



# LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

### Nos. 16, 17 and 18

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#### No. 16 — Tuesday, 28 May 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **ASSENT TO ACTS** — The President read a Message from the Governor informing the Council that she had, on 7 May 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

*Fair Work (Commonwealth Powers) Amendment Act 2019*  
*Major Transport Projects Facilitation Amendment Act 2019*  
*Open Courts and Other Acts Amendment Act 2019.*

- 3 **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:

- **Taxi touts** — substantive and supplementary questions asked by Mr Barton — response from Ms Pulford due Thursday, 30 May 2019.
- **Western suburbs local employment** — substantive and supplementary questions asked by Dr Cumming — response from Mr Somyurek due Thursday, 30 May 2019.

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

- 5 **PETITION — SUBSTANCE ABUSE AND COMMUNITY SAFETY IN RICHMOND** — Ms Crozier presented a Petition bearing 256 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Andrews Labor Government to provide more frontline police to tackle growing anti-social behaviour and drug-related crimes, postpone the construction of a permanent medically supervised injecting facility until the trial evaluation has been completed, and adopt the Victorian Liberals 2018 State Election policy of mandatory drug treatment for young people at risk.

Ordered to lie on the Table.

- 6 **PAPERS** —

**BUDGET PAPERS, 2019-20** — Pursuant to section 27E of the *Financial Management Act 1994*, Mr Jennings laid on the Table a copy of the 2019-20 —

- (1) Budget Paper No. 2 – Strategy and Outlook;
- (2) Budget Paper No. 3 – Service Delivery; and
- (3) Budget Paper No. 5 – Statement of Finances (incorporating Quarterly Financial Report No. 3).

Mr Jennings moved, by leave, That there be laid before this House a copy of the 2019-20 —

- (1) Budget Paper No. 1 – Treasurer’s Speech;
- (2) Budget Paper No. 4 – State Capital Program;
- (3) Budget Overview;
- (4) Budget Information Paper – Rural and Regional;
- (5) Budget Information Paper – Suburban; and
- (6) Budget Information Paper – Gender Equality Budget Statement.

Question — put and agreed to.

The papers were presented by Mr Jennings and ordered to lie on the Table.

On the motion of Mr Jennings, the Budget Papers 2019-20 were ordered to be taken into consideration later this day.

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**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST** — Pursuant to section 35 of the *Parliamentary Committees Act 2003*, Mr Gepp presented Alert Digest No. 6 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

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**AUDITOR-GENERAL — REPORT ON LOCAL GOVERNMENT ASSETS: ASSET MANAGEMENT AND COMPLIANCE** — Pursuant to section 16AB(5)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General’s Report on Local Government Assets: Asset Management and Compliance, May 2019.

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**AUDITOR-GENERAL — REPORT ON REPORTING ON LOCAL GOVERNMENT PERFORMANCE** — Pursuant to section 16AB(5)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General’s Report on Reporting on Local Government Performance, May 2019.

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**AUDITOR-GENERAL — REPORT ON COMPLIANCE WITH THE ASSET MANAGEMENT ACCOUNTABILITY FRAMEWORK** — Pursuant to section 16AB(5)(c) of the *Audit Act 1994*, the Clerk laid on the Table a copy of the Auditor-General’s Report on Compliance with the Asset Management Accountability Framework, May 2019.

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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:

Border Groundwaters Agreement Review Committee — Report, 2017-18.

Crown Land (Reserves) Act 1978 — Ministerial Orders of 14 April 2019 giving approval to the granting of licences and a lease at Gasworks Park Reserve.

Duties Act 2000 — Treasurer’s Report for 1 July 2018 to 31 December 2018 of Foreign Purchaser Additional Duty Exemptions under section 3E of the Act.

Education and Training Reform Act 2006 — Order in Council of 30 April 2019 pursuant to section 3.1.11 of the Act in respect of the Constitution of Federation Training in relation to the change of name of Federation Training to Gippsland Institute of Technical and Further Education.

Land Tax Act 2005 — Treasurer’s Report for 1 July 2018 to 31 December 2018 of Land Tax Absentee Owner Surcharge Exemptions under sections 3B and 3BA of the Act.

