



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 37 — Thursday, 17 October 2019

Proof Version

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- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2019** — The President read a Message from the Assembly informing the Council that they had agreed to the amendments made by the Council with an amendment with which agreement is requested.

Mr Jennings moved, That the Message be taken into consideration forthwith.

Question — put and agreed to.

The amendment remaining for consideration by the Council was read and is as follows:

AMENDMENT NO 3 (resolved by the Council on 15 October 2019)

Clause 2, line 2, after this line insert—

"(2) Section 4(5) is deemed to have come into operation on 1 July 2019.

(3) Section 16 is deemed to have come into operation on 16 September 2019.

How dealt with by the Assembly

Agreed to with the following amendments:

Omit "line 2" and insert "line 3".

Mr Jennings moved, that the Council agree to the amendment made by the Assembly to the amendment made by the Council.

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

- 3 **PLANNING AND ENVIRONMENT AMENDMENT (LOCAL DEMOCRACY) BILL 2019** — Mr Hayes introduced *A Bill to amend the Planning and Environment Act 1987 to provide for increased responsible authority control of local planning policy and maximum building heights in their municipal districts, and for other purposes.*

On the motion of Mr Hayes, the Bill was read a first time and ordered to be read a second time on the next day of meeting.

- 4 **PAPERS** —

CHILDREN'S COURT OF VICTORIA REPORT 2017-18 — Ms Tierney presented, by command of the Governor, the Children's Court of Victoria Report, 2017-18.

Report ordered to lie on the Table.

COUNTY COURT OF VICTORIA — Ms Tierney presented, by command of the Governor, the County Court of Victoria Report, 2018-19.

Report ordered to lie on the Table.

MAGISTRATES' COURT OF VICTORIA — Ms Tierney presented, by command of the Governor, the Magistrates' Court of Victoria Report, 2017-18.

Report ordered to lie on the Table.

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ABSOLUTELY EVERYONE STATE DISABILITY PLAN ANNUAL REPORT 2018 —

Ms Mikakos moved, by leave, That there be laid before this House a copy of the Absolutely Everyone State Disability Plan Annual Report 2018.

Question — put and agreed to.

The Report was presented by Ms Mikakos and ordered to lie on the Table.

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OFFICE OF THE PUBLIC ADVOCATE REPORT, 2018-19 — Ms Tierney moved, by leave, That there be laid before this House a copy of the Office of the Public Advocate Report, 2018-19.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table and be published.

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VICTORIA LAW FOUNDATION REPORT, 2018-19 — Ms Tierney moved, by leave, That there be laid before this House a copy of the Victoria Law Foundation Report, 2018-19.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

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VICTORIAN LAW REFORM COMMISSION REPORT, 2018-19 — Ms Tierney moved, by leave, That there be laid before this House a copy of the Victorian Law Reform Commission Report, 2018-19.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table and be published.

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CONSUMER POLICY RESEARCH CENTRE REPORT, 2018-19 — Ms Tierney moved, by leave, That there be laid before this House a copy of the Consumer Policy Research Centre Report, 2018-19.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

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VISIT VICTORIA LIMITED REPORT, 2018-19 — Ms Tierney moved, by leave, That there be laid before this House a copy of the Visit Victoria Limited Report, 2018-19.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table.

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HAZELWOOD MINE FIRE INQUIRY IMPLEMENTATION OF RECOMMENDATIONS AND AFFIRMATIONS REPORT, 2018 — Ms Tierney moved, by leave, That there be laid before this House a copy of the Hazelwood Mine Fire Inquiry Implementation of Recommendations and Affirmations Report, 2018.

Question — put and agreed to.

The Report was presented by Ms Tierney and ordered to lie on the Table and be published.

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SENTENCING ADVISORY COUNCIL REPORT, 2018-19 — Ms Tierney moved, by leave, That there be laid before this House a copy of the Sentencing Advisory Council Report, 2018-19.

Question — put and agreed to.

The Report was presented by Ms Tierney 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:

Accident Compensation Conciliation Service — Report, 2018-19.

