provisions laid out under Joint Standing Order 15; and
- (7) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses.

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

- 6 QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

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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:

- **Western suburbs school funding** — substantive question asked by Dr Cumming — response from Ms Tierney due Friday, 7 June 2019.
- **Ballarat Health Services** — substantive question asked by Ms Crozier — response from Ms Mikakos due Thursday, 6 June 2019.
- **Commercial passenger vehicle safety standards** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Friday, 7 June 2019.

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

- 8 JOINT SELECT COMMITTEE — VICTORIA'S ROAD TOLL** — Debate continued on the question, That —

- (1) a Joint Select Committee of seven Members be established to inquire into, consider and report to both Houses, no later than 1 December 2019, on the increase in the Victorian road toll in 2019, including but not limited to, an examination of the —
 - (a) current Victorian Towards Zero Road Safety Strategy 2016-2020 and progress towards its aim of a 20 per cent reduction in fatalities with 200 or less lives lost annually by 2020;
 - (b) adequacy and scope of the current driver drug and alcohol testing regime;
 - (c) adequacy of current speed enforcement measures;
 - (d) adequacy of current response to smart phone use, including the use of technology to reduce the impact of smart phone use on driver distraction;
 - (e) measures to improve the affordability of newer vehicles incorporating driver assist technologies;
 - (f) adequacy of current road standards and the road asset maintenance regime;
 - (g) adequacy of driver training programs and related funding structures such as the L2P program;
 - (h) adequacy and accuracy of road collision data collection;
- (2) the Committee shall consist of —
 - (a) four Assembly Members, comprising three Members from the Government nominated by the Premier and one Member from the Opposition nominated by the Leader of the Opposition;
 - (b) three Council Members, comprising one Member from the Government nominated by the Leader of the Government in the Council, one Member from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) a majority of the Members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;

- (4) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (6) the Committee shall operate under the provisions laid out under Joint Standing Order 15; and
- (7) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses.

Ms Pulford moved, as amendments, That —

1. In paragraph (1), **omit** the words “a Joint Select Committee of seven Members be established to inquire into, consider and report to both Houses,” and **insert** in their place “this House requires the Economy and Infrastructure Committee to inquire into, consider and report,”.
2. In paragraph (1)(c), after the words “adequacy of current speed enforcement measures”, **insert** “and speed management policies”.
3. **Omit** paragraphs (2) to (7).

On the motion of Mr Finn, the debate was adjourned until later this day.

9 FOOD WASTE — Dr Cumming moved, That this House calls on the Government to —

- (1) commission advice on appropriate targets to enable action and support consistency of food and organic waste collection across Victoria;
- (2) support and work in partnership with local government to divert organic waste, including food waste, from landfill and ensure it is collected and managed with clearly identifiable and market ready end products;
- (3) explore funding options for an organic waste recycling scheme through the current waste levy;
- (4) ensure that the frameworks, guidelines and standards developed according to the Victorian Organics Resource Recovery Strategy, September 2015, meet the implementation targets of —
 - (a) enabling all councils across the state to implement food waste collection services for residential, commercial and industrial food waste that suits the needs of their municipalities;
 - (b) ensuring processing facilities are equipped to meet demand by mapping currently available facilities, including capacity for processing and proximity of sites to municipalities, expanding what is currently available and establishing additional facilities in strategic locations to minimise transport costs;
 - (c) clearly identifying and establishing markets for recovered and recycled products;
 - (d) ensuring redistribution of viable food within local communities through partnerships between the private and not-for-profit sectors;
- (5) expand to a comprehensive, state-wide education and behaviour change community program and ensure the program —
 - (a) reduces the amount of food waste generated;
 - (b) increases compliance with organic waste recycling;
 - (c) follows state guidelines and is adapted to suit local communities; and
 - (d) encourages ongoing innovative solutions through communities, universities and industry.

Debate ensued.

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

Question — put and agreed to.

