



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 156 — Thursday, 12 May 2022

Proof Version

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- 1 The President took the Chair at 10.04 a.m., read the Prayer and made an Acknowledgement of Country.
 - 2 **DEATH OF SENIOR CONSTABLE BRIA JOYCE** — Members, by leave, made statements of condolence acknowledging the tragic death of Senior Constable Bria Joyce.
Members stood in their places as a mark of respect to the memory of the late Senior Constable Bria Joyce.
 - 3 **JUSTICE LEGISLATION AMENDMENT (FINES REFORM AND OTHER MATTERS) BILL 2022** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council in this Bill.
 - 4 **PAPERS** —
LEGAL AND SOCIAL ISSUES COMMITTEE — GOVERNMENT RESPONSE TO SECOND REPORT ON THE INQUIRY INTO THE CLOSURE OF I COOK FOODS PTY LTD — 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 Second report on the Inquiry into the closure of I Cook Foods Pty Ltd.

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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. 21.
 - 5 **SITTING OF THE COUNCIL** — Ms Symes moved, That the Council, at its rising, adjourn until Tuesday, 24 May 2022.
Question — put and agreed to.
 - 6 **MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13 and further statements were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.
 - 7 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 683 to 746, be postponed until later this day.
 - 8 **ROAD SAFETY LEGISLATION AMENDMENT BILL 2022** — Debate resumed on the question, That the Bill be now read a second time.
Amendments proposed to be moved in Committee by Mr Davis were circulated.
Business having been interrupted at 12.00 noon pursuant to Sessional Orders —
 - 9 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY (ESTA) — RELEASE OF ASHTON REPORT — Ms Symes having given answers to a question without notice and supplementary question relating to the release of the Ashton report on ESTA —

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.

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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:

- **Horse-drawn carriages in Melbourne CBD** — substantive and supplementary questions asked by Mr Bourman — response from Ms Pulford due Monday, 16 May 2022.
- **Association of Southeast Asian Nations (ASEAN) business forum** — substantive and supplementary questions asked by Dr Ratnam — response from Ms Symes due Monday, 16 May 2022.
- **Green Wedges development controls** — substantive and supplementary questions asked by Mr Hayes — response from Ms Stitt due Monday, 16 May 2022.
- **Family violence – coercive control** — substantive and supplementary questions asked by Mr Grimley — response from Ms Stitt due Monday, 16 May 2022.

10 CONSTITUENCY QUESTIONS — Constituency questions were taken pursuant to Standing Order 8.08 and further questions were received from Members for incorporation in Hansard pursuant to an Order of the Council of 15 September 2020.

11 ROAD SAFETY LEGISLATION AMENDMENT BILL 2022 — Debate continued on the question, That the Bill be now read a second time.

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

Question — put and agreed to.

Bill read a second time.

The President having ruled that certain amendments proposed to be moved in Committee by Mr Davis were outside the scope of the Bill —

Mr Ondarchie (for Mr Davis) moved, That it be an instruction to the Committee that they have power to consider amendments and New Clauses to amend the *Parliamentary Committees Act 2003* to provide for the establishment of a Road Safety Committee as a Joint House Committee under that Act.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson; Mr Barton; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Vaghela.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 15

Mr Bourman; Mr Elasmar; Mr Gepp; Dr Kieu; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question agreed to.

Bill committed to a Committee of the whole.

House in Committee.

Bill reported without amendment, the Report was adopted.

Ms Pulford 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, 29

Mr Atkinson; Mr Barton; Mr Bourman; Ms Burnett-Wake; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Finn; Mr Gepp; Mr Grimley; Dr Kieu; Ms Lovell; Ms Maxwell; Mr Meddick; Mr Melhem; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Watt.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 3

Mr Quilty; Dr Cumming; Mr Hayes.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

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.

The President announced that he had received a report from the Clerk notifying that he had made the following correction in this Bill in accordance with Standing Order 14.33:

In Clause 39, line 28, '**Safety**' has been inserted after '**Road**' in the new Division heading to be inserted into the *Transport Accident Act 1986*.

12 HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2021 — Debate resumed on the question, That the Bill be now read a second time.