Adult, Community and Further Education Board — Report, 2018-19.
Adult Parole Board of Victoria — Report, 2018-19.
Agriculture Victoria Services Pty Ltd — Report, 2018-19.
Albury Wodonga Health — Report, 2018-19.
Alexandra Health Service — Report, 2018-19.
Alfred Health — Report, 2018-19.
Alpine Health — Report, 2018-19.
Ambulance Victoria — Report, 2018-19.
AMES Australia — Report, 2018-19.
Architects Registration Board of Victoria — Acting Minister's report of receipt of 2018-19 report.
Auditor-General's Report on Cenitex: Meeting Customer Needs for ICT Shared Services, October 2019 (*Ordered to be published*).
Austin Health — Report, 2018-19.
Australian Centre for the Moving Image — Report, 2018-19.
Australian Grand Prix Corporation — Report, 2018-19.
Bairnsdale Regional Health Service — Report, 2018-19.
Ballarat General Cemeteries Trust — Report, 2018-19.
Ballarat Health Services — Report, 2018-19.
Barwon Health — Report, 2018-19.
Barwon Region Water Corporation — Report, 2018-19.
Barwon South West Waste and Resource Recovery Group — Minister's report of receipt of the 2018-19 report.
Bass Coast Health — Report, 2018-19.
Beaufort and Skipton Health Service — Report, 2018-19.
Beechworth Health Service — Report, 2018-19.
Benalla Health — Report, 2018-19.
Bendigo Cemeteries Trust — Minister's report of receipt of the 2018-19 report.
Bendigo Health Care Group — Report, 2018-19.
Boort District Health — Report, 2018-19.
Calvary Health Care Bethlehem Ltd — Report, 2018-19.
Casterton Memorial Hospital — Report, 2018-19.
Castlemaine Health — Report, 2018-19.
CenITex — Report, 2018-19.
Central Gippsland Health Service — Report, 2018-19.
Central Gippsland Region Water Corporation — Report, 2018-19.
Central Highlands Region Water Corporation — Report, 2018-19.
City West Water Corporation — Report, 2018-19.
Cobram District Health — Report, 2018-19.
Cohuna District Hospital — Report, 2018-19.
Colac Area Health — Report, 2018-19.
Coliban Region Water Corporation — Report, 2018-19.
Commissioner for Environmental Sustainability — Minister's report of receipt of 2018-19 report.
Community Visitors — Report, 2018-19 (*Ordered to be published*).
Confiscation Act 1997 — Asset Confiscation Operations Report, 2018-19.
Consumer Affairs Victoria — Report, 2018-19 (*Ordered to be published*).
Corangamite Catchment Management Authority — Report, 2018-19.
Coronial Council of Victoria — Report, 2018-19.
Corryong Health — Report, 2018-19.
Council of Trustees of the National Gallery of Victoria — Report, 2018-19.
Country Fire Authority — Report, 2018-19.
Court Services Victoria — Report, 2018-19.
Dairy Food Safety Victoria — Report, 2018-19.
Dental Health Services Victoria — Report, 2018-19.
Development Victoria — Report, 2018-19.