10 JOINT SELECT COMMITTEE — VICTORIA'S ROAD TOLL — Debate resumed on the question, That —

- (1) a Joint Select Committee of seven Members be established to inquire into, consider and report to both Houses, no later than 1 December 2019, on the increase in the Victorian road toll in 2019, including but not limited to, an examination of the —
 - (a) current Victorian Towards Zero Road Safety Strategy 2016-2020 and progress towards its aim of a 20 per cent reduction in fatalities with 200 or less lives lost annually by 2020;
 - (b) adequacy and scope of the current driver drug and alcohol testing regime;
 - (c) adequacy of current speed enforcement measures;
 - (d) adequacy of current response to smart phone use, including the use of technology to reduce the impact of smart phone use on driver distraction;
 - (e) measures to improve the affordability of newer vehicles incorporating driver assist technologies;
 - (f) adequacy of current road standards and the road asset maintenance regime;
 - (g) adequacy of driver training programs and related funding structures such as the L2P program;
 - (h) adequacy and accuracy of road collision data collection;
- (2) the Committee shall consist of —
 - (a) four Assembly Members, comprising three Members from the Government nominated by the Premier and one Member from the Opposition nominated by the Leader of the Opposition;
 - (b) three Council Members, comprising one Member from the Government nominated by the Leader of the Government in the Council, one Member from the Opposition nominated by the Leader of the Opposition in the Council and one Member from among the remaining Members in the Council nominated jointly by minority groups and independent Members;
- (3) a majority of the Members appointed pursuant to paragraph (2) will constitute a quorum of the Committee;
- (4) in addition to exercising a deliberative vote, when votes on a question are equally divided, the Chair, or the Deputy Chair when acting as chair, shall have a casting vote;
- (5) the Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy;
- (6) the Committee shall operate under the provisions laid out under Joint Standing Order 15; and
- (7) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing and Sessional Orders or practices of both Houses will have effect notwithstanding anything contained in the Standing and Sessional Orders or practices of both Houses.

And on the amendments moved by Ms Pulford, That —

1. In paragraph (1), **omit** the words “a Joint Select Committee of seven Members be established to inquire into, consider and report to both Houses,” and **insert** in their place “this House requires the Economy and Infrastructure Committee to inquire into, consider and report,”.
2. In paragraph (1)(c), after the words “adequacy of current speed enforcement measures”, **insert** “and speed management policies”.
3. **Omit** paragraphs (2) to (7).

Question — That Amendment Nos. 1 and 3 moved by Ms Pulford be agreed to — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Barton; Mr Bourman; Dr Cumming; Mr Dalidakis; 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 Vaghela)

NOES, 11

Mr Atkinson; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Ms Lovell;
Ms Maxwell; Mrs McArthur; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Ms Crozier and Ms Wooldridge)

Question agreed to.

Question — That Amendment No. 2 moved by Ms Pulford be agreed to — put and agreed to.

Question — That the motion, amended as follows, be agreed to — That this House requires the Economy and Infrastructure Committee to inquire into, consider and report, no later than 1 December 2019, on the increase in the Victorian road toll in 2019, including but not limited to, an examination of the —

- (1) current Victorian Towards Zero Road Safety Strategy 2016-2020 and progress towards its aim of a 20 per cent reduction in fatalities with 200 or less lives lost annually by 2020;
- (2) adequacy and scope of the current driver drug and alcohol testing regime;
- (3) adequacy of current speed enforcement measures and speed management policies;
- (4) adequacy of current response to smart phone use, including the use of technology to reduce the impact of smart phone use on driver distraction;
- (5) measures to improve the affordability of newer vehicles incorporating driver assist technologies;
- (6) adequacy of current road standards and the road asset maintenance regime;
- (7) adequacy of driver training programs and related funding structures such as the L2P program; and
- (8) adequacy and accuracy of road collision data collection — put and agreed to.

11 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, General Business, No. 90, be postponed until later this day.

12 WORLD ENVIRONMENT DAY — Dr Ratnam moved, That this House notes that —

- (1) Wednesday, 5 June is World Environment Day, a day to encourage worldwide awareness and action to protect our environment; and
- (2) the theme for World Environment Day this year is “Air Pollution”, with governments, industry, communities and individuals urged to take action to improve air quality in cities and regions across the world.

Debate ensued.

Question — put and agreed to.

