



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### No. 3 — Wednesday, 6 February 2019

*Proof Version*

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- 1 The President took the Chair, read the Prayer and made an acknowledgement of Country.
  - 2 **SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) AMENDMENT BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Jennings (for Ms Mikakos), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
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 Ms Crozier, the debate was adjourned for one week.
  - 3 **INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (PUBLIC INTEREST DISCLOSURES, OVERSIGHT AND INDEPENDENCE) BILL 2018** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Protected Disclosure Act 2012, the Independent Broad-based Anti-corruption Commission Act 2011, the Victorian Inspectorate Act 2011, the Public Interest Monitor Act 2011, the Ombudsman Act 1973 and the Parliamentary Committees Act 2003 and make consequential amendments to other Acts to make Victoria's integrity and accountability system clearer and more efficient and to otherwise improve its operation and for other purposes* and requesting the agreement of the Council.  
On the motion of Mr Jennings, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.  
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 Ms Crozier (for Mr O'Donohue), the debate was adjourned for one week.
  - 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:  
Judicial Entitlements Act 2015 — Attorney-General's recommendation statement to the 2018 Own Motion Recommendation Report of the Judicial Entitlements Panel, pursuant to section 34 of the Act.  
Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns — January 2019 and Summary of Variations notified between 24 September 2018 and 4 February 2019 (*Ordered to be published*).

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

Banyule Planning Scheme — Amendment C151.

Bayside Planning Scheme — Amendment C153.

Greater Geelong Planning Scheme — Amendment C376 (Part 1).

Hobsons Bay Planning Scheme — Amendment C116 (Part 1).

Melbourne Planning Scheme — Amendment C348.

Mitchell Planning Scheme — Amendment C120.

Monash Planning Scheme — Amendment C129 (Part 2).

Port Phillip Planning Scheme — Amendment C157.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 2 and 3.

- 5 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 19 February 2019.

Question — put and agreed to.

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

- 7 SPENT CONVICTIONS BILL 2019** — Ms Patten laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

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

- 8 PRODUCTION OF DOCUMENTS — GOVERNMENT BRIEFING BOOKS** — Mr Davis moved, That, in accordance with Standing Order 11.01, this House requires the Leader of the Government to table in the Council by Tuesday, 5 March 2019, copies of the Government briefing books provided to incoming Ministers by the Departmental Secretaries and the Secretary of the Department of Premier and Cabinet following the 24 November 2018 State Election.

Debate ensued.

Dr Ratnam moved, as an amendment, That all the words after “Tuesday, 5 March 2019,” be omitted with the view of inserting in their place “copies of the briefing books prepared by the Departmental Secretaries and the Secretary of the Department of Premier and Cabinet for the incoming government following the 24 November 2018 State Election, including the red, blue and green briefing books.”.

Debate ensued.

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

Original question — put and agreed to.

- 9 PRODUCTION OF DOCUMENTS — VICTORIAN POWER SUPPLIES IN JANUARY AND FEBRUARY 2019** — Mr Davis moved, That this House —

(1) notes the statement by the Minister for Energy, Environment and Climate Change, the Hon Lily D'Ambrosio MP, broadcast on 3AW on 24 January 2019, that “we are absolutely confident” the state’s power supplies would hold up during hot weather on 24 and 25 January 2019; and

(2) requires the Leader of the Government, in accordance with Standing Order 11.01, to table by 2.00 p.m. on Wednesday, 20 February 2019, a copy of all documents provided to the Premier, Treasurer, Minister for Energy, Environment and Climate Change, Minister for Small Business, Minister for Health or Minister for Disability, Ageing and Carers or their relevant departments during 2018 or 2019, containing advice, briefing or assessment on Victorian power supplies for January and February 2019, or other advice on future power supplies relevant to this period from the Australian Energy Market Operator, energy generators or distributors or any Department or agency of the Victorian Government.

Debate ensued.

Question — put and agreed to.