Disability Services Commissioner — Report, 2018-19.
Djerriwarrh Health Services — Report, 2018-19.
Docklands Studios Melbourne Pty Ltd — Report, 2018-19.
East Gippsland Catchment Management Authority — Report, 2018-19.
East Gippsland Region Water Corporation — Report, 2018-19.
East Grampians Health Service — Report, 2018-19.
East Wimmera Health Service — Report, 2018-19.
Eastern Health — Report, 2018-19.
Echuca Regional Health — Report, 2018-19.
Edenhope and District Memorial Hospital — Report, 2018-19.
Education and Training Department — Report, 2018-19.
Emergency Services Superannuation Board — Report, 2018-19.
Emergency Services Telecommunications Authority — Report, 2018-19.
Energy Safe Victoria — Report, 2018-19.
Environment, Land, Water and Planning Department — Report, 2018-19.
Environment Protection Authority — Report, 2018-19.
Essential Services Commission — Report, 2018-19.
Fed Square Pty Ltd — Report, 2018-19.
Film Victoria — Report, 2018-19.
Forensic Leave Panel — Report, 2018.
Game Management Authority — Report, 2018-19.
Geelong Cemeteries Trust — Report, 2018-19.
Geoffrey Gardiner Dairy Foundation Limited — Report, 2018-19.
Gippsland and Southern Rural Water Corporation — Report, 2018-19.
Gippsland Southern Health Service — Report, 2018-19.
Glenelg Hopkins Catchment Management Authority — Report, 2018-19.
Goulburn Broken Catchment Management Authority — Report, 2018-19.
Goulburn Murray Rural Water Corporation — Report, 2018-19.
Goulburn Valley Health — Report, 2018-19.
Goulburn Valley Region Water Corporation — Report, 2018-19.
Grampians Central West Waste and Resource Recovery Group — Minister's report of receipt of the 2018-19 report.
Grampians Wimmera Mallee Water Corporation — Report, 2018-19.
Greater Metropolitan Cemeteries Trust — Report, 2018-19.
Greater Sunraysia Pest Free Area Industry Development Committee — Minister's report of receipt of 2018-19 report, together with an explanation for the delay.
Greyhound Racing Victoria — Report, 2018-19.
Harness Racing Victoria — Report, 2018-19.
Health and Human Services Department — Report, 2018-19.
Health Purchasing Victoria — Report, 2018-19.
Heathcote Health — Report, 2018-19.
Hepburn Health Service — Report, 2018-19.
Heritage Council of Victoria — Minister's report of receipt of 2018-19 report.
Hesse Rural Health Service — Report, 2018-19.
Heywood Rural Health Service — Report, 2018-19.
Infrastructure Victoria — Report, 2018-19.
Inglewood and Districts Health Service — Report, 2018-19.
Jobs, Precincts and Regions Department — Report, 2018-19.
Justice and Community Safety Department — Report, 2018-19.
Kardinia Park Stadium Trust — Report, 2018-19.
Kerang District Health — Report, 2018-19.
Kyabram District Health Service — Report, 2018-19.
Kyneton District Health Service — Report, 2018-19.
Latrobe Regional Hospital — Report, 2018-19.
Latrobe Valley Mine Rehabilitation Commissioner — Report, 2018-19.
Legal Practitioners' Liability Committee — Report, 2018-19.

Library Board of Victoria — Report, 2018-19.
Liquor Control Reform Act 1998 — Report pursuant to section 148R by the Chief Commissioner of Victoria Police, 2018-19.
Lorne Community Hospital — Report, 2018-19.
Lower Murray Urban and Rural Water Corporation — Report, 2018-19.
Maldon Hospital — Report, 2018-19.
Mallee Catchment Management Authority — Report, 2018-19.
Mallee Track Health and Community Service — Report, 2018-19.
Mansfield District Hospital — Report, 2018-19.
Maryborough District Health Service — Report, 2018-19.
Melbourne and Olympic Parks Trust — Report, 2018-19.
Melbourne Convention and Exhibition Trust — Report, 2018-19.
Melbourne Health — Report, 2018-19.
Melbourne Market Authority — Report, 2018-19.
Melbourne Port Lessor Pty Ltd — Report, 2018-19.
Melbourne Recital Centre — Report, 2018-19.
Melbourne Water Corporation — Report, 2018-19.
Mental Health Complaints Commissioner — Report, 2018-19.
Mental Health Tribunal Report — Report, 2018-19.
Mercy Hospitals Victoria Ltd — Report, 2018-19.
Metropolitan Fire and Emergency Services Board — Report, 2018-19.
Mildura Cemetery Trust — Minister's report of receipt of the 2018-19 report.
Monash Health — Report, 2018-19.
Moyness Health Services — Report, 2018-19.
Museums Board of Victoria — Report, 2018-19.
Nathalia District Hospital — Report, 2018-19.
National Parks Act 1975 — Report on the working of the Act, 2018-19.
National Parks Advisory Council — Report, 2018-19.
North Central Catchment Management Authority — Report, 2018-19.
North East Catchment Management Authority — Report, 2018-19.
North East Region Water Corporation — Report, 2018-19.
North East Waste and Resource Recovery Group — Minister's report of receipt of the 2018-19 report.
Northeast Health Wangaratta — Report, 2018-19.
Northern Health — Report, 2018-19.
Numurkah District Health Service — Report, 2018-19.
Office of Public Prosecutions — Report, 2018-19.
Office of the National Rail Safety Regulator — Report, 2018-19.
Office of the Victorian Information Commissioner — Report, 2018-19.
Omeo District Health — Report, 2018-19.
Orbost Regional Health — Report, 2018-19.
Otway Health — Report, 2018-19.
Parks Victoria — Report, 2018-19.
Peninsula Health — Report, 2018-19.
Peter MacCallum Cancer Centre — Report, 2018-19.
Phillip Island Nature Parks — Report, 2018-19.
Phytogene Pty Ltd — Minister's report of receipt of 2018-19 report.
Police Registration and Services Board — Report, 2018-19.
Port Phillip and Westernport Catchment Management Authority — Report, 2018-19.
Portable Long Service Benefits Authority — Report, 2018-19.
Portland District Health — Report, 2018-19.
Post Sentence Authority Report — Report, 2018-19.
Premier and Cabinet Department — Report, 2018-19.
PrimeSafe — Report, 2018-19.
Public Interest Monitor — Report, 2018-19.
Public Record Office Victoria — Report, 2018-19.