13 CORKMAN HOTEL, CARLTON — Mr Davis moved, That this House —

- (1) expresses its concern at the inadequate response by the Minister for Planning, the Hon Richard Wynne MP, to the illegal destruction of the historic 1858 Corkman Hotel in Carlton;
- (2) notes the illegal dumping that occurred following this unacceptable destruction; and
- (3) calls on the Minister to ensure, through the use of his powers, that the property developers, Mr Raman Shaqiri and Mr Stefce Kutlesovski, who have been convicted of these actions, described by Magistrate Ross Maxted as “reprehensible”, or companies associated with either man, are not permitted to profit from their illegal actions.

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

14 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 5.39 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 21 — Thursday, 6 June 2019

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

2 **PAPERS —**

LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO THE INQUIRY INTO THE PUBLIC HOUSING RENEWAL PROGRAM — Pursuant to Standing Order 23.30, Ms Symes laid on the Table a copy of the Government Response to the Legal and Social Issues Committee's Inquiry into the Public Housing Renewal Program.

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PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Auditor-General's Reports on —

Melbourne Metro Tunnel Project — Phase 1: Early Works, June 2019 (*Ordered to be published*).

Recovering and Reprocessing Resources from Waste, June 2019 (*Ordered to be published*).

Climate Change Act 2017 — Independent Expert Panel's Interim Emissions Reduction Targets for Victoria (2021-2030), Final Report.

3 **STANDING COMMITTEES MEMBERSHIP** — Mr Jennings moved, by leave, That —

- (1) Mr Limbrick and Mr Quilty be participating members of the Standing Committee on Legal and Social Issues;
- (2) Mr Limbrick be a participating member of the Standing Committee on Economy and Infrastructure; and
- (3) Mr Quilty be a participating member of the Standing Committee on Environment and Planning.

Question — put and agreed to.

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

5 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 10 to 99, be postponed until later this day.

6 **APPROPRIATION (PARLIAMENT 2019-2020) BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and 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.

7 **STATE TAXATION ACTS AMENDMENT BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

Mr Rich-Phillips moved, that debate be adjourned for one week.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

AYES, 10

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

NOES, 26

Mr Barton; Mr Bourman; Mr Dalidakis; 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 Shing and Ms Stitt)

Question negatived.

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

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

8 QUESTIONS AND MINISTERS' STATEMENTS — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

Answers to certain questions on notice were circulated pursuant to Standing Order 8.12.

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QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Kyneton water reclamation plant** — substantive and supplementary questions asked by Mr Bourman — response from Mr Jennings due Tuesday, 11 June 2019.
- **Metro Tunnel Project consortium** — substantive and supplementary questions asked by Mr Davis — response from Mr Jennings due Friday, 7 June 2019.
- **Levy's Beach environmental monitoring system** — substantive and supplementary questions asked by Mr Hayes — response from Mr Jennings due Tuesday, 11 June 2019.
- **Firearms prohibition orders** — substantive and supplementary questions asked by Mr Grimley — response from Ms Tierney due Tuesday, 11 June 2019.

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

10 STATE TAXATION ACTS AMENDMENT BILL 2019 — Debate continued on the question, That the Bill be now read a second time.

Question — put and agreed to.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

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

Bill to be again considered in a Committee of the whole later this day.

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

On the motion of Ms Stitt, the meal break scheduled for this day, pursuant to Sessional Order 1, was suspended.

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Mr Jennings 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, 33

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Dalidakis; Mr Davis; 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; 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 Melhem and Ms Terpstra)

NOES, 3

Dr Cumming; Mr Limbrick; Mr Quilty.

(Tellers: Mr Limbrick and Mr Quilty)

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 without amendment.

- 11 WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to make miscellaneous amendments to the Water Act 1989 and the Catchment and Land Protection Act 1994 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Ms Tierney), the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 12 DISABILITY (NATIONAL DISABILITY INSURANCE SCHEME TRANSITION) AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Disability Act 2006 and the Residential Tenancies Act 1997 and to make consequential and other amendments to other Acts to further provide for the transition to the National Disability Insurance Scheme and for other purposes* and requesting the agreement of the Council.

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

Ms Symes 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 Symes, the second reading speech was incorporated into Hansard.

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

On the motion of Ms Crozier, the debate was adjourned for one week.