Liquor Control Reform Act 1998 — Report pursuant to section 148R by the Chief Commissioner Victoria Police, 2016-17.

Members of Parliament (Standards) Act 1978 — Register of Interests — Returns submitted by Members of the Legislative Council — Primary Returns, 17 April 2019 (*Ordered to be published*).

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

Bass Coast Planning Scheme — Amendment C155.

Baw Baw Planning Scheme — Amendment C135.

Bayside, Brimbank, Darebin, Glen Eira, Greater Dandenong, Knox, Maroondah, Monash, Mornington Peninsula and Whitehorse Planning Schemes — Amendment GC125.

Benalla Planning Scheme — Amendment C38.

Boroondara Planning Scheme — Amendments C285, C293 and C315.

Casey Planning Scheme — Amendment C257.

French Island and Sandstone Island Planning Scheme — Amendment C6 (Part 1).

Glen Eira Planning Scheme — Amendment C187.

Greater Shepparton Planning Scheme — Amendment C216.

Manningham Planning Scheme — Amendment C122.

Maroondah Planning Scheme — Amendment C127.

Mildura Planning Scheme — Amendment C95.

Murrindindi Planning Scheme — Amendment C63.

Wellington Planning Scheme — Amendment C105.

Whitehorse Planning Scheme — Amendment C215.

Whittlesea Planning Scheme — Amendment C200.

Yarra Ranges Planning Scheme — Amendment C164.

Professional Standards Act 2003 —

Australian Computer Society Professional Standards Scheme (*Gazette No. G19, 9 May 2019*).

Bar Association of Queensland Professional Standards Scheme (*Gazette No. G16, 18 April 2019*).

Law Society of Western Australia Professional Standards Scheme (*Gazette No. G16, 18 April 2019*).

Victorian Bar Professional Standards Scheme (*Gazette No. G16, 18 April 2019*).

Statutory Rules under the following Acts of Parliament —

Crimes Act 1958 — No. 34.

Fundraising Act 1998 — No. 35.

Magistrates' Court Act 1989 — No. 32.

State Superannuation Act 1988 — No. 33.

Subordinate Legislation Act 1994 — No. 30.

Transfer of Land Act 1958 — No. 31.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 27, 32 and 35.

Wildlife Act 1975 —

Wildlife (Prohibition of Game Hunting) Amendment Notice (*Gazette No. S174, 10 May 2019*).

Wildlife (Prohibition of Game Hunting) Notice (*Gazette No. S181, 14 May 2019*).

- 7 ECONOMY AND INFRASTRUCTURE COMMITTEE MEMBERSHIP** — Ms Mikakos moved, by leave, That Mr Meddick be a participating member of the Standing Committee on Economy and Infrastructure.

Question — put and agreed to.

- 8 BUSINESS OF THE COUNCIL** — Mr Davis moved, by leave, That precedence be given to the following General Business on Wednesday, 29 May 2019 —

- (1) the notice of motion given this day by Mr Davis in relation to the production of certain documents relating to Government advertising during the Federal election;
- (2) the notice of motion given this day by Ms Patten referring a matter to the Legal and Social Issues Committee relating to cannabis law reform;
- (3) the notice of motion given this day by Mr Davis in relation to special provisions for Committee of the whole for the Appropriation (2019-2020) Bill 2019;
- (4) the notice of motion given this day by Mr Davis in relation to level crossing removals;

- (5) the notice of motion given this day by Mr Davis in relation to the construction of the East West Link; and
- (6) the notice of motion given this day by Ms Crozier in relation to CFMEU State Secretary, Mr John Setka.

Question — put and agreed to.

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

**10 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 10 to 31, be postponed until later this day.

**11 AUDIT AMENDMENT 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.

**12 GUARDIANSHIP AND ADMINISTRATION BILL 2018** — Debate resumed on the question, That the Bill be now read a second time.

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

Question — put and agreed to.

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

House in Committee.

Bill reported with amendments, 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 with amendments and requesting their agreement.

**13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

**14 APPROPRIATION (2019-2020) BILL 2019** — The Deputy President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2019/2020 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Somyurek (for Mr Jennings), the Bill was read a first time and, by leave, ordered to be read a second time later this day.