Public Transport Development Authority (PTV) — Report, 2018-19.
Queen Elizabeth Centre — Report, 2018-19.
Queen Victoria Women's Centre Trust — Minister's report of receipt of 2018-19 report.
Racing Integrity Commissioner — Report, 2018-19.
Radiation Advisory Committee — Report, 2018-19.
Regional Development Victoria — Report, 2018-19.
Residential Tenancies Bond Authority — Report, 2018-19.
Road Safety Camera Commissioner — Report, 2018-19.
Roads Corporation (VicRoads) — Report, 2018-19.
Robinvale District Health Service — Report, 2018-19.
Rochester and Elmore District Health Service — Report, 2018-19.
Rolling Stock (Victoria-VL) Pty Limited — Report, 2018-19.
Rolling Stock (VL-1) Pty Limited — Report, 2018-19.
Rolling Stock (VL-2) Pty Limited — Report, 2018-19.
Rolling Stock (VL-3) Pty Limited — Report, 2018-19.
Rolling Stock Holdings (Victoria) Pty Limited — Report, 2018-19.
Royal Botanic Gardens Board Victoria — Report, 2018-19.
Royal Children's Hospital — Report, 2018-19.
Royal Victorian Eye and Ear Hospital — Report, 2018-19.
Royal Women's Hospital — Report, 2018-19.
Rural Northwest Health — Report, 2018-19.
Sentencing Advisory Council — Minister's report of receipt of 2018-19 report.
Seymour Health — Report, 2018-19.
Shrine of Remembrance Trustees — Report, 2018-19.
South East Water Corporation — Report, 2018-19.
South Gippsland Hospital — Report, 2018-19.
South Gippsland Region Water Corporation — Report, 2018-19.
South West Healthcare — Report, 2018-19.
Southern Metropolitan Cemeteries Trust — Report, 2018-19.
St Vincent's Hospital (Melbourne) Limited — Report, 2018-19.
State Electricity Commission of Victoria — Report, 2018-19.
State Sport Centres Trust — Report, 2018-19.
State Trustees Limited — Report, 2018-19.
A Statutory Rule under an Act of Parliament — Road Safety Act 1986 — No. 96.
Stawell Regional Health — Report, 2018-19.
Swan Hill District Health — Report, 2018-19.
Tallangatta Health Service — Report, 2018-19.
Terang and Mortlake Health Service — Report, 2018-19.
The Kilmore and District Hospital — Report, 2018-19.
Timboon and District Healthcare Service — Report, 2018-19.
Transport Accident Commission — Report, 2018-19.
Transport Department — Report, 2018-19.
Treasury and Finance Department — Report, 2018-19.
Treasury Corporation of Victoria — Report, 2018-19.
Tweddle Child and Family Health Service — Report, 2018-19.
V/Line Corporation — Report, 2018-19.
Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2018-19 report.
VicForests — Report, 2018-19.
Victims of Crime Assistance Tribunal — Report, 2018-19.
Victims of Crime Commissioner — Report, 2018-19.
Victoria Grants Commission — Report, 2018-19.
Victoria Legal Aid — Report, 2018-19.
Victoria Police — Report, 2018-19.
Victoria State Emergency Service Authority — Report, 2018-19.
Victorian Arts Centre Trust — Report, 2018-19.