**10 MANAGEMENT OF VICTORIA'S ENERGY SUPPLIES** — Mr Finn (for Mr Davis) moved, That this House notes —

- (1) that the Minister for Energy, Environment and Climate Change, the Hon Lily D'Ambrosio MP, made a statement on 24 January 2019, which was broadcast on 3AW, that “we are absolutely confident” the state’s power supplies would hold up during the hot weather on 24 and 25 January 2019;
  - (2) brownouts and blackouts, that is cuts to the power supply, occurred on 25 January 2019 despite the Minister’s assurances, and these power cuts negatively impacted on vulnerable Victorians, Victorian families and Victorian small businesses;
- and expresses concern about the Minister for Energy, Environment and Climate Change’s mishandling of Victoria’s energy supply.

Debate ensued.

*Business having been interrupted at 12 noon pursuant to Standing Orders —*

**11 QUESTIONS** — Questions without notice were taken pursuant to Standing Order 8.04 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.

- **Aussie Farms charities status** — substantive and supplementary questions asked by Ms Bath — response from Ms Symes due Thursday, 7 February 2019 by 12 noon.
- **Pill testing** — substantive question asked by Ms Patten — response from Ms Mikakos due Thursday, 7 February 2019 by 12 noon.
- **AGL Crib Point gas import facility** — substantive question asked by Mr Hayes — response from Ms Symes due Thursday, 7 February 2019 by 12 noon.

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

**13 MANAGEMENT OF VICTORIA'S ENERGY SUPPLIES** — Debate continued on the question, That this House notes —

- (1) that the Minister for Energy, Environment and Climate Change, the Hon Lily D'Ambrosio MP, made a statement on 24 January 2019, which was broadcast on 3AW, that “we are absolutely confident” the state’s power supplies would hold up during the hot weather on 24 and 25 January 2019;
  - (2) brownouts and blackouts, that is cuts to the power supply, occurred on 25 January 2019 despite the Minister’s assurances, and these power cuts negatively impacted on vulnerable Victorians, Victorian families and Victorian small businesses;
- and expresses concern about the Minister for Energy, Environment and Climate Change’s mishandling of Victoria’s energy supply.

Question — put.

The Council divided — The President in the Chair.

AYES, 13

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

*(Tellers: Ms Bath and Mr Finn)*

NOES, 26

Mr Barton; Mr Bourman; Dr Cumming; Mr Dalidakis; Mr Elasmr; Ms Garrett; Mr Gepp; 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 Vaghela.

*(Tellers: Mr Bourman and Mr Dalidakis)*

Question negatived.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 18, and Order of the Day, General Business No. 2, be postponed until the next day of meeting.

**15 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, Government Business, No. 10, and Order of the Day, Government Business, No. 1 be postponed until later this day.

**16 ADDRESS IN REPLY** — Debate resumed on the question, That the Council agree to the Address to the Governor in reply to the Governor's Opening Speech (*for Address see item 19 on page 19, Minutes No. 1 — Wednesday, 19 December 2018*).

**17 10<sup>TH</sup> ANNIVERSARY OF THE 2009 VICTORIAN BUSHFIRES** — Mr Jennings moved, That this House expresses its deepest sorrow on the eve of the 10th Anniversary of the 2009 Victorian Bushfires.

Together, we mourn the 173 lives that were lost and we acknowledge the families and communities that will never be whole again.

No words can ever heal those wounds or mend those hearts.

But just as we remember that darkest of chapters, we also pay tribute to those who went above and beyond.

We remember the emergency workers who put themselves in harm's way to save lives and protect communities.

The tireless volunteers who helped our state to recover and rebuild.

And those who gave what they could - because that's what Australians do.

It was in those unspeakably hard moments that we saw our nation's spirit at its best.

Ten years on, we remember that example.

We pay tribute to the strength of those communities.

And we promise to never forget those who were lost.

And we mourn the losses that are still felt by every Victorian.

Debate ensued.

Question — put and agreed to.

Members stood in their places as a mark of respect in recognition of the 10<sup>th</sup> anniversary of the 2009 Victorian bushfires.

*Business having been interrupted at 6.30 pm pursuant to an order of the Council on 5 February 2019 —*

**18 ADJOURNMENT** — The President proposed the question, That the House do now adjourn.  
Debate ensued.

And then the Council, at 7.02 p.m., adjourned until Tuesday, 19 February 2019.

ANDREW YOUNG  
*Clerk of the Legislative Council*