**15 SALE OF LAND AMENDMENT 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.

**16 APPROPRIATION (2019-2020) BILL 2019** — Ms Symes (for 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 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 Mr Rich-Phillips, the debate was adjourned until the next day of meeting.

**17 COGNATE DEBATE** — Ms Symes moved, by leave, That this House authorises the President to permit the second reading debate on the Appropriation (2019-2020) Bill 2019 to be taken concurrently with the debate on the motion to take note of the Budget Papers, 2019-20, contingent on such a motion being moved.

Question — put and agreed to.

**18 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 6.07 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 17 — Wednesday, 29 May 2019

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

2 **GUARDIANSHIP AND ADMINISTRATION BILL 2018** — 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.

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:

Auditor-General's Reports on —

Security of Government Buildings, May 2019 (*Ordered to be published*).

Security of Patients' Hospital Data, May 2019 (*Ordered to be published*).

Security of Water Infrastructure Control Systems, May 2019 (*Ordered to be published*).

Ombudsman — Investigation of a complaint about Ambulance Victoria, May 2019 (*Ordered to be published*).

4 **ECONOMY AND INFRASTRUCTURE COMMITTEE MEMBERSHIP** — Mr Davis moved, by leave, That Mrs McArthur be a participating member of the Standing Committee on Economy and Infrastructure.

Question — put and agreed to.

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

6 **PRODUCTION OF DOCUMENTS — GOVERNMENT ADVERTISING** — Mr Davis moved, That this House —

(1) notes the advertising campaign run by the Andrews Labor Government at Victorian taxpayers' expense in the lead up to the Federal election that included television, radio, print and social media as well as advertising at sporting venues;

(2) further notes criticism that this advertising was partisan and designed to influence the outcome of the Federal election; and

(3) requires the Leader of the Government, in accordance with Standing Order 11.01, to table in the Council by 2.00 p.m. on Wednesday, 19 June 2019, a copy of all communication plans, Master Agency Media Services schedules and plans, invoices, payment authorisations and email communications between the Government, including Ministerial Offices and media buyers and email communications to and from third party organisations, including sporting organisations, the MCG trust, the Melbourne Cricket Club and the AFL for all television, radio, newspaper advertising, banner and electronic advertising at sporting events and online advertising for the "fair share" and related advertising campaigns in the lead up to the Federal election.

Debate ensued.

Question — put.

The Council divided — The President in the Chair.

## AYES, 19

Mr Atkinson; Ms Bath; Ms Crozier; 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; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.  
(*Tellers: Mr Finn and Mr Limbrick*)

## NOES, 20

Mr Barton; Mr Bourman; Mr Dalidakis; Mr Elasmarr; 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 Dalidakis and Dr Kieu*)

Question negatived.

**7 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 73, be postponed until later this day.

**8 APPROPRIATION (2019-2020) BILL 2019 — CONDUCT OF COMMITTEE OF THE WHOLE** — Mr Davis moved, That in relation to the Appropriation (2019-2020) Bill 2019 —

- (1) the Question, That the Bill be read a second time, be put no later than 6.45 p.m. on Wednesday 19 June 2019;
- (2) the Committee of the whole stage take precedence on Thursday 20 June 2019 and Friday 21 June 2019, if the House meets, during Government Business;
- (3) members are permitted to refer to the Budget Papers as part of their examination of the clauses and schedules;
- (4) pursuant to section 52 of the *Constitution Act 1975*, the Treasurer, Hon Tim Pallas MP, be invited to attend the Legislative Council for the purpose of explaining the provisions of the Bill and a Message be sent to the Assembly informing them of this invitation;
- (5) in reference to the time allocation during the Committee of the whole stage —
  - (a) Standing Order 14.12 and Sessional Order 18 be suspended;
  - (b) the Clerk is authorised to develop a roster for members that provides for —
    - (i) a total of up to 110 minutes for Opposition members;
    - (ii) up to 10 minutes each for all other non-Government members;
    - (iii) up to 10 minutes each for Government members who are not Ministers; and
- (6) Standing Order 14.12(3) be suspended so that all clauses and schedules will be put to the Committee of the whole by the Deputy President at the conclusion of the consideration of the Bill.