- Victorian Assisted Reproductive Treatment Authority — Minister's report of receipt of 2018-19 report.
- Victorian Broiler Industry Negotiation Committee — Report, 2018-19.
- Victorian Building Authority — Report, 2018-19.
- Victorian Catchment Management Council — Report, 2018-19.
- Victorian Civil and Administrative Tribunal — Report, 2018-19.
- Victorian Commission for Gambling and Liquor Regulation — Report, 2018-19.
- Victorian Curriculum Assessment Authority — Report, 2018-19.
- Victorian Environmental Assessment Council — Report, 2018-19.
- Victorian Environmental Water Holder — Report, 2018-19.
- Victorian Equal Opportunity and Human Rights Commission — Report, 2018-19 (*Ordered to be published*).
- Victorian Fisheries Authority — Report, 2018-19.
- Victorian Funds Management Corporation — Report, 2018-19.
- Victorian Government Purchasing Board — Report, 2018-19.
- Victorian Health Promotion Foundation — Report, 2018-19.
- Victorian Institute of Forensic Medicine — Report, 2018-19.
- Victorian Institute of Forensic Mental Health — Report, 2018-19.
- Victorian Institute of Teaching — Report, 2018-19.
- Victorian Law Reform Commission — Minister's report of receipt of 2018-19 report.
- Victorian Legal Services Board and the Legal Services Commissioner — Report, 2018-19 (*Ordered to be published*).
- Victorian Managed Insurance Authority — Report, 2018-19.
- Victorian Marine and Coastal Council — Report, 2018-19.
- Victorian Multicultural Commission — Report, 2018-19.
- Victorian Pharmacy Authority — Report, 2018-19.
- Victorian Planning Authority — Report, 2018-19.
- Victorian Plantations Corporation — Report, 2018-19.
- Victorian Ports Corporation (Melbourne) — Report, 2018-19.
- Victorian Public Sector Commission — Report, 2018-19.
- Victorian Rail Track — Report, 2018-19.
- Victorian Regional Channels Authority — Report, 2018-19.
- Victorian Registration and Qualifications Authority — Report, 2018-19.
- Victorian Responsible Gambling Foundation — Report, 2018-19.
- Victorian Small Business Commission — Report, 2018-19 (*Ordered to be published*).
- Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2018-19 report.
- Victorian Veterans Council — Report, 2018-19.
- Victorian WorkCover Authority — Report, 2018-19.
- Wannon Region Water Corporation — Report, 2018-19.
- West Gippsland Catchment Management Authority — Report, 2018-19.
- West Gippsland Healthcare Group — Report, 2018-19.
- West Wimmera Health Service — Report, 2018-19.
- Western District Health Service — Report, 2018-19.
- Western Health — Report, 2018-19.
- Western Region Water Corporation — Report, 2018-19.
- Westernport Region Water Corporation — Report, 2018-19.
- Wimmera Catchment Management Authority — Report, 2018-19.
- Wimmera Health Care Group — Report, 2018-19.
- Yarra Valley Water Corporation — Report, 2018-19.
- Yarram and District Health Service — Report, 2018-19.
- Yarrawonga Health — Report, 2018-19.
- Yea and District Memorial Hospital — Report, 2018-19.
- Youth Parole Board — Report, 2018-19.
- Zoological Parks and Gardens Board — Report, 2018-19.

5 SITTING OF THE COUNCIL — Ms Pulford moved, That the Council, at its rising, adjourn until Tuesday, 29 October 2019.

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. 127 to 140, be postponed until later this day.

8 RENEWABLE ENERGY (JOBS AND INVESTMENT) AMENDMENT BILL 2019 — Debate resumed on the question, That the Bill be now read a second time.

Amendments proposed to be moved in Committee by Dr Ratnam were circulated.

Debate continued.

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

Debate continued.

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.

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:

- **Health Services – Statements of Priorities** — substantive question asked by Ms Crozier — response from Ms Mikakos due Friday, 18 October 2019.
- **Box Hill Police Station flag display** — substantive question asked by Mr Limbrick — response from Ms Tierney due Monday, 21 October 2019.
- **Collins Street – possible closure** — substantive and supplementary questions asked by Mr Davis — response from Ms Pulford due Monday, 21 October 2019.

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

11 RENEWABLE ENERGY (JOBS AND INVESTMENT) AMENDMENT BILL — Debate continued on the question, That the Bill be now read a second time.

Question — put.

The Council divided — The President in the Chair.

AYES, 26

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; 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 Tierney; Ms Vaghela.

(Tellers: Mr Erdogan and Mr Gepp)

NOES, 14

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

(Tellers: Mr Limbrick and Mr Ondarchie)

Question 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.

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, 25

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Maxwell; Mr Meddick; Mr Melhem; Ms Mikakos; Ms Patten; Dr Ratnam; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela.

(Tellers: Mr Elasmarr and Ms Vaghela)

NOES, 14

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

(Tellers: Mr O'Donohue and Ms Wooldridge)

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 with amendments and requesting their agreement.

