



LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

Nos. 44, 45 and 46

No. 44 — Tuesday, 26 November 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 19 November 2019, given the Royal Assent to the following Acts presented to her by the Clerk of the Parliaments:

Building Amendment (Cladding Rectification) Act 2019

Justice Legislation Amendment (Criminal Appeals) Act 2019

Justice Legislation Amendment (Serious Offenders and Other Matters) Act 2019

State Taxation Acts Further Amendment Act 2019.

- 3 **QUESTIONS AND MINISTERS' STATEMENTS** — Questions without notice were taken and Ministers' Statements were made pursuant to Sessional Order 13.

GENESISCARE, SHEPPARTON — Ms Mikakos having given answers to a question without notice and supplementary question relating to GenesisCare, Shepparton —

On the motion of Ms Lovell, 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.

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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:

- **Western Health duty of care to staff** — substantive question asked by Ms Crozier — response from Ms Mikakos due Wednesday, 27 November 2019.
- **Protective Services Officers deployment** — substantive and supplementary questions asked by Dr Cumming — response from Ms Tierney due Thursday, 28 November 2019.
- **North East Link progress report** — substantive question asked by Mr Barton — response from Ms Symes due Thursday, 28 November 2019.

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

- 5 **PETITION — STOP THE USE OF 1080 FOR AERIAL BAITING** — Dr Ratnam presented a Petition bearing 940 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to oppose the renewal from the Department of Environment, Land, Water and Planning for permission to aerial bait with 1080 in Victoria, oppose the use of 1080 or any poison for baiting wild dogs or pest species, and use the 1080 funding for research and development of non-lethal alternatives to 1080.

Ordered to lie on the Table.

6 PAPERS —

VICTORIAN GOVERNMENT ABORIGINAL AFFAIRS REPORT, 2019 — Mr Jennings moved, by leave, That there be laid before this House a copy of the Victorian Government Aboriginal Affairs Report, 2019.

Question — put and agreed to.

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

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PROCEDURE COMMITTEE — COMMENCEMENT OF SITTING DAY PROCEEDINGS — Pursuant to Standing Order 23.29, on behalf of the President, Ms Lovell presented a Report from the Procedure Committee on the Commencement of Sitting Day Proceedings (including a Minority Report).

Ordered to be published.

Ms Lovell moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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ECONOMY AND INFRASTRUCTURE COMMITTEE — INQUIRY INTO THE COMMERCIAL PASSENGER VEHICLE INDUSTRY ACT 2017 REFORMS — Pursuant to Standing Order 23.29, Mr Elasmar presented a Report from the Economy and Infrastructure Committee on the Inquiry into the *Commercial Passenger Vehicle Industry Act 2017* Reforms (including Appendices, Extract of Proceedings and a Minority Report), and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Mr Elasmar moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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LEGAL AND SOCIAL ISSUES COMMITTEE — INQUIRY INTO FIREARMS PROHIBITION LEGISLATION — Pursuant to Standing Order 23.29, Ms Patten presented a Report from the Legal and Social Issues Committee on the Inquiry into Firearms Prohibition Legislation (including Appendices).

Ordered to be published.

Ms Patten moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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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. 15 of 2019 (including Appendices) from the Scrutiny of Acts and Regulations Committee.

Ordered to be published.

Mr Gepp moved, That the Council take note of the Report.

Question — put and agreed to.

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VICTORIAN BUDGET 2019-20 QUARTERLY FINANCIAL REPORT NO. 1 — Pursuant to section 27D(6)(c) of the *Financial Management Act 1994*, the Clerk laid on the Table a copy of the Victorian Budget 2019-20 Quarterly Financial Report No. 1.

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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:

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

Boroondara Planning Scheme — Amendment C319.

Cardinia Planning Scheme — Amendments C244 and C259.

- Casey, Melton and Wyndham Planning Schemes — Amendment GC99.
- French Island and Sandstone Island Planning Scheme — Amendment C8.
- Glen Eira Planning Scheme — Amendment C194.
- Greater Dandenong Planning Scheme — Amendment C214.
- Greater Geelong Planning Scheme — Amendment C406.
- Melbourne Planning Scheme — Amendment C344.
- Monash Planning Scheme — Amendment C125 (Part 2).
- Moreland Planning Scheme — Amendment C169.
- Stonnington Planning Scheme — Amendment C295.
- Statutory Rules under the following Acts of Parliament —
 - Long Service Benefits Portability Act 2018 — No. 110.
 - Second-Hand Dealers and Pawnbrokers Act 1989 — No. 108.
 - Wildlife Act 1975 — No. 109.
- Subordinate Legislation Act 1994 —
 - Documents under section 15 in respect of Statutory Rule Nos. 108 and 110.
 - Legislative instrument and related documents under section 16B in respect of a Ministerial Order of 23 October 2019 Amending Ministerial Order No. 1038 – Teaching Service (Employment Conditions, Salaries, Allowances, Selection and Conduct), under the Education and Training Reform Act 2006.
- Victoria's Mental Health Services — Report, 2018-19 pursuant to section 118 of the Mental Health Act 2014.
- Witness Protection Act 1991 — Report, 2018-19 by Victoria Police pursuant to section 20R of the Act.