- 13 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to provide a rebuttable presumption for career firefighters and volunteer firefighters suffering from specified forms of cancer for the purposes of claiming compensation under the Workplace Injury Rehabilitation and Compensation Act 2013, to amend the Metropolitan Fire Brigades Act 1958, the Country Fire Authority Act 1958 and certain other Acts to reform fire services and for other purposes* and requesting the agreement of the Council.

Ms Symes (for Mr Jennings) moved, That the Bill be read a first time.

Question — put.

The Council divided — The President in the Chair.

AYES, 20

Mr Barton; Dr Cumming; Mr Dalidakis; Ms Garrett; Mr Jennings; Dr Kieu; Mr Leane; 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 Vaghela.

(Tellers: Dr Kieu and Ms Shing)

NOES, 15

Mr Atkinson; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

(Tellers: Ms Lovell and Mr O'Donohue)

Question agreed to.

Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 14 ADJOURNMENT** — Mr Jennings moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 7.32 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 22 — Friday, 7 June 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid on the Table by the Clerk:
Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 38.
- 3 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 18 June 2019.
Question — put and agreed to.
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 12 to 81, be postponed until later this day.
- 5 **LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — HOMELESSNESS** — Mr Barton moved, That this House requires the Legal and Social Issues Committee to inquire into, consider and report, within 12 months, on the state of homelessness in Victoria, and in particular, the Committee should —
- (1) provide an independent analysis of the changing scale and nature of homelessness across Victoria;
 - (2) investigate the many social, economic and policy factors that impact on homelessness; and
 - (3) identify policies and practices from all levels of government that have a bearing on delivering services to the homeless.

Debate ensued.

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

Question — put and agreed to.

- 6 **BUSINESS POSTPONED** — Dr Ratnam moved, That the consideration of all Notices of Motion, General Business, except Notice of Motion, General Business, No. 42, be postponed until later this day.

Debate ensued.

Question — put and agreed to.

- 7 **PUBLIC HOUSING RENEWAL PROGRAM** — Dr Ratnam moved, That this House —
- (1) notes that there are still more than 82,000 Victorians on the public housing waiting list;
 - (2) acknowledges that the Government's Public Housing Renewal Program is manifestly unfair and inadequate to address the public housing waiting list and chronic homelessness experienced by many in Victoria;
 - (3) further notes that the Government's Public Housing Renewal Program involves selling off existing public housing land to private developers that will be lost from public ownership forever; and
 - (4) calls on the Government to immediately stop the sale of public housing land and commit to a significant investment in public housing that is sufficient to address the current waiting list.

Business having been interrupted at the conclusion of 2 hours of General Business pursuant to Sessional Orders, the debate stood adjourned in the name of Dr Ratnam.

- 8 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — LEAVE TO SIT THIS DAY DURING THE SITTING OF THE COUNCIL** — Mr Jennings moved, That the Public Accounts and Estimates Committee have leave to meet and take evidence for the purposes of the Inquiry into the 2019-20 Budget Estimates during the sitting of the Council on Friday, 7 June 2019.

Debate ensued.

Ms Symes moved, That the question be now put.

And six other Members having risen in their places indicating their support for the motion pursuant to Standing Order 12.25 —

Question — That the question be now put — put.

The Council divided — The President in the Chair.

AYES, 24

Mr Barton; Mr Bourman; Dr Cumming; Mr Dalidakis; 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 Taylor and Ms Vaghela)

NOES, 11

Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips; Ms Wooldridge.

(Tellers: Ms Bath and Mr Finn)

Question agreed to.

Question — That the Public Accounts and Estimates Committee have leave to meet and take evidence for the purposes of the Inquiry into the 2019-20 Budget Estimates during the sitting of the Council on Friday, 7 June 2019 — put and agreed to.

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

9 QUESTIONS — Questions without notice were taken pursuant to Sessional Order 13.

Answers to certain questions on notice were circulated pursuant to Standing Order 8.12.