- 12 AUDITOR-GENERAL'S OFFICE PERFORMANCE AUDIT** — The President announced the receipt of a Message from the Assembly advising the Council that they have agreed to the following resolution:

Under section 82 of the *Audit Act 1994*, Mr Paul Houliston, Managing Partner, Allen and Clarke Consulting, be appointed:

- (a) to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office in 2019-20;
- (b) in accordance with the terms, conditions and specifications as set out in the Request for Tender issued by the Public Accounts and Estimates Committee on 7 August 2019; and
- (c) at a fixed fee of \$271,475 (excluding GST).

Ordered — That the Message be taken into consideration forthwith.

Mr Jennings moved, by leave, That the Council concurs with the Assembly and resolves, that under section 82 of the *Audit Act 1994*, Mr Paul Houliston, Managing Partner, Allen and Clarke Consulting, be appointed:

- (a) to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office in 2019-20;
- (b) in accordance with the terms, conditions and specifications as set out in the Request for Tender issued by the Public Accounts and Estimates Committee on 7 August 2019; and
- (c) at a fixed fee of \$271,475 (excluding GST).

Question — put and agreed to.

Message sent to the Assembly informing them accordingly.

- 13 HEALTH LEGISLATION AMENDMENT AND REPEAL BILL 2019** — Debate resumed on the question, That the Bill be now read a second time.

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

Debate continued.

Amendments proposed to be moved in Committee by Ms Patten were circulated.

Debate continued.

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 Limbrick were outside the scope of the Bill —

Mr Limbrick moved, That it be an instruction to the Committee that they have the power to consider amendments and a New Clause to amend the *Tobacco Act 1987* to remove the prohibition on the manufacture and sale of smokeless forms of tobacco and to further provide for the regulation of specialist e-cigarette retailing premises.

Question — put and agreed to.

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

Ms Patten moved, That it be an instruction to the Committee that they have power to consider amendments and a New Clause to amend *the Drugs, Poisons and Controlled Substances Act 1981* in relation to streamlining the processes for administering, supplying and prescribing cannabis and cannabidiol for medicinal purposes..

Question — put and agreed to.

Bill 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.

- 14 DINNER SUSPENSION POSTPONEMENT** — Ordered — That the meal break scheduled for this day, pursuant to Sessional Order 1, be suspended.

- 15 HEALTH LEGISLATION AMENDMENT AND REPEAL BILL 2019** — 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.

- 16 CHILDREN'S SERVICES AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Children's Services Act 1996 to further provide for the regulation of children's services, consistently with the Education and Care Services National Law (Victoria) where appropriate, including establishing a scheme for the approval of persons who provide the services and for the operation of the services and to provide for the monitoring and enforcement of the scheme, to make related minor and consequential amendments to other Acts and for other purposes* and requesting the agreement of the Council.

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

Mr Somyurek 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 Somyurek, the second reading speech was incorporated into Hansard.

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

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

- 17 CONSUMER LEGISLATION AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Australian Consumer Law and Fair Trading Act 2012, the Domestic Building Contracts Act 1995, the Fundraising Act 1998, the Residential Tenancies Act 1997, the Residential Tenancies Amendment Act 2018 and the Sex Work Act 1994 and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Somyurek, the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Somyurek 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 Somyurek, the second reading speech was incorporated into Hansard.

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

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

- 18 POLICE LEGISLATION AMENDMENT (ROAD SAFETY CAMERA COMMISSIONER AND OTHER MATTERS) BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Camera Commissioner Act 2011, the Victoria Police Act 2013 and the Magistrates' Court Act 1989 and for other purposes* and requesting the agreement of the Council.

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

Mr Somyurek 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 Somyurek, the second reading speech was incorporated into Hansard.

Mr Somyurek 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.

19 LAND (REVOCATION AND RESERVATIONS) BILL 2019 — The President read a Message from the Assembly presenting *A Bill for an Act to provide for the revocation of certain permanent reservations of Crown land at Frankston, Camberwell, Geelong and Coleraine, to revoke related Crown grants and to re-reserve certain land 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 ordered to be read a second time on the next day of meeting.

20 ADJOURNMENT — Mr Somyurek 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 8.12 p.m., adjourned until Tuesday, 29 October 2019.

ANDREW YOUNG
Clerk of the Legislative Council