Debate ensued.

Mr Jennings moved, as amendments —

1. **Omit** paragraph (2).
2. **Omit** paragraph (3).
3. **Omit** paragraph (4).
4. **Omit** paragraph (6).

Debate ensued.

*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.

**OMBUDSMAN REPORT INTO A COMPLAINT ABOUT AMBULANCE VICTORIA** —

Ms Mikakos having given answers to a question without notice and supplementary question relating to the Ombudsman's Report into a complaint about Ambulance Victoria —

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.

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

- **Boroondara Planning Scheme heritage protection** — substantive question asked by Mr Hayes — response from Ms Symes due Friday, 31 May 2019.
- **Road camera locations** — substantive question asked by Mr Rich-Phillips — response from Ms Pulford due Thursday, 30 May 2019.
- **Emergency vehicle slow down rule** — supplementary question asked by Mr Quilty — response from Ms Pulford due Thursday, 30 May 2019.
- **Ambulance response times in Indigo Shire** — supplementary question asked by Ms Maxwell — response from Ms Mikakos due Thursday, 30 May 2019.

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

**11 APPROPRIATION (2019-2020) BILL 2019 — CONDUCT OF COMMITTEE OF THE WHOLE** — Debate continued on the question, That in relation to the Appropriation (2019-2020) Bill 2019 —

- (1) the Question, That the Bill be read a second time, be put no later than 6.45 p.m. on Wednesday 19 June 2019;
- (2) the Committee of the whole stage take precedence on Thursday 20 June 2019 and Friday 21 June 2019, if the House meets, during Government Business;
- (3) members are permitted to refer to the Budget Papers as part of their examination of the clauses and schedules;
- (4) pursuant to section 52 of the *Constitution Act 1975*, the Treasurer, Hon Tim Pallas MP, be invited to attend the Legislative Council for the purpose of explaining the provisions of the Bill and a Message be sent to the Assembly informing them of this invitation;
- (5) in reference to the time allocation during the Committee of the whole stage —
  - (a) Standing Order 14.12 and Sessional Order 18 be suspended;
  - (b) the Clerk is authorised to develop a roster for members that provides for —
    - (i) a total of up to 110 minutes for Opposition members;
    - (ii) up to 10 minutes each for all other non-Government members;
    - (iii) up to 10 minutes each for Government members who are not Ministers; and
- (6) Standing Order 14.12(3) be suspended so that all clauses and schedules will be put to the Committee of the whole by the Deputy President at the conclusion of the consideration of the Bill.

*And on the amendments moved by Mr Jennings —*

1. **Omit** paragraph (2).
2. **Omit** paragraph (3).
3. **Omit** paragraph (4).
4. **Omit** paragraph (6).

Question — That Amendment No. 1 moved by Mr Jennings be agreed to — put and agreed to.

Question — That Amendment No. 2 moved by Mr Jennings be agreed to — put and agreed to.

Question — That Amendment No. 3 moved by Mr Jennings be agreed to — put.

The Council divided — The President in the Chair.

AYES, 23

Dr Cumming; Mr Dalidakis; Mr Elasmarr; Ms Garrett; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Mr Limbrick; Ms Maxwell; Mr Meddick; 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: Mr Elasmarr and Mr Quilty)*

NOES, 15

Mr Atkinson; Mr Barton; Mr Bourman; Ms Crozier; Mr Davis; Mr Finn; Mr Hayes; Ms Lovell; Mrs McArthur; Mr O'Donohue; Mr Ondarchie; Ms Patten; Dr Ratnam; Mr Rich-Phillips; Ms Wooldridge.

*(Tellers: Mr Hayes and Mr Ondarchie)*

Question agreed to.

Question — That Amendment No. 4 moved by Mr Jennings be agreed to — put and agreed to.