* * * * *

QUESTIONS DIRECTED FOR WRITTEN RESPONSE — The President directed written responses be provided to questions without notice pursuant to Standing Order 8.07 as follows:

- **Rock climbing in the Grampians** — substantive and supplementary questions asked by Mr Limbrick — response from Mr Jennings due Wednesday, 12 June 2019.
- **Metro tunnel project – contingency funds** — substantive question asked by Mr Davis — response from Mr Jennings due Wednesday, 12 June 2019.
- **Coronial inquest – James Gargasoulas** — substantive question asked by Ms Maxwell — response from Mr Jennings due Wednesday, 12 June 2019.
- **Public transport amenity** — substantive and supplementary questions asked by Dr Cumming — response from Ms Pulford due Wednesday, 12 June 2019.

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

11 FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2019 — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

On the motion of Mr O'Donohue, the debate was adjourned for one week.

12 WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2019 — Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

Mr Jennings moved, That the Bill be now read a second time.

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

13 ADJOURNMENT — Mr Jennings moved, That the House do now adjourn.

Debate ensued and a response to an Adjournment matter was circulated pursuant to Standing Order 4.13.

And then the Council, at 1.00 p.m., adjourned until Tuesday, 18 June 2019.

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 19, 20, 21 and 22

APPROPRIATION (2019–2020) BILL 2019

Committed Tuesday, 4 June 2019

Clauses 1 to 10 — put and agreed to.

Schedules 1 to 3 — put and agreed to.

Bill reported without amendment.

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APPROPRIATION (PARLIAMENT 2019-2020) BILL 2019

Committed Thursday, 6 June 2019

Clauses 1 to 7 — put and agreed to.

Schedule 1 — put and agreed to.

Bill reported without amendment.

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STATE TAXATION ACTS AMENDMENT BILL 2019

Committed Thursday, 6 June 2019

Clauses 1 to 8 — no question put pursuant to Standing Order 14.15(2).

Clauses 9 to 13 — Question — That the clauses be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Barton; Mr Bourman; Mr Dalidakis; Ms Garrett; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; 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: Ms Garrett and Ms Pulford)

NOES, 14

Mr Atkinson; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

(Tellers: Ms Crozier and Mr Grimley)

Question agreed to.

Clauses 14 and 15 — Question — That the clauses be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24

Mr Barton; Mr Bourman; Mr Dalidakis; Ms Garrett; Mr Grimley; Mr Hayes; 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 Bourman and Ms Patten)

NOES, 12

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

(Tellers: Ms Bath and Mr O'Donohue)

Question agreed to.

Clause 16 — no question put pursuant to Standing Order 14.15(2).

Clause 17 — Question — That the clause be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 22

Mr Barton; Mr Bourman; Mr Dalidakis; Ms Garrett; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; 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 Mr Melhem)

NOES, 14

Mr Atkinson; Ms Bath; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr O'Donohue; Mr Quilty; Mr Rich-Phillips.

(Tellers: Dr Cumming and Mr Limbrick)

Question agreed to.

Clauses 18 to 20 — no question put pursuant to Standing Order 14.15(2).

Clauses 21 to 31 — Question — That the clauses be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24

Mr Barton; Mr Bourman; Mr Dalidakis; Ms Garrett; Mr Grimley; Mr Hayes; 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 Leane and Mr Somyurek)

NOES, 12

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

(Tellers: Mr Atkinson and Mr Davis)

Question agreed to.

Clauses 32 to 34 — no question put pursuant to Standing Order 14.15(2).

Clause 35 — Question — That the clause be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 23

Mr Barton; Mr Bourman; Mr Dalidakis; 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 Dalidakis and Mr Somyurek)

NOES, 13

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

(Tellers: Mr Finn and Mr Rich-Phillips)

Question agreed to.

Clauses 36 to 46 — Question — That the clauses be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 24

Mr Barton; Mr Bourman; Mr Dalidakis; Ms Garrett; Mr Grimley; Mr Hayes; 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: Ms Terpstra and Ms Vaghela)

NOES, 12

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

(Tellers: Mrs McArthur and Mr Quilty)

Question agreed to.

Clauses 47 to 55 — no question put pursuant to Standing Order 14.15(2).

Clauses 56 to 59 — Question — That the clauses be agreed to — put and agreed to.

Clause 60 — no question put pursuant to Standing Order 14.15(2).

Bill reported without amendment.