Ms Crozier moved, as a reasoned amendment, That all the words after "That" be omitted and replaced with the words "this Bill be referred to the Legal and Social Issues Committee for inquiry, consideration and report by 15 September 2022."

Debate ensued.

On the motion of Ms Taylor, the debate was adjourned until the next day of meeting.

13 TRANSPORT LEGISLATION AMENDMENT (PORT REFORMS AND OTHER MATTERS) BILL 2022 — The Order of the Day having been read for the resumption of debate on the question, That the Bill be now read a second time —

Question — put and agreed to.

Bill read a second time.

The President having ruled that certain amendments proposed to be moved in Committee by Mr Davis were outside the scope of the Bill —

Mr Davis (for Mr Rich-Phillips) moved, That it be an instruction to the Committee that they have power to consider a New Clause to amend the *Transport Integration Act 2010* in relation to the laying before each House of the Parliament the Transport Plan prepared under that Act.

Question — put.

The Council divided — The President in the Chair.

AYES, 17

Mr Atkinson; Mr Barton; Ms Burnett-Wake; Ms Crozier; Dr Cumming; Mr Davis; Mr Finn; Mr Grimley; Mr Hayes; Ms Lovell; Ms Maxwell; Mr Ondarchie; Ms Patten; Mr Quilty; Dr Ratnam; Mr Rich-Phillips; Ms Vaghela.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

NOES, 14

Mr Elasmarr; Mr Gepp; Dr Kieu; Mr Meddick; Mr Melhem; Ms Pulford; Ms Shing; Ms Stitt; Ms Symes; Mr Tarlamis; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Watt.

(Recorded by Clerks-at-the-Table, pursuant to an Order of the Council of 23 April 2020)

Question 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.

- 14 ROAD SAFETY LEGISLATION AMENDMENT BILL 2022** — The President announced that he had received a further report from the Clerk notifying that he had made the following correction in this Bill in accordance with Standing Order 14.33:

In Clause 39, page 35, line 4, '**Safety**' has been inserted after '**Road**'.

- 15 AGRICULTURE LEGISLATION AMENDMENT BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Catchment and Land Protection Act 1994, the Dairy Act 2000, the Drugs, Poisons and Controlled Substances Act 1981, the Farm Debt Mediation Act 2011, the Livestock Disease Control Act 1994, the Plant Biosecurity Act 2010, the Rural Assistance Schemes Act 2016, the Veterinary Practice Act 1997, the Wildlife Act 1975 and the Meat Industry Act 1993 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.

On the motion of Mr Ondarchie (for Ms Bath), the debate was adjourned for one week.

- 16 JUSTICE LEGISLATION AMENDMENT BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Crimes at Sea Act 1999 to update references to Commonwealth legislation, to amend the Equal Opportunity Act 2010 in relation to secrecy provisions and an exemption relating to religious schools, to amend the Charter of Human Rights and Responsibilities Act 2006 to use gender inclusive language, to make miscellaneous amendments to the Judicial College of Victoria Act 2001, to amend the Magistrates' Court Act 1989 in relation to rule making powers, to amend the Victorian Civil and Administrative Tribunal Act 1998 in relation to federal subject matter, to amend the Births, Deaths and Marriages Registration Act 1996 in relation to integrated birth certificates, to make miscellaneous amendments to the Adoption Act 1984 and to amend the Gender Equality Act 2020 to enable the Commissioner and specified persons to use or disclose information obtained under Division 3 of Part 7 of that Act in certain circumstances 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.

On the motion of Mr Ondarchie (for Dr Bach), the debate was adjourned for one week.

- 17 VICTIMS OF CRIME (FINANCIAL ASSISTANCE SCHEME) BILL 2022** — The President read a Message from the Assembly presenting *A Bill for an Act to provide a new scheme for providing financial assistance to victims of crime, to amend the Victims of Crime Assistance Act 1996 and the Victims of Crime Commissioner Act 2015, to make consequential amendments to other Acts 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.

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

18 ADJOURNMENT — Ms Stitt moved, That the House do now adjourn.

Debate ensued and further adjournment matters were received from Members for incorporation in Hansard pursuant to an Order of the Council of 7 September 2021.

And then the Council, at 6.28 p.m., adjourned until Tuesday, 24 May 2022.

ANDREW YOUNG
Clerk of the Legislative Council