Question — That the motion, moved by Mr Davis, amended as follows, be agreed to — That in relation to the Appropriation (2019-2020) Bill 2019 —

- (1) the Question, That the Bill be read a second time, be put no later than 6.45 p.m. on Wednesday 19 June 2019;
- (2) in reference to the time allocation during the Committee of the whole stage —
  - (a) Standing Order 14.12 and Sessional Order 18 be suspended;
  - (b) the Clerk is authorised to develop a roster for members that provides for —
    - (i) a total of up to 110 minutes for Opposition members;
    - (ii) up to 10 minutes each for all other non-Government members; and
    - (iii) up to 10 minutes each for Government members who are not Ministers

— put and agreed to.

**12 LEGAL AND SOCIAL ISSUES COMMITTEE REFERENCE — CANNABIS USE** — Ms Patten moved, That this House —

- (1) notes that —
  - (a) according to Victoria Police, the illegal cannabis industry in Victoria is worth an estimated \$8.1 billion per annum;
  - (b) the largest cohort of cannabis users in Victoria are young people;
  - (c) significant police and justice resources are committed to the unlawful use and supply of cannabis every year;
- (2) requires the Legal and Social Issues Committee to inquire into, consider and report, by no later than 2 March 2020, into the best means to —
  - (a) prevent young people and children from accessing and using cannabis in Victoria;
  - (b) protect public health and public safety in relation to the use of cannabis in Victoria;
  - (c) implement health education campaigns and programs to ensure children and young people are aware of the dangers of drug use, in particular, cannabis use;
  - (d) prevent criminal activity relating to the illegal cannabis trade in Victoria;

and further requires the Committee to assess models from international jurisdictions that have been successful in achieving these outcomes and consider how they may be adapted for Victoria.

Debate ensued.

Ms Terpstra moved, as an amendment, That after paragraph (2)(d) **insert** the following:

- “(e) assess the health, mental health, and social impacts of cannabis use on people who use cannabis, their families and carers;”.

Debate ensued.

Question — That the Amendment moved by Ms Terpstra be agreed to — put and agreed to.

Question — That the motion, amended as follows, be agreed to — That this House —

- (1) notes that —
  - (a) according to Victoria Police, the illegal cannabis industry in Victoria is worth an estimated \$8.1 billion per annum;
  - (b) the largest cohort of cannabis users in Victoria are young people;
  - (c) significant police and justice resources are committed to the unlawful use and supply of cannabis every year;
- (2) requires the Legal and Social Issues Committee to inquire into, consider and report, by no later than 2 March 2020, into the best means to —
  - (a) prevent young people and children from accessing and using cannabis in Victoria;
  - (b) protect public health and public safety in relation to the use of cannabis in Victoria;
  - (c) implement health education campaigns and programs to ensure children and young people are aware of the dangers of drug use, in particular, cannabis use;
  - (d) prevent criminal activity relating to the illegal cannabis trade in Victoria;
  - (e) assess the health, mental health, and social impacts of cannabis use on people who use cannabis, their families and carers;

and further requires the Committee to assess models from international jurisdictions that have been successful in achieving these outcomes and consider how they may be adapted for Victoria — put.



The Council divided — The President in the Chair.

AYES, 27

Mr Barton; Dr Cumming; Mr Dalidakis; Mr Elasmarr; 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 Stitt)

NOES, 11

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

Question agreed to.

**13 LEVEL CROSSING REMOVALS** — Mr Davis moved, That this House —

- (1) notes that the State Government has failed to provide a copy of all documents created or referred to by the Andrews Labor Government relating to the Toorak Road, Kooyong Level Crossing Removal Project sought by a resolution of the Legislative Council on 20 February 2019;
- (2) expresses concern at Premier, the Hon Daniel Andrews MP, and his Government's outright rejection of the \$250 million offered by the newly elected Morrison Coalition Government for the rail under road removal of the Glenferrie Road, Kooyong, level crossing and the \$10 million for progressing planning for the removal of the Tooronga Road, Malvern and Madden Grove, Richmond level crossings; and
- (3) calls on the Government to genuinely negotiate progressing these level crossing removals with the Federal Government in the interest of Victorians.

Debate ensued.

Question — put and agreed to.

**14 BUSINESS POSTPONED** — Ordered — That the consideration of the remaining Notices of Motion and Orders of the Day, General Business, be postponed until the next day of meeting.

**15 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — A statement on a report was made by a Member pursuant to Sessional Order 16.

