



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 58 — Thursday, 19 March 2020

Proof Version

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

2 **PETITIONS —**

EXPAND THE FREE TRAM NETWORK — Mr Barton presented a Petition bearing 1,189 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to support the extension of the free tram network to make our city more accessible for students, seniors, families and visitors.

Ordered to lie on the Table.

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IMPROVE EPIPEN AVAILABILITY — Mr Bourman presented a Petition bearing 19 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to fund and implement an initiative that ensures EpiPens are widely available in major hotels, businesses, restaurants and fast food outlets.

Ordered to lie on the Table.

3 **PAPERS —**

PLAN MELBOURNE 2017-2050 REPORT ON PROGRESS 2019 — Mr Jennings moved, by leave, That there be laid before this House a copy of the Plan Melbourne 2017-2050 Report on Progress 2019.

Question — put and agreed to.

The Report was presented by Mr Jennings and ordered to lie on the Table.

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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 Report on Ravenhall Prison: Rehabilitating and Reintegrating Prisoners, March 2020 (*Ordered to be published*).

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

Boroondara Planning Scheme — Amendment C328.

Melton Planning Scheme — Amendment C211.

Mornington Planning Scheme — Amendment C231.

Victoria Planning Provisions — Amendment VC177.

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria, 2018-19.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 17 and 18.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice (*Gazette No. S128, 13 March 2020*).

- 4 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, who will notify each Member of the Council accordingly.

Debate ensued.

Mr Davis moved, as an amendment, That the words “a day and hour to be fixed by the President, who will notify each Member of the Council accordingly” be **omitted** with a view of **inserting** “Tuesday, 5 May 2020” in their place.

Debate ensued.

Question — That the amendment moved by Mr Davis be agreed to — put.

The Council divided — The President in the Chair.

AYES, 12

Mr Atkinson; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Mr Limbrick; Ms Lovell; Mrs McArthur; Mr Quilty; Dr Ratnam; Mr Rich-Phillips.

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

NOES, 21

Mr Barton; Mr Bourman; Mr Erdogan; Mr Grimley; 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 Mr Melhem*)

Question negatived.

Original question — That the Council, at its rising, adjourn until a day and hour to be fixed by the President, who will notify each Member of the Council accordingly — put and agreed to.

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

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 196 to 276, be postponed until later this day.

- 7 LOCAL GOVERNMENT (WHITTLESEA CITY COUNCIL) BILL 2020** — Bill committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 12 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.

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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:

- **COVID-19 hospital staffing** — substantive and supplementary questions asked by Ms Crozier — response from Ms Mikakos due Friday, 20 March 2020.
- **Aged care workers safety** — substantive question asked by Mr Grimley — response from Ms Mikakos due Monday, 23 March 2020.
- **Body worn cameras for Police and PSOs** — substantive and supplementary questions asked by Dr Cumming — response from Ms Tierney due Monday, 23 March 2020.
- **Urban tree cover** — substantive and supplementary questions asked by Mr Hayes — response from Ms Symes due Monday, 23 March 2020.

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

- 10 LOCAL GOVERNMENT (WHITTLESEA CITY COUNCIL) BILL 2020** — Bill furthered considered in Committee of the whole.

Bill reported without amendment, 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.

Question — put.

The Council divided — The President in the Chair.

AYES, 30

Dr Bach; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Erdogan; Mr Finn; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; 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 Meddick and Ms Vaghela)

NOES, 5

Dr Cumming; Mr Hayes; Mr Limbrick; Ms Patten; 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 JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

Mr O'Donohue moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this Bill be withdrawn and redrafted to —

- (1) take into account further consultation about the benefits of removing the group cost orders and contingency fees provisions proposed for the Supreme Court Act 1986; and
- (2) retain the remaining provisions of the Bill."

Debate ensued.

On the motion of Ms Stitt, the debate was adjourned until later this day.

12 ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2020 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Assisted Reproductive Treatment Act 2008 to remove requirements for criminal record and child protection order checks to be carried out before a woman may undergo a treatment procedure 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.

13 SENTENCING AMENDMENT (EMERGENCY WORKER HARM) BILL 2020 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Sentencing Act 1991 in relation to sentencing for certain offences committed against emergency workers and others, to amend the Criminal Procedure Act 2009 in relation to indictable offences that may be heard and determined summarily and to make minor amendments to the Crimes Act 1958 and the Serious Offenders Act 2018 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 NORTH EAST LINK BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to establish the North East Link State Tolling Corporation in relation to the North East Link road, to provide for the operation and maintenance of the North East Link road and the imposition and enforcement of tolls in relation to the North East Link road, to make related and consequential amendments to other Acts 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.

- 15 DISABILITY SERVICE SAFEGUARDS AMENDMENT BILL 2020** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Disability Service Safeguards Act 2018 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.

- 16 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 5.33 p.m., adjourned until a day and hour to be fixed by the President, who will notify each Member of the Council accordingly.

ANDREW YOUNG
Clerk of the Legislative Council