- 7 BUSINESS OF THE COUNCIL** — Mr Hayes moved, by leave, That precedence be given to the following General Business on Wednesday, 27 November 2019 —
- (1) Order of the Day No. 1, second reading of the Crimes Amendment (Abolition of Blasphemy) Bill 2019;
 - (2) the notice of motion given this day by Mr Davis referring a matter to the Economy and Infrastructure Committee relating to public works projects;
 - (3) the notice of motion given this day by Mr Davis in relation to the production of certain documents relating to bushfire fuel load maps;
 - (4) the notice of motion given this day by Mr Meddick in relation to the fur trade in Victoria;
 - (5) the notice of motion given this day by Mr Meddick in relation to World AIDS Day; and
 - (6) the notice of motion given this day by Mr Limbrick in relation to the use of drug detection dogs at music festivals and in other public spaces.

Question — put and agreed to.

- 8 MEMBERS' STATEMENTS** — Statements were made by Members pursuant to Standing Order 5.13.
- 9 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, Government Business, Nos. 127 to 207, be postponed until later this day.
- 10 WORKPLACE SAFETY LEGISLATION AMENDMENT (WORKPLACE MANSLAUGHTER AND OTHER MATTERS) 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 Rich-Phillips and Mr Quilty were circulated.

Question — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; 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 Meddick and Ms Vaghela*)

NOES, 15

Mr Atkinson; Ms Bath; Ms Crozier; Mr Davis; Mr Finn; Mr Grimley; Mr Limbrick; Ms Lovell; Ms Maxwell; 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 second time and committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 6.30 p.m. pursuant to Sessional Order 1 —

[Sitting suspended from 6.30 p.m. to 7.30 p.m.]

Bill further considered in Committee of the whole.

Business having been interrupted at 10.00 p.m. pursuant to Standing Orders —

Ms Pulford declared, That the sitting be extended by up to one hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

Business having been interrupted at the conclusion of the declared extension pursuant to Standing Orders —

Ms Mikakos declared, That the sitting be extended by up to one further hour pursuant to Standing Order 4.08.

Bill further considered in Committee of the whole.

Bill reported without amendment, the Report was adopted.

Ms Tierney 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; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; 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 Ms Vaghela)

NOES, 15

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

(Tellers: Mr Finn and Mr O'Donohue)

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

Debate ensued.

And the Council having continued to sit after 12 midnight —

WEDNESDAY, 27 NOVEMBER 2019

Debate continued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.13.

And then the Council, at 12.27 a.m., adjourned until later this day.

ANDREW YOUNG
Clerk of the Legislative Council

No. 45 — Wednesday, 27 November 2019

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

2 PETITIONS —

INQUIRY INTO PUBLIC LAND MANAGEMENT — Ms Bath presented a Petition bearing 135 signatures from certain citizens of Victoria requesting that the Legislative Council establish an inquiry into public land management.

Ordered to lie on the Table.

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INQUIRY INTO PUBLIC LAND MANAGEMENT — Ms Bath presented a Petition bearing 274 signatures from certain citizens of Victoria requesting that the Legislative Council establish an inquiry into public land management and provide recommendations to the Government in a final report.

Ordered to lie on the Table.

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BENDIGO HOSPITAL FUNDING — Ms Lovell presented a Petition bearing 46 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to provide funding to improve the management of Bendigo Hospital, including the appointment of more staff, and fund emergency departments at surrounding hospitals in order to control the high volume of people requiring healthcare in and around Bendigo.

Ordered to lie on the Table.

On the motion of Ms Lovell, the petition was ordered to be taken into consideration on the next day of meeting.

3 PAPERS —

VICTORIAN LAW REFORM COMMISSION — NEIGHBOURHOOD TREE DISPUTES REPORT — Ms Tierney moved, by leave, That there be laid before this House a copy of the Victorian Law Reform Commission's Neighbourhood Tree Disputes Report, July 2019.

Question — put and agreed to.

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

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ENVIRONMENT AND PLANNING COMMITTEE — INQUIRY INTO RECYCLING AND WASTE MANAGEMENT — Pursuant to Standing Order 23.29, Mr Melhem laid on the Table the Final Report from the Environment and Planning Committee on the Inquiry into Recycling and Waste Management (including Appendices, Extracts of Proceedings and Minority Reports), and further presented Transcripts of Evidence.

Ordered that the Transcripts of Evidence lie on the Table and the Report be published.

Mr Melhem moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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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 Reports on —

Market-led Proposals, November 2019 (*Ordered to be published*).

Results of 2018-19 Audits: Local Government, November 2019 (*Ordered to be published*).

Commission for Children and Young People — In our own words: Systemic inquiry into the lived experience of children and young people in the Victorian out-of-home care system, November 2019 (*Ordered to be published*).

Emergency Services Superannuation Board (ESSSuper) — Report, 2018-19 (*in lieu of that tabled on 17 October 2019*).

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2018-19, together with an explanation for the delay.

Port of Hastings Development Authority — Report, 2018-19, together with an explanation for the delay.

Victorian Inspectorate — Report 1 January to 30 June 2019, pursuant to section 30Q(3) of the Surveillance Devices Act 1999 in relation to agencies authorised to use surveillance devices.

- 4 PRODUCTION OF DOCUMENTS — WEST GATE TUNNEL PROJECT** — The Clerk laid on the Table 21 documents in full, 13 documents in part and a schedule of the 43 documents identified in response to the Resolution of the Council of 20 February 2019 relating to the West Gate Tunnel Project.

The Clerk further laid on the Table a letter from the Attorney-General, dated 26 November 2019, making a claim of executive privilege in relation to nine documents in full.

- 5 PRODUCTION OF DOCUMENTS — TOORAK ROAD, KOOYONG LEVEL CROSSING REMOVAL PROJECT** — The Clerk laid on the Table 10 documents in full, five documents in part and a schedule of the 22 documents identified in response to the Resolution of the Council of 20 February 2019 relating to the Toorak Road, Kooyong Level Crossing Removal Project.

The Clerk further laid on the Table a letter from the Attorney-General, dated 26 November 2019, making a claim of executive privilege in relation to seven documents in full.

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

- 7 CRIMES AMENDMENT (ABOLITION OF BLASPHEMY) BILL 2019** — Ms Patten laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

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

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

- 8 ECONOMY AND INFRASTRUCTURE COMMITTEE REFERENCE — PUBLIC SECTOR AND INFRASTRUCTURE WORKS** — Mr Davis moved, That this House —

(1) requires the Economy and Infrastructure Committee to inquire into, consider and report, at least every September, on public sector infrastructure and public works projects, including current and past infrastructure projects and proposals and in particular —

- (a) projects relating to the removal of railway level crossings;
- (b) the Melbourne Metro Rail Project;
- (c) the West Gate Tunnel Project;
- (d) the North East Link Project;
- (e) the Murray Basin Rail Project;
- (f) the Suburban Rail Loop Project;
- (g) the Regional Rail Revival Project;
- (h) other public sector infrastructure or public works projects the Committee determines appropriate;

(2) requires the Committee to consult, where appropriate, with Infrastructure Victoria and examine and report on the adherence, or otherwise, of projects to their respective business cases, and the strengths and weaknesses of project business cases and for the purposes of this Inquiry —

- (a) “public sector infrastructure” and “public works projects” mean work —
 - (i) exceeding \$10 million in present value, which are carried out by, or on behalf of, or under contract to the Crown, any Government Department or any public authority;
 - (ii) for or towards the carrying out of which money is provided by the State; and
- (b) the Committee shall, insofar as it is consistent with the Standing Orders and powers of the Legislative Council and its Committees, have the same powers as conferred upon the Public Works Committee by the Public Works Committee Act 1958 as it was in force on 1 August 1982.

Debate ensued.

On the motion of Mr Ondarchie, the debate was adjourned until later this day.

9 PRODUCTION OF DOCUMENTS — BUSHFIRE FUEL LOAD MAPS — Mr Davis moved, That this House —

- (1) notes that for many years the Victorian Government publicly released bushfire fuel load maps;
 - (2) further notes that the Government has failed in recent years to publicly release these important maps;
- and, in accordance with Standing Order 11.01, requires that the fuel load maps produced by the Victorian Government in the last three financial years, including the most recently produced maps be tabled in the Legislative Council on or before Wednesday, 11 December 2019.

Question — put and agreed to.

10 SALE OF FURS IN VICTORIA — Mr Meddick moved, That this House —

- (1) condemns —
 - (a) the sale of real fur from raccoon or raccoon dogs that are illegally labelled as faux at markets across Melbourne;
 - (b) the sale of illegally mislabelled rabbit fur proven to be raccoon or raccoon dog fur at markets across Melbourne;
- (2) notes that —
 - (a) animals suffer tremendously in the fur trade;
 - (b) Queen Elizabeth recently rid her wardrobe of fur in light of the growing fur-free movement;
 - (c) countries, states and cities around the world are passing laws to ban the sale of fur;
 - (d) a growing number of fashion labels have opted to stop using real fur in their collections citing animal cruelty for the decision;
- (3) calls on the Government to —
 - (a) investigate markets and stores flouting labelling laws across Victoria; and
 - (b) consider banning the sale of new furs in Victoria.

Business having been interrupted at 12.00 noon pursuant to Sessional Orders —

11 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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QUESTION DIRECTED FOR WRITTEN RESPONSE — The President directed a written response be provided to a question without notice pursuant to Standing Order 8.07 as follows:

- **Councils and emergency management** — supplementary question asked by Ms Maxwell — response from Mr Somyurek due Thursday, 28 November 2019.

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

13 SALE OF FURS IN VICTORIA — Debate continued on the question, That this House —

- (1) condemns —
 - (a) the sale of real fur from raccoon or raccoon dogs that are illegally labelled as faux at markets across Melbourne;
 - (b) the sale of illegally mislabelled rabbit fur proven to be raccoon or raccoon dog fur at markets across Melbourne;
- (2) notes that —
 - (a) animals suffer tremendously in the fur trade;
 - (b) Queen Elizabeth recently rid her wardrobe of fur in light of the growing fur-free movement;
 - (c) countries, states and cities around the world are passing laws to ban the sale of fur;
 - (d) a growing number of fashion labels have opted to stop using real fur in their collections citing animal cruelty for the decision;
- (3) calls on the Government to —
 - (a) investigate markets and stores flouting labelling laws across Victoria; and

(b) consider banning the sale of new furs in Victoria.

Question — put.

The Council divided — The President in the Chair.

AYES, 25

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; 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 Hayes and Dr Kieu)

NOES, 13

Mr Atkinson; Ms Bath; 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 Rich-Phillips and Ms Wooldridge)

Question agreed to.

14 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, General Business, No. 221, be postponed until later this day.

15 USE OF DRUG DETECTION DOGS AT MUSIC FESTIVALS — Mr Limbrick moved, That this House —

(1) notes —

(a) the importance of Melbourne's night life economy and the important contribution of music and arts festivals to regional tourism;

(b) that the NSW Ombudsman's 2016 report on the *Review of the Police Powers (Drug Detection Dogs) Act 2001* found that over 70 per cent of searches following a drug detection dog indication resulted in no illicit substances being found and only 0.19 per cent resulted in a successful prosecution for supply offences;

(2) further notes the State Coroner's Court of New South Wales' coronial inquest into festival deaths conducted this year found evidence that —

(a) intensive and punitive drug policing operations targeting users and low-level dealers generally increase, rather than decrease, drug related risks and harms;

(b) the current methods of policing are damaging young people's perception of the police;

and calls on the Government to implement recommendation 50 from the Law Reform, Road and Community Safety Committee's 2018 Report on the *Inquiry into Drug Law Reform* which required "Victoria Police [to] commission an independent evaluation of the use of drug detection dogs at music festivals and other public spaces to determine their effectiveness in deterring the use and trafficking of illicit substances, and any unintended consequences or risk of harms resulting from this strategy".

Debate ensued.

The Acting President advised that the total time allocated for debate, pursuant to Sessional Order 8, had elapsed —

Question — put.

The Council divided — The President in the Chair.

AYES, 9

Dr Cumming; Mr Grimley; Mr Hayes; Mr Limbrick; Mr Maxwell; Mr Meddick; Ms Patten; Mr Quilty; Dr Ratnam.

(Tellers: Mr Grimley and Mr Limbrick)

NOES, 29

Mr Atkinson; Mr Barton; Ms Bath; Ms Crozier; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Mrs McArthur; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(*Tellers: Ms Stitt and Ms Terpstra*)

Question negatived.

- 16 MESSAGE FROM ASSEMBLY — JOINT STANDING ORDER** — The President read a Message from the Assembly informing the Council that they have agreed to new Joint Standing Order 25 to take effect immediately on the Council's agreement:

25 Joint sittings under the *Victorian Responsible Gambling Foundation Act 2011*

- (1) A member, addressing the Chair, may propose a member or members to be elected to the Board of the Victorian Responsible Gambling Foundation and any such proposal must be seconded. When a member is proposed, the proposer must state that such member is willing to accept nomination.
- (2) If no more than the required number of members are proposed and seconded, the Chair will declare such members as having been elected.
- (3) If more than the required number of members are proposed and seconded in respect of the vacancies, the members will be elected by ballot.
- (4) After the ballot, the Chair will declare the member or members elected to the Foundation and will advise the responsible minister of the result of the election.

and seeks the agreement of the Council.

Ms Tierney moved, That the Message be taken into consideration on the next day of meeting.

Question — put and agreed to.

- 17 WORLD AIDS DAY** — Mr Meddick moved, That this House —

- (1) notes that —
 - (a) World AIDS Day is on the first of December every year and is recognised internationally;
 - (b) this is a day to show our support for people with HIV, to commemorate people who we have lost to the epidemic and to raise awareness of the AIDS pandemic caused by the spread of HIV;
 - (c) the uptake of treatment as prevention and frequent testing has seen HIV transmission decline to a near two decade low; and
- (2) acknowledges the ongoing advocacy, particularly of gay and bisexual men, in their efforts to increase education and reduce stigma surrounding HIV and AIDS.

Debate ensued.

Question — put and agreed to.

Business having been interrupted at 5.15 p.m. pursuant to Sessional Orders —

- 18 STATEMENTS ON REPORTS, PAPERS AND PETITIONS** — Statements on reports, papers and petitions were made by Members pursuant to Sessional Order 16.

- 19 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 6.20 p.m., adjourned until tomorrow.

ANDREW YOUNG
Clerk of the Legislative Council

No. 46 — Thursday, 28 November 2019

- 1 The President took the Chair, read the Prayer and made an Acknowledgement of Country.
- 2 **PETITION — ASSESSMENT OF THE MURRAY-DARLING BASIN PLAN** — Mr Bourman presented a Petition bearing 165 signatures from certain citizens of Victoria requesting that the Legislative Council call on the Government to immediately pause and reassess the Murray-Darling Basin Plan for better efficiency and fairness for all stakeholders within the Basin.
Ordered to lie on the Table.
- 3 **SUMMARY OFFENCES AMENDMENT (MOVE-ON LAWS) BILL 2019** — Mr O'Donohue introduced *A Bill for an Act to amend the Summary Offences Act 1966 to provide for certain move-on powers and related exclusion orders and for other purposes*.
On the motion of Mr O'Donohue, the Bill was read a first time and ordered to be read a second time on the next day of meeting.
- 4 **PAPERS** —
PUFFING BILLY APOLOGY — Mr Somyurek moved, by leave, That there be laid before this House a copy of the Puffing Billy Apology.
Question — put and agreed to.
The Paper was presented by Mr Somyurek 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 Reports on —
 - Follow up of Access to Public Dental Services in Victoria, November 2019 (*Ordered to be published*).
 - Follow up of Regulating Gambling and Liquor, November 2019 (*Ordered to be published*).
 - Sexual Harassment in the Victorian Public Service, November 2019 (*Ordered to be published*).
 - Australian Health Practitioner Regulation Agency — Report, 2018-19.
 - Climate Change Act 2017 —
 - Victoria's Climate Science Report, 2019 pursuant to section 51 of the Act.
 - Victorian Greenhouse Gas Emissions Report, 2019 pursuant to section 52 of the Act.
 - Crimes (Assumed Identities) Act 2004 — Report, 2018-19 pursuant to section 31 by the Australian Criminal Intelligence Commission.
 - Inquiries Act 2014 — Royal Commission into Victoria's Mental Health System Interim Report, November 2019, together with Interim Report Summary, November 2019 (*Ordered to be published*).
 - Legal Profession Uniform Law Application Act 2014 — Practitioner Remuneration Order 2020.
 - Local Jobs First — Report, 2018-19.
 - National Environment Protection Council — Report, 2017-18.
 - Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 111.
- 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. 127 to 207, be postponed until later this day.
- 7 **TRANSPORT LEGISLATION 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 (two sets), Mr Barton, Mr Quilty and Mr Limbrick (two sets) were circulated.
Business having been interrupted at 12.00 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.

HOSPITAL MAINTENANCE FUNDING — Ms Mikakos having given answers to a question without notice and supplementary question relating to hospital maintenance funding — 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:

- **Hospital maintenance funding** — supplementary question asked by Ms Crozier — response from Ms Mikakos due Friday, 29 November 2019.
- **TAFE student eligibility** — substantive question asked by Ms Wooldridge — response from Ms Tierney due Friday, 29 November 2019.

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

10 TRANSPORT LEGISLATION AMENDMENT BILL 2019 — Debate continued 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 with amendments, 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, 38

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(*Tellers: Mr Atkinson and Mr Ondarchie*)

NOES, 2

Mr Limbrick; 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 with amendments and requesting their agreement.

11 LAND (REVOCATION OF RESERVATIONS) 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, by leave, 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 BUILDING AND ENVIRONMENT PROTECTION LEGISLATION AMENDMENT BILL 2019 — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Architects Act 1991, the Building Act 1993 and the Environment Protection Amendment Act 2018 and for other purposes* and requesting the agreement of the Council.

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

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

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

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

- 13 LOCAL GOVERNMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to reform the law relating to local government in Victoria, to repeal the City of Greater Geelong Act 1993, to amend the City of Melbourne Act 2001, the Local Government Act 1989, the Victoria Grants Commission Act 1976 and the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019, and to consequentially amend certain other Acts and for other purposes* and requesting the agreement of the Council.

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

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

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

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

- 14 PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2019** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the Mineral Resources (Sustainable Development) Act 1990, the National Parks Act 1975, the Parks Victoria Act 2018, the Wildlife Act 1975 and the Zoological Parks and Gardens Act 1995 and for other purposes* and requesting the agreement of the Council.

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

Mr Jennings laid on the Table the statement of compatibility as required by the *Charter of Human Rights and Responsibilities Act 2006*.

On the motion of Mr Jennings, the second reading speech was incorporated into Hansard.

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

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

- 15 SITTING OF THE COUNCIL** — Mr Jennings moved, That the Council, at its rising, adjourn until Tuesday, 4 February 2020.

Question — put and agreed to.

- 16 CONSUMER LEGISLATION 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.

- 17 TRANSPORT 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 in this Bill.

18 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 6.49 p.m., adjourned until Tuesday, 4 February 2020.

ANDREW YOUNG
Clerk of the Legislative Council

COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 44, 45 and 46

WORKPLACE SAFETY LEGISLATION AMENDMENT (WORKPLACE MANSLAUGHTER AND OTHER MATTERS) BILL 2019

Committed Tuesday, 26 November 2019

Amendments circulated: Mr Rich-Phillips (see pp. 328-30) and Mr Quilty (see pp. 330-1).

Clauses 1 and 2 — put and agreed to.

New Clauses — Mr Rich-Phillips moved Amendment No. 1.

Question — That the New Clauses stand part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

(Tellers: Mr Hayes and Mr Quilty)

NOES, 23

Mr Barton; Dr Cumming; Mr Elasmar; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; 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 Gepp and Mr Meddick)

Question negated.

Clause 3 — Mr Rich-Phillips moved Amendment No. 2.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

(Tellers: Ms Bath and Mr Ondarchie)

NOES, 23

Mr Barton; Dr Cumming; Mr Elasmar; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; 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: Ms Pulford and Ms Terpstra)

Question negated.

Mr Quilty moved Amendment Nos. 1 and 2.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 2

Mr Limbrick; Mr Quilty.

(Tellers: Mr Limbrick and Mr Quilty)

NOES, 38

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(Tellers: Dr Cumming and Ms Patten)

Question negated.

Mr Rich-Phillips moved Amendment Nos. 5 and 6.

Question — That the amendments be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

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

(Tellers: Mr Grimley and Mrs McArthur)

NOES, 24

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; 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 Hayes and Dr Ratnam)

Question negated.

Mr Rich-Phillips moved Amendment No. 7.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

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

(Tellers: Ms Bath and Ms Crozier)

NOES, 24

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; 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: Ms Taylor and Ms Terpstra)

Question negated.

Clause 3 — put and agreed to.

New Clause — Mr Rich-Phillips moved Amendment No. 13.

Question — That the New Clause stands part of the Bill — put.

The Committee divided — The Deputy President in the Chair.

AYES, 17

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

(Tellers: Mr Finn and Mr Ondarchie)

NOES, 23

Mr Barton; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Jennings; Dr Kieu; Mr Leane; 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: Ms Patten and Dr Ratnam)

Question negatived.

Clauses 4 to 15 — put and agreed to.

Bill reported without amendment.

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TRANSPORT LEGISLATION AMENDMENT BILL 2019

Committed Thursday, 28 November 2019

Amendments circulated: Mr Quilty (see p. 331), Mr Barton (see pp. 331-2), Mr Limbrick (DL17C and DL18C) (see p. 332), Dr Ratnam (SR17C and SR18C) (see pp. 332-3) and Mr Davis (see p. 333).

Clause 1 — Mr Quilty moved Amendment No. 1.

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 2

Mr Limbrick; Mr Quilty.

(Tellers: Mr Limbrick and Mr Quilty)

NOES, 38

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Hayes; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Patten; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(Tellers: Ms Stitt and Ms Taylor)

Question negatived.

Mr Barton moved Amendment Nos. 1 and 2 — put and agreed to.

Clause 1, as amended — put and agreed to.

Clause 2 — Mr Limbrick moved Amendment No. 1 (DL17C).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Hayes; Mr Limbrick; Ms Patten; Mr Quilty.

(Tellers: Ms Patten and Mr Quilty)

NOES, 36

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(Tellers: Dr Cumming and Ms Terpstra)

Question negatived.

Mr Barton moved Amendment No. 3 — put and agreed to.

Clause 2, as amended — put and agreed to.

Clauses 3 to 11 — put and agreed to.

Clause 12 — Dr Ratnam moved Amendment No. 1 (*SR18C*).

Question — That the amendment be agreed to — put and negatived.

Dr Ratnam moved Amendment No. 1 (*SR17C*).

Mr Davis moved an amendment to Dr Ratnam's Amendment No. 1 — put and agreed to.

Question — That Dr Ratnam's Amendment No. 1, as amended, be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 16

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

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

NOES, 24

Mr Barton; Mr Bourman; Dr Cumming; Mr Elasmarr; Mr Erdogan; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Maxwell; 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: Dr Cumming and Mr Grimley*)

Question negatived.

Clause 12 — put and agreed to.

Clauses 13 to 118 — put and agreed to.

Clause 119 — Mr Limbrick moved Amendment No. 1 (*DL18C*).

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 4

Mr Hayes; Mr Limbrick; Ms Patten; Mr Quilty.

(*Tellers: Mr Hayes and Mr Quilty*)

NOES, 36

Mr Atkinson; Mr Barton; Ms Bath; Mr Bourman; Ms Crozier; Dr Cumming; Mr Davis; Mr Elasmarr; Mr Erdogan; Mr Finn; Ms Garrett; Mr Gepp; Mr Grimley; Mr Jennings; Dr Kieu; Mr Leane; Ms Lovell; Ms Maxwell; Mrs McArthur; Mr Meddick; Mr Melhem; Ms Mikakos; Mr O'Donohue; Mr Ondarchie; Ms Pulford; Dr Ratnam; Mr Rich-Phillips; Ms Shing; Mr Somyurek; Ms Stitt; Ms Symes; Ms Taylor; Ms Terpstra; Ms Tierney; Ms Vaghela; Ms Wooldridge.

(*Tellers: Ms Maxwell and Dr Ratnam*)

Question negatived.

Clause 119 — put and agreed to.

Clauses 120 to 195 — put and agreed to.

New Heading and New Clause — Mr Barton moved Amendment Nos. 4 and 5.

Question — That the New Heading and New Clause stand part of the Bill — put and agreed to.

Clause 196 — put and agreed to.

Schedules 1 to 4 — put and agreed to.

Long Title — Mr Barton moved Amendment No. 6 — put and agreed to.
Long Title, as amended — put and agreed to.

Bill reported with amendments.

* * * * *

CONSUMER LEGISLATION AMENDMENT BILL 2019

Committed Thursday, 28 November 2019

Clauses 1 to 103 — put and agreed to.

Bill reported without amendment.

AMENDMENTS CIRCULATED IN RELATION TO —

1. WORKPLACE SAFETY LEGISLATION AMENDMENT (WORKPLACE MANSLAUGHTER AND OTHER MATTERS) BILL 2019

Amendments circulated by Mr Rich-Phillips

NEW CLAUSES

1. Insert the following New Clauses to follow the heading to Division 1 of Part 2—

"2A Definitions

In section 5(1) of the **Occupational Health and Safety Act 2004**, at the foot of the definition of **officer** insert—

"Note

See also section 6(3) and (4)."

2B Act binds the Crown

After section 6(2) of the **Occupational Health and Safety Act 2004** insert—

"(3) In circumstances where a provision of this Act or the regulations refers to an officer of a body corporate, and that provision applies in relation to the Crown, the reference to an officer is taken to be a reference to a person—

- (a) who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the Crown; or
- (b) who has the capacity to affect significantly the Crown's financial standing.

(4) Without limiting subsection (3), nothing prevents any of the following persons from being a person referred to as an officer in accordance with that subsection—

- (a) the Premier;
- (b) a Minister;
- (c) a public service body Head;
- (d) a person who has the functions of a public service body Head."

2. Clause 3, line 13, omit "certain".

3. Clause 3, line 21, omit "other than—" and insert ";".

4. Clause 3, lines 22 to 27, omit all words and expressions on these lines.

5. Clause 3, page 5, line 21, omit "." and insert "; and".

6. Clause 3, page 5, after line 21 insert—

"(e) regard must be had to—

- (i) steps taken and things provided by the body corporate to prevent or minimise the risk of death, serious injury or serious illness; and
- (ii) whether any person acted contrary to the steps and things referred to in subparagraph (i).

(3) In a prosecution for an offence against section 39G(2), or an offence against section 39G(1) that is alleged to have been committed by an officer of a body corporate, in determining whether that person's conduct is **negligent** for the purposes of this Part, regard must be had to—

- (a) what the person knew about the matter concerned; and
- (b) the extent of the person's ability, as an officer, to make, or participate in the making of, decisions that affect the body corporate in relation to the matter concerned; and

- (c) whether the breach of the applicable duty to which the offence relates is also attributable to an act or omission of any other person; and
- (d) any other relevant matter."
7. Clause 3, page 6, line 29, after "person" insert "(other than a person exempted under subsection (1A))".
8. Clause 3, page 7, after line 5 insert—
- "(1A) A person is exempted for the purposes of subsection (1)(b) if they are—
- (a) a relative of the person who owes them the applicable duty; or
- (b) the spouse or domestic partner of the person who owes them the applicable duty.
- (1B) No person is exempted for the purposes of subsection (1)(b) in circumstances where the person who owes the applicable duty is not a natural person."
9. Clause 3, page 7, line 12, after "person" insert "(other than a person exempted under subsection (2A))".
10. Clause 3, page 7, after line 14 insert—
- "(2A) A person is exempted for the purposes of subsection (2)(b) if they are—
- (a) a relative of the officer; or
- (b) the officer's spouse or domestic partner."
11. Clause 3, page 7, line 29, omit ""."
12. Clause 3, page 7, after line 29 insert—
- "(5) In this section—
- domestic partner** has the same meaning as in the **Family Violence Protection Act 2008**;
- relative** has the same meaning as in the **Family Violence Protection Act 2008**."."
- NEW CLAUSE
13. Insert the following New Clause to follow clause 3—
- "3A Power to require production of documents and answers to questions**
- (1) In section 100(3)(b) of the **Occupational Health and Safety Act 2004**, for "her." **substitute** "her; and".
- (2) After section 100(3)(b) of the **Occupational Health and Safety Act 2004** insert—
- "(c) must inform the person that he or she may refuse or fail to provide a document if providing the document would tend to incriminate him or her."."
14. Clause 6, line 23, before "In" insert "(1)".
15. Clause 6, page 11, after line 2 insert—
- "(2) In section 144(3)(c) of the **Occupational Health and Safety Act 2004**, after "corporate" **insert** "(or, if the provision contravened was section 39G(1), whether the death to which the contravention relates)".
- (3) After section 144(5) of the **Occupational Health and Safety Act 2004** insert—
- "(6) An officer of a body corporate (other than a body corporate representing the Crown) is not liable to be prosecuted under this section in relation to a contravention of section 39G(1) that caused the death of—
- (a) a relative of the officer; or
- (b) the officer's spouse or domestic partner.
- (7) In this section—

domestic partner has the same meaning as in the **Family Violence Protection Act 2008**;

relative has the same meaning as in the **Family Violence Protection Act 2008**."

16. Clause 7, line 5, before "For" insert "(1)".

17. Clause 7, after line 20 insert—

"(2) After section 145(5) of the **Occupational Health and Safety Act 2004** insert—

"(6) An officer of a partnership or unincorporated body or association is not liable to be prosecuted under this section in relation to a contravention of section 39G(1) that caused the death of—

(a) a relative of the officer; or

(b) the officer's spouse or domestic partner.

(7) In this section—

domestic partner has the same meaning as in the **Family Violence Protection Act 2008**;

relative has the same meaning as in the **Family Violence Protection Act 2008**."

NEW CLAUSE

18. Insert the following New Clause to follow clause 7—

"7A Protection against self-incrimination

Section 154(2)(a) of the **Occupational Health and Safety Act 2004** is repealed."

AMENDMENT OF LONG TITLE

19. Long title, after "manslaughter" insert ", to make further provision in relation to officers of the Crown, to make further provision in relation to the privilege against self-incrimination".

Amendments circulated by Mr Quilty

1. Clause 3, line 27, omit "imposed;" and insert "imposed—".

2. Clause 3, after line 27 insert—

"and also includes a duty imposed by a provision of section 39I;".

3. Clause 3, page 4, line 11, after "(b)" insert "subject to subsection (3),".

4. Clause 3, page 4, after line 16 insert—

"(3) For the purposes of determining whether conduct constitutes a breach of an applicable duty specified in section 39I(1) or (2), an omission to perform an act does not constitute **conduct**."

5. Clause 3, page 5, line 27, after "Part 3" insert "or Division 3".

6. Clause 3, page 7, line 29, omit "them." and insert "them."

7. Clause 3, page 7, after line 29 insert—

"Division 3—Additional duties for workplace manslaughter

39H Application of Division

The duties in this Division have effect only for the purpose of determining whether conduct constitutes a breach of an applicable duty for the purposes of this Part.

39I Duties of Ministers

(1) A Minister must not cause a sole trader's business to become financially unviable.

(2) A Minister must not cause a small business to become financially unviable.

(3) In subsection (2)—

small business means a business employing fewer than—

(a) if the business is or includes the manufacture of goods—100 people; or

(b) otherwise—20 people."

2. TRANSPORT LEGISLATION AMENDMENT BILL 2019

Amendments circulated by Mr Quilty

1. Clause 1, page 2, lines 30 to 32, omit all words and expressions on those lines.
2. Clause 2, line 11, omit "117 to 119,".
3. Clause 117, omit this clause.
4. Clause 118, omit this clause.
5. Clause 119, omit this clause.
6. Clause 139, page 105, line 28, omit "138" and insert "135".

Amendments circulated by Mr Barton

1. Clause 1, page 3, line 8, omit "Acts." and insert "Acts; and"
2. Clause 1, page 3, after line 8 insert—
 - "(e) to amend the **Commercial Passenger Vehicle Industry Act 2017** to provide for offences prohibiting—
 - (i) persons from directly approaching other persons and offering them the provision of a commercial passenger vehicle service; and
 - (ii) persons from advertising offers for the provision of commercial passenger services in certain specified cases."
3. Clause 2, line 12, omit "and 155" and insert ", 155 and 195A".
4. Page 140, after line 23, insert the following heading—

"Part 8A—Amendment of Commercial Passenger Vehicle Industry Act 2017".

NEW CLAUSE

5. Insert the following New Clause to follow clause 195 and the heading proposed by amendment number 4—

"195A New sections 267A and 267B inserted

Before section 268 of the **Commercial Passenger Vehicle Industry Act 2017** insert—

"267A Advertising offers for the provision of commercial passenger vehicle services in certain cases prohibited

- (1) A person commits an offence if the person advertises in any way an offer for the provision of a commercial passenger vehicle service and—
 - (a) the motor vehicle to be used for the purpose of providing the commercial passenger vehicle service is not a commercial passenger vehicle; or

- (b) the person is not an accredited driver.
- (2) A person who commits an offence against subsection (1) is liable to a penalty not exceeding 60 penalty units for an individual or 300 penalty units for a body corporate.
- (3) This section does not apply to a person carrying out an activity set out in section 267B(1)(b).

267B Making offers in a certain way, or displaying offers on one's person, for the provision of commercial passenger vehicle services prohibited

- (1) A person must not—
 - (a) directly approach another person and offer the provision of a commercial passenger vehicle service; or
 - (b) display on or about their person, in any way, an offer for the provision of a commercial vehicle passenger service; or
 - (c) offer the provision of a commercial passenger vehicle service through an activity that is prescribed.

Penalty: 60 penalty units.

- (2) Subsection (1)(a) or (c) does not apply to a person who facilitates the provision of a commercial passenger vehicle service to a person at a place designated as a place where a commercial passenger vehicle may pick up passengers for the provision of the commercial passenger vehicle service.
- (3) A person does not commit an offence against subsection (1) in relation to an activity referred to in subsection (1)(a), (b) or (c) if the activity is—
 - (a) a prescribed activity; or
 - (b) carried out in the prescribed circumstances."

AMENDMENT OF LONG TITLE

- 6. Long title, omit "and the **Transport (Compliance and Miscellaneous) Act 1983**" and insert ", the **Transport (Compliance and Miscellaneous) Act 1983** and the **Commercial Passenger Vehicle Industry Act 2017**".

Amendments circulated by Mr Limbrick (DL17C)

- 1. Clause 2, line 11, omit "117 to" and insert "117,".
- 2. Clause 118, omit this clause.
- 3. Clause 139, page 105, line 28, omit "138" and insert "137".

Amendments circulated by Mr Limbrick (DL18C)

- 1. Clause 119, page 98, lines 20 to 26, omit all words and expressions on those lines and insert—
"16AG Refund of registration fees

If the Secretary cancels the registration of a motor vehicle or trailer under section 16AE(1), the Secretary must refund any registration fees paid by the registered operator of that motor vehicle or trailer which correspond to the period of time after the date on which the Secretary cancels the registration."

Amendments circulated by Dr Ratnam (SR17C)

- 1. Clause 12, page 17, after line 2 insert—
 - "(3) For section 63(4) of the **Transport Integration Act 2010** substitute—
 - "(4) The Minister must cause a copy of the transport plan that is provided to the Minister under subsection (1A) on or after the commencement of section 12 of the **Transport Legislation Amendment Act 2019** to be laid before each House of the Parliament within 10 sitting days after the Minister is provided the transport plan."

2. Clause 64, page 69, after line 16 insert—

"324A Last transport plan provided to Minister before Transport Legislation Amendment Act 2019 to be laid before Parliament

On the commencement of section 12 of the **Transport Legislation Amendment Act 2019**, the Minister must cause a copy of the last transport plan provided to the Minister under section 63(1A) before that commencement to be laid before each House of the Parliament within 10 sitting days after that commencement."

Amendments circulated by Dr Ratnam (SR18C)

1. Clause 12, after line 34 insert—

"(1A) After section 63(2)(c) of the **Transport Integration Act 2010** insert—

"(ca) include and have regard to a hierarchy for the following modes of transport, with the mode set out in subparagraph (i) the most important mode of transport and the mode set out in subparagraph (vi) the least important mode of transport—

- (i) walking;
- (ii) cycling;
- (iii) public transport;
- (iv) freight transport;
- (v) commercial passenger vehicle transport;
- (vi) private vehicle transport;

(cb) include targets for modes of transport as a share of all modes in the transport sector;

(cc) include targets for the reduction of carbon emissions produced by the transport sector;

(cd) include targets for the reduction of pollution produced by the transport sector;".

Amendment to Dr Ratnam's amendment circulated by Mr Davis

Amendment No. 1 (SR17C) —In section 63(4) that is to be substituted, omit "10 sitting days" and substitute "20 sitting days".