**16 APPROPRIATION (PARLIAMENT 2019-2020) BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2019/2020 and for other purposes* and requesting the agreement of the Council.

On the motion of Ms Symes (for Mr Jennings), 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 Mr Ondarchie (for Mr Rich-Phillips), the debate was adjourned for one week.

**17 PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Public Health and Wellbeing Act 2008 in relation to HIV testing and to make minor miscellaneous amendments 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 Mr Ondarchie (for Ms Crozier), the debate was adjourned for one week.

**18 STATE TAXATION ACTS AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Duties Act 2000, the Land Tax Act 2005, the Payroll Tax Act 2007 and the Valuation of Land Act 1960 and for other purposes* and requesting the agreement of the Council.

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

**19 ADJOURNMENT** — Ms Symes moved, That the House do now adjourn.

Debate ensued.

And then the Council, at 5.41 p.m., adjourned until tomorrow.

ANDREW YOUNG  
Clerk of the Legislative Council

## No. 18 — Thursday, 30 May 2019

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

2 **PETITION — SUPPORT THE REDEVELOPMENT PROJECT BY ARTEFACT CHURCH SQUARE** — Ms Taylor presented a Petition bearing 53 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to pledge a financial commitment to the not-for-profit redevelopment project by Artefact Church Square to save the green space behind Christ Church, St Kilda and invest in infrastructure for this space that includes an arts library, art therapy centre and independent office of research for improving income and employment outcomes for artists in compliance with departmental determinations of creative excellence.

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:

Auditor-General's Reports on —

Results of 2018 Audits: Technical and Further Education Institutes, May 2019  
(*Ordered to be published*).

Results of 2018 Audits: Universities, May 2019 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 34.

4 **SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 4 June 2019.

Question — put and agreed to.

5 **LEGAL AND SOCIAL ISSUES COMMITTEE MEMBERSHIP** — Mr Jennings moved, by leave, That Mr Grimley be a participating member of the Standing Committee on Legal and Social Issues.

Question — put and agreed to.

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

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

8 **STATE TAXATION ACTS AMENDMENT BILL 2019** — 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 Mr Rich-Phillips, the debate was adjourned for one week.

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

*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.

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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:

- **Nurse to patient ratios in aged care** — substantive question asked by Mr Grimley — response from Ms Mikakos due Monday, 3 June 2019.
- **Export of Australian recycling waste** — substantive and supplementary questions asked by Dr Ratnam — response from Mr Jennings due Monday, 3 June 2019.

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

**12 APPROPRIATION (2019–2020) BILL 2019** — Debate continued on the question, That the Bill be now read a second time.

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

**13 ADJOURNMENT** — Ms Tierney 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 4.56 p.m., adjourned until Tuesday, 4 June 2019.

ANDREW YOUNG  
*Clerk of the Legislative Council*



# COMMITTEE OF THE WHOLE COUNCIL

## Supplement to Minutes Nos. 16, 17 and 18

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### **AUDIT AMENDMENT BILL 2018**

*Committed Tuesday, 28 May 2019*

*Amendments circulated: Dr Ratnam (see p. 145).*

**Clauses 1 to 4** — put and agreed to.

**Clause 5** — Dr Ratnam moved Amendment No. 1.

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 Dr Ratnam)*

NOES, 35

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Mr Davis; Mr Dalidakis; Mr Elasmarr; Mr Finn; Ms Garrett; Mr Gepp; 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; Ms Wooldridge.

*(Tellers: Ms Garrett and Ms Maxwell)*

Question negatived.

Clause 5 — put and agreed to.

**Clauses 6 to 25** — put and agreed to.

**Bill reported without amendment.**

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### **GUARDIANSHIP AND ADMINISTRATION BILL 2018**

*Committed Tuesday, 28 May 2019*

*Amendments circulated: Mr Meddick (see pp. 145-6).*

**Clauses 1 to 3** — put and agreed to.

**Clause 4** — Mr Meddick moved Amendment Nos. 1 and 2 — put and agreed to.

Clause 4, as amended — put and agreed to.

**Clauses 5 to 8** — put and agreed to.

**Clause 9** — Mr Meddick moved Amendment No. 3 — put and agreed to.

Clause 9, as amended — put and agreed to.

**Clauses 10 to 23** — put and agreed to.

**Clause 24** — Mr Meddick moved Amendment No. 4 — put and agreed to.

Clause 24, as amended — put and agreed to.

**Clauses 25 to 51** — put and agreed to.

**Clause 52** — Mr Meddick moved Amendment Nos. 5 and 6 — put and agreed to.  
Clause 52, as amended — put and agreed to.

**Clauses 53 to 80** — put and agreed to.

**Clause 81** — Mr Meddick moved Amendment No. 7 — put and agreed to.  
Clause 81, as amended — put and agreed to.

**Clauses 82 to 87** — put and agreed to.

**Clause 88** — Mr Meddick moved Amendment Nos. 8 and 9 — put and agreed to.  
Clause 88, as amended — put and agreed to.

**Clauses 89 to 104** — put and agreed to.

**Clause 105** — Mr Meddick moved Amendment No. 10 — put and agreed to.  
Clause 105, as amended — put and agreed to.

**Clauses 106 to 222** — put and agreed to.

**Schedule 1** — put and agreed to.

**Bill reported with amendments.**

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**SALE OF LAND AMENDMENT BILL 2019**

*Committed Tuesday, 28 May 2019*

**Clauses 1 to 31** — put and agreed to.

**Bill reported without amendment.**

**AMENDMENTS CIRCULATED IN RELATION TO —****1. AUDIT AMENDMENT BILL 2018**Amendments circulated by Dr Ratnam

1. Clause 5, page 7, after line 13 insert—

**"environmentally responsible manner** means having regard to the principles of environment protection set out in sections 1B to 1L of the **Environment Protection Act 1970**;"

2. Clause 6, line 25, omit "and efficiently" and insert ", efficiently and in an environmentally responsible manner".
3. Clause 6, lines 29 and 30, omit "and efficiently" and insert ", efficiently and in an environmentally responsible manner".
4. Clause 6, page 9, lines 5 and 6, omit "and efficiently" and insert ", efficiently and in an environmentally responsible manner".
5. Clause 6, page 9, line 11, after "prudence" insert ", or any adverse environmental effects,".
6. Clause 9, page 19, line 10, omit "and efficiently" and insert ", efficiently and in an environmentally responsible manner".
7. Clause 9, page 19, line 18, omit "and efficiently" and insert ", efficiently and in an environmentally responsible manner".
8. Clause 9, page 20, line 9, omit "and efficiently" and insert ", efficiently and in an environmentally responsible manner".
9. Clause 9, page 28, line 13, omit "and efficiently" and insert ", efficiently and in an environmentally responsible manner".
10. Clause 9, page 79, line 25, omit "and efficiently" and insert ", efficiently and in an environmentally responsible manner".

**2. GUARDIANSHIP AND ADMINISTRATION BILL 2018**Amendments circulated by Mr Meddick

1. Clause 4, line 28, omit "person." and insert "person; and".
2. Clause 4, after line 28 insert—

"(e) recognising the importance to the person of any companion animal the person has and having regard to the benefits that may be obtained from the person having any companion animal."
3. Clause 9, after line 35 insert—

( ) if the represented person has a companion animal, the person should act in a manner that recognises the importance of the companion animal to the represented person and any benefits the represented person obtains from the companion animal;"
4. Clause 24, line 26, after "person" insert "including support provided to the proposed represented person by any companion animal of the proposed represented person".
5. Clause 52, page 53, line 33, omit "person;" and insert "person; and".
6. Clause 52, page 53, after line 33 insert—

"(iv) the ongoing care of any companion animal of the represented person;"

7. Clause 81, line 28, after "person" insert "including support provided to the proposed supported person by any companion animal of the proposed supported person".
8. Clause 88, page 76, line 4, omit "person." and insert "person;".
9. Clause 88, page 76, after line 4 insert—  

"( ) the capacity of the person to recognise and give due regard to the importance of the relationship the proposed supported person has with any companion animal of the proposed supported person."
10. Clause 105, page 88, line 16, after "matters" insert "including the ongoing care of any companion animal